

Representative David L. Gladwell proposes to substitute the following bill:

COUNTY STATUTES RECODIFICATION

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

AN ACT RELATING TO COUNTIES; RENUMBERING AND AMENDING PROVISIONS RELATING TO COUNTY BOUNDARIES AND POWERS, THE POWERS AND DUTIES OF COUNTY OFFICERS, AND OTHER MATTERS; REPEALING VARIOUS COUNTY PROVISIONS; PROVIDING FOR LEGISLATIVE AND EXECUTIVE POWERS, DUTIES, AND FUNCTIONS OF COUNTY OFFICERS; PROVIDING FOR A COUNTY RESOURCE DEVELOPMENT COMMITTEE; PROVIDING FOR AN EXPANDED COUNTY COMMISSION FORM OF COUNTY GOVERNMENT; MAKING TECHNICAL CHANGES; AND PROVIDING A COORDINATION CLAUSE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-8-93, as last amended by Chapter 227, Laws of Utah 1993

17-12-1, as last amended by Chapter 146, Laws of Utah 1994

17-16-6, as last amended by Chapter 32, Laws of Utah 1990

17-17-2, as last amended by Chapter 117, Laws of Utah 1999

17-19-3, as last amended by Chapter 212, Laws of Utah 1996

17-22-2, as last amended by Chapter 281, Laws of Utah 1997

17-23-1, as last amended by Chapter 123, Laws of Utah 1997

17-24-4, as last amended by Chapter 212, Laws of Utah 1996

17-35b-301, as enacted by Chapter 369, Laws of Utah 1998

17-35b-302, as enacted by Chapter 369, Laws of Utah 1998

17A-2-1059, as last amended by Chapter 147, Laws of Utah 1994

- 26 **17A-2-1314**, as last amended by Chapter 227, Laws of Utah 1993
- 27 **17A-3-208**, as last amended by Chapter 270, Laws of Utah 1998
- 28 **17A-3-218**, as renumbered and amended by Chapter 186 and last amended by Chapter 214,
- 29 Laws of Utah 1990
- 30 **20A-1-102**, as last amended by Chapters 21, 22 and 45, Laws of Utah 1999
- 31 **26A-1-102**, as last amended by Chapter 147, Laws of Utah 1994
- 32 **26A-1-106**, as last amended by Chapter 147, Laws of Utah 1994
- 33 **26A-1-117**, as last amended by Chapter 147, Laws of Utah 1994
- 34 **35A-3-114**, as last amended by Chapter 13, Laws of Utah 1998
- 35 **35A-3-401**, as last amended by Chapter 61, Laws of Utah 1999
- 36 **63-55-235**, as last amended by Chapters 10 and 375, Laws of Utah 1997
- 37 **63-63a-8**, as last amended by Chapters 134, 215, 235 and 365, Laws of Utah 1997
- 38 **68-3-12**, as last amended by Chapter 369, Laws of Utah 1998
- 39 **70A-9-403**, as last amended by Chapter 172, Laws of Utah 1996
- 40 **70A-9-404**, as last amended by Chapter 147, Laws of Utah 1994
- 41 **72-3-301**, as enacted by Chapter 188, Laws of Utah 1999
- 42 **77-32-304.5**, as enacted by Chapter 307, Laws of Utah 1997

43 ENACTS:

- 44 **17-50-101**, Utah Code Annotated 1953
- 45 **17-50-201**, Utah Code Annotated 1953
- 46 **17-50-204**, Utah Code Annotated 1953
- 47 **17-50-401**, Utah Code Annotated 1953
- 48 **17-52-102**, Utah Code Annotated 1953
- 49 **17-52-207**, Utah Code Annotated 1953
- 50 **17-52-502**, Utah Code Annotated 1953
- 51 **17-53-102**, Utah Code Annotated 1953
- 52 **17-53-103**, Utah Code Annotated 1953
- 53 **17-53-201**, Utah Code Annotated 1953
- 54 **17-53-211**, Utah Code Annotated 1953
- 55 **17-53-225**, Utah Code Annotated 1953
- 56 **17-53-301**, Utah Code Annotated 1953

- 57 **17-53-302**, Utah Code Annotated 1953
- 58 **17-53-303**, Utah Code Annotated 1953
- 59 **17-53-304**, Utah Code Annotated 1953
- 60 **17-53-306**, Utah Code Annotated 1953
- 61 **17-53-312**, Utah Code Annotated 1953

62 RENUMBERS AND AMENDS:

- 63 **17-20-1.5**, (Renumbered from 17-5-208, as renumbered and amended by Chapters 146 and
- 64 147, Laws of Utah 1994)
- 65 **17-20-1.7**, (Renumbered from 17-5-209, as renumbered and amended by Chapter 147,
- 66 Laws of Utah 1994)
- 67 **17-36-46**, (Renumbered from 17-4-6, as enacted by Chapter 25, Laws of Utah 1959)
- 68 **17-36-47**, (Renumbered from 17-4-7, as last amended by Chapter 21, Laws of Utah 1963)
- 69 **17-36-48**, (Renumbered from 17-4-9, as last amended by Chapter 5, Laws of Utah 1991)
- 70 **17-36-49**, (Renumbered from 17-4-10, as enacted by Chapter 25, Laws of Utah 1959)
- 71 **17-36-50**, (Renumbered from 17-4-11, as enacted by Chapter 25, Laws of Utah 1959)
- 72 **17-36-51**, (Renumbered from 17-4-14, as last amended by Chapter 3, Laws of Utah 1988)
- 73 **17-36-52**, (Renumbered from 17-4-15, as enacted by Chapter 69, Laws of Utah 1977)
- 74 **17-36-53**, (Renumbered from 17-4-16, as last amended by Chapter 3, Laws of Utah 1988)
- 75 **17-36-54**, (Renumbered from 17-4-17, as enacted by Chapter 69, Laws of Utah 1977)
- 76 **17-50-102**, (Renumbered from 17-4-5, Utah Code Annotated 1953)
- 77 **17-50-202**, (Renumbered from 17-1-2, Utah Code Annotated 1953)
- 78 **17-50-203**, (Renumbered from 17-1-3, Utah Code Annotated 1953)
- 79 **17-50-205**, (Renumbered from 17-1-4, Utah Code Annotated 1953)
- 80 **17-50-206**, (Renumbered from 17-1-5, Utah Code Annotated 1953)
- 81 **17-50-207**, (Renumbered from 17-1-6, Utah Code Annotated 1953)
- 82 **17-50-208**, (Renumbered from 17-1-7, Utah Code Annotated 1953)
- 83 **17-50-209**, (Renumbered from 17-1-8, Utah Code Annotated 1953)
- 84 **17-50-210**, (Renumbered from 17-1-9, Utah Code Annotated 1953)
- 85 **17-50-211**, (Renumbered from 17-1-10, as last amended by Chapter 67, Laws of Utah
- 86 1977)
- 87 **17-50-212**, (Renumbered from 17-1-11, Utah Code Annotated 1953)

- 88 **17-50-213**, (Renumbered from 17-1-12, Utah Code Annotated 1953)
- 89 **17-50-214**, (Renumbered from 17-1-13, Utah Code Annotated 1953)
- 90 **17-50-215**, (Renumbered from 17-1-14, Utah Code Annotated 1953)
- 91 **17-50-216**, (Renumbered from 17-1-15, Utah Code Annotated 1953)
- 92 **17-50-217**, (Renumbered from 17-1-16, Utah Code Annotated 1953)
- 93 **17-50-218**, (Renumbered from 17-1-17, Utah Code Annotated 1953)
- 94 **17-50-219**, (Renumbered from 17-1-18, Utah Code Annotated 1953)
- 95 **17-50-220**, (Renumbered from 17-1-19, Utah Code Annotated 1953)
- 96 **17-50-221**, (Renumbered from 17-1-20, Utah Code Annotated 1953)
- 97 **17-50-222**, (Renumbered from 17-1-21, Utah Code Annotated 1953)
- 98 **17-50-223**, (Renumbered from 17-1-22, Utah Code Annotated 1953)
- 99 **17-50-224**, (Renumbered from 17-1-23, Utah Code Annotated 1953)
- 100 **17-50-225**, (Renumbered from 17-1-24, Utah Code Annotated 1953)
- 101 **17-50-226**, (Renumbered from 17-1-25, Utah Code Annotated 1953)
- 102 **17-50-227**, (Renumbered from 17-1-26, Utah Code Annotated 1953)
- 103 **17-50-228**, (Renumbered from 17-1-27, as last amended by Chapter 67, Laws of Utah
- 104 1977)
- 105 **17-50-229**, (Renumbered from 17-1-28, Utah Code Annotated 1953)
- 106 **17-50-230**, (Renumbered from 17-1-29, Utah Code Annotated 1953)
- 107 **17-50-231**, (Renumbered from 17-1-30, Utah Code Annotated 1953)
- 108 **17-50-232**, (Renumbered from 17-1-31, Utah Code Annotated 1953)
- 109 **17-50-233**, (Renumbered from 17-1-32, Utah Code Annotated 1953)
- 110 **17-50-301**, (Renumbered from 17-4-2, as last amended by Chapter 227, Laws of Utah
- 111 1993)
- 112 **17-50-302**, (Renumbered from 17-4-3, Utah Code Annotated 1953)
- 113 **17-50-303**, (Renumbered from 17-4-4, as last amended by Chapter 227, Laws of Utah
- 114 1993)
- 115 **17-50-304**, (Renumbered from 17-5-229, as renumbered and amended by Chapter 147,
- 116 Laws of Utah 1994)
- 117 **17-50-305**, (Renumbered from 17-5-232, as last amended by Chapter 365, Laws of Utah
- 118 1999)

- 119 **17-50-306**, (Renumbered from 17-5-233, as renumbered and amended by Chapter 147,
120 Laws of Utah 1994)
- 121 **17-50-307**, (Renumbered from 17-5-234, as renumbered and amended by Chapter 147,
122 Laws of Utah 1994)
- 123 **17-50-308**, (Renumbered from 17-5-235, as renumbered and amended by Chapter 147,
124 Laws of Utah 1994)
- 125 **17-50-309**, (Renumbered from 17-5-236, as renumbered and amended by Chapter 147,
126 Laws of Utah 1994)
- 127 **17-50-310**, (Renumbered from 17-5-237, as last amended by Chapter 365, Laws of Utah
128 1999)
- 129 **17-50-311**, (Renumbered from 17-5-239, as last amended by Chapter 365, Laws of Utah
130 1999)
- 131 **17-50-312**, (Renumbered from 17-5-242, as renumbered and amended by Chapter 147,
132 Laws of Utah 1994)
- 133 **17-50-313**, (Renumbered from 17-5-243, as renumbered and amended by Chapter 147,
134 Laws of Utah 1994)
- 135 **17-50-314**, (Renumbered from 17-5-245, as renumbered and amended by Chapter 147,
136 Laws of Utah 1994)
- 137 **17-50-315**, (Renumbered from 17-5-264, as renumbered and amended by Chapter 147,
138 Laws of Utah 1994)
- 139 **17-50-316**, (Renumbered from 17-5-265, as renumbered and amended by Chapters 12 and
140 147, Laws of Utah 1994)
- 141 **17-50-317**, (Renumbered from 17-5-271, as renumbered and amended by Chapter 147,
142 Laws of Utah 1994)
- 143 **17-50-318**, (Renumbered from 17-5-275, as renumbered and amended by Chapter 147,
144 Laws of Utah 1994)
- 145 **17-50-319**, (Renumbered from 17-15-17, as last amended by Chapter 38, Laws of Utah
146 1993)
- 147 **17-50-320**, (Renumbered from 17-15-21, as enacted by Chapter 36, Laws of Utah 1977)
- 148 **17-50-402**, (Renumbered from 17-15-11, Utah Code Annotated 1953)
- 149 **17-50-403**, (Renumbered from 17-15-12, Utah Code Annotated 1953)

- 150 **17-50-404**, (Renumbered from 17-15-13, as last amended by Chapter 227, Laws of Utah
- 151 1993)
- 152 **17-50-405**, (Renumbered from 17-15-14, as last amended by Chapter 146, Laws of Utah
- 153 1994)
- 154 **17-50-406**, (Renumbered from 17-15-15, Utah Code Annotated 1953)
- 155 **17-52-101**, (Renumbered from 17-35a-102, as enacted by Chapter 369, Laws of Utah
- 156 1998)
- 157 **17-52-201**, (Renumbered from 17-35a-201, as enacted by Chapter 369, Laws of Utah
- 158 1998)
- 159 **17-52-202**, (Renumbered from 17-35a-202, as enacted by Chapter 369, Laws of Utah
- 160 1998)
- 161 **17-52-203**, (Renumbered from 17-35a-203, as last amended by Chapter 265, Laws of Utah
- 162 1999)
- 163 **17-52-204**, (Renumbered from 17-35a-203.5, as enacted by Chapter 265, Laws of Utah
- 164 1999)
- 165 **17-52-205**, (Renumbered from 17-35a-203.7, as enacted by Chapter 265, Laws of Utah
- 166 1999)
- 167 **17-52-206**, (Renumbered from 17-35a-204, as last amended by Chapter 265, Laws of Utah
- 168 1999)
- 169 **17-52-301**, (Renumbered from 17-35a-301, as enacted by Chapter 369, Laws of Utah
- 170 1998)
- 171 **17-52-302**, (Renumbered from 17-35a-302, as enacted by Chapter 369, Laws of Utah
- 172 1998)
- 173 **17-52-303**, (Renumbered from 17-35a-303, as enacted by Chapter 369, Laws of Utah
- 174 1998)
- 175 **17-52-401**, (Renumbered from 17-35a-401, as enacted by Chapter 369, Laws of Utah
- 176 1998)
- 177 **17-52-402**, (Renumbered from 17-35a-402, as enacted by Chapter 369, Laws of Utah
- 178 1998)
- 179 **17-52-403**, (Renumbered from 17-35a-403, as enacted by Chapter 369, Laws of Utah
- 180 1998)

181 **17-52-404**, (Renumbered from 17-35a-404, as enacted by Chapter 369, Laws of Utah
182 1998)

183 **17-52-501**, (Renumbered from 17-5-101, as renumbered and amended by Chapter 147,
184 Laws of Utah 1994)

185 **17-52-503**, (Renumbered from 17-35a-501, as enacted by Chapter 369, Laws of Utah
186 1998)

187 **17-52-504**, (Renumbered from 17-35a-502, as last amended by Chapter 21, Laws of Utah
188 1999)

189 **17-52-505**, (Renumbered from 17-35a-503, as last amended by Chapter 21, Laws of Utah
190 1999)

191 **17-52-506**, (Renumbered from 17-35a-504, as enacted by Chapter 369, Laws of Utah
192 1998)

193 **17-53-101**, (Renumbered from 17-16-2, as last amended by Chapter 38, Laws of Utah
194 1993)

195 **17-53-104**, (Renumbered from 17-5-206, as last amended by Chapter 265, Laws of Utah
196 1999)

197 **17-53-105**, (Renumbered from 17-5-216, as last amended by Chapter 139, Laws of Utah
198 1997)

199 **17-53-106**, (Renumbered from 17-5-256, as renumbered and amended by Chapter 147,
200 Laws of Utah 1994)

201 **17-53-202**, (Renumbered from 17-5-102, as renumbered and amended by Chapter 147,
202 Laws of Utah 1994)

203 **17-53-203**, (Renumbered from 17-5-201, as renumbered and amended by Chapters 146
204 and 147, Laws of Utah 1994)

205 **17-53-204**, (Renumbered from 17-5-202, as renumbered and amended by Chapters 146
206 and 147, Laws of Utah 1994)

207 **17-53-205**, (Renumbered from 17-5-203, as renumbered and amended by Chapter 147,
208 Laws of Utah 1994)

209 **17-53-206**, (Renumbered from 17-5-204, as renumbered and amended by Chapter 147,
210 Laws of Utah 1994)

211 **17-53-207**, (Renumbered from 17-5-205, as renumbered and amended by Chapters 146

212 and 147, Laws of Utah 1994)
213 **17-53-208**, (Renumbered from 17-15-1, as last amended by Chapter 244, Laws of Utah
214 1999)
215 **17-53-209**, (Renumbered from 17-5-210, as renumbered and amended by Chapter 147,
216 Laws of Utah 1994)
217 **17-53-210**, (Renumbered from 17-5-211, as renumbered and amended by Chapter 147,
218 Laws of Utah 1994)
219 **17-53-212**, (Renumbered from 17-5-215, as renumbered and amended by Chapter 147,
220 Laws of Utah 1994)
221 **17-53-213**, (Renumbered from 17-5-217, as renumbered and amended by Chapter 147,
222 Laws of Utah 1994)
223 **17-53-214**, (Renumbered from 17-5-220, as renumbered and amended by Chapter 147,
224 Laws of Utah 1994)
225 **17-53-215**, (Renumbered from 17-5-221, as renumbered and amended by Chapter 147,
226 Laws of Utah 1994)
227 **17-53-216**, (Renumbered from 17-5-222, as renumbered and amended by Chapter 147,
228 Laws of Utah 1994)
229 **17-53-217**, (Renumbered from 17-5-228, as renumbered and amended by Chapter 147,
230 Laws of Utah 1994)
231 **17-53-218**, (Renumbered from 17-5-246, as renumbered and amended by Chapter 147,
232 Laws of Utah 1994)
233 **17-53-219**, (Renumbered from 17-5-247, as renumbered and amended by Chapter 147,
234 Laws of Utah 1994)
235 **17-53-220**, (Renumbered from 17-5-248, as renumbered and amended by Chapter 147,
236 Laws of Utah 1994)
237 **17-53-221**, (Renumbered from 17-5-255, as renumbered and amended by Chapter 147,
238 Laws of Utah 1994)
239 **17-53-222**, (Renumbered from 17-5-258, as renumbered and amended by Chapter 147,
240 Laws of Utah 1994)
241 **17-53-223**, (Renumbered from 17-5-263, as renumbered and amended by Chapters 146
242 and 147, Laws of Utah 1994)

243 **17-53-224**, (Renumbered from 17-5-272, as renumbered and amended by Chapter 147,
244 Laws of Utah 1994)
245 **17-53-226**, (Renumbered from 17-15-2, as last amended by Chapter 146, Laws of Utah
246 1994)
247 **17-53-227**, (Renumbered from 17-5-207, as renumbered and amended by Chapter 147,
248 Laws of Utah 1994)
249 **17-53-305**, (Renumbered from 17-5-218, as renumbered and amended by Chapter 147,
250 Laws of Utah 1994)
251 **17-53-307**, (Renumbered from 17-5-259, as renumbered and amended by Chapters 146
252 and 147, Laws of Utah 1994)
253 **17-53-308**, (Renumbered from 17-15-3, as last amended by Chapter 365, Laws of Utah
254 1999)
255 **17-53-309**, (Renumbered from 17-15-4, as last amended by Chapter 265, Laws of Utah
256 1995)
257 **17-53-310**, (Renumbered from 17-15-5, as last amended by Chapter 265, Laws of Utah
258 1995)
259 **17-53-311**, (Renumbered from 17-5-274, as last amended by Chapter 13, Laws of Utah
260 1998)
261 **17-53-313**, (Renumbered from 17-5-273, as last amended by Chapter 123, Laws of Utah
262 1997)
263 **17-53-314**, (Renumbered from 17-5-219, as renumbered and amended by Chapter 147,
264 Laws of Utah 1994)
265 **21-2-8**, (Renumbered from 17-5-214, as last amended by Chapter 375, Laws of Utah 1997)
266 REPEALS:
267 **17-1-1**, Utah Code Annotated 1953
268 **17-1-33**, as last amended by Chapter 227, Laws of Utah 1993
269 **17-4-1**, Utah Code Annotated 1953
270 **17-4-12**, as enacted by Chapter 69, Laws of Utah 1977
271 **17-4-13**, as enacted by Chapter 69, Laws of Utah 1977
272 **17-5-103**, as renumbered and amended by Chapter 147, Laws of Utah 1994
273 **17-5-104**, as renumbered and amended by Chapter 147, Laws of Utah 1994

- 274 **17-5-223**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 275 **17-5-224**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 276 **17-5-225**, as last amended by Chapter 182, Laws of Utah 1998
- 277 **17-5-226**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 278 **17-5-227**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 279 **17-5-230**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 280 **17-5-231**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 281 **17-5-238**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 282 **17-5-240**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 283 **17-5-241**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 284 **17-5-244**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 285 **17-5-249**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 286 **17-5-250**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 287 **17-5-251**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 288 **17-5-252**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 289 **17-5-253**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 290 **17-5-254**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 291 **17-5-257**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 292 **17-5-260**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 293 **17-5-261**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 294 **17-5-262**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 295 **17-5-266**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 296 **17-5-267**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 297 **17-5-268**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 298 **17-5-269**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 299 **17-5-270**, as renumbered and amended by Chapter 147, Laws of Utah 1994
- 300 **17-15-10**, as last amended by Chapter 227, Laws of Utah 1993
- 301 **17-35a-101**, as enacted by Chapter 369, Laws of Utah 1998
- 302 **17-35a-103**, as enacted by Chapter 369, Laws of Utah 1998
- 303 *Be it enacted by the Legislature of the state of Utah:*
- 304 Section 1. Section **10-8-93** is amended to read:

305 **10-8-93. Control of funds and disbursements -- Auditing of accounts by county**
306 **auditor -- Transfer of county tax funds to board to cover deficiencies.**

307 The joint board created pursuant to this act shall have the custody and control of all funds
308 collected in the joint operation of such hospital and the disbursement thereof; provided that the
309 county auditor of any county participating under the provisions of this act shall audit the accounts
310 of said board quarterly or at more frequent intervals, if public interest, in the judgment of such
311 auditor requires a more frequent audit. The county executive of any county participating in the
312 operation and maintenance of hospitals pursuant to this act may pay over to the joint board of such
313 hospitals any funds yielded by a levy made pursuant to Section [~~17-5-255~~] 17-53-221 that may be
314 required to cover any deficiencies incurred in the operation and maintenance of such hospital.

315 Section 2. Section **17-12-1** is amended to read:

316 **17-12-1. Authority and applicable procedure for issuance of bonds -- Application of**
317 **proceeds -- Debt limit.**

318 Except as otherwise provided under Section [~~17-4-4~~] 17-50-303, the county legislative
319 body may contract a bonded indebtedness in the manner and subject to the conditions provided
320 under [~~the~~] Title 11, Chapter 14, Utah Municipal Bond Act. The revenue derived from the sale of
321 bonds shall be applied only to the purpose or purposes specified in the order of the county
322 legislative body. If there is any surplus, it shall be applied to the payment of the bonds. In no
323 event may any county become so indebted to an amount, including existing indebtedness,
324 exceeding 2% of the fair market value, as defined under Section 59-2-102, of the taxable property
325 in the county as computed from the last equalized assessment roll for county purposes prior to the
326 incurring of the indebtedness.

327 Section 3. Section **17-16-6** is amended to read:

328 **17-16-6. County and precinct officers -- Time of holding elections -- County**
329 **commissioners -- Terms of office.**

330 Except as otherwise provided in an optional plan adopted under Chapter 52, Forms of
331 County Government:

332 (1) [~~Each~~] each elected county [~~and precinct~~] officer shall be elected at the general election
333 held in November, 1990, and then every four years, except as otherwise provided in this title[.];

334 (2) [~~County~~] county commissioners shall be elected at the times, in the manner, and for
335 the terms provided in [~~Title 17, Chapter 5.~~] Section 17-52-501; and

336 (3) [~~An~~] an elected officer shall hold office for the term for which he is elected, beginning
337 at noon on the first Monday in January following his election and until a successor is elected or
338 appointed and qualified, except as provided in Section 17-16-1.

339 Section 4. Section **17-17-2** is amended to read:

340 **17-17-2. Assessor to be state qualified.**

341 (1) In addition to the requirements of Section 17-16-1, any person elected to the office of
342 county assessor after November 1, 1993, shall be a state-registered, state-licensed, or state-certified
343 appraiser as defined in Title 61, Chapter 2b, prior to the expiration of 24 months from the day on
344 which his term of office begins.

345 (2) (a) If an assessor fails to meet the requirement of this section, the assessor's office is
346 automatically vacant.

347 (b) (i) In the event of a vacancy under this section, the county executive shall fill the
348 vacancy in the manner provided for in Sections [~~17-5-216~~] 17-53-105 and 20A-1-508. However,
349 a person selected to fill the vacancy must be a state-registered, state-licensed, or state-certified
350 appraiser within six months after assuming the office of county assessor.

351 (ii) If a state-registered, state-licensed, or state-certified appraiser cannot be found to fill
352 a vacancy which resulted from the requirements of this section, the county executive may contract
353 with a state-registered, state-licensed, or state-certified appraiser from outside the county to fill the
354 remainder of the term in the office of county assessor.

355 Section 5. Section **17-19-3** is amended to read:

356 **17-19-3. Payments -- Notification.**

357 (1) (a) Subject to Subsection (b), each bill, account, or charge incurred by the county and
358 legally examined and allowed and ordered paid by the county executive shall, if approved by the
359 county auditor as provided in Section 17-19-1, be paid by either:

360 (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled
361 to payment; or

362 (ii) a county check or such other payment mechanism as may be adopted pursuant to [Title
363 ~~17,~~] Chapter 36, Uniform Fiscal Procedures Act for Counties.

364 (b) No bill, account, or charge shall be paid until the auditor:

365 (i) receives from the county executive the certified list mentioned in Subsection [~~17-5-209~~]
366 17-20-1.7(4); and

367 (ii) approves the claim.

368 (2) Each debt and demand against the county, when the amount is fixed by law and not
369 directed to be audited by some other person or tribunal, shall be paid by either:

370 (a) a warrant drawn by the auditor on the county treasurer; or

371 (b) a check or such other payment mechanism as may be adopted pursuant to ~~[Title 17,]~~
372 Chapter 36, Uniform Fiscal Procedures Act for Counties.

373 (3) (a) The auditor shall distinctly specify on each warrant the liability for which it is made
374 and when the liability accrued. The auditor shall also notify the treasurer of the date, amount, and
375 payee of and number assigned to each warrant issued and the aggregate amount of all
376 contemporaneous payments by warrant.

377 (b) The auditor shall notify the treasurer of the amount and payee of all payments to be
378 made by check or other payment mechanism and, if the auditor issues the check or other payment
379 mechanism, the date of and number assigned to each check or other payment mechanism and the
380 aggregate amount of all such contemporaneous payments.

381 Section 6. Section **17-20-1.5**, which is renumbered from Section 17-5-208 is renumbered
382 and amended to read:

383 ~~[17-5-208].~~ **17-20-1.5. County clerk is clerk of county legislative body.**

384 The county clerk is the clerk of the county legislative body. ~~[The records and minutes of
385 the county legislative body must be signed by the chairman and the clerk.]~~

386 Section 7. Section **17-20-1.7**, which is renumbered from Section 17-5-209 is renumbered
387 and amended to read:

388 ~~[17-5-209].~~ **17-20-1.7. Clerk's duties.**

389 The clerk ~~[of the board must]~~ shall:

390 (1) ~~[Record]~~ record all ~~[its]~~ proceedings~~[.]~~ of the county legislative body;

391 (2) ~~[Make]~~ make full entries of all ~~[its]~~ resolutions and decisions of the county legislative
392 body on all questions concerning ~~[the raising of money for, and the allowance of accounts against,]~~
393 the county~~[.]~~;

394 (3) ~~[Record]~~ record the vote of each member on any question upon which there is a
395 division~~[.]~~;

396 (4) ~~[Immediately after the adjournment of each meeting of the board]~~ prepare and certify
397 duplicate lists of all claims ~~[passed upon by the board]~~, showing the amount and date of each claim

398 or order and the date of the allowance or rejection ~~[thereof]~~ of the claim, which lists shall be
399 countersigned by the ~~[chairman of the board]~~ county executive; ~~[and thereafter the clerk shall]~~

400 (5) deliver to and leave with the county auditor one of ~~[said]~~ the lists referred to in
401 Subsection (4) and ~~[shall]~~ deliver to and leave with the county treasurer the other list~~[-]~~;

402 ~~[(5) File]~~ (6) file and preserve the reports of the county officers to the ~~[board.]~~ county
403 legislative body;

404 ~~[(6) Preserve]~~ (7) preserve and file all accounts acted upon by the ~~[board]~~ county
405 legislative body, except such as are necessarily kept by the auditor~~[-]~~;

406 ~~[(7) Preserve]~~ (8) preserve and file all petitions and applications for franchises, and record
407 the action of the ~~[board thereon.]~~ county legislative body on them;

408 ~~[(8) Authenticate]~~ (9) authenticate with ~~[his]~~ the clerk's signature and the seal of the
409 county ~~[clerk]~~ the proceedings of the ~~[board whenever]~~ county legislative body if the [same shall
410 be] proceedings are ordered published[-];

411 ~~[(9) Authenticate]~~ (10) authenticate with ~~[his]~~ the clerk's signature and the seal of the
412 county ~~[clerk]~~ all ordinances or laws passed by the ~~[board]~~ county legislative body, and record ~~[the~~
413 same] them at length in the ordinance book~~[-]~~;

414 ~~[(10) Record]~~ (11) record all orders levying taxes~~[-]~~;

415 (12) keep at the clerk's office all county books, records, and accounts that the clerk is
416 required by law to keep and keep them open at all times during regular business hours for public
417 inspection; and

418 ~~[(11) Perform]~~ (13) perform all other duties required by law or by any rule or order of the
419 ~~[board]~~ county legislative body.

420 Section 8. Section **17-22-2** is amended to read:

421 **17-22-2. Sheriff -- General duties.**

422 (1) The sheriff shall:

423 (a) preserve the peace;

424 (b) make all lawful arrests;

425 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
426 required or when the court is held within his county, all courts of record, and court commissioner
427 and referee sessions held within his county, obey their lawful orders and directions, and comply
428 with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

429 (d) upon request of the juvenile court, aid the court in maintaining order during hearings
430 and transport a minor to and from youth corrections facilities, other institutions, or other
431 designated places;

432 (e) attend county justice courts if the judge finds that the matter before the court requires
433 the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or
434 for the custody of jurors;

435 (f) command the aid of as many inhabitants of his county as he considers necessary in the
436 execution of these duties;

437 (g) take charge of and keep the county jail and the jail prisoners;

438 (h) receive and safely keep all persons committed to his custody, file and preserve the
439 commitments of those persons, and record the name, age, place of birth, and description of each
440 person committed;

441 (i) release on the record all attachments of real property when the attachment he receives
442 has been released or discharged;

443 (j) endorse on all process and notices the year, month, day, hour, and minute of reception,
444 and, upon payment of fees, issue a certificate to the person delivering process or notice showing
445 the names of the parties, title of paper, and the time of receipt;

446 (k) serve all process and notices as prescribed by law;

447 (l) if he makes service of process or notice, certify on the process or notices the manner,
448 time, and place of service, or, if he fails to make service, certify the reason upon the process or
449 notice, and return them without delay;

450 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
451 land within his county;

452 (n) perform as required by any contracts between the county and private contractors for
453 management, maintenance, operation, and construction of county jails entered into under the
454 authority of Section [~~17-5-274~~] 17-53-311;

455 (o) manage search and rescue services in his county; and

456 (p) perform any other duties that are required by law.

457 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
458 subsection under Subsection (1) is a class A misdemeanor.

459 Section 9. Section **17-23-1** is amended to read:

460 **17-23-1. Duties of county surveyor -- Election requirements -- Contract option.**

461 (1) (a) The office of the county surveyor in each county shall be filled by election and,
462 except as provided in Subsection (b), the county surveyor shall be a registered professional land
463 surveyor in the state.

464 (b) In a county where the office of county surveyor is consolidated with another elected
465 office, the officeholder need not be a registered professional land surveyor, but all surveying work
466 must be performed by a registered professional land surveyor.

467 (c) In a county where there is no elected county surveyor, the county executive or
468 legislative body may, consistent with [~~Subsection 17-5-273(2)~~] Section 17-53-313, contract with
469 a registered professional land surveyor to perform those duties.

470 (2) The county surveyor shall execute:

471 (a) all orders directed to the surveyor by any court; and

472 (b) all orders of survey required by the county executive or county legislative body.

473 (3) (a) The surveyor of each county shall:

474 (i) advise the county executive and county legislative body regarding all surveying work;

475 (ii) perform or arrange for the performance of all surveying work for the county;

476 (iii) keep a fair and accurate record of all surveys made, including legal descriptions and
477 geographic coordinates, all surveys received pursuant to Section 17-23-17, and all corner files
478 received pursuant to Section 17-23-17.5;

479 (iv) number progressively all surveys received and state by whom and for whom the
480 surveys were made;

481 (v) deliver a copy of any survey to any person or court requiring the survey after the
482 payment of the fee established by the county legislative body;

483 (vi) ensure that all surveys of legal subdivisions of sections are made according to the
484 current United States Manual of Surveying Instructions;

485 (vii) verify the correctness of or establish correct coordinates for all survey reference
486 monuments set in place and shown on all subdivision maps and plats which have a spatial
487 relationship with any section or quarter section corner; and

488 (viii) perform other duties required by law.

489 (b) In arranging for the performance of surveying work for the county under Subsection
490 (3)(a)(ii), a surveyor may comply with Subsection 17-5-273(2).

491 (4) (a) The county surveyor or his designee shall establish all corners of government
492 surveys and reestablish all corners of government surveys where corners have been destroyed and
493 where witness markers or other evidences of the government corners remain so that the corners
494 established by government survey can be positively located.

495 (b) The corners shall be reestablished in the manner provided in Section 17-23-13 for
496 establishing corners.

497 (c) The county surveyor shall keep a separate record of the established and reestablished
498 corners of government surveys, giving the date and names of persons present and shall provide
499 those records to his successor when he vacates his office.

500 (d) Established or reestablished corners shall be recognized as the legal and permanent
501 corners.

502 (5) The county executive or legislative body may direct the county surveyor or his staff
503 to perform engineering and architectural work if the county surveyor or his staff is qualified and
504 licensed to perform that work.

505 Section 10. Section **17-24-4** is amended to read:

506 **17-24-4. Payment of warrants, checks, or other instruments.**

507 (1) When a warrant is presented for payment and there is money in the treasury for that
508 purpose, the treasurer shall pay it.

509 (2) Upon receiving the notice from the county auditor under Subsection 17-19-3(3)(b) and
510 if there is adequate money in the treasury, the treasurer shall, by check or other payment
511 mechanism, make any payment not already paid by warrant.

512 (3) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any
513 warrant or to issue any check or other payment instrument before receiving the certified list under
514 Subsection [~~17-5-209~~] 17-20-1.7(4).

515 Section 11. Section **17-35b-301** is amended to read:

516 **17-35b-301. "General county (modified)" form of county government.**

517 (1) The structural form of county government known as the "general county (modified)"
518 form retains, without change or modification, except to the extent that changes or modifications
519 may be effectuated under other proceedings authorized by law, all existing incorporated cities and
520 towns, special taxing districts, public authorities, county service areas, and other local public
521 entities functioning within the boundaries of the county. Under this form of government, the

522 county remains vested with all powers and duties vested in counties by general law, but the county
523 legislative body, together with such other officers as may be specified in the optional plan, shall
524 be elected or appointed in the manner authorized by this act and as provided in the optional plan.

525 (2) An optional plan for this form of county government shall provide for the election of
526 a county council, composed of not less than three members, which shall be the county legislative
527 body and shall exercise all legislative powers authorized by law. The plan shall specify:

528 (a) whether the members of the council are to be elected from districts, at large, or by a
529 combination of district and at-large constituencies;

530 (b) their qualifications and terms of office, and whether such terms are concurrent or
531 overlapping;

532 (c) grounds for and methods of removal of council members from office;

533 (d) procedures for filling vacancies on the council, provided that the procedures shall
534 conform with [~~Sections 17-5-104 and~~] Section 20A-1-508; and

535 (e) the compensation, if any, of council members together with procedures for prescribing
536 and changing such compensation from time to time.

537 Section 12. Section **17-35b-302** is amended to read:

538 **17-35b-302. Urban county form of county government.**

539 (1) The structural form of county government known as the "urban county" form retains,
540 without change or modification, except to the extent that changes or modifications may be
541 effectuated under other proceedings authorized by law, all existing incorporated cities and towns,
542 special taxing districts, public authorities, county service areas, and other local public entities
543 functioning within the boundaries of the county. Under this form of government, the county
544 remains vested with all powers and duties vested in counties by general law, but in addition is
545 vested with and empowered to exercise within the unincorporated territory of the county all powers
546 and duties which, by general law, are conferred upon cities whose population is equal to that of
547 the unincorporated territory of such county.

548 (2) The urban county is empowered to enter into contractual arrangements for the joint
549 exercise of powers or for performance of services and, for that purpose, may employ and be subject
550 to the provisions of Title 11, Chapter 13, Interlocal Cooperation Act. By contract, the urban
551 county may perform for any city, town, special taxing district, public authority, county service area,
552 or other local public entity within the county any governmental service or function which such

553 entity is lawfully empowered to perform for itself within its own territory, or which the county is
554 lawfully empowered to perform anywhere within the county boundaries. No contract service or
555 function shall be performed by the county except for a consideration which is at least substantially
556 equal to the cost of performing it.

557 (3) The plan for an urban county form of county government may provide for organization
558 of the unincorporated territory of the county into one or more county service areas and, for this
559 purpose, may provide for special organizing or implementing procedures which differ from those
560 provided in Title 17A, Chapter 2, Part 4, County Service Areas Act. Except to the extent that the
561 plan provides to the contrary, all noncontract services and functions lawfully performed by the
562 county solely within unincorporated territory and not on a countywide basis shall, after the
563 effective date of the plan, be considered performed and extended solely as services of, and
564 financed by and through, the county service area. The plan may provide for, limit, or condition
565 the services and functions which the urban county is authorized to perform and extend within the
566 territory of incorporated cities and towns within the county and may provide procedures by which
567 such provisions, limits, or conditions may be established and changed from time to time.

568 (4) The plan for the urban county shall provide for the election of a county council,
569 composed of not less than three members. The council shall be the county legislative body and
570 shall exercise all legislative powers authorized by law. The plan shall specify:

571 (a) whether the members of the council are to be elected from districts, at large, or by a
572 combination of district and at-large constituencies;

573 (b) their qualifications and terms of office, and whether such terms are concurrent or
574 overlapping;

575 (c) grounds for and methods for removal of council members from office;

576 (d) procedures for filling vacancies on the council, provided that the procedures shall
577 conform with [~~Sections 17-5-104 and~~] Section 20A-1-508; and

578 (e) the compensation, if any, of council members together with procedures for prescribing
579 and changing such compensation from time to time.

580 Section 13. Section ~~17-36-46~~, which is renumbered from Section 17-4-6 is renumbered
581 and amended to read:

582 [~~17-4-6~~]. 17-36-46. Reserve fund for capital improvements -- Creation -- Purpose
583 -- Limitation.

584 (1) The ~~[governing]~~ legislative body of any county may establish and maintain, by
585 ordinance, a cumulative reserve fund to be accumulated by levy for the purpose of financing the
586 purchase of real property and the cost of planning, constructing or rehabilitating public buildings
587 or other public works and capital improvements.

588 (2) (a) Before ~~[such]~~ a reserve fund under Subsection (1) may be established, the county
589 legislative body shall designate by ordinance the specific purpose for which the fund is established
590 ~~[shall be determined by the governing body of such county by ordinance and].~~

591 (b) Except as provided in Section 17-36-50, all funds in a reserve fund under Subsection
592 (1) shall be expended for the designated purposes~~[-except, as provided in Section 17-4-11].~~

593 Section 14. Section **17-36-47**, which is renumbered from Section 17-4-7 is renumbered
594 and amended to read:

595 ~~[17-4-7].~~ **17-36-47. Reserve fund for capital improvements -- Estimate of amount**
596 **required -- Tax levy -- Accumulation from year to year -- Restriction on use.**

597 ~~[The governing]~~ (1) Subject to Subsection (4) the legislative body of ~~[each such]~~ a county
598 that has established a reserve fund under Section 17-36-46 may:

599 (a) include in the annual budget or estimate of amounts required to meet the public
600 expenses of ~~[such subdivision]~~ the county for the ensuing year such sum as it ~~[may deem]~~
601 considers necessary for the uses and purposes of the fund~~[-Such sum may be included]; and~~

602 (b) include those amounts in the annual tax levy of the ~~[political subdivision]~~ county.
603 ~~[The]~~

604 (2) Subject to Subsection (4), the moneys in ~~[said]~~ the fund shall be allowed to accumulate
605 from year to year until the ~~[governing body of the political subdivision shall determine]~~ county
606 legislative body determines to spend any money in the fund for the purpose specified. ~~[Any~~
607 ~~moneys]~~

608 (3) Subject to Subsection (4), money in ~~[said]~~ the fund at the end of ~~[the]~~ a fiscal year shall
609 remain ~~[intact]~~ in the fund as surplus available for future use, and ~~[shall]~~ may not be transferred
610 to any other fund or used for any other purpose.

611 (4) The amount of money in a reserve fund established under Section 17-36-46 may not
612 exceed .6% of the taxable value of the county.

613 Section 15. Section **17-36-48**, which is renumbered from Section 17-4-9 is renumbered
614 and amended to read:

615 ~~[17-4-9].~~ **17-36-48. Reserve fund for capital improvements -- Transfer to fund**
616 **of unencumbered surplus county funds.**

617 At any time after the creation of [such] a reserve fund under Section 17-36-46, the
618 ~~[governing] county legislative~~ body may transfer to the fund any unencumbered surplus county
619 funds remaining ~~[on hand in the political subdivisions]~~ at the end of [any] a fiscal year. ~~[In all~~
620 ~~cases when the reserve is equivalent to .6% of the taxable value of the county, the provisions of~~
621 ~~Section 17-4-7 do not apply.]~~

622 Section 16. Section **17-36-49**, which is renumbered from Section 17-4-10 is renumbered
623 and amended to read:

624 ~~[17-4-10].~~ **17-36-49. Reserve fund for capital improvements -- Investment --**
625 **Interest and income from investments part of fund.**

626 (1) All moneys belonging to [the] a reserve fund created [by this act] under Section
627 17-36-46 shall be invested in such securities as are legal for other funds of the [political
628 subdivisions] county.

629 (2) The interest and income from the investments shall be a part of the fund.

630 Section 17. Section **17-36-50**, which is renumbered from Section 17-4-11 is renumbered
631 and amended to read:

632 ~~[17-4-11].~~ **17-36-50. Reserve fund for capital improvements -- Use for projects**
633 **other than originally specified -- Special election.**

634 (1) The ~~[governing] legislative~~ body of any county may submit the proposition of using
635 ~~[such reserve] funds~~ in a reserve fund established under Section 17-36-46 for projects other than
636 originally specified to the electors of ~~[such political subdivisions or taxing bodies]~~ the county at
637 a special election~~[-, provided, such]~~ if the projects are for the purposes set forth in Section [17-4-6]
638 17-36-46. ~~[When such]~~

639 (2) If a proposition under Subsection (1) is proposed, the ~~[governing] county legislative~~
640 body ~~[of such county]~~ shall fix a time and place for a special election on the proposition ~~[which~~
641 ~~shall],~~ to be held as provided by law.

642 Section 18. Section **17-36-51**, which is renumbered from Section 17-4-14 is renumbered
643 and amended to read:

644 ~~[17-4-14].~~ **17-36-51. Establishment of tax stability and trust funds -- Increase in**
645 **tax levy.**

646 (1) (a) Notwithstanding anything to the contrary contained in [~~this chapter or elsewhere~~
647 ~~in the statutes of this state~~] statute, the [~~governing~~] legislative body of any county may by
648 ordinance establish and maintain a tax stability and trust fund [~~by adopting an ordinance to that~~
649 ~~effect~~], for the purpose of preserving funds during years with favorable tax revenues for use during
650 years with less favorable tax revenues. [~~The~~]

651 (b) Each fund under Subsection (1)(a) shall be subject to all of the limitations and
652 restrictions imposed by this section and Sections [~~17-4-12 through 17-4-16 and the~~] 17-36-52 and
653 17-36-53.

654 (c) The principal of the fund shall [~~comprise~~] consist of all sums transferred to it in
655 accordance with Subsection (2) and interest or other income retained in the fund under Subsection
656 [~~17-4-15~~] 17-36-52(2).

657 (2) After [~~the establishment of~~] establishing a tax stability and trust fund [~~by a county~~] as
658 provided in Subsection (1), the [~~governing~~] legislative body, in establishing the levy for the
659 property tax levied by the county under Section 59-2-908, may establish the levy at a level not to
660 exceed [a] .0001 per dollar of taxable value of taxable property increase per year [~~which~~] that will
661 permit the county to receive during that fiscal year sums in excess of what may be required to
662 provide for the purposes of the county. Any excess sums so received are to be transferred from
663 the General Fund of the county into the tax stability and trust fund.

664 Section 19. Section **17-36-52**, which is renumbered from Section 17-4-15 is renumbered
665 and amended to read:

666 [~~17-4-15~~]. **17-36-52. Deposit or investment of funds -- Use of interest or other**
667 **income.**

668 (1) All amounts in the tax stability and trust fund [~~of any~~] established by a county under
669 Section 17-36-51 may be deposited or invested as provided in Section 51-7-11. These amounts
670 may also be transferred by the county treasurer to the state treasurer under Section 51-7-5 for [~~his~~]
671 the treasurer's management and control under [~~the~~] Title 51, Chapter 7, State Money Management
672 Act [~~of 1974~~].

673 (2) The interest or other income realized from amounts in the tax stability and trust fund
674 shall be returned to the general fund of the county during the fiscal year in which the income or
675 interest is paid to the extent the interest or income is required by the county to provide for its
676 purposes during that fiscal year. Any amounts so returned may be used for all purposes as other

677 amounts in such general fund. Any interest or income not so returned to the county's general fund
678 shall be added to the principal of that county's tax stability and trust fund.

679 Section 20. Section **17-36-53**, which is renumbered from Section 17-4-16 is renumbered
680 and amended to read:

681 **[17-4-16]. 17-36-53. Amount in trust fund limited -- Disposition of excess.**

682 (1) The total amount in [the] a county's tax stability and trust fund [of any county]
683 established under Section 17-36-51 shall be limited to the percentage of the total taxable value of
684 property in that county not to exceed the limits provided in the following schedule:

Total Taxable Value	Fund Limits	but not to
	Percentage of	exceed:
	Taxable Value	
Less than \$500,000,000	1.6%	\$5,000,000
From 500,000,000		
to 1,500,000,000	1.0%	7,500,000
Over 1,500,000,000	.5%	15,000,000

692 (2) If any excess occurs in the tax stability and trust fund over the percentage or maximum
693 dollar amounts specified in Subsection (1), this excess shall be transferred to the general fund of
694 the county and may be used for all purposes as other amounts in the general fund are used.

695 (3) If any excess in the fund exists because of a decrease in total taxable value, that excess
696 may remain in the fund, but if the excess amount in the fund is decreased below the limitations of
697 the fund for any reason, the fund limitations established under Subsection (1) apply.

698 Section 21. Section **17-36-54**, which is renumbered from Section 17-4-17 is renumbered
699 and amended to read:

700 **[17-4-17]. 17-36-54. Use of principal of fund -- Determination of necessity --**
701 **Election.**

702 If the [governing] legislative body of [any] a county [~~shall determine~~] that has established
703 a tax stability and trust fund under Section 17-36-51 determines that it is necessary for purposes
704 of that county to use any portion of the principal of the [~~tax stability and trust~~] fund [~~that the~~
705 ~~county had established~~], the [governing] county legislative body shall submit this proposition to
706 the electorate of that county in a special election called and held in the manner provided for in [the]
707 Title 11, Chapter 14, Utah Municipal Bond Act [(Title 11, Chapter 14)], for the holding of bond

708 elections. If the proposition is approved at this special election by a majority of the qualified
709 electors of the county voting at the election, then that portion of the principal of the fund covered
710 by the proposition may be transferred to the county's general fund for use for purposes of that
711 county.

712 Section 22. Section **17-50-101** is enacted to read:

713 **CHAPTER 50. GENERAL PROVISIONS**

714 **Part 1. General Provisions**

715 **17-50-101. Definitions.**

716 As used in this title:

717 (1) "County" means a unit of local government that is a body corporate and politic and a
718 legal subdivision of the state, with geographic boundaries as provided in Part 2, Boundaries, and
719 powers as provided in Part 3, County Powers.

720 (2) "Executive," when used to describe the powers, duties, or functions of a person or body
721 elected as the county executive or a person appointed as the county manager or administrative
722 officer, refers to:

723 (a) the power and duty to carry laws and ordinances into effect and secure their due
724 observance; and

725 (b) those powers, duties, and functions that, under constitutional and statutory provisions
726 and through long usage and accepted practice and custom at the federal and state level, have come
727 to be regarded as belonging to the executive branch of government.

728 (3) "Legislative," when used to describe the powers, duties, or functions of a county
729 commission or council, refers to:

730 (a) the power and duty to enact ordinances, levy taxes, and establish budgets; and

731 (b) those powers, duties, and functions that, under constitutional and statutory provisions
732 and through long usage and accepted practice and custom at the federal and state level, have come
733 to be regarded as belonging to the legislative branch of government.

734 Section 23. Section **17-50-102**, which is renumbered from Section 17-4-5 is renumbered
735 and amended to read:

736 ~~[17-4-5].~~ **17-50-102. Unlawful liabilities void.**

737 ~~[All contracts, authorizations, allowances, payments]~~ Each contract, authorization,
738 allowance, payment, and purported [liabilities] liability to pay made or attempted to be made in

739 violation of this title shall be absolutely void and shall never be the foundation or basis of a claim
740 against the county. [~~And all officers of a county are charged with notice of the condition of its~~
741 ~~treasury and the extent of the claims against the same.~~]

742 Section 24. Section **17-50-201** is enacted to read:

743 **Part 2. Boundaries**

744 **17-50-201. Definitions.**

745 As used in this part:

746 (1) "Range" refers to the Salt Lake meridian and base line of the United States survey,

747 unless the context plainly indicates otherwise.

748 (2) "Section" refers to the Salt Lake meridian and base line of the United States survey,

749 unless the context plainly indicates otherwise.

750 (3) "Township" refers to the Salt Lake meridian and base line of the United States survey.

751 Section 25. Section **17-50-202**, which is renumbered from Section 17-1-2 is renumbered
752 and amended to read:

753 [~~17-1-2~~]. **17-50-202. True courses employed.**

754 In the description of courses in this part, the words "north," "south," "east" and "west" shall
755 be [~~construed~~] considered to mean true courses.

756 Section 26. Section **17-50-203**, which is renumbered from Section 17-1-3 is renumbered
757 and amended to read:

758 [~~17-1-3~~]. **17-50-203. Existing counties.**

759 The [~~several~~] counties [~~as they are in this chapter named and~~] whose geographic boundaries
760 are described in this part are the counties of the state until [~~otherwise~~] changed by law.

761 Section 27. Section **17-50-204** is enacted to read:

762 **17-50-204. Disputed boundaries.**

763 (1) If a dispute or uncertainty arises as to the true location of a county boundary described

764 in this part, the surveyors of each county whose boundary is the subject of the dispute or

765 uncertainty may determine the true location.

766 (2) (a) If the county surveyors fail to agree on or otherwise fail to establish the true

767 location of the county boundary, the county executive of either or both of the affected counties

768 shall engage the services of the state engineer.

769 (b) After being engaged under Subsection (2)(a), the state engineer shall notify the

770 surveyor of each county whose boundary is the subject of the dispute or uncertainty of the
771 procedure the state engineer will use to determine the true location of the boundary.

772 (c) With the assistance of each surveyor who chooses to participate, the state engineer shall
773 determine permanently the true location of the boundary by marking surveys and erecting suitable
774 monuments to designate the boundary.

775 (d) Each boundary established under this Subsection (2) shall be considered permanent
776 until superseded by legislative enactment.

777 (3) Nothing in this section may be construed to give the county surveyors or state engineer
778 any authority other than to erect suitable monuments to designate county boundaries as they are
779 described in this part.

780 Section 28. Section **17-50-205**, which is renumbered from Section 17-1-4 is renumbered
781 and amended to read:

782 **[17-1-4]. 17-50-205. Beaver County -- Description.**

783 The geographic boundaries of Beaver County are described as follows: Beginning at a point
784 on the summit of the range separating the Beaver and Pavant Valleys from Sevier Valley east of
785 a point two miles south of the south side of Fort Wilden on Cove Creek, thence west to the state
786 boundary; thence south to the line separating townships 30 and 31 south; thence east to the summit
787 of said range; thence northerly along said summit to the point of beginning.

788 Section 29. Section **17-50-206**, which is renumbered from Section 17-1-5 is renumbered
789 and amended to read:

790 **[17-1-5]. 17-50-206. Box Elder County -- Description.**

791 The geographic boundaries of Box Elder County are described as follows: Beginning at the
792 intersection of the northern boundary of the state and the summit of the range next east of Malad
793 Valley, thence west to the northwest corner of the state; thence south to the forty-first parallel of
794 north latitude; thence east to the western shore of Great Salt Lake; thence northeasterly along, and
795 to the middle point of, a straight line drawn between said point on the lake and a point on the east
796 shore thereof due west of the middle of the channel of the Weber River at a point north of the
797 northwest corner of Kingston's Fort; thence northeasterly along a straight line drawn from said
798 middle point of said line to a point on the west line of range 3 west, due west from the Hot Springs
799 situated at the point of the mountain north of Ogden; thence east to said springs; thence
800 northeasterly along the summit of the spur range terminating at said springs to, and thence along,

801 the summit of the Wasatch Mountains, passing around the headwaters of Box Elder and Willow
802 creeks, and crossing the Bear River at the middle point of its lower canyon, to, and thence
803 northerly along, the summit of the range of mountains next east of Malad Valley to the point of
804 beginning.

805 Section 30. Section **17-50-207**, which is renumbered from Section 17-1-6 is renumbered
806 and amended to read:

807 **[17-1-6]. 17-50-207. Cache County -- Description.**

808 The geographic boundaries of Cache County are described as follows: Beginning at the
809 intersection of the northern boundary of the state and the summit of the watershed separating the
810 Cache and Bear Lake Valleys, thence west along the said boundary to the summit of the range next
811 east of Malad Valley; thence southerly along the summit of the last mentioned range crossing the
812 Bear River at the middle point of its lower canyon to, and thence along, the summit of the Wasatch
813 Range, passing round the headwaters of Box Elder and Willow Creeks; and thence easterly along
814 the summit of said range to its intersection with, and thence northerly along, the summit of the
815 watershed between the Cache and Bear Lake Valleys to the point of beginning.

816 Section 31. Section **17-50-208**, which is renumbered from Section 17-1-7 is renumbered
817 and amended to read:

818 **[17-1-7]. 17-50-208. Carbon County -- Description.**

819 The geographic boundaries of Carbon County are described as follows: Beginning at the
820 middle of the channel of the Green River where intersected by the line dividing townships 11 and
821 12 south, thence west along said line to the section line running north and south through the middle
822 of range 6 east; thence south to the summit of the watershed next east of Huntington Creek; thence
823 southeasterly along said summit to the third standard parallel south; thence east to the middle of
824 the main channel of the Green River; thence northerly up said channel to the point of beginning.

825 Section 32. Section **17-50-209**, which is renumbered from Section 17-1-8 is renumbered
826 and amended to read:

827 **[17-1-8]. 17-50-209. Daggett County -- Description.**

828 The geographic boundaries of Daggett County are described as follows: Beginning at the
829 point of intersection of the boundaries of Utah, Wyoming, and Colorado, thence west along the
830 Utah state line to a point which would intersect a line running south through the center of section
831 fifteen (15), township 3 north, range 17 east of the Salt Lake base and meridian; thence south

832 through the center of sections fifteen (15), twenty-two (22), twenty-seven (27) and thirty-four (34),
833 of township 3 north of range 17 east; thence south through the center of sections three (3), ten (10),
834 fifteen (15), twenty-two (22), twenty-seven (27), and thirty-four (34), township 2 north of range
835 17 east of the Salt Lake base and meridian; thence south through the center of sections three (3),
836 ten (10), fifteen (15), and twenty-two (22), of township 1 north of range 17 east of Salt Lake base
837 and meridian to the intersection of the easterly and westerly line of the summit of the Uintah
838 Mountains; thence easterly along the summit of said Uintah Mountains and following the water
839 parting line dividing the watershed of streams flowing generally northerly from those flowing
840 generally southerly to the monument at the top of Mt. Lena; thence easterly to the west quarter (W
841 1/4) corner section twenty-five (25), township one (1) north, range twenty-two (22) east; thence
842 north along the west boundary line of sections twenty-five (25), twenty-four (24), thirteen (13),
843 twelve (12) and one (1), township one (1) north, range twenty-two (22) east to the northwest corner
844 of section one (1), township one (1) north, range twenty-two (22) east; thence east along the south
845 boundary lines of township 2 north, ranges twenty-two (22), twenty-three (23) and twenty-four (24)
846 east to the northwest corner of section three (3), township one (1) north of range twenty-four (24)
847 east; thence south along the west boundary lines of sections three (3), ten (10), fifteen (15),
848 twenty-two (22) and twenty-seven (27) all in township one (1) north of range twenty-four (24) east;
849 thence east along the south boundary lines of sections twenty-seven (27), and twenty-six (26) to
850 the northwest corner of section thirty-six (36), all in township one (1) north of range twenty-four
851 (24) east; thence south along the west line of said section thirty-six (36), to the southwest corner
852 of said section; thence east to the northwest corner of township one (1) south of range twenty-five
853 (25) east; thence south along the west boundary line of township one (1) south of range twenty-five
854 (25) east to the southwest corner of said township; thence east along the south boundary lines of
855 sections thirty-one (31) and thirty-two (32), township one (1) south of range twenty-five (25) east
856 to the northwest corner of section four (4), township two (2) south of range twenty-five (25) east;
857 thence south along the west boundary lines of sections four (4) and nine (9), to the west quarter
858 corner of section nine (9), township two (2) south of range twenty-five (25) east; thence east along
859 the center lines of sections nine (9), ten (10), eleven (11), and twelve (12) township two (2) south
860 of range twenty-five (25) east to the Colorado state line; thence north along the Colorado state line
861 to the point of beginning.

862 Section 33. Section **17-50-210**, which is renumbered from Section 17-1-9 is renumbered

863 and amended to read:

864 **[17-1-9]. 17-50-210. Davis County -- Description.**

865 The geographic boundaries of Davis County are described as follows: Beginning at a point
866 in the middle of the channel of the Weber River where crossed by the summit line of the Wasatch
867 Range, thence westerly down the middle of said channel to a point north of the northwest corner
868 of Kingston's Fort; thence west to the east shore of Great Salt Lake; thence southwesterly along
869 and to the middle point of a straight line running between said point on the east shore and a point
870 on the west shore of said lake at latitude 41 degrees north; thence southeasterly along a straight line
871 running between Black Rock on the southern shore of said lake and said middle point of said line
872 to the base line of the United States survey; thence northeasterly and equidistant between Antelope
873 Island and the south shore of said lake to a point west of the mouth of the Jordan River on the west
874 line of range 1 west; thence east to the mouth of the Jordan River; thence southeasterly up the
875 middle of the channel of the Jordan River to a point west of a point 136 rods north of hot spring
876 in the northern part of Salt Lake City; thence east to the summit of the spur range terminating at
877 said hot spring; thence northeasterly along said last mentioned summit to its intersection with, and
878 thence northerly along, the summit of the Wasatch Range to the point of beginning.

879 Section 34. Section **17-50-211**, which is renumbered from Section 17-1-10 is renumbered
880 and amended to read:

881 **[17-1-10]. 17-50-211. Duchesne County -- Description.**

882 The geographic boundaries of Duchesne County are described as follows: Beginning at a
883 point on the summit of the Uintah mountains two sections and one-fifth mile west of the point
884 where the Uintah special meridian intersects the summit of the Uintah Mountains, thence
885 southwesterly along the summit of the mountains to a point due north of the center line between
886 the east and west range lines of range 9 west of the Uintah special meridian; thence south
887 intersecting and thence following the center line of range 9 west of the Uintah special meridian to
888 a point where it intersects with the second standard parallel south, Salt Lake base and meridian
889 (which point is also an extension east from the Salt Lake base and meridian); thence east to the line
890 between ranges 9 and 10 east of Salt Lake meridian; thence south to the township line between
891 townships 11 and 12 south of the Salt Lake base and meridian; thence east along this township line
892 to a point south of a point located two sections and one-fifth mile west of the Uintah special
893 meridian at the south boundary of the former Uintah Indian Reservation; thence north parallel with

894 the 110 degrees and 00 minutes west longitude to said point; thence northerly, adjacent to and west
895 of the Uintah special meridian a distance of two sections and one-fifth mile to the point of
896 beginning.

897 Section 35. Section **17-50-212**, which is renumbered from Section 17-1-11 is renumbered
898 and amended to read:

899 ~~[17-1-11].~~ **17-50-212. Emery County -- Description.**

900 The geographic boundaries of Emery County are described as follows: Beginning at the
901 intersection of the third standard parallel south with the middle of the main channel of the Green
902 River, thence west to the summit of the watershed next east of Huntington Creek; thence
903 northwesterly along said summit to the section line running north and south through the middle
904 of range 6 east; thence south to the third standard parallel south; thence west to the line between
905 ranges 5 and 6 east; thence south to parallel 38 degrees 30 minutes north latitude, thence east to
906 the middle of the main channel of the Green River; thence northerly up the middle of said channel
907 to the point of beginning.

908 Section 36. Section **17-50-213**, which is renumbered from Section 17-1-12 is renumbered
909 and amended to read:

910 ~~[17-1-12].~~ **17-50-213. Garfield County -- Description.**

911 The geographic boundaries of Garfield County are described as follows: Beginning at the
912 intersection of the main channel of the Colorado River with the line between townships 30 and 31
913 south, thence west along said township line to the line between ranges 5 and 6 west; thence south
914 to the line between townships 33 and 34 south; thence west to the line between ranges 6 and 7
915 west; thence south to the line between townships 34 and 35 south; thence west to the line between
916 ranges 7 and 8 west; thence south to the line between townships 37 and 38 south; thence east along
917 said line to the main channel of the Colorado River; thence northeasterly up said channel to the
918 point of beginning.

919 Section 37. Section **17-50-214**, which is renumbered from Section 17-1-13 is renumbered
920 and amended to read:

921 ~~[17-1-13].~~ **17-50-214. Grand County -- Description.**

922 The geographic boundaries of Grand County are described as follows: Beginning at the
923 intersection of the summit of the Brown Cliffs with the eastern boundary of the state, thence
924 westerly along the summit of said cliffs to the third standard parallel south; thence west to the

925 middle of the main channel of the Green River; thence southerly down the middle of said channel
926 to parallel 38 degrees 30 minutes north latitude; thence east to the state boundary; thence north to
927 the point of beginning.

928 Section 38. Section **17-50-215**, which is renumbered from Section 17-1-14 is renumbered
929 and amended to read:

930 **[17-1-14]. 17-50-215. Iron County -- Description.**

931 The geographic boundaries of Iron County are described as follows: Beginning at the
932 northwest corner of township 31 south, range 5 west, thence west to the boundary of the state;
933 thence south to the line between townships 36 and 37 south; thence east to the line between ranges
934 16 and 15 west; thence north to the northwest corner of township 37 south, range 15 west; thence
935 east to the northeast corner of township 37 south, range 15 west; thence south to the southeast
936 corner of township 37 south, range 15 west; thence east to the southeast corner of township 37
937 south, range 13 west; thence south to the northeast corner of section 24, township 38 south, range
938 13 west; thence east on the section lines to the intersection of the range line between ranges 12 and
939 11 west; thence south on that range line to the southwest corner of section 18, township 38 south,
940 range 11 west; thence east on the section lines to the intersection of the range line between ranges
941 11 and 10 west; thence north along the range line to the southwest corner of section 18, township
942 38 south, range 10 west; thence east on the section lines to the intersection of the range line
943 between ranges 11 and 10 west, at the northeast corner of section 24, township 38 south, range 10
944 west; thence north to the line separating townships 37 and 38 south; thence east to the line between
945 ranges 8 and 7 west; thence north to the northwest corner of township 35 south, range 7 west;
946 thence east to the northeast corner of said township 35 south, range 7 west; thence north to the
947 northwest corner of township 34 south, range 6 west; thence east to the northeast corner of
948 township 34 south, range 6 west; thence north to the point of beginning.

949 Section 39. Section **17-50-216**, which is renumbered from Section 17-1-15 is renumbered
950 and amended to read:

951 **[17-1-15]. 17-50-216. Juab County -- Description.**

952 The geographic boundaries of Juab County are described as follows: Beginning at the
953 intersection of the second standard parallel south with the divide between Cherry and Faust Creeks,
954 thence west to the boundary of the state; thence south to a point due west of the mouth of the lower
955 canyon of the Sevier River; thence east on township line between townships 14 and 15 south to

956 the middle of the channel of said river; thence northeasterly up the channel of said river to its point
957 of intersection with the summit, if prolonged, of the range separating Oak Creek District from
958 Little Valley; thence southerly along the summit of said last mentioned range to the summit of the
959 high ground and mountains between the Round and Little Valleys; thence east on section line
960 nearest the last mentioned summit to the southeast corner of section 16, township 17 south, range
961 2 west; thence south to the southwest corner of section 22 near the top of the dugway on Sevier
962 Hill; thence east on the section line to the southeast corner of section 24, township 17 south, range
963 2 west; thence north on the range line between ranges 1 west and 2 west to the northwest corner
964 of lot 11 in section 18, township 17 south, range 1 west, Salt Lake base and meridian; thence east
965 on section line to the southwest corner of section 8, township 17 south, range 1 west, Salt Lake
966 base and meridian; thence north on section line to the southwest corner of section 32, township 16
967 south, range 1 west, said section corner being about half a mile northerly of the Upper Bluffs or
968 Painted Rocks on the Sevier River; thence east on the township line to the southwest corner of
969 section 34, township 16 south, range 1 west; thence north on section line to the northwest corner
970 of said section 34; thence east on section line to the southeast corner of section 25, township 16
971 south, range 1 east; thence north on the range line between ranges 1 and 2 east to the northwest
972 corner of township 16 south, range 2 east; thence east on township line between townships 15 and
973 16 south, range 2 east, to the northwest corner of section 4, township 16 south, range 2 east; thence
974 north on section line to the northwest corner of section 16, township 13 south, range 2 east; thence
975 east on section line to the quarter section corner common to sections 10 and 15 of said township
976 and range; thence north on quarter line through section 10 to the quarter corner common to
977 sections 3 and 10; thence east on section line to the southwest corner of section 2; thence north on
978 section line to the quarter corner common to sections 2 and 3; thence east on the quarter section
979 line through said section 2 to the quarter corner common to sections 1 and 2; thence north to the
980 northeast corner of said section 2; thence east on the township line between townships 12 and 13
981 south to the southwest corner of township 12 south, range 3 east; thence north on range line
982 between ranges 2 and 3 east to the northwest corner of section 31, township 12 south, range 3 east;
983 thence east on section line to the southwest corner of section 27; thence north on section line to
984 the southeast corner of section 9; thence west on section line to the southwest corner of section 8;
985 thence north on section line to the northwest corner of section 8; thence west on section line to the
986 southwest corner of section 6; thence north on range line between ranges 2 and 3 east to the

987 northwest corner of township 12 south, range 3 east; thence west on township line between
988 townships 11 and 12 south to the summit of the Nebo Range; thence northerly along the summit
989 of the Nebo Range to the summit of the high ground and range between the Utah and Juab Valleys;
990 thence along the last mentioned summit and the summit between the Goshen and Juab Valleys and
991 the summit between the Tintic Valley and the Cedar and Goshen Valleys and the summit between
992 the Tintic and Rush Valleys to the point of beginning.

993 Section 40. Section **17-50-217**, which is renumbered from Section 17-1-16 is renumbered
994 and amended to read:

995 **[17-1-16]. 17-50-217. Kane County -- Description.**

996 The geographic boundaries of Kane County are described as follows: Beginning at the
997 middle of the main channel of the Colorado river where intersected by the line separating
998 townships 37 and 38 south, thence west to the line separating ranges 9 and 10 west; thence south
999 to the boundary of the state; thence east to the middle of the main channel of the Colorado river;
1000 thence northeasterly up the middle of said channel to the point of beginning.

1001 Section 41. Section **17-50-218**, which is renumbered from Section 17-1-17 is renumbered
1002 and amended to read:

1003 **[17-1-17]. 17-50-218. Millard County -- Description.**

1004 The geographic boundaries of Millard County are described as follows: Beginning at the
1005 southeast corner of section 24, township 17 south, range 2 west, Salt Lake base and meridian, on
1006 range line between ranges 1 and 2 west, thence west to the southwest corner of section 22 near the
1007 summit of Sevier Hill; thence north to the southeast corner of section 16; thence west on section
1008 line to the summit of the range separating Oak Creek district from the Little Valley; thence
1009 northerly following the last mentioned summit to its point of intersection, if prolonged, with the
1010 middle of the channel of the Sevier River; thence southwesterly down the middle of said channel
1011 to the mouth of the lower Sevier Canyon; thence west on the township line between townships 14
1012 and 15 south to the boundary of the state; thence south to a point west of a point two miles south
1013 of the south side of Fort Wilden on Cove Creek; thence east to the summit of the range separating
1014 the Sevier Valley from the Pavant and Round Valleys; thence to the southwest corner of section
1015 31, township 25 south, range 5 west; thence east one-half mile; thence north two miles; thence east
1016 one mile; thence north three miles; thence east one-half mile; thence north one mile to the
1017 northwest corner, section 4, township 25 south, range 5 west; thence east one-half mile; thence

1018 north one mile; thence east one mile; thence north one-half mile; thence east five miles to the
1019 center of section 28, township 24 south, range 4-1/2 west; thence south one-half mile; thence east
1020 two and one-half miles; thence north one-half mile; thence east one mile; thence north one-fourth
1021 of a mile; thence east one-half mile; thence north one mile; thence east one-half mile; thence north
1022 one-fourth mile to the northwest corner of section 20, township 24 south, range 4 west; thence east
1023 one mile; thence north one-half mile; thence east three-fourths miles; thence north one-half mile;
1024 thence east one-fourth of a mile to the southwest corner of section 10, township 24 south, range
1025 4 west; thence north one-half mile; thence east one mile; thence north two and one-half miles;
1026 thence west one-half mile; thence north five miles to the quarter section corner on the north side
1027 of section 3, township 23 south, range 4 west; thence north along section line between sections 31
1028 and 32 to the northwest corner of section 32, township 22 south, range 3 west; thence east two
1029 miles to the southeast corner section 28, township 22 south, range 3 west; thence north one mile;
1030 thence east one mile; thence north two miles; thence east one mile; thence east one mile to the
1031 southeast corner of section 36, township 21 south, range 3 west; thence north one and one-half
1032 miles more or less to the southwest corner of section 21, township 21 south, range 2-1/2 west;
1033 thence east to the quarter section corner on the south side of section 19, township 21 south, range
1034 2 west; thence north two miles; thence east one-half mile to the southeast corner of section 7,
1035 township 21 south, range 2 west; thence north one-half mile; thence east two miles; thence north
1036 to the northwest corner of section 3, township 21 south, range 2 west; thence east to the southeast
1037 corner of section 36, township 20 south, range 2 west: thence north on the range line between
1038 ranges 1-1/2 and 2 west to the southeast corner of section 24, township 17 south, range 2 west, Salt
1039 Lake base and meridian to the point of beginning.

1040 Section 42. Section **17-50-219**, which is renumbered from Section 17-1-18 is renumbered
1041 and amended to read:

1042 **[17-1-18]. 17-50-219. Morgan County -- Description.**

1043 The geographic boundaries of Morgan County are described as follows: Beginning at the
1044 point on the summit of the Wasatch range of mountains nearest to the eastern headwaters of the
1045 Ogden river, thence southwesterly along the summit of said range passing south around the
1046 headwaters of the Ogden river to the summit of the main Wasatch range southeast of Ogden City;
1047 thence southerly along the summit of said range crossing the Weber canyon and river to the
1048 summit of the cross range through which the upper canyon of East Canyon creek runs; thence

1049 easterly along the summit of said last mentioned range to, and thence northerly along, the summit
1050 of the range between East Canyon creek and the Weber river to the Weber river; thence
1051 northeasterly across said river and along the summit of the high land between Lost and Echo
1052 Canyon creeks to the summit of the Wasatch range separating the valley of the Bear river from the
1053 valley of the Weber river; thence northwesterly along the last mentioned summit to the point of
1054 beginning.

1055 Section 43. Section **17-50-220**, which is renumbered from Section 17-1-19 is renumbered
1056 and amended to read:

1057 **[~~17-1-19~~]. 17-50-220. Piute County -- Description.**

1058 The geographic boundaries of Piute County are described as follows: Beginning at the
1059 northeast corner of the southeast quarter of the southwest quarter of section 35, township 26 south,
1060 range 1 east of the Salt Lake meridian; thence westerly along the 40-line parallel to section line to
1061 the range line between 2 and 3 west; thence north on range line to the northeast corner of the
1062 southeast quarter of the northeast quarter of section 25, township 26 south, range 3 west of the Salt
1063 Lake meridian; thence westerly along the 40-line parallel to the section line, to the northwest
1064 corner of the southwest quarter of the northwest quarter of section 34, township 26 south, range
1065 6 west to the summit of the range separating Beaver and Pavant Valleys from Sevier Valley; thence
1066 southerly following said last mentioned summit to the line between townships 30 and 31 south;
1067 thence east to the Salt Lake meridian; thence north to the intersection of said meridian with the
1068 summit of the range separating Grass and Rabbit Valleys; thence northeasterly along said summit
1069 to the point of beginning.

1070 Section 44. Section **17-50-221**, which is renumbered from Section 17-1-20 is renumbered
1071 and amended to read:

1072 **[~~17-1-20~~]. 17-50-221. Rich County -- Description.**

1073 The geographic boundaries of Rich County are described as follows: Beginning at the point
1074 of intersection of the boundaries of Utah, Idaho and Wyoming, thence west to the summit of the
1075 watershed separating Cache and Bear Lake Valleys; thence southerly along the summit of said
1076 watershed to the summit of the Wasatch Range lying north and east of the headwaters of the Ogden
1077 River; thence southeasterly along the summit of the last mentioned range to, and thence along the
1078 summit of the mountains separating the valley of the Bear River from the valley of the Weber
1079 River to a point opposite and nearest to the Union Pacific Railroad, one mile east of Wasatch

1080 Station; thence southerly to the north side of said railroad; thence northeasterly along the north side
1081 of said railroad to the summit west of the Bear River Valley; thence east to the state boundary;
1082 thence north to the point of beginning.

1083 Section 45. Section **17-50-222**, which is renumbered from Section 17-1-21 is renumbered
1084 and amended to read:

1085 ~~[17-1-21].~~ **17-50-222. Salt Lake County -- Description.**

1086 The geographic boundaries of Salt Lake County are described as follows: Beginning at the
1087 intersection of the summit of the Wasatch Range with the summit of the spur range terminating
1088 at the hot spring in the northern part of Salt Lake City, thence southwesterly along said last
1089 mentioned summit to a point east of a point 136 rods north of said hot spring; thence west to the
1090 middle of the channel of the Jordan River; thence down the middle of said channel to the mouth
1091 of said river; thence west to the west line of range 1 west; thence southwesterly and equidistant
1092 between Antelope Island and the south shore of Great Salt Lake to the base line of the United
1093 States Survey where intersected by a straight line drawn between Black Rock on the south shore
1094 of said lake and the middle point of a line running from the west shore of the said lake at latitude
1095 41 degrees north to a point on the east shore of said lake west of the middle channel of the Weber
1096 River where said channel lies north of the northwest corner of Kingston's Fort; thence
1097 southeasterly through Black Rock to the northern end of, and thence along, the summit of the
1098 Oquirrh Range to the summit of the cross range between the Oquirrh and Wasatch Ranges; thence
1099 easterly along said last mentioned summit to the summit of the Wasatch Range; thence
1100 northwesterly along said last mentioned summit to the point of beginning.

1101 Section 46. Section **17-50-223**, which is renumbered from Section 17-1-22 is renumbered
1102 and amended to read:

1103 ~~[17-1-22].~~ **17-50-223. San Juan County -- Description.**

1104 The geographic boundaries of San Juan County are described as follows: Beginning on the
1105 eastern boundary of the state at latitude 38 degrees and 30 minutes north, thence west to the middle
1106 of the main channel of the Green River; thence southwesterly down the middle of the channels of
1107 the Green and Colorado Rivers to the southern boundary of the state; thence east to the eastern
1108 boundary of the state; thence north to the point of beginning.

1109 Section 47. Section **17-50-224**, which is renumbered from Section 17-1-23 is renumbered
1110 and amended to read:

1111 [17-1-23]. 17-50-224. Sanpete County -- Description.

1112 The geographic boundaries of Sanpete County are described as follows: Beginning at the
1113 intersection of the line between townships 11 and 12 south and the section line running north and
1114 south through the middle of range 6 east, Salt Lake meridian, thence west along the township line
1115 between townships 11 and 12 south to the northwest corner of township 12 south, range 3 east;
1116 thence south on range line between ranges 2 and 3 east to the southwest corner of section 6,
1117 township 12 south, range 3 east; thence east on section line to the northwest corner of section 8;
1118 thence south on section line to the southwest corner of section 8; thence east on section line to the
1119 southeast corner of section 9; thence south on section line to the southwest corner of section 27;
1120 thence west on section line to the northwest corner of section 31; thence south on the range line
1121 between ranges 2 and 3 east, to the southwest corner of township 12 south, range 3 east; thence
1122 west on township line between townships 12 and 13 south to the northeast corner of section 2,
1123 township 13 south, range 2 east; thence south on section line to the quarter corner common to
1124 sections 1 and 2; thence west on the quarter section line through said section 2 to quarter corner
1125 common to sections 2 and 3; thence south on section line to the southwest corner of section 2;
1126 thence west on section line to quarter corner common to sections 3 and 10; thence south on quarter
1127 line through section 10 to the quarter corner common to sections 10 and 15; thence west on section
1128 line to the northwest corner of section 16; thence south on section line to the northwest corner of
1129 section 4, township 16 south, range 2 east; thence west on township line between townships 15 and
1130 16 south, range 2 east to the northwest corner of township 16 south, range 2 east; thence south on
1131 range line between ranges 1 and 2 east to the southeast corner of section 25, township 16 south,
1132 range 1 east; thence west on the section line to the northwest corner of section 34, township 16
1133 south, range 1 west; thence south on section lines to the southwest corner of section 34; thence
1134 west on the township line to the southwest corner of section 32, township 16 south, range 1 west,
1135 said section corner being about half a mile northerly of the Upper Bluffs or Painted Rocks on the
1136 Sevier River; thence south on section line to the southwest corner of section 8, township 17 south,
1137 range 1 west; thence west on section line to the northwest corner of lot 11 in section 18, township
1138 17 south, range 1 west; thence south on the range line between ranges 1 and 2 west and between
1139 ranges 1-1/2 west and 2 west to a point west of the point where the road between Gunnison and
1140 Salina crosses Willow Creek at the forks of said creek; thence east to the east bank of the Sevier
1141 River; thence southerly along the east bank of said river to a point one mile north of the fourth

1142 standard parallel south; thence east to the line between ranges 5 and 6 east; thence north to the
1143 third standard parallel south; thence east to the line running north and south through the middle
1144 of range 6 east; thence north to the point of beginning.

1145 Section 48. Section **17-50-225**, which is renumbered from Section 17-1-24 is renumbered
1146 and amended to read:

1147 **[17-1-24]. 17-50-225. Sevier County -- Description.**

1148 The geographic boundaries of Sevier County are described as follows: Beginning at a point
1149 on the line between the ranges 5 and 6 east one mile north of fourth standard parallel south, thence
1150 west to the east bank of the Sevier River; thence northerly along the east bank of said river to a
1151 point west of a point where the road between Gunnison and Salina crosses Willow Creek at the
1152 forks of said creek; thence west to the range line between ranges 1-1/2 and 2 west, township 20
1153 south; thence south to the southeast corner, section 36, township 20 south, range 2 west; thence
1154 west to the northwest corner, section 3, township 21 south, range 2 west; thence south to the
1155 one-fourth corner on the east side of section 9, township 21 south, range 2 west; thence west two
1156 miles; thence south one-half mile; thence west one-half mile; thence south two miles; thence west
1157 one-half mile to the southwest corner of section 19, township 21 south, range 2 west; thence west
1158 to the southwest corner of section 21, township 21 south, range 2-1/2 west; thence south to the
1159 southeast corner of section 36, township 21 south, range 3 west; thence west one mile; thence
1160 south two miles; thence west one mile; thence south two miles; thence west one mile; thence south
1161 one mile; thence west two miles to the southeast corner of section 30, township 22 south, range
1162 3 west; thence south along the section line between sections 31 and 32 to the quarter corner on the
1163 north side of section 3, township 23 south, range 4 west; thence south five miles; thence east
1164 one-half mile; thence south one mile to the southeast corner of section 34, township 23 south,
1165 range 4 west; thence south one and one-half miles; thence west one mile; thence south one-half
1166 mile; thence west one-fourth mile; thence south one-half mile; thence west three-fourths mile;
1167 thence south one-half mile; thence west one mile; thence south one-fourth mile; thence west
1168 one-half mile; thence south one mile; thence west one-half mile; thence south one-fourth mile;
1169 thence west one mile; thence south one-half mile to the southeast corner of section 26, township
1170 24 south, range 4-1/2 west; thence west two and one-half miles; thence north one-half mile; thence
1171 west five miles; thence south one-half mile; thence west one mile; thence south one mile; thence
1172 west one-half mile to the southeast corner of section 32, township 24 south, range 5 west; thence

1173 one mile south; thence one-half mile west; thence south three miles; thence west one mile; thence
1174 south two miles; thence west one-half mile to the southwest corner of section 31, township 25
1175 south, range 5 west; thence to the northeast corner of Beaver County at the summit of the range
1176 separating Sevier Valley from Round and Pavant Valleys; thence southwesterly along the summit
1177 of said range to the northwest corner of the southwest quarter of the northwest quarter of section
1178 34, township 26 south, range 6 west; thence easterly along the 40-line parallel to the section line
1179 to the range line between 2 and 3 west; thence south on range line to the 40-line running east
1180 through the south one-half of section 31, township 26 south, range 2 west of the Salt Lake
1181 meridian; thence easterly along said 40-line parallel to the section line to the northeast corner of
1182 the southeast quarter of the southwest quarter of section 35, township 26 south, range 1 east, Salt
1183 Lake meridian to the summit of the range separating Grass and Rabbit Valleys; thence
1184 northeasterly along said summit to a point due east of the point at which the wagon road crosses
1185 the summit between Marysvale and Monroe; thence east to the line between ranges 5 and 6 east;
1186 thence north to the point of beginning.

1187 Section 49. Section **17-50-226**, which is renumbered from Section 17-1-25 is renumbered
1188 and amended to read:

1189 **[17-1-25]. 17-50-226. Summit County -- Description.**

1190 The geographic boundaries of Summit County are described as follows: Beginning on the
1191 northern boundary of the state at longitude 110 degrees west, thence west to the southwest corner
1192 of Wyoming; thence north to a point east of the point where the north side of the Union Pacific
1193 Railroad crosses the summit first west of Bear River Valley; thence west to the north side of said
1194 railroad; thence southwesterly along the north side of said road to a point one mile east of Wasatch
1195 Station; thence northerly to the nearest point of the summit of the range of mountains between
1196 Bear River and Weber Valleys; thence southwesterly along said last mentioned summit to its
1197 intersection with the summit of the high land between Echo and Lost Creeks; thence southwesterly
1198 down said last mentioned summit to and directly across the Weber River; thence southerly along
1199 the summit of the range separating East Canyon from Weber Valley to the summit of the cross
1200 range through which the upper canyon of East Canyon Creek runs; thence westerly to the summit
1201 of the Wasatch Range; thence southeasterly along said summit to the summit of the range next
1202 south of the headwaters of Silver and East Canyon Creeks; thence easterly along said last
1203 mentioned summit to the point where it is crossed by the road between Rhoads Valley and Salt

1204 Lake City; thence southerly to the middle of the channel of the Provo River at the high bluff below
1205 Goddard's Ranch; thence easterly along the middle of said channel to the headwaters of the said
1206 river farthest east; thence east to the summit of the Uintah Range; thence northeasterly to the one
1207 hundred and tenth meridian of west longitude; thence north to the point of beginning.

1208 Section 50. Section **17-50-227**, which is renumbered from Section 17-1-26 is renumbered
1209 and amended to read:

1210 **[17-1-26]. 17-50-227. Tooele County -- Description.**

1211 The geographic boundaries of Tooele County are described as follows: Beginning at the
1212 middle point of a straight line drawn between a point on the west shore of Great Salt Lake at
1213 latitude 41 degrees north and a point on the east shore of said lake due west of the middle of the
1214 channel of the Weber River and north of the northwest corner of Kingston's Fort, thence
1215 southwesterly along said line to the west shore of said lake; thence west to the western boundary
1216 of the state; thence south to the second standard parallel south; thence east to the summit of the
1217 divide between Cherry and Faust Creeks; thence along the summit of the range next east of the
1218 Rush and Tooele Valleys to the northern end of said summit; thence northeasterly on a straight line
1219 through Black Rock on the shore of Great Salt Lake to the point of beginning.

1220 Section 51. Section **17-50-228**, which is renumbered from Section 17-1-27 is renumbered
1221 and amended to read:

1222 **[17-1-27]. 17-50-228. Uintah County -- Description.**

1223 The geographic boundaries of Uintah County are described as follows: Beginning at a point
1224 on the summit of the Uintah Mountains two sections and one-fifth mile west of a point where the
1225 Uintah special meridian intersects the summit of the Uintah Mountains, thence southerly, adjacent
1226 to and west of the Uintah special meridian a distance of two sections and one-fifth mile to the
1227 south boundary of the former Uintah Indian Reservation; thence south parallel with the 110
1228 degrees and 00 minutes west longitude to the line between townships 11 and 12 south, Salt Lake
1229 base and meridian; thence east to the middle of the main channel of the Green River; thence down
1230 the channel to the third standard parallel south; thence east to the summit of the Brown Cliffs;
1231 thence northeasterly to the state boundary; thence north to the east quarter corner of section twelve
1232 (12), township 2 south of range 25 east of Salt Lake base and meridian; thence west along the
1233 center lines of sections twelve (12), eleven (11), ten (10), and nine (9), to the west quarter corner
1234 of section nine (9), township 2 south of range 25 east; thence north along the west boundary lines

1235 of sections nine (9), and four (4) to the northwest corner of section four (4), township 2 south of
1236 range 25 east; thence west along the south boundary lines of sections thirty-two (32), and
1237 thirty-one (31) township 1 south of range 25 east to the southwest corner of said township; thence
1238 north along the west boundary line of said township 1 south of range 25 east to the northwest
1239 corner of the township and range; thence west along the south boundary line of township 1 north
1240 of range 24 east to the southwest corner of section thirty-six (36), township 1 north of range 24
1241 east; thence north along the west boundary line of section thirty-six (36), to the northwest corner
1242 of said section thirty-six (36); thence west along the south boundary lines of sections twenty-six
1243 (26), and twenty-seven (27), township 1 north of range 24 east to the southwest corner of section
1244 twenty-seven (27), or range and township; thence north along the west boundary lines of sections
1245 twenty-seven (27), twenty-two (22), fifteen (15), ten (10) and three (3) to the northwest corner of
1246 section three (3), township 1 north of range 24 east; thence west along the south boundary lines
1247 of townships 2 north of ranges 24, 23 and 22 east to the northwest corner of section one (1),
1248 township one (1) north of range twenty-two (22) east; thence south along the west boundary line
1249 of sections one (1), twelve (12), thirteen (13), twenty-four (24) and twenty-five (25), township one
1250 (1) north of range twenty-two (22) east to the west quarter corner section twenty-five (25),
1251 township one (1) north, range twenty-two (22) east; thence westerly to the monument at the top
1252 of Mt. Lena, thence in a westerly direction following the water parting line along the summit of
1253 the Uintah Mountains to the point of beginning.

1254 Section 52. Section **17-50-229**, which is renumbered from Section 17-1-28 is renumbered
1255 and amended to read:

1256 **[17-1-28]. 17-50-229. Utah County -- Description.**

1257 The geographic boundaries of Utah County are described as follows: Beginning at the point
1258 of intersection of the Wasatch Range with the summit of the range crossing from the Wasatch to
1259 the Oquirrh Mountains, thence westerly along said last mentioned summit to the summit of the
1260 range between the Cedar and Rush Valleys; thence southerly along said summit to the summit of
1261 the range between the Tintic Valley and the Goshen and Cedar Valleys; thence southerly along said
1262 last mentioned summit to, and thence easterly along, the summit between Goshen and Juab Valleys
1263 to, and thence northeasterly along, the summit of the high ground and range of mountains between
1264 Utah and Juab Valleys to the summit of the Nebo Range; thence southeasterly along said summit
1265 to the line between townships 11 and 12 south; thence east to the line between ranges 9 and 10

1266 east; thence north to the township line between townships 10 and 11 south; thence west to a point
1267 due south of the point where the wagon road from Spanish Fork to White River as it existed in
1268 February, 1880, crossed the summit of the divide south of the Strawberry Valley; thence north to
1269 said last mentioned point of crossing; thence northwesterly along the summit of the range passing
1270 around the headwaters of Spanish Fork and Hobble Creeks to a point south of the point on the
1271 Provo River one-fourth of a mile upstream from the middle of the mouth of the north fork of said
1272 river; thence north to the summit of the range passing around the headwaters of Battle and
1273 American Fork Creeks; thence following said summit to the point of beginning.

1274 Section 53. Section **17-50-230**, which is renumbered from Section 17-1-29 is renumbered
1275 and amended to read:

1276 **[17-1-29]. 17-50-230. Wasatch County -- Description.**

1277 The geographic boundaries of Wasatch County are described as follows: Beginning at a
1278 point on the summit of the Uintah Range due north of the center line between the east and west
1279 range line of range 9 west of the Uintah special meridian, thence southwesterly along the summit
1280 of said range to a point east of the headwaters of the Provo River farthest east; thence west to the
1281 said headwaters; thence down the middle of the channel of said river to the high bluff below
1282 Goddard's Ranch; thence northerly to the point where the road between the Rhodes Valley and Salt
1283 Lake City crosses the summit of the range south and east of the headwaters of East Canyon and
1284 Silver Creeks; thence north to said point of crossing; thence southwesterly along said last
1285 mentioned summit to the summit of the Wasatch Range at a point north of a point on the Provo
1286 River one-fourth of a mile upstream from the middle of the mouth of the north fork of said river;
1287 thence south to the summit of the range east of the headwaters of Hobble and Spanish Fork Creeks;
1288 thence southeasterly along said last mentioned summit to the point where the White River and
1289 Spanish Fork Road crossed said summit in February, 1880; thence south to the second standard
1290 parallel south, Salt Lake base and meridian (which point is also an extension east from the Salt
1291 Lake base line of the line between townships 10 and 11 south of Salt Lake meridian); thence east
1292 along this line to its intersection with the center line between the east and west range lines of range
1293 9 west of the Uintah special meridian; thence following the center line of the said range 9 west of
1294 the Uintah special meridian to its northern extremity; thence due north to the point of beginning.

1295 Section 54. Section **17-50-231**, which is renumbered from Section 17-1-30 is renumbered
1296 and amended to read:

1297 [17-1-30]. 17-50-231. Washington County -- Description.

1298 The geographic boundaries of Washington County are described as follows: Beginning at
1299 the intersection of the line between townships 36 and 37 south and the western boundary of the
1300 state of Utah, thence east to the line between ranges 15 and 16 west; thence north to the northwest
1301 corner of township 37 south, range 15 west; thence east to the northeast corner of township 37
1302 south, range 15 west; thence south to the southeast corner of township 37 south, range 15 west;
1303 thence east to the southeast corner of township 37 south, range 13 west; thence south to the
1304 northeast corner of section 24, township 38 south, range 13 west; thence east on the section line
1305 to the intersection of the range line between ranges 11 and 12 west; thence south on that range line
1306 to the southwest corner of section 18, township 38 south, range 11 west; thence east on the section
1307 line to the intersection of the range line between ranges 10 and 11 west; thence north along the
1308 range line to the southwest corner of section 18, township 38 south, range 10 west; thence east on
1309 the section line to the intersection of the range line between ranges 9 and 10 west at the northeast
1310 corner of section 24, township 38 south, range 10 west; thence south on that range line to the south
1311 boundary line of the state of Utah; thence west along the Utah-Arizona boundary line to the west
1312 boundary line of the state of Utah; thence north along said west boundary line to the point of
1313 beginning.

1314 Section 55. Section **17-50-232**, which is renumbered from Section 17-1-31 is renumbered
1315 and amended to read:

1316 [17-1-31]. 17-50-232. Wayne County -- Description.

1317 The geographic boundaries of Wayne County are described as follows: Beginning at the
1318 middle of the channel of the Green River at latitude 38 degrees and 30 minutes north, thence west
1319 to the line between ranges 5 and 6 east; thence north to a point east of the point where the wagon
1320 road crosses the summit between Marysvale and Monroe; thence west to the summit of the range
1321 between the Rabbit and Grass Valleys; thence southwesterly along said summit to the Salt Lake
1322 meridian; thence south to the line between townships 30 and 31 south; thence east to the middle
1323 of the channel of the Colorado River; thence northerly up the channels of the Colorado and Green
1324 Rivers to the point of beginning.

1325 Section 56. Section **17-50-233**, which is renumbered from Section 17-1-32 is renumbered
1326 and amended to read:

1327 [17-1-32]. 17-50-233. Weber County -- Description.

1328 The geographic boundaries of Weber County are described as follows: Beginning at the
1329 intersection of the summit of the Wasatch Range north and east of the Ogden Valley and the
1330 summit of the range separating the Bear Lake Valley from the Cache Valley, thence westerly to
1331 the hot springs near the county road north of Ogden along the summits of the Wasatch Range and
1332 the spur range terminating at said hot springs; thence west to the line between ranges 3 and 4 west;
1333 thence southwesterly in a straight line to the middle point of a line drawn from a point on the east
1334 shore of Great Salt Lake west of the middle of the channel of the Weber River north of the
1335 northwest corner of Kingston's Fort to a point on the west shore of said lake at latitude 41 degrees
1336 north; thence northeasterly along said last described line to the east shore of Great Salt Lake;
1337 thence east to the middle of the channel of the Weber River; thence up the middle of said channel
1338 to a point where crossed by the summit line of the Wasatch Range; thence northeasterly along the
1339 summit of said range around the headwaters of the Ogden River to the point of beginning.

1340 Section 57. Section **17-50-301**, which is renumbered from Section 17-4-2 is renumbered
1341 and amended to read:

1342 **Part 3. County Powers**

1343 ~~[17-4-2].~~ **17-50-301. Exercise of county powers.**

1344 The powers of a county ~~[can]~~ may be exercised only by the county executive and county
1345 legislative body or by agents and officers acting under their authority or under authority of law.

1346 Section 58. Section **17-50-302**, which is renumbered from Section 17-4-3 is renumbered
1347 and amended to read:

1348 ~~[17-4-3].~~ **17-50-302. General county powers.**

1349 (1) A county may:

1350 (a) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and
1351 collect special assessments for benefits conferred; and

1352 (b) provide services, exercise powers, and perform functions that are reasonably related
1353 to the safety, health, morals, and welfare of their inhabitants, except as limited or prohibited by
1354 statute.

1355 (2) A county ~~[has power]~~ may:

1356 ~~[(1) To]~~ (a) sue and be sued[-];

1357 ~~[(2) To]~~ (b) acquire land, including at a tax sale, and hold ~~[land within its limits]~~ it as
1358 necessary and proper for county purposes[-, and on tax sales.];

1359 ~~[(3) To]~~ (c) make such contracts and ~~[to]~~ purchase and hold such personal property as may
1360 be necessary to the exercise of its powers~~[-]; and~~

1361 ~~[(4) To]~~ (d) manage and dispose of its property as the interests of its inhabitants may
1362 require.

1363 ~~[(5) To levy and collect such taxes for purposes under its exclusive jurisdiction as are~~
1364 ~~authorized by law.]~~

1365 Section 59. Section **17-50-303**, which is renumbered from Section 17-4-4 is renumbered
1366 and amended to read:

1367 ~~[17-4-4].~~ **17-50-303. County borrowing authorized -- Issuance of tax anticipation**
1368 **notes -- Purposes.**

1369 ~~[No]~~ (1) A county ~~[shall in any manner]~~ may not give or lend its credit to or in aid of any
1370 person or corporation, or appropriate money in aid of any private enterprise. ~~[The]~~

1371 (2) A county ~~[legislative body]~~ may borrow money in anticipation of the collection of taxes
1372 and other county revenues ~~[of the county]~~ in the manner and subject to the conditions of ~~[the]~~ Title
1373 11, Chapter 14, Utah Municipal Bond Act. ~~[This]~~

1374 (3) A county may incur indebtedness ~~[may be incurred]~~ under Subsection (1) for any
1375 purpose for which funds of the county may be expended.

1376 Section 60. Section **17-50-304**, which is renumbered from Section 17-5-229 is renumbered
1377 and amended to read:

1378 ~~[17-5-229].~~ **17-50-304. Police, building, and sanitary regulations.**

1379 ~~[They]~~ A county may make and enforce within the limits of the county, outside the limits
1380 of ~~[incorporated]~~ cities and towns, all such local, police, building, and sanitary regulations as are
1381 not in conflict with general laws.

1382 Section 61. Section **17-50-305**, which is renumbered from Section 17-5-232 is renumbered
1383 and amended to read:

1384 ~~[17-5-232].~~ **17-50-305. County roads and airports -- Acquisition and control --**
1385 **Retainage.**

1386 (1) ~~[They]~~ A county may:

1387 (a) contract for, purchase, or otherwise acquire, when necessary, rights of way for county
1388 roads over private property, and may institute proceedings for acquiring such rights of way as
1389 provided by law~~[-and];~~

1390 (b) lay out, construct, maintain, control, and manage county roads, sidewalks, ferries and
1391 bridges within the county, outside of [incorporated] cities, ~~and~~ and towns;

1392 (c) designate the county roads to be maintained by the county within or extending through
1393 any [incorporated] city or town, which ~~[in no case shall]~~ may not be more than three in the same
1394 direction, ~~and may~~;

1395 (d) abolish or abandon [such] county roads [as] that are unnecessary for the use of the
1396 public, in the manner provided by law, ~~They may also~~; and

1397 (e) lay out, construct, maintain, control, and manage landing fields and hangars for the use
1398 of airplanes or other vehicles for aerial travel ~~[anywhere within the county]~~.

1399 (2) If any payment on a contract with a private contractor to construct county roads,
1400 sidewalks, ferries, and bridges under this section is retained or withheld, it shall be retained or
1401 withheld and released as provided in Section 13-8-5.

1402 Section 62. Section **17-50-306**, which is renumbered from Section 17-5-233 is renumbered
1403 and amended to read:

1404 ~~[17-5-233]~~. **17-50-306. Granting franchises over public roads -- Limitation.**

1405 ~~[They]~~ (1) A county may grant franchises along and over the public roads and highways
1406 for all lawful purposes, upon such terms, conditions, and restrictions as in the judgment of the
1407 ~~[board may be]~~ county legislative body are necessary and proper, to be exercised in such manner
1408 as to present the least possible obstruction and inconvenience to the traveling public, ~~but such~~
1409 permission shall.

1410 (2) A franchise under Subsection (1) may not be granted for a ~~[longer]~~ period longer than
1411 50 years.

1412 Section 63. Section **17-50-307**, which is renumbered from Section 17-5-234 is renumbered
1413 and amended to read:

1414 ~~[17-5-234]~~. **17-50-307. Franchises for toll roads.**

1415 ~~[They]~~ (1) Subject to Subsection (2), a county may grant, on such terms, conditions, and
1416 restrictions as in the judgment of the ~~[board may be]~~ county executive are necessary and proper,
1417 licenses and franchises for taking tolls on public roads or highways whenever in the judgment of
1418 the ~~[board]~~ county executive the expense of operating or maintaining [such] the roads or highways
1419 as free public highways is too great to justify the county in operating or maintaining them;
1420 ~~provided, that it shall always be a condition attached to the granting of such licenses and~~

1421 franchises].

1422 (2) Each license and franchise granted under Subsection (1) shall contain the condition that
1423 [such] the roads and highways shall be kept in reasonable repair by the persons to whom such
1424 licenses or franchises [~~may be~~] are granted.

1425 Section 64. Section **17-50-308**, which is renumbered from Section 17-5-235 is renumbered
1426 and amended to read:

1427 ~~[17-5-235].~~ **17-50-308. Franchises for ferries and bridges.**

1428 ~~[They]~~ (1) A county may grant licenses and franchises for constructing and keeping in
1429 repair roads, bridges, and ferries and for the taking of tolls [~~thereon~~] on them. [~~All persons~~]

1430 (2) Each person operating any toll boat or ferry for the transportation of persons, vehicles,
1431 or livestock across any stream, river, or body of water in this state shall obtain a franchise for [~~the~~]
1432 its operation [~~of the same~~] from the county executive of the county [~~or counties~~] in which such
1433 boat or ferry is operated. [~~Whenever~~]

1434 (3) If such boat or ferry is operated on a stream or body of water forming the boundary line
1435 between two adjoining counties, the person operating the boat or ferry shall obtain a franchise
1436 [~~shall be obtained~~] from the county executive of each [~~of such counties~~] county.

1437 Section 65. Section **17-50-309**, which is renumbered from Section 17-5-236 is renumbered
1438 and amended to read:

1439 ~~[17-5-236].~~ **17-50-309. Regulation of use of roads.**

1440 ~~[They]~~ A county may enact ordinances and make regulations not in conflict with law for
1441 the control, construction, alteration, repair, and use of all public roads and highways in the county
1442 outside of [~~incorporated~~] cities and towns.

1443 Section 66. Section **17-50-310**, which is renumbered from Section 17-5-237 is renumbered
1444 and amended to read:

1445 ~~[17-5-237].~~ **17-50-310. Water and water rights -- Acquisition and control --**
1446 **Retainage.**

1447 (1) [~~They~~] A county may:

1448 (a) purchase, receive by donation, or lease any real or personal property or water rights
1449 necessary for the use of the county; [~~may~~]

1450 (b) purchase or otherwise acquire the necessary real estate upon which to sink wells to
1451 obtain water for sprinkling roads and for other county purposes and [~~may~~] erect thereon pumping

1452 apparatus, tanks, and reservoirs for [the] obtaining and [storage of] storing water for such
1453 purposes[; may] and preserve, take care of, manage, and control [the same] that real estate and
1454 those facilities; [may]

1455 (c) purchase, receive by donation, or lease any water rights or stock or rights in reservoirs
1456 or storage companies or associations for the use of citizens of the county; [may]

1457 (d) construct dams and canals for the storage and distribution of [such] waters referred to
1458 in Subsection (1)(c); and [may]

1459 (e) fix the price for and sell [such] water, water rights, stock, or rights in reservoir or
1460 storage companies or associations, with the dams and canals, as are not required for public use to
1461 citizens of the county.

1462 (2) If any payment on a contract with a private contractor to construct dams and canals
1463 under this section is retained or withheld, it shall be retained or withheld and released as provided
1464 in Section 13-8-5.

1465 Section 67. Section **17-50-311**, which is renumbered from Section 17-5-239 is renumbered
1466 and amended to read:

1467 ~~[17-5-239].~~ **17-50-311. Courthouse, jail, hospital, and other public buildings --**
1468 **Acquisition and control -- Retainage.**

1469 (1) [The] A county may erect, repair or rebuild, and furnish a courthouse, jail, hospital,
1470 and such other public buildings as may be necessary, and join with cities and towns in the
1471 construction, ownership, and operation of hospitals.

1472 (2) If any payment on a contract with a private contractor to erect, repair, or rebuild public
1473 buildings under this section is retained or withheld, it shall be retained or withheld and released
1474 as provided in Section 13-8-5.

1475 Section 68. Section **17-50-312**, which is renumbered from Section 17-5-242 is renumbered
1476 and amended to read:

1477 ~~[17-5-242].~~ **17-50-312. Acquisition, management, and disposal of property.**

1478 (1) [The] A county may purchase, receive, hold, sell, lease, convey, or otherwise acquire
1479 and dispose of any real or personal property or any interest in such property that it determines to
1480 be in the public interest.

1481 (2) Any property interest acquired by the county shall be held in the name of the county
1482 unless specifically otherwise provided by law.

1483 (3) The county legislative body shall provide by ordinance, resolution, rule, or regulation
1484 for the manner in which property shall be acquired, managed, and disposed of.

1485 Section 69. Section **17-50-313**, which is renumbered from Section 17-5-243 is renumbered
1486 and amended to read:

1487 **[17-5-243]. 17-50-313. Provisions for general health -- Creation of health**
1488 **department.**

1489 ~~[The board of health]~~ Each county shall:

1490 (1) make provisions for the preservation of health in the county and pay the related
1491 expenses; and

1492 (2) in cooperation with municipalities in the county, create a local health department as
1493 provided in Title 26A, Chapter 1, Part 1, Local Health Department Act.

1494 Section 70. Section **17-50-314**, which is renumbered from Section 17-5-245 is renumbered
1495 and amended to read:

1496 **[17-5-245]. 17-50-314. Powers of cities and towns not affected.**

1497 Nothing ~~[contained]~~ in this chapter ~~[is intended]~~ may be construed to diminish, impair, or
1498 ~~[in any wise]~~ affect the power conferred upon ~~[incorporated]~~ cities and towns.

1499 Section 71. Section **17-50-315**, which is renumbered from Section 17-5-264 is renumbered
1500 and amended to read:

1501 **[17-5-264]. 17-50-315. Study and improvement of county government -- Charges**
1502 **and expenses.**

1503 ~~(1) [The several counties of the state of Utah are authorized and empowered, either singly]~~
1504 A county may, individually or in association with other counties, ~~[to]~~ study the processes and
1505 methods of county government with a view to improvement and ~~[to]~~ cause to be assembled and
1506 presented to the Legislature ~~[of the state of Utah]~~ or the Congress of the United States, or to or
1507 before the appropriate committees of either or both, such information and factual data with respect
1508 to the effect upon ~~[said]~~ counties, the taxpayers, and the people, of existing, pending or proposed
1509 legislation, as in the judgment of county executives and legislative bodies, will be in the interest
1510 of and beneficial to ~~[said]~~ counties, taxpayers, and people~~[-; and the]~~.

1511 ~~(2) The~~ charges and expenses incurred under Subsection (1) shall be proper claim against
1512 ~~[the]~~ county funds ~~[of such counties]~~, to be audited and paid as other county claims.

1513 Section 72. Section **17-50-316**, which is renumbered from Section 17-5-265 is renumbered

1514 and amended to read:

1515 ~~[17-5-265].~~ **17-50-316. Development of county resources.**

1516 ~~[The county legislative bodies of the respective counties within the state are authorized and~~
1517 ~~empowered to]~~ A county may provide for the development of the county's mineral, water,
1518 manpower, industrial, historical, cultural, and other resources.

1519 Section 73. Section **17-50-317**, which is renumbered from Section 17-5-271 is renumbered
1520 and amended to read:

1521 ~~[17-5-271].~~ **17-50-317. Expenditure of county funds authorized to develop county**
1522 **resources.**

1523 ~~[The]~~ A county ~~[legislative body]~~ may expend county funds as are considered advisable
1524 to carry out the purposes of ~~[this act]~~ Section 17-50-316.

1525 Section 74. Section **17-50-318**, which is renumbered from Section 17-5-275 is renumbered
1526 and amended to read:

1527 ~~[17-5-275].~~ **17-50-318. Mental health and substance abuse services.**

1528 ~~[The county legislative body of each]~~ Each county shall provide mental health services in
1529 accordance with Title 62A, Chapter 12, Mental Health, and substance abuse services in accordance
1530 with Title 62A, Chapter 8, Substance Abuse.

1531 Section 75. Section **17-50-319**, which is renumbered from Section 17-15-17 is renumbered
1532 and amended to read:

1533 ~~[17-15-17].~~ **17-50-319. County expenses enumerated.**

1534 County charges are:

1535 (1) those incurred against the county by any law;

1536 (2) the necessary expenses of the county attorney or district attorney incurred in criminal
1537 cases arising in the county, and all other expenses necessarily incurred by ~~[him]~~ the county or
1538 district attorney in the prosecution of criminal cases, except jury and witness fees;

1539 (3) the expenses necessarily incurred in the support of persons charged with or convicted
1540 of a criminal offense and committed to the county jail;

1541 (4) ~~[the sums required by law to be paid to jurors in civil cases]~~ for ~~[counties]~~ a county not
1542 within the state district court administrative system, the sum required by law to be paid jurors in
1543 civil cases;

1544 (5) all charges and accounts for services rendered by any justice court judge for services

1545 in the trial and examination of persons charged with a criminal offense not otherwise provided for
1546 by law;

1547 (6) the contingent expenses necessarily incurred for the use and benefit of the county;

1548 (7) every other sum directed by law to be raised for any county purposes under the
1549 direction of the ~~[governing]~~ county legislative body ~~[of the county]~~ or declared a county charge;

1550 (8) the fees of constables for services rendered in criminal cases;

1551 (9) the necessary expenses of the sheriff and ~~[his]~~ deputies incurred in civil and criminal
1552 cases arising in the county, and all other expenses necessarily incurred by the sheriff and ~~[his]~~
1553 deputies performing the duties imposed upon them by law; and

1554 (10) the sums required by law to be paid by the county to jurors and witnesses serving at
1555 inquests and in criminal cases in justice courts.

1556 Section 76. Section **17-50-320**, which is renumbered from Section 17-15-21 is renumbered
1557 and amended to read:

1558 ~~[17-15-21]~~. **17-50-320. Support of the arts by counties -- Appropriations --**

1559 **Guidelines.**

1560 ~~[The governing body of any]~~ A county may provide for and appropriate funds for the
1561 support of the arts, including ~~[but not limited to]~~:

1562 (1) music, dance, theatre, crafts and visual, folk and literary art, for the purpose of
1563 enriching the lives of its residents; and ~~[may]~~

1564 (2) establish guidelines for the support of the arts.

1565 Section 77. Section **17-50-401** is enacted to read:

1566 **Part 4. Claims Against the County**

1567 **17-50-401. Claims presented to county executive -- Auditor review -- Attorney review**
1568 **-- Claim requirements -- Approval or disapproval of claim.**

1569 (1) Subject to Subsection (3), each county executive shall review each claim against the
1570 county and disapprove or, if payment appears to the county executive to be just, lawful, and
1571 properly due and owing, approve the claim.

1572 (2) Upon receiving a notice of claim under Section 63-30-11, the county clerk shall deliver
1573 the notice of claim to the county executive.

1574 (3) (a) The county executive shall forward all claims regarding liability to the county
1575 attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney

1576 for the attorney's review and recommendation to the county executive regarding liability and
1577 payment.

1578 (b) Except as provided in Section 17-50-405, the county executive shall forward all claims
1579 requesting payment for goods or services to the county auditor for the auditor's review and
1580 recommendation to the county executive.

1581 (4) Each claim for goods or services against a county shall:

1582 (a) itemize the claim, giving applicable names, dates, and particular goods provided or
1583 services rendered;

1584 (b) if the claim is for service of process, state the character of process served, upon whom
1585 served, the number of days engaged, and the number of miles traveled;

1586 (c) be duly substantiated as to its correctness and as to the fact that it is justly due;

1587 (d) if the claim is for materials furnished, state to whom the materials were furnished, by
1588 whom ordered, and the quantity and price agreed upon; and

1589 (e) be presented to the county executive within a year after the last item of the account or
1590 credit accrued.

1591 (5) If the county executive refuses to hear or consider a claim because it is not properly
1592 made out, the county executive shall cause notice of the refusal to be given to the claimant or the
1593 claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized
1594 and substantiated.

1595 (6) Nothing in this section may be construed to modify the requirements of Section
1596 63-30-11.

1597 Section 78. Section **17-50-402**, which is renumbered from Section 17-15-11 is renumbered
1598 and amended to read:

1599 **[17-15-11]. 17-50-402. Payment or rejection of claims.**

1600 [When the board] (1) If the county executive finds that any claim presented is not payable
1601 by the county or is not a proper county charge [it must be rejected], the county executive shall
1602 reject the claim.

1603 (2) (a) If [it] the claim is found to be a proper county charge, but greater in amount than
1604 is justly due, the [board] county executive may allow the claim in part and may order a warrant
1605 drawn for the portion allowed.

1606 (b) If the claimant is unwilling to receive [such] the amount in full payment, the [claim]

1607 county executive may [be] again [~~considered by the board~~] consider the claim.

1608 Section 79. Section **17-50-403**, which is renumbered from Section 17-15-12 is renumbered
1609 and amended to read:

1610 [~~17-15-12~~]. **17-50-403. Action on rejected claim -- Limitation.**

1611 (1) A claimant dissatisfied with the rejection of [his] a claim or demand or with the
1612 amount allowed [him] on [his] an account may sue the county [therefor] on the claim, demand, or
1613 account at any time within one year after the first rejection [~~thereof~~] of the claim, demand, or
1614 account by the [~~board~~] county executive, but not afterward.

1615 (2) If in such action judgment is recovered for more than the [~~board~~] county executive
1616 allowed, costs shall be taxed against the county, but if no more is recovered than the [~~board~~]
1617 county executive allowed, costs shall be taxed against the plaintiff.

1618 (3) On presentation of a certified copy of [the] a judgment against the county, the [~~board~~
1619 ~~must~~] county executive shall allow and pay the same.

1620 Section 80. Section **17-50-404**, which is renumbered from Section 17-15-13 is renumbered
1621 and amended to read:

1622 [~~17-15-13~~]. **17-50-404. Judgments against county -- Payment.**

1623 [~~When any~~] (1) If a judgment is obtained against a county, [the same must] it shall be paid
1624 as are other county charges.

1625 (2) The county legislative body shall levy and authorize the collection of a sufficient
1626 amount of revenue to pay off and discharge such judgment in addition to the ordinary expenses of
1627 the county, but the property of the county and of the persons owning property situated or liable to
1628 taxation [~~therein shall in no case~~] in the county may not be liable to judgment lien or to seizure or
1629 sale upon execution or other process of any court.

1630 Section 81. Section **17-50-405**, which is renumbered from Section 17-15-14 is renumbered
1631 and amended to read:

1632 [~~17-15-14~~]. **17-50-405. County legislative body claim for expenses -- County**
1633 **auditor recommendation.**

1634 [~~All claims~~] (1) Each claim against the county presented by [any] a member of the county
1635 legislative body for the member's expenses [~~must~~] shall:

1636 (a) be itemized and verified as other claims[~~, and must~~];

1637 (b) state that the service has been actually rendered[~~,~~]; and[~~, before allowance, such claims~~

1638 must]

1639 (c) be presented to the county attorney~~[, who must]~~ or, in a county that has a district
1640 attorney but not a county attorney, the district attorney.

1641 (2) (a) The county or district attorney, as the case may be, shall endorse [thereon] on the
1642 claim, in writing, [his] the attorney's opinion as to [the] its legality [thereof].

1643 (b) If the [county] attorney declares the claim illegal, ~~[he must]~~ the attorney shall state
1644 specifically ~~[wherein]~~ the reasons why it is illegal, and the county executive shall reject the claim
1645 [must then be rejected by the county legislative body].

1646 Section 82. Section **17-50-406**, which is renumbered from Section 17-15-15 is renumbered
1647 and amended to read:

1648 **[17-15-15]. 17-50-406. Officers not to advocate claims -- Right to oppose claims.**

1649 (1) No county officer ~~[shall]~~ may, except for ~~[his]~~ the officer's own services, present any
1650 claim, account, or demand for allowance against the county or in any way advocate the relief asked
1651 in the claim or demand made by any other person.

1652 (2) Notwithstanding Subsection (1), a county officer may forward to the county executive
1653 a claim made by another and may endorse on the claim the officer's recommendation to the county
1654 executive regarding payment of the claim.

1655 (3) Any person may appear before the ~~[board]~~ county executive and oppose the allowance
1656 of any claim or demand made against the county.

1657 Section 83. Section **17-52-101**, which is renumbered from Section 17-35a-102 is
1658 renumbered and amended to read:

1659 CHAPTER 52. FORMS OF COUNTY GOVERNMENT

1660 Part 1. General Provisions

1661 **[17-35a-102]. 17-52-101. Definitions.**

1662 As used in this chapter:

1663 (1) "Appointment council" means a group of persons consisting of:

1664 (a) the governor or the governor's designee;

1665 (b) the speaker of the House of Representatives or the speaker's designee;

1666 (c) the president of the Senate or the president's designee;

1667 (d) a resident of the county in which the optional plan is proposed, designated by the
1668 county legislative body;

1669 (e) a resident of the county in which the optional plan is proposed, designated by majority
1670 vote of the mayors of all cities and towns in the county in which the optional plan is proposed; and

1671 (f) four other residents of the county in which the optional plan is proposed, designated
1672 by majority vote of the five other members of the appointment council.

1673 (2) "Optional plan" means a plan establishing an alternate form of government for a county
1674 as provided in Section [~~17-35a-401~~] 17-52-401.

1675 (3) "Reasonable notice" means, at a minimum:

1676 (a) (i) publication in a newspaper of general circulation within the county at least once a
1677 week for at least two consecutive weeks ending no more than ten and no fewer than three days
1678 before the event that is the subject of the notice; or

1679 (ii) if there is no newspaper of general circulation within the county, posting at least one
1680 notice per 1,000 population within the county, for at least a week ending no more than three days
1681 before the event that is the subject of the notice, at locations throughout the county that are most
1682 likely to give actual notice to county residents; and

1683 (b) if the county has an Internet home page, posting an electronic notice on the Internet for
1684 at least seven days immediately before the event that is the subject of the notice.

1685 (4) "Study committee" means a group of persons:

1686 (a) (i) elected pursuant to a resolution adopted under Subsection [~~17-35a-202~~]
1687 17-52-202(3)(a) or [~~17-35a-203~~] 17-52-203(3)(d)(i)(B) in which the county legislative body
1688 specifies that the members should be elected; or

1689 (ii) appointed under Section [~~17-35a-301~~] 17-52-301; and

1690 (b) charged with the duties provided in Section [~~17-35a-303~~] 17-52-303.

1691 Section 84. Section **17-52-102** is enacted to read:

1692 **17-52-102. Allowed forms of county government -- Unless another is adopted, county**
1693 **to operate under county commission form.**

1694 (1) Each county shall operate under one of the following forms of county government:

1695 (a) the county commission form under Section 17-52-501;

1696 (b) the expanded county commission form under Section 17-52-502;

1697 (c) the executive and chief administrative officer-council form under Section 17-52-503;

1698 (d) the county executive and council form under Section 17-52-504;

1699 (e) the council-manager form under Section 17-52-505; or

1700 (f) the council and county administrative officer form under Section 17-52-506.

1701 (2) Unless it adopts another form of government as provided in this chapter, each county
1702 shall operate under the county commission form of government under Section 17-52-501.

1703 Section 85. Section **17-52-201**, which is renumbered from Section 17-35a-201 is
1704 renumbered and amended to read:

1705 **Part 2. Procedure**

1706 ~~[17-35a-201].~~ **17-52-201. Procedure for initiating adoption of optional plan**
1707 **-- Limitations -- Pending proceedings.**

1708 (1) An optional plan proposing an alternate form of government for a county may be
1709 adopted as provided in this chapter.

1710 (2) The process to adopt an optional plan establishing an alternate form of county
1711 government may be initiated by:

1712 (a) the county legislative body as provided in Section ~~[17-35a-202]~~ 17-52-202; or

1713 (b) registered voters of the county as provided in Section ~~[17-35a-203]~~ 17-52-203.

1714 (3) (a) If the process to adopt an optional plan has been initiated under Chapter 26, Laws
1715 of Utah 1973, Section 3, 4, or 5, or Section ~~[17-35a-202]~~ 17-52-202 or ~~[17-35a-203]~~ 17-52-203,
1716 the county legislative body may not initiate the process again under Section ~~[17-35a-202]~~
1717 17-52-202 unless the earlier proceeding:

1718 (i) has been concluded by the county legislative body rejecting the optional plan;

1719 (ii) has been concluded by an affirmative or negative vote of registered voters; or

1720 (iii) has not been concluded but has been pending for at least two years.

1721 (b) A county legislative body may not initiate the process to adopt an optional plan under
1722 Section ~~[17-35a-202]~~ 17-52-202 within four years of an election at which voters approved or
1723 rejected an optional plan proposed as a result of a process initiated by the county legislative body.

1724 (c) Registered voters of a county may not initiate the process to adopt an optional plan
1725 under Section ~~[17-35a-203]~~ 17-52-203 within four years of an election at which voters approved
1726 or rejected an optional plan proposed as a result of a process initiated by registered voters.

1727 ~~[(4) (a) A proceeding to adopt an optional form of county government commenced under~~
1728 ~~Chapter 26, Laws of Utah 1973, as amended, and pending on the effective date of this section may~~
1729 ~~continue under the applicable provisions of this chapter.]~~

1730 ~~[(b) No part of a proceeding to adopt an optional form of county government commenced~~

1731 under Chapter 26, Laws of Utah 1973, as amended, and pending on the effective date of this
1732 section, may be considered invalid because of a failure to meet a requirement of this chapter that
1733 was not included in Chapter 26, Laws of Utah 1973, as amended.]

1734 Section 86. Section **17-52-202**, which is renumbered from Section 17-35a-202 is
1735 renumbered and amended to read:

1736 ~~[17-35a-202].~~ **17-52-202. County legislative body initiation of adoption of**
1737 **optional plan -- Procedure.**

1738 (1) A county legislative body may initiate the process of adopting an optional plan by:

1739 (a) adopting a resolution of intent as provided in Subsection (2)(a);

1740 (b) adopting a resolution to submit to the voters the question of whether a study committee
1741 should be established as provided in Subsection (3)(a); or

1742 (c) adopting a resolution to approve the establishment of a study committee as provided
1743 in Subsection (4)(a).

1744 (2) (a) A county legislative body may adopt a resolution indicating its intent to propose
1745 the adoption of an optional plan.

1746 (b) Each resolution under Subsection (2)(a) shall:

1747 (i) contain a general description of the proposed optional plan;

1748 (ii) set a public hearing or series of public hearings on the proposed optional plan; and

1749 (iii) require that reasonable notice be given of the public hearing or series of public
1750 hearings.

1751 (c) A county legislative body may appoint an advisory committee to assist it in preparing
1752 the optional plan that the county legislative body intends to propose for adoption.

1753 (d) Each county legislative body adopting a resolution under Subsection (2)(a) shall:

1754 (i) hold a public hearing or series of public hearings, as the county legislative body
1755 determines, on the proposed optional plan beginning no less than 15 days after adoption of the
1756 resolution;

1757 (ii) beginning the day after the resolution is adopted, maintain at least three complete
1758 copies of the proposed optional plan at the office of the county clerk for inspection and copying
1759 by the public; and

1760 (iii) in each notice or publication of the public hearing or series of public hearings, refer
1761 to the complete proposed optional plan and its availability for inspection and copying in the county

1762 clerk's office.

1763 (e) (i) At the conclusion of the public hearing or series of hearings required under
1764 Subsection (2)(d)(i), a county legislative body may adopt a resolution recommending the adoption
1765 of the proposed optional plan by registered voters.

1766 (ii) Before adopting a resolution under Subsection (2)(e)(i), a county legislative body may
1767 modify the proposed optional plan.

1768 (iii) Each resolution under Subsection (2)(e)(i) shall provide for submitting the proposed
1769 optional plan to the voters at an election held under Section [~~17-35a-204~~] 17-52-206.

1770 (f) Failure to adopt a resolution under Subsection (2)(e)(i) within six months of the
1771 adoption of a resolution under Subsection (2)(a) shall be considered a rejection of the proposed
1772 optional plan.

1773 (g) A county legislative body may reconsider its action in proposing an optional plan under
1774 this Subsection (2) and terminate the process to adopt the optional plan if the reconsideration and
1775 termination occur:

1776 (i) within six months after the adoption of a resolution under Subsection (2)(e)(i); and

1777 (ii) no later than six months before the date on which an election under Section
1778 [~~17-35a-204~~] 17-52-206 is scheduled.

1779 (3) (a) As an alternative to the procedure under Subsection (2), a county legislative body
1780 may adopt a resolution to submit to the registered voters of the county the question of whether a
1781 study committee should be established.

1782 (b) Each resolution adopted under Subsection (3)(a) shall:

1783 (i) require the question to be submitted to the registered voters of the county at a general
1784 or special election, as the county legislative body determines, no less than 90 days and no more
1785 than 180 days after adoption of the resolution under Subsection (3)(a);

1786 (ii) specify the number of members of the proposed study committee, subject to Subsection
1787 [~~17-35a-303~~] 17-52-303(1)(a), and whether the members are to be elected or appointed; and

1788 (iii) if the members are to be elected, provide procedures for the nonpartisan nomination
1789 of the members of the proposed study committee and their nonpartisan election at the same
1790 election at which the question of the establishment of the study committee is submitted.

1791 (c) If the members of the proposed study committee are to be appointed, their appointment
1792 shall be governed by Section [~~17-35a-301~~] 17-52-301.

1793 (4) (a) As an alternative to the procedures under Subsections (2) and (3), a county
1794 legislative body may adopt a resolution approving the establishment of a study committee with
1795 appointed members.

1796 (b) Each resolution under Subsection (4)(a) shall:

1797 (i) specify the number of members of the study committee, subject to Subsection
1798 [~~17-35a-303~~] 17-52-303(1)(a); and

1799 (ii) provide for the appointment of the members as provided in Section [~~17-35a-301~~]
1800 17-52-301.

1801 Section 87. Section **17-52-203**, which is renumbered from Section 17-35a-203 is
1802 renumbered and amended to read:

1803 [~~17-35a-203~~]. **17-52-203. Registered voter initiation of adoption of optional**
1804 **plan -- Procedure.**

1805 (1) Registered voters of a county may initiate the process of adopting an optional plan by:

1806 (a) filing copies of a proposed optional plan, as provided in Subsection (2)(c), in
1807 anticipation of filing a petition under Subsection (2)(a); or

1808 (b) filing a petition under Subsection (3).

1809 (2) (a) Registered voters of a county may file a petition requiring the county legislative
1810 body to submit a proposed optional plan to the registered voters of the county.

1811 (b) Each petition under Subsection (2)(a) shall:

1812 (i) be signed by registered voters residing in the county equal in number to at least 15%
1813 of the total number of votes cast in the county at the most recent election for governor;

1814 (ii) contain a general description of the proposed optional plan;

1815 (iii) indicate that a complete copy of the proposed optional plan is available for inspection
1816 and copying at the county clerk's office;

1817 (iv) designate up to five of the petition signers as sponsors, one of whom shall be
1818 designated as the contact sponsor, with the mailing address and telephone number of each; and

1819 (v) be filed in the office of the clerk of the county in which the petition signers reside.

1820 (c) Before circulating a petition under Subsection (2)(a) for signature, the petition sponsors
1821 shall file with the county clerk at least three complete copies of the proposed optional plan that is
1822 the subject of the petition.

1823 (d) A county legislative body may not alter an optional plan proposed under this

1824 Subsection (2).

1825 (e) Within 30 days after the county clerk's receipt of the attorney general statement under
1826 Section [~~17-35a-203.5~~] 17-52-204 with respect to a petition certified under Subsection
1827 (4)(a)(ii)(A), each county legislative body shall establish the date for an election to be held as
1828 provided under Section [~~17-35a-204~~] 17-52-206.

1829 (3) (a) Registered voters of a county may file a petition requiring the county legislative
1830 body to adopt a resolution for the establishment of a study committee.

1831 (b) Each petition under Subsection (3)(a) shall:

1832 (i) request the county legislative body to choose between:

1833 (A) adopting a resolution that establishes a study committee with members appointed
1834 under Section [~~17-35a-301~~] 17-52-301; or

1835 (B) adopting a resolution submitting to the county's registered voters the question of
1836 whether a study committee should be established;

1837 (ii) be signed by registered voters residing in the county equal in number to at least 10%
1838 of the total number of votes cast in the county at the most recent election for governor;

1839 (iii) designate up to five of the petition signers as sponsors, one of whom shall be
1840 designated as the contact sponsor, with the mailing address and telephone number of each; and

1841 (iv) be filed in the office of the clerk of the county in which the petition signers reside.

1842 (c) (i) Within 90 days of the certification of the petition under Subsection (4)(a)(ii)(A), the
1843 county legislative body shall hold a public hearing or series of public hearings, as the county
1844 legislative body determines, on the petition.

1845 (ii) The county legislative body shall give reasonable notice of the public hearing or series
1846 of public hearings under Subsection (3)(c)(i).

1847 (d) (i) At the conclusion of the public hearing or series of public hearings required under
1848 Subsection (3)(c)(i), the county legislative body shall:

1849 (A) adopt a resolution approving the establishment of a study committee with members
1850 appointed under Section [~~17-35a-301~~] 17-52-301 and specifying the number of members to be
1851 appointed, subject to Subsection [~~17-35a-303~~] 17-52-303(1)(a); or

1852 (B) adopt a resolution submitting to the county's registered voters the question of whether
1853 a study committee under Section [~~17-35a-301~~] 17-52-301 should be established.

1854 (ii) Each resolution under Subsection (3)(d)(i)(B) shall comply with the requirements of

1855 Subsection [~~17-35a-202~~] 17-52-202(3)(b).

1856 (4) (a) Within 30 days of the filing of a petition under Subsection (2)(a) or (3)(a) or an
1857 amended or supplemental petition under Subsection (4)(b), the county clerk shall:

1858 (i) determine whether the petition or amended or supplemental petition has been signed
1859 by the required number of registered voters; and

1860 (ii) (A) if so:

1861 (I) certify the petition or amended or supplemental petition and deliver it to the county
1862 legislative body; and

1863 (II) notify in writing the contact sponsor of the certification; or

1864 (B) if not, reject the petition or the amended or supplemental petition and notify in writing
1865 the county legislative body and the contact sponsor of the rejection and the reasons for the
1866 rejection.

1867 (b) If a county clerk rejects a petition or an amended or supplemental petition under
1868 Subsection (4)(a)(ii)(B), the petition may be amended or supplemented or an amended or
1869 supplemental petition may be further amended or supplemented with additional signatures and
1870 refiled within 20 days of the date of rejection.

1871 (5) With the unanimous approval of petition sponsors, a petition filed under Subsection
1872 (2)(a) or (3) may be withdrawn at any time within 90 days after petition certification but no later
1873 than 45 days before an election under Section [~~17-35a-204~~] 17-52-206 or Subsection (3)(d)(i)(B)
1874 if:

1875 (a) the petition notified signers in conspicuous language that the petition sponsors are
1876 authorized to withdraw the petition; and

1877 (b) there are at least three sponsors of the petition.

1878 Section 88. Section **17-52-204**, which is renumbered from Section 17-35a-203.5 is
1879 renumbered and amended to read:

1880 [~~17-35a-203.5~~]. **17-52-204. Attorney general review of proposed optional plan**
1881 **-- Conflict with statutory or constitutional provisions -- Processing of optional plan after**
1882 **attorney general review.**

1883 (1) The county clerk shall send to the attorney general a copy of each proposed optional
1884 plan within ten days after:

1885 (a) for an optional plan proposed in a resolution adopted under Subsection [~~17-35a-202~~]

1886 17-52-202(2)(e), adoption of the resolution;

1887 (b) for an optional plan proposed by registered voters under Section [~~17-35a-203~~]

1888 17-52-203:

1889 (i) the filing of a request for attorney general review under Subsection (6); or

1890 (ii) if the optional plan has not already been reviewed by the attorney general pursuant to
1891 a request under Subsection (6), certification of a petition under Subsection [~~17-35a-203~~]

1892 17-52-203(4)(a)(ii)(A).

1893 (2) Within 45 days after receipt of the proposed optional plan from the county clerk under
1894 Subsection (1), the attorney general shall send a written report to the county clerk containing the
1895 information required under Subsection (3).

1896 (3) Each report from the attorney general under Subsection (2) shall:

1897 (a) state the attorney general's opinion as to whether implementation of the optional plan
1898 as proposed would result in a violation of any applicable statutory or constitutional provision;

1899 (b) if the attorney general concludes that a violation would result:

1900 (i) identify specifically each statutory or constitutional provision that would be violated
1901 by implementation of the optional plan as proposed;

1902 (ii) identify specifically each provision or feature of the proposed optional plan that would
1903 result in a statutory or constitutional violation if the plan is implemented as proposed;

1904 (iii) state whether, in the attorney general's opinion, any of the provisions or features
1905 identified in Subsection (3)(b)(ii) are so integral to the proposed optional plan that having
1906 previously changed the specified provision or feature to avoid the violation would have affected
1907 the decision of a legislative body member or study committee member who favored the proposed
1908 optional plan or a reasonable petitioner who signed a petition proposing the optional plan; and

1909 (iv) if all the provisions or features identified in Subsection (3)(b)(ii) do not meet the
1910 standard of Subsection (3)(b)(iii), recommend how the proposed optional plan may be amended
1911 to avoid the statutory or constitutional violation.

1912 (4) (a) If the attorney general's statement under Subsection (3) identifies provisions or
1913 features under Subsection (3)(b)(ii) that meet the standard of Subsection (3)(b)(iii), the proposed
1914 optional plan may not be presented to the voters under Section [~~17-35a-204~~] 17-52-206, except
1915 that:

1916 (i) for an optional plan proposed by a resolution under Subsection [~~17-35a-202~~]

1917 17-52-202(2)(e), the county legislative body may amend the optional plan to avoid the violation
1918 and then adopt a new resolution under Subsection [~~17-35a-202~~] 17-52-202(2)(e) that shall be
1919 treated as any other resolution under that subsection; and

1920 (ii) for an optional plan proposed in a study committee report under Subsection
1921 [~~17-35a-303~~] 17-52-303(3)(d), the study committee may amend the optional plan to avoid the
1922 violation and then adopt a new report under Subsection [~~17-35a-303~~] 17-52-303(3)(d) that will be
1923 treated as any other report under that subsection.

1924 (b) (i) If the attorney general's statement under Subsection (3) identifies provisions or
1925 features under Subsection (3)(b)(ii) that do not meet the standard of Subsection (3)(b)(iii), the
1926 optional plan may be amended to avoid the statutory or constitutional violations and then:

1927 (A) submitted to the voters at an election under Section [~~17-35a-204~~] 17-52-206, if the
1928 optional plan is proposed in a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e),
1929 a petition that has been certified under Subsection [~~17-35a-203~~] 17-52-203(4)(a)(ii)(A), or a study
1930 committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d); or

1931 (B) the subject of a petition that is circulated for signatures under Subsection [~~17-35a-203~~]
1932 17-52-203(2), if the attorney general's statement results from a request under Subsection (6).

1933 (ii) Each amendment to an optional plan under Subsection (4)(b)(i) shall be made by:

1934 (A) for an optional plan proposed in a resolution adopted under Subsection [~~17-35a-202~~]
1935 17-52-202(2)(e), the county legislative body;

1936 (B) for an optional plan proposed in a petition under Section [~~17-35a-203~~] 17-52-203, the
1937 petition sponsors; and

1938 (C) for an optional plan proposed in a study committee report filed under Subsection
1939 [~~17-35a-303~~] 17-52-303(3)(d), the study committee.

1940 (5) If the attorney general's statement under Subsection (3) does not identify any provisions
1941 or features of the proposed optional plan that, if implemented, would violate a statutory or
1942 constitutional provision, the proposed optional plan may be:

1943 (a) submitted to the voters at an election under Section [~~17-35a-204~~] 17-52-206, if the
1944 optional plan is proposed in a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e),
1945 a petition that has been certified under Subsection [~~17-35a-203~~] 17-52-203(4)(a)(ii)(A), or a study
1946 committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d); or

1947 (b) the subject of a petition that is circulated for signatures under Subsection [~~17-35a-203~~]

1948 17-52-203(2), if the attorney general's statement results from a request under Subsection (6).

1949 (6) The attorney general review required under this section for each proposed optional plan
1950 may be obtained in conjunction with the filing of a proposed optional plan under Subsection
1951 [~~17-35a-203~~] 17-52-203(1)(a) by filing a request for attorney general review signed by at least 100
1952 registered voters residing in the county.

1953 Section 89. Section **17-52-205**, which is renumbered from Section 17-35a-203.7 is
1954 renumbered and amended to read:

1955 [~~17-35a-203.7~~]. **17-52-205. Voter information pamphlet.**

1956 (1) In anticipation of an election under Section [~~17-35a-204~~] 17-52-206, the county
1957 legislative body may prepare a voter information pamphlet to inform the public of the proposed
1958 optional plan.

1959 (2) In preparing a voter information pamphlet under this section, the county legislative
1960 body may:

1961 (a) allow proponents and opponents of the proposed optional plan to provide written
1962 statements to be included in the pamphlet; and

1963 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information
1964 Pamphlet.

1965 (3) Each county legislative body preparing a voter information pamphlet under this section
1966 shall cause the publication and distribution of the pamphlet in a manner determined by the county
1967 legislative body to be adequate.

1968 Section 90. Section **17-52-206**, which is renumbered from Section 17-35a-204 is
1969 renumbered and amended to read:

1970 [~~17-35a-204~~]. **17-52-206. Election on proposed optional plan -- Procedure.**

1971 (1) Subject to Section [~~17-35a-203.5~~] 17-52-204, the county legislative body shall hold an
1972 election if an optional plan is proposed:

1973 (a) by a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e);

1974 (b) in a petition filed under Subsection [~~17-35a-203~~] 17-52-203(2)(a) that is certified under
1975 Subsection [~~17-35a-203~~] 17-52-203(4)(a)(ii)(A); or

1976 (c) in a study committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d).

1977 (2) Each election under Subsection (1) shall be held at the next regular general or
1978 municipal general election date that is no less than two months after the county clerk's receipt of

1979 the attorney general statement under Section [~~17-35a-203.5~~] 17-52-204.

1980 (3) The county legislative body shall prepare the ballot for each election under Subsection

1981 (1) so that the question on the ballot:

1982 (a) clearly, accurately, and impartially presents the proposition to be voted on; and

1983 (b) does not constitute an argument or create prejudice for or against the proposition.

1984 (4) The county legislative body shall:

1985 (a) cause the complete text of the proposed optional plan to be published in a newspaper

1986 of general circulation within the county at least once during two different calendar weeks within

1987 the 30-day period immediately before the date of the election under Subsection (1);

1988 (b) make a complete copy of the optional plan available free of charge to any member of

1989 the public who requests a copy; and

1990 (c) if the optional plan is proposed by a study committee report filed under Subsection

1991 [~~17-35a-303~~] 17-52-303(3)(d), make a complete copy of the study committee's report available free

1992 of charge to any member of the public who requests a copy.

1993 (5) If an optional plan proposed as a result of a process initiated by the county legislative

1994 body and an optional plan proposed as a result of a process initiated by registered voters are both

1995 scheduled for the same election:

1996 (a) both proposals shall appear on the same ballot;

1997 (b) a voter may vote for or against each proposal; and

1998 (c) if both proposals receive a majority vote of those voting, the proposal with more votes

1999 shall prevail and the other shall be considered rejected.

2000 Section 91. Section **17-52-207** is enacted to read:

2001 **17-52-207. Election of officers under optional plan.**

2002 If an optional plan is adopted by voters at an election under Section 17-52-206, the elected

2003 county officers specified in the plan shall be elected according to the procedure and schedule

2004 established under Title 20A, Election Code, for the election of county officers.

2005 Section 92. Section **17-52-301**, which is renumbered from Section 17-35a-301 is

2006 renumbered and amended to read:

2007 **Part 3. Study Committee**

2008 [~~17-35a-301~~]. **17-52-301. Procedure for appointing members to study**

2009 **committee.**

2010 (1) Each appointed member of a study committee shall be appointed by an appointment
2011 council as provided in this section.

2012 (2) (a) The county legislative body shall convene a meeting of the five members of the
2013 appointment council referred to in Subsections [~~17-35a-102~~] 17-52-101(1)(a), (b), (c), (d), and (e),
2014 within ten days [~~of~~] after:

2015 (i) the adoption of a resolution under Subsection [~~17-35a-202~~] 17-52-202(4)(a) or
2016 [~~17-35a-203~~] 17-52-203(3)(d)(i)(A); or

2017 (ii) the canvass of an election pursuant to a resolution adopted under Subsection
2018 [~~17-35a-202~~] 17-52-202(3)(a) or [~~17-35a-203~~] 17-52-203(3)(d)(i)(B) if:

2019 (A) the resolution specified that study committee members would be appointed; and

2020 (B) a majority of those voting voted in favor of establishing a study committee.

2021 (b) Within ten days of the convening of the first meeting under Subsection (2)(a), the five
2022 members of the appointment council shall designate the remaining four members referred to in
2023 Subsection [~~17-35a-102~~] 17-52-101(1)(f).

2024 (3) (a) Within 30 days of the designation of the remaining four members under Subsection
2025 (2)(b), the appointment council shall:

2026 (i) appoint the members to the study committee; and

2027 (ii) notify in writing the appointees and the county legislative body of the appointments.

2028 (b) In making appointments to the study committee, the appointment council shall work
2029 to achieve a broadly representative membership.

2030 (c) The appointment council may not appoint a person to the study committee unless that
2031 person:

2032 (i) is a registered voter in the county whose form of government will be studied by the
2033 study committee; and

2034 (ii) does not hold any public office or employment other than membership on the
2035 appointment council.

2036 Section 93. Section **17-52-302**, which is renumbered from Section 17-35a-302 is
2037 renumbered and amended to read:

2038 [~~17-35a-302~~]. **17-52-302. Convening of first meeting of study committee.**

2039 The county legislative body shall convene the first meeting of the study committee within
2040 ten days of:

2041 (1) receipt of notification of the study committee members' appointment under Subsection
2042 [~~17-35a-301~~] 17-52-301(3)(a); or

2043 (2) the canvass of an election at which study committee members were elected pursuant
2044 to a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(3)(a) or [~~17-35a-203~~]
2045 17-52-203(3)(d)(i)(B).

2046 Section 94. Section **17-52-303**, which is renumbered from Section 17-35a-303 is
2047 renumbered and amended to read:

2048 **[~~17-35a-303~~]. 17-52-303. Study committee -- Members -- Powers and duties**
2049 **-- Report -- Services provided by county.**

2050 (1) (a) Each study committee shall consist of at least seven but no more than 11 members.

2051 (b) A member of a study committee may not receive compensation for service on the
2052 committee.

2053 (c) The county legislative body shall reimburse each member of a study committee for
2054 necessary expenses incurred in performing the member's duties on the study committee.

2055 (2) A study committee may:

2056 (a) adopt rules for its own organization and procedure and to fill a vacancy in its
2057 membership;

2058 (b) establish advisory boards or committees and include on them persons who are not
2059 members of the study committee; and

2060 (c) request the assistance and advice of any officers or employees of any agency of state
2061 or local government.

2062 (3) Each study committee shall:

2063 (a) study the form of government within the county and compare it with other forms
2064 available under this chapter;

2065 (b) determine whether the administration of local government in the county could be
2066 strengthened, made more clearly responsive or accountable to the people, or significantly improved
2067 in the interest of economy and efficiency by a change in the form of county government;

2068 (c) hold public hearings and community forums and other means the committee considers
2069 appropriate to disseminate information and stimulate public discussion of the committee's
2070 purposes, progress, and conclusions; and

2071 (d) file a written report of its findings and recommendations with the county legislative

2072 body no later than one year after the convening of its first meeting under Section [17-35a-302]
2073 17-52-302.

2074 (4) Each study committee report under Subsection (3)(d) shall include:

2075 (a) the study committee's recommendation as to whether the form of county government
2076 should be changed to an optional form authorized under this chapter;

2077 (b) if the study committee recommends changing the form of government, a complete
2078 detailed draft of a proposed plan to change the form of county government, including all necessary
2079 implementing provisions; and

2080 (c) any additional recommendations the study committee considers appropriate to improve
2081 the efficiency and economy of the administration of local government within the county.

2082 (5) (a) If the study committee's report recommends a change in the form of county
2083 government, the study committee may conduct additional public hearings after filing the report
2084 under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the
2085 report.

2086 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
2087 to the report:

2088 (i) that would recommend the adoption of an optional form different from that
2089 recommended in the original report; or

2090 (ii) within the 120-day period before the election under Section [17-35a-204] 17-52-206.

2091 (6) Each meeting held by the study committee shall be open to the public.

2092 (7) The county legislative body shall provide for the study committee:

2093 (a) suitable meeting facilities;

2094 (b) necessary secretarial services;

2095 (c) necessary printing and photocopying services;

2096 (d) necessary clerical and staff assistance; and

2097 (e) adequate funds for the employment of independent legal counsel and professional
2098 consultants that the study committee reasonably determines to be necessary to help the study
2099 committee fulfill its duties.

2100 Section 95. Section **17-52-401**, which is renumbered from Section 17-35a-401 is
2101 renumbered and amended to read:

2102 **Part 4. Optional Plan**

- 2103 ~~[17-35a-401].~~ **17-52-401. Contents of proposed optional plan.**
- 2104 (1) Each optional plan proposed under this chapter shall:
- 2105 (a) ~~[specify]~~ propose the adoption of one of the [optional form] forms of county
- 2106 government ~~[that is being proposed]~~ listed in Subsection 17-52-402(1)(a);
- 2107 (b) contain detailed provisions relating to the transition from the existing form of county
- 2108 government to the form proposed in the optional plan, including provisions relating to the:
- 2109 (i) election or appointment of officers specified in the optional plan for the new form of
- 2110 county government;
- 2111 (ii) continuity of existing offices and officers;
- 2112 (iii) continuity of existing ordinances and regulations;
- 2113 (iv) continuation of pending legislative, administrative, or judicial proceedings;
- 2114 (v) making of interim and temporary appointments; and
- 2115 (vi) preparation, approval, and adjustment of necessary budget appropriations; and
- 2116 (c) notwithstanding any other provision of this title and except with respect to an optional
- 2117 plan that proposes the adoption of the county commission or expanded county commission form
- 2118 of government, provide that, with respect to the county budget, the county auditor's role is to be
- 2119 the budget officer and to project county revenues, the county executive's role is to propose the
- 2120 budget, and the county legislative body's role is to adopt the budget.
- 2121 (2) Subject to Subsection (3), an optional plan may include provisions that are considered
- 2122 necessary or advisable to the effective operation of the proposed optional plan.
- 2123 (3) An optional plan may not include any provision that is inconsistent with or prohibited
- 2124 by the Utah Constitution or any statute.
- 2125 (4) Each optional plan proposing to change the form of government to a form under
- 2126 Section ~~[17-35a-501]~~ 17-52-503, ~~[17-35a-502]~~ 17-52-504, ~~[17-35a-503]~~ 17-52-505, or
- 2127 ~~[17-35a-504]~~ 17-52-506 shall:
- 2128 (a) provide for the same executive and legislative officers as are specified in the applicable
- 2129 section for the form of government being proposed by the optional plan;
- 2130 ~~[(a)]~~ (b) provide for the election of the county council;
- 2131 (c) specify the number of county council members, which shall be an odd number from
- 2132 three to nine;
- 2133 ~~[(b)]~~ (d) specify whether the members of the county council are to be elected from

2134 districts, at large, or by a combination of at large and by district;

2135 ~~[(c)]~~ (e) specify county council members' qualifications and terms and whether the terms

2136 are to be staggered;

2137 ~~[(d)]~~ ~~state the grounds for and methods of removal of county council members from office;~~

2138 ~~[(e)]~~ (f) contain procedures for filling vacancies on the county council, consistent with the

2139 provisions of ~~[Sections 17-5-104 and]~~ Section 20A-1-508; and

2140 ~~[(f)]~~ (g) state the initial compensation, if any, of county council members and procedures

2141 for prescribing and changing compensation.

2142 (5) Each optional plan proposing to change the form of government to the expanded

2143 county commission form under Section 17-52-502 shall specify:

2144 (a) whether the county commission shall have five or seven members;

2145 (b) the terms of office for county commission members and whether the terms are to be

2146 staggered;

2147 (c) whether members of the county commission are to be elected from districts, at large,

2148 or by a combination of at large and from districts; and

2149 (d) if any members of the county commission are to be elected from districts, the district

2150 residency requirements for those commission members.

2151 Section 96. Section **17-52-402**, which is renumbered from Section 17-35a-402 is

2152 renumbered and amended to read:

2153 ~~[17-35a-402].~~ **17-52-402. Plan may propose optional forms of county**

2154 **government -- County executive -- Plan may propose change of structural form.**

2155 (1) (a) ~~[An]~~ Each optional plan ~~[may]~~ shall propose changing the form of county

2156 government to:

2157 ~~[(a)]~~ (i) the county ~~[commissioner]~~ commission form under ~~[Title 17, Chapter 5, Part 1,~~

2158 ~~County Commissioner Form of Government]~~ Section 17-52-501;

2159 ~~[(b)]~~ (ii) the expanded county commission form under Section 17-52-502;

2160 ~~[(c)]~~ (iii) the executive and chief administrative officer-council form under Section

2161 ~~[17-35a-501]~~ 17-52-503;

2162 ~~[(d)]~~ (iv) the county executive and council form under Section ~~[17-35a-502]~~ 17-52-504;

2163 ~~[(e)]~~ (v) the council-manager form under Section ~~[17-35a-503]~~ 17-52-505; or

2164 ~~[(f)]~~ (vi) the council and county administrative officer form under Section ~~[17-35a-504]~~

2165 17-52-506.

2166 (b) An optional plan adopted after May 1, 2000 may not:

2167 (i) propose changing the form of government to a form not included in Subsection (1)(a);

2168 (ii) provide for the nonpartisan election of elected officers;

2169 (iii) impose a limit on the number of terms or years that an elected officer may serve; or

2170 (iv) provide for elected officers to be subject to a recall election.

2171 (2) (a) If an optional plan proposes changing the form of county government to a form that
2172 has a separate county executive, the county executive may be:

2173 (i) an individual elected at large in the county; or

2174 (ii) a county executive body consisting of at least three members, elected at large or by
2175 district or a combination of both, as provided in the optional plan.

2176 (b) An optional plan that proposes changing to a form of government with an executive
2177 body, as provided in Subsection (2)(a)(ii), may divide the executive duties among the members of
2178 the executive body.

2179 (3) In addition to proposing the adoption of any one of the optional forms of county
2180 government under Subsection (1)(a), an optional plan may also propose the adoption of any one
2181 of the structural forms of county government provided under Chapter 35b, Part 3, Structural Forms
2182 of County Government.

2183 Section 97. Section **17-52-403**, which is renumbered from Section 17-35a-403 is
2184 renumbered and amended to read:

2185 **[17-35a-403].** **17-52-403. Adoption of optional plan -- Effect of adoption.**

2186 (1) If a proposed optional plan is approved at an election held under Section [17-35a-204]
2187 17-52-206:

2188 (a) the proposed optional plan becomes effective according to its terms and at the time
2189 specified in it, is public record open to inspection by the public, and is judicially noticeable by all
2190 courts;

2191 (b) the county clerk shall, within ten days of the canvass of the election, file with the
2192 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct copy;

2193 (c) all public officers and employees shall cooperate fully in making the transition between
2194 forms of county government; and

2195 (d) the county legislative body may enact and enforce necessary ordinances to bring about

2196 an orderly transition to the new form of government, including any transfer of power, records,
2197 documents, properties, assets, funds, liabilities, or personnel that are consistent with the approved
2198 optional plan and necessary or convenient to place it into full effect.

2199 (2) Adoption of an optional plan changing only the form of county government without
2200 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County
2201 Government, does not alter or affect the boundaries, organization, powers, duties, or functions of
2202 any:

2203 (a) school district;

2204 (b) justice court;

2205 (c) independent special district established under Title 17A, Chapter 2, Independent
2206 Special Districts;

2207 (d) city or town; or

2208 (e) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
2209 Cooperation Act.

2210 (3) After the adoption of an optional plan, the county remains vested with all powers and
2211 duties vested generally in counties by statute.

2212 Section 98. Section **17-52-404**, which is renumbered from Section 17-35a-404 is
2213 renumbered and amended to read:

2214 ~~[17-35a-404]~~. **17-52-404. Amendment of optional plan.**

2215 (1) Subject to Subsection (2), an optional plan, after going into effect following an election
2216 held under Section ~~[17-35a-204]~~ 17-52-206, may be amended by an affirmative vote of two-thirds
2217 of the county legislative body.

2218 (2) Notwithstanding Subsection (1), an amendment to an optional plan in effect may not
2219 take effect until approved by a majority of registered voters voting in a general or special election
2220 at which the amendment is proposed, if the amendment changes:

2221 (a) the size or makeup of the legislative body, except for adjustments necessary due to
2222 decennial reapportionment;

2223 (b) the distribution of powers between the executive and legislative branches of county
2224 government; or

2225 (c) the status of the county executive or legislative body from full-time to part-time or vice
2226 versa.

2227 Section 99. Section **17-52-501**, which is renumbered from Section 17-5-101 is renumbered
2228 and amended to read:

2229 **Part 5. Forms of County Government**

2230 **[17-5-101]. 17-52-501. County commission form of government.**

2231 (1) Each county operating under the county commission form of government shall [have]
2232 be governed by a [board of] county [commissioners] commission consisting of three members.

2233 (2) A county commission under a county commission form of government is both the
2234 county legislative body and the county executive and has the powers, duties, and functions of a
2235 county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties,
2236 and functions of a county executive under Chapter 53, Part 3, County Executive.

2237 (3) Except as otherwise provided in an optional plan adopted under this chapter:

2238 (a) the term of office of each county commission member is four years;

2239 (b) the terms of county commission members shall be staggered so that two members are
2240 elected at a regular general election date that alternates with the regular general election date of
2241 the other member; and

2242 (c) each county commission member shall be elected at large.

2243 (4) (a) If two county commission positions are vacant for an election, the positions shall
2244 be designated "county commission seat A" and "county commission seat B."

2245 (b) Each candidate who files a declaration of candidacy when two positions are vacant
2246 shall designate on the declaration of candidacy form whether the candidate is a candidate for seat
2247 A or seat B.

2248 (c) No person may file a declaration of candidacy for, be a candidate for, or be elected to
2249 two county commission positions in the same election.

2250 Section 100. Section **17-52-502** is enacted to read:

2251 **17-52-502. Expanded county commission form of government.**

2252 (1) Each county operating under an expanded county commission form of government
2253 shall be governed by a county commission consisting of five or seven members.

2254 (2) A county commission under the expanded county commission form of government is
2255 both the county legislative body and the county executive and has the powers, duties, and functions
2256 of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers,
2257 duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

- 2258 (3) Except as otherwise provided in an optional plan adopted under this chapter:
2259 (a) the term of office of each county commission member is four years;
2260 (b) the terms of county commission members shall be staggered so that approximately half
2261 the members are elected at alternating regular general election dates; and
2262 (c) each county commission member shall be elected at large.
2263 (4) (a) If multiple at-large county commission positions are vacant for an election, the
2264 positions shall be designated "county commission seat A," "county commission seat B," and so on
2265 as necessary for the number of vacant positions.
2266 (b) Each candidate who files a declaration of candidacy when multiple positions are vacant
2267 shall designate the letter of the county commission seat for which the candidate is a candidate.
2268 (c) No person may file a declaration of candidacy for, be a candidate for, or be elected to
2269 two county commission positions in the same election.

2270 Section 101. Section **17-52-503**, which is renumbered from Section 17-35a-501 is
2271 renumbered and amended to read:

2272 **[17-35a-501]. 17-52-503. County executive and chief administrative**
2273 **officer-council form of county government.**

2274 (1) A county operating under the form of government known as the "county executive and
2275 chief administrative officer-council" form shall be governed by the county council, [a] an elected
2276 county executive, an appointed chief administrative officer, and such other officers and employees
2277 as are authorized by law. The optional plan shall provide for the qualifications, time and manner
2278 of election, term of office, compensation, and removal of the county executive.

2279 (2) The county executive shall be the chief executive officer or body of the county~~[-and~~
2280 ~~shall:]~~.

2281 ~~[(a) direct and organize the management of the county in a manner consistent with the~~
2282 ~~optional plan;]~~

2283 ~~[(b) carry out programs and policies established by the council;]~~

2284 ~~[(c) faithfully ensure compliance with all applicable laws and county ordinances;]~~

2285 ~~[(d) exercise supervisory and coordinating control over all departments of county~~
2286 ~~government;]~~

2287 ~~[(e) except as otherwise provided in the optional plan or as otherwise delegated by statute~~
2288 ~~to the legislative body, appoint, suspend, and remove the directors of all county departments and~~

2289 all appointive officers of boards and commissions;]

2290 ~~[(f) except as otherwise delegated by statute to another county officer, exercise~~
2291 administrative and auditing control over all funds and assets, tangible and intangible, of the county;

2292 ~~———(g) except as otherwise delegated by statute to another county officer, supervise and direct~~
2293 centralized budgeting, accounting, personnel management, purchasing, and other service functions
2294 of the county;]

2295 ~~[(h) conduct planning studies and make recommendations to the council relating to~~
2296 financial, administrative, procedural, and operational plans, programs, and improvements in county
2297 government; and]

2298 ~~[(i) exercise a power of veto over ordinances enacted by the council, including an item~~
2299 veto upon budget appropriations, in the manner provided in the optional plan.]

2300 (3) The chief administrative officer shall:

2301 (a) be appointed and removed by the county executive, with the approval of the council,
2302 except that the plan may specifically provide for the appointment and removal of the chief
2303 administrative officer by the council; and

2304 (b) have the qualifications, training, and experience and receive compensation as provided
2305 in the optional plan.

2306 (4) The chief administrative officer shall be principal staff assistant to the county executive
2307 and, under the direction and supervision of the county executive, shall:

2308 (a) exercise supervisory control over all functions of the executive branch;

2309 (b) study and make recommendations to the county executive with respect to the
2310 administration of county affairs and the efficiency and economy of county programs and
2311 operations;

2312 (c) maintain a continuing review of expenditures and of the effectiveness of departmental
2313 budgetary controls;

2314 (d) develop systems and procedures, not inconsistent with statutes, for planning,
2315 programming, budgeting, and accounting for all activities of the county; and

2316 (e) perform any other functions and duties required of him by the optional plan, by any
2317 applicable statutes or ordinances, or by the county executive.

2318 (5) All powers and duties of the county shall be allocated for administrative and executive
2319 purposes to departments of the county as designated by the optional plan. Transfers of employees

2320 and reallocation of powers and duties between departments may be made within budgetary
2321 constraints by and at the discretion of the county executive, except as otherwise provided in the
2322 plan or by ordinance.

2323 (6) In the county executive and chief administrative officer-council form of county
2324 government~~[, the legislative powers of the county shall be vested in]~~:

2325 (a) the county council~~;~~ is the county legislative body and shall have the powers, duties,
2326 and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and

2327 (b) the county executive ~~[powers of the county]~~ shall ~~[be vested in the county executive]~~
2328 have the powers, duties, and functions of a county executive under Chapter 53, Part 3, County
2329 Executive.

2330 (7) A reference in statute or state rule to the "governing body" or the "board of county
2331 commissioners" of the county, in the county executive and chief administrative officer-council
2332 form of county government, means:

2333 (a) the county council, with respect to legislative functions, duties, and powers; and

2334 (b) the county executive, with respect to executive functions, duties, and powers.

2335 Section 102. Section **17-52-504**, which is renumbered from Section 17-35a-502 is
2336 renumbered and amended to read:

2337 ~~[17-35a-502].~~ **17-52-504. County executive-council form of county**
2338 **government.**

2339 (1) (a) A county operating under the form of government known as the "county
2340 executive-council" form shall be governed by the county council, [a] an elected county executive,
2341 and such other officers and employees as are authorized by law.

2342 (b) The optional plan shall provide for the qualifications, time, and manner of election,
2343 term of office~~;~~ and compensation~~[, and removal]~~ of the county executive.

2344 (2) The county executive shall be the chief executive officer or body of the county [and
2345 shall have the powers and duties provided in Subsection 17-35a-501(2)].

2346 (3) In the county executive-council form of county government~~;~~:

2347 (a) the ~~[legislative powers of the county shall be vested in the]~~ county council~~;~~ is the
2348 county legislative body and shall have the powers, duties, and functions of a county legislative
2349 body under Chapter 53, Part 2, County Legislative Body; and ~~[the executive powers of the county~~
2350 ~~shall be vested in]~~

2351 (b) the county executive shall have the powers, duties, and functions of a county executive
2352 under Chapter 53, Part 3, County Executive.

2353 (4) References in any statute or state rule to the "governing body" or the "board of county
2354 commissioners" of the county, in the county executive-council form of county government, means:

2355 (a) the county council, with respect to legislative functions, duties, and powers; and

2356 (b) the county executive, with respect to executive functions, duties, and powers.

2357 Section 103. Section **17-52-505**, which is renumbered from Section 17-35a-503 is
2358 renumbered and amended to read:

2359 [~~17-35a-503~~]. **17-52-505. Council-manager form of county government.**

2360 (1) A county operating under the form of government known as the "council-manager"
2361 form shall be governed by the county council, a county manager appointed by the council, and such
2362 other officers and employees as are authorized by law. The optional plan shall provide for the
2363 qualifications, time and manner of appointment, term of office, compensation, and removal of the
2364 county manager.

2365 (2) The county manager shall be the administrative head of the county government and
2366 shall have the powers, functions, and duties of a county executive, [~~under Subsection~~
2367 ~~17-35a-501(2);~~] except:

2368 (a) as the county legislative body otherwise provides by ordinance; and

2369 (b) that the county manager [shall] may not [have any power of] veto [over] any
2370 ordinances enacted by the council.

2371 (3) No member of the council shall directly or indirectly, by suggestion or otherwise,
2372 attempt to influence or coerce the manager in the making of any appointment or removal of any
2373 officer or employee or in the purchase of supplies, attempt to exact any promise relative to any
2374 appointment from any candidate for manager, or discuss directly or indirectly with him the matter
2375 of specific appointments to any county office or employment. A violation of the foregoing
2376 provisions of this Subsection (3) shall forfeit the office of the offending member of the council.
2377 Nothing in this section shall be construed, however, as prohibiting the council while in open
2378 session from fully and freely discussing with or suggesting to the manager anything pertaining to
2379 county affairs or the interests of the county. Neither manager nor any person in the employ of the
2380 county shall take part in securing, or contributing any money toward, the nomination or election
2381 of any candidate for a county office. The optional plan may provide procedures for implementing

2382 this Subsection (3).

2383 (4) In the council-manager form of county government, the legislative powers of the
2384 county shall be vested in the county council, and the executive powers of the county shall be vested
2385 in the county manager.

2386 (5) A reference in statute or state rule to the "governing body" or the "board of county
2387 commissioners" of the county, in the council-manager form of county government, means:

2388 (a) the county council, with respect to legislative functions, duties, and powers; and

2389 (b) the county manager, with respect to executive functions, duties, and powers.

2390 Section 104. Section **17-52-506**, which is renumbered from Section 17-35a-504 is
2391 renumbered and amended to read:

2392 **[17-35a-504]. 17-52-506. Council-county administrative officer form of county**
2393 **government.**

2394 (1) A county operating under the form of government known as the "council-county
2395 administrative officer" form shall be governed by:

2396 (a) a county council that is the county legislative body with the powers, duties, and
2397 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body and such
2398 executive powers, duties, and functions as are provided for in the optional plan;

2399 (b) a county administrative officer appointed by the county council who is the county
2400 executive with the powers, duties, and functions of a county executive under Chapter 53, Part 3,
2401 County Executive, except as otherwise provided in the optional plan; and

2402 (c) other officers and employees that are authorized by law.

2403 (2) (a) The optional plan submitted to the voters shall require that the county council
2404 establish by ordinance, maintain, and keep filled a permanent position of county administrative
2405 officer.

2406 (b) The optional plan submitted to the voters shall establish the qualifications, time, and
2407 manner of employment, term of office, compensation, and procedures for removal of the county
2408 administrative officer.

2409 (c) The optional plan submitted to the voters shall require that the county administrative
2410 officer be appointed solely on the basis of [his] abilities, integrity, and prior experience as related
2411 to the duties of [his] the office.

2412 (d) The optional plan submitted to the voters shall designate the position of county

2413 administrative officer as either exempt or not exempt from any applicable county merit system.

2414 (3) The county administrative officer shall administer the functions, responsibilities,
2415 powers, and duties of [his] office as set forth in the optional plan adopted by the voters, subject to
2416 the direction and control of the county council, and acting as its agent.

2417 (4) The county council may assign additional functions, responsibilities, powers, and
2418 duties to the county administrative officer that do not conflict with the functions, responsibilities,
2419 powers, and duties set forth in the optional plan.

2420 Section 105. Section **17-53-101**, which is renumbered from Section 17-16-2 is renumbered
2421 and amended to read:

2422 **CHAPTER 53. COUNTY EXECUTIVE, LEGISLATIVE BODY, AND OTHER**
2423 **OFFICERS**

2424 **Part 1. General Provisions**

2425 **[17-16-2]. 17-53-101. County officers enumerated.**

2426 (1) The elected officers of a county are: [~~three county commissioners,~~]

2427 (a) (i) in a county operating under a county commission or expanded county commission
2428 form of government, county commission members; or

2429 (ii) in a county operating under one of the other forms of county government under
2430 Subsection 17-52-402(1)(a), county legislative body members and the county executive;

2431 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a
2432 county attorney, a district attorney in a county which is part of a prosecution district, a county
2433 surveyor, and a county assessor[~~;~~]; and

2434 (c) any others provided by law[~~; but in~~].

2435 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
2436 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties
2437 of the office without extra compensation.

2438 Section 106. Section **17-53-102** is enacted to read:

2439 **17-53-102. Officers charged with notice of treasury and claims.**

2440 Each county officer is charged with notice of the condition of the county treasury and of
2441 the extent of the claims against it.

2442 Section 107. Section **17-53-103** is enacted to read:

2443 **17-53-103. Officers term of office.**

2444 Each person elected to a county officer shall take office on the first Monday in January
2445 following the election and shall hold office for the term for which elected and until a successor is
2446 elected and has qualified.

2447 Section 108. Section **17-53-104**, which is renumbered from Section 17-5-206 is
2448 renumbered and amended to read:

2449 **[17-5-206]. 17-53-104. Unauthorized payment or warrant -- Investigation by**
2450 **another county attorney -- Action to enjoin or recover payment.**

2451 (1) (a) If a county [~~legislative body~~] officer, without authority of law, orders any money
2452 paid for any purpose, or if any other county officer draws a warrant in the officer's own favor or
2453 in favor of any other person without being authorized to do so by the county legislative body or
2454 by law, the county attorney of that county shall request a county attorney from another county to
2455 investigate whether an unauthorized payment has been ordered or an unauthorized warrant drawn.

2456 (b) If the county attorney requests a county attorney from another county to investigate
2457 under Subsection (1)(a), the county attorney shall deputize the investigating county attorney.

2458 (2) If an investigating county attorney determines that an unauthorized payment has been
2459 ordered or that an unauthorized warrant has been drawn, that county attorney may commence and
2460 prosecute an action in the name of the county:

2461 (a) if the payment has not been made or the warrant paid, to enjoin the payment of the
2462 unauthorized payment or of the unauthorized warrant; or

2463 (b) if the payment has been made or the warrant paid, to recover from the payee or the
2464 county officer and the officer's official bondsman the amount paid.

2465 (3) An order of the county legislative body is not necessary in order to maintain an action
2466 under Subsection (2).

2467 Section 109. Section **17-53-105**, which is renumbered from Section 17-5-216 is
2468 renumbered and amended to read:

2469 **[17-5-216]. 17-53-105. Vacancy in a county office -- Vacancies in the office of**
2470 **county attorney or district attorney.**

2471 (1) [A] Except as provided in Subsection (2), a vacancy in a county office shall be filled
2472 as provided in Section 20A-1-508.

2473 (2) A vacancy in the office of county attorney or district attorney shall be filled as provided
2474 in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

2475 Section 110. Section **17-53-106**, which is renumbered from Section 17-5-256 is
2476 renumbered and amended to read:

2477 ~~[17-5-256].~~ **17-53-106. Deposit of money in treasury.**

2478 ~~[All such taxes]~~ Each officer who collects any money on behalf of the county shall as
2479 rapidly as ~~[they are]~~ it is collected ~~[be deposited]~~ deposit it into the county treasury.

2480 Section 111. Section **17-53-201** is enacted to read:

2481 **Part 2. County Legislative Body**

2482 **17-53-201. General powers and functions of county legislative body.**

2483 Except as expressly provided otherwise in statute, each county legislative body shall
2484 exercise all legislative powers, have all legislative duties, and perform all legislative functions of
2485 the county, including those enumerated in this part.

2486 Section 112. Section **17-53-202**, which is renumbered from Section 17-5-102 is
2487 renumbered and amended to read:

2488 ~~[17-5-102].~~ **17-53-202. Eligibility -- Election.**

2489 Each member of ~~[the board of]~~ a county ~~[commissioners]~~ legislative body shall:

2490 (1) be [an elector] a registered voter of the county which [he] the member represents; and
2491 [must]

2492 (2) have been [such] a registered voter for at least one year immediately preceding [his]
2493 the member's election[, and he shall be elected by the qualified electors of the county at large].

2494 Section 113. Section **17-53-203**, which is renumbered from Section 17-5-201 is
2495 renumbered and amended to read:

2496 ~~[17-5-201].~~ **17-53-203. Chair -- Oaths -- Quorum.**

2497 (1) Each county legislative body shall elect one of their number chair.

2498 (2) The chair shall preside at all meetings of the county legislative body, and in case of
2499 [his] the chair's absence or inability to act, the members present [must] shall, by an order entered
2500 in their minutes, select one of their number to act as chair temporarily.

2501 (3) Any member of the county legislative body may administer oaths to any person when
2502 necessary in the performance of [his] official duties.

2503 (4) Not less than [two] a majority of members shall constitute a quorum for the transaction
2504 of business, and no act of the county legislative body shall be valid or binding unless [two] a
2505 majority of members [concur] concurs therein.

2506 Section 114. Section **17-53-204**, which is renumbered from Section 17-5-202 is
2507 renumbered and amended to read:

2508 **[17-5-202]. 17-53-204. Meetings -- At county seat -- Exception.**

2509 (1) (a) The county legislative body [must] shall provide by ordinance for the holding of
2510 regular meetings of the county legislative body [at the county seat].

2511 (b) The county legislative body may cancel a regular meeting as the county legislative
2512 body considers appropriate.

2513 (2) (a) Except as provided in Subsection (2)(b), each regular meeting of the county
2514 legislative body shall be held at the county seat.

2515 (b) If approved by a vote of the county legislative body, a county legislative body may hold
2516 an occasional meeting outside the county seat as the public business requires.

2517 Section 115. Section **17-53-205**, which is renumbered from Section 17-5-203 is
2518 renumbered and amended to read:

2519 **[17-5-203]. 17-53-205. Special meetings -- How called -- Business limited.**

2520 (1) If [at any time] the business of the county requires a special meeting of the legislative
2521 body, such meeting may be ordered by a majority of the legislative body or by the chair [thereof].
2522 [The]

2523 (2) Each order [must] calling a special meeting shall:

2524 (a) be signed by the members or chair calling [such] the meeting [and must];

2525 (b) be entered in the minutes of the legislative body[. Five days' notice of such meeting
2526 must be given by the clerk to the members not joining in the order. The order must]; and

2527 (c) specify the business to be transacted at [such] the meeting[. and none].

2528 (3) No business other than that specified [shall] in the order may be transacted at [such]
2529 a special meeting unless all [the] members of the county legislative body are present and give their
2530 consent [thereto].

2531 (4) Except as otherwise provided by county ordinance, the county clerk shall give five days
2532 notice of each special meeting to each member of a county legislative body that does not join in
2533 the order calling the meeting.

2534 Section 116. Section **17-53-206**, which is renumbered from Section 17-5-204 is
2535 renumbered and amended to read:

2536 **[17-5-204]. 17-53-206. Meetings to be public -- Records and minutes.**

2537 [All meetings] (1) Each meeting of the county legislative body [~~must be public, and the~~
2538 ~~books, records, and accounts must be kept at the office of the clerk, open at all times during usual~~
2539 ~~business hours for public inspection]~~ shall comply with Title 52, Chapter 4, Open and Public
2540 Meetings.

2541 (2) The chair and clerk of the county legislative body shall sign the records and minutes
2542 of the county legislative body.

2543 Section 117. Section **17-53-207**, which is renumbered from Section 17-5-205 is
2544 renumbered and amended to read:

2545 [~~17-5-205~~]. **17-53-207. Rules and regulations governing legislative body and**
2546 **transaction of business.**

2547 The county legislative body [~~shall have power to~~] may make and enforce such rules and
2548 regulations for the government of itself, the preservation of order, and the transaction of business
2549 as may be necessary.

2550 Section 118. Section **17-53-208**, which is renumbered from Section 17-15-1 is renumbered
2551 and amended to read:

2552 [~~17-15-1~~]. **17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of**
2553 **ordinances printed in book form.**

2554 (1) The enacting clause of all ordinances of the county legislative body shall be as follows:
2555 "The County Legislative Body of [the] _____ County [~~of _____~~] ordains as follows:"

2556 (2) Every ordinance shall be signed by the [~~chairman~~] chair of the county legislative body
2557 and attested by the clerk. On the passage of all ordinances the votes of the several members of the
2558 county legislative body shall be entered on the minutes, and all ordinances shall be entered at
2559 length in the ordinance book.

2560 (3) (a) No ordinance passed by the county legislative body may take effect within less than
2561 15 days after its passage.

2562 (b) The legislative body of each county adopting an ordinance shall, before the ordinance
2563 may take effect:

2564 (i) deposit a copy of the ordinance in the office of the county clerk; and

2565 (ii) (A) publish a short summary of the ordinance, together with a statement that a
2566 complete copy of the ordinance is available at the county clerk's office and with the name of the
2567 members voting for and against the ordinance, for at least one publication in:

2568 (I) a newspaper published in and having general circulation in the county, if there is one;
2569 or

2570 (II) if there is none published in the county, in a newspaper of general circulation within
2571 the county; or

2572 (B) post a complete copy of the ordinance in nine public places within the county.

2573 (4) Any ordinance printed by authority of the county legislative body in book form, or any
2574 general revision of county ordinances printed in book form, may be adopted by an ordinance
2575 making reference to such printed ordinance or revision if not less than three copies of such
2576 ordinance or revision are filed in the office of the county clerk at the time of adoption for use and
2577 examination by the public.

2578 (5) Ordinances establishing rules and regulations for the construction of buildings, the
2579 installation of plumbing, the installation of electric wiring or other related or similar work, where
2580 such rules and regulations have been printed as a code in book form, may be adopted by reference
2581 to such codes if not less than three copies thereof are filed in the office of the county clerk at the
2582 time of the adoption of such ordinance for use and examination by the public.

2583 (6) Ordinances that in the opinion of the county legislative body are necessary for the
2584 immediate preservation of the peace, health, or safety of the county and the county's inhabitants
2585 may, if so provided in the ordinance, take effect immediately upon publication in one issue of a
2586 newspaper published in and having general circulation in the county, if there is one, and if there
2587 is none published in the county, then immediately after posting at the courthouse door.

2588 (7) An ordinance may take effect at a later date than provided in this section, if the
2589 ordinance so provides.

2590 (8) An order entered in the minutes of the county legislative body that an ordinance has
2591 been duly published or posted shall be prima facie proof of such publication or posting.

2592 Section 119. Section **17-53-209**, which is renumbered from Section 17-5-210 is
2593 renumbered and amended to read:

2594 **[17-5-210]. 17-53-209. Books to be kept.**

2595 The ~~[board-must]~~ legislative body of each county shall cause to be kept:

2596 (1) ~~[A] a minute [book] record~~, in which must be recorded all orders and decisions made
2597 by the ~~[board]~~ county legislative body and the daily proceedings had at all regular and special
2598 meetings[.];

2599 (2) ~~[An]~~ an allowance ~~[book]~~ record, in which must be recorded all orders for the
2600 allowance of money from the county treasury, to whom made and on what account, dating,
2601 numbering, and indexing the same through each year[-];

2602 (3) ~~[A]~~ a road ~~[book]~~ record, containing all proceedings and adjudications relating to the
2603 establishment, maintenance, charge, and discontinuance of roads and road districts, and all
2604 contracts and other matters pertaining thereto[-];

2605 (4) ~~[A]~~ a franchise ~~[book]~~ record, containing all franchises granted by the board, for what
2606 purpose, the length of time, and to whom granted, the amount of bond and license tax required or
2607 other consideration to be paid[-];

2608 (5) ~~[An]~~ an ordinance ~~[book]~~ record, in which must be entered all ordinances or laws duly
2609 passed by the ~~[board:]~~ county legislative body; and

2610 (6) ~~[A]~~ a warrant ~~[book]~~ record, to be kept by the county auditor, in which must be entered
2611 in the order of drawing all warrants drawn on the treasurer, with their number and reference to the
2612 order on the minute ~~[book]~~ record, with date, amount, on what account, and the name of the payee.

2613 Section 120. Section **17-53-210**, which is renumbered from Section 17-5-211 is
2614 renumbered and amended to read:

2615 ~~[17-5-211].~~ **17-53-210. Dividing county into precincts and districts.**

2616 ~~[The]~~ A county legislative ~~[bodies in the several counties have jurisdiction and power to]~~
2617 body may divide the county into precincts [and into road, sanitary, and other], districts, or other
2618 entities as permitted or required by law, and may change [the same] them and create others as
2619 convenience requires.

2620 Section 121. Section **17-53-211** is enacted to read:

2621 **17-53-211. Fees for services -- Exceptions.**

2622 The legislative body of each county shall adopt an ordinance establishing fees for services
2623 provided by each county officer, except:

2624 (1) fees for the recorder, sheriff, and county constables; and

2625 (2) fees established by statute.

2626 Section 122. Section **17-53-212**, which is renumbered from Section 17-5-215 is
2627 renumbered and amended to read:

2628 ~~[17-5-215].~~ **17-53-212. Examination and audit of accounts.**

2629 ~~[They]~~ A county legislative body may examine and audit the accounts of all officers having

2630 the care, management, collection, or disbursement of moneys belonging to the county or
2631 appropriated by law or otherwise for its use and benefit.

2632 Section 123. Section **17-53-213**, which is renumbered from Section 17-5-217 is
2633 renumbered and amended to read:

2634 **[17-5-217]. 17-53-213. Special funds.**

2635 [They] A county legislative body may establish a salary fund and such other county funds
2636 as ~~[the board may consider]~~ it considers necessary for the proper transaction of the business of the
2637 county, and may transfer money from one fund to another as the public interest ~~[may require]~~
2638 requires, except as otherwise specifically provided in statute.

2639 Section 124. Section **17-53-214**, which is renumbered from Section 17-5-220 is
2640 renumbered and amended to read:

2641 **[17-5-220]. 17-53-214. Seal for county.**

2642 [They] The legislative body of each county shall:

2643 (1) adopt a seal for the county ~~[clerk]~~, the impression of which shall contain the words
2644 "State of Utah, County ~~[Clerk;]~~ of _____." ~~[together with the name of the county in which~~
2645 ~~the same is to be used]; and~~

2646 (2) file an impression ~~[whereof must be filed]~~ of the seal in the office of the county clerk
2647 and with the Division of Archives.

2648 Section 125. Section **17-53-215**, which is renumbered from Section 17-5-221 is
2649 renumbered and amended to read:

2650 **[17-5-221]. 17-53-215. Seal for clerk of district court.**

2651 [They] If a county provides clerk services to that county's district court, the legislative body
2652 of the county shall:

2653 (1) provide a seal for the clerk of the district court of the county, the impression of which
2654 shall contain the words "District Court, State of Utah," together with the name of the county; and

2655 (2) file an impression ~~[whereof must be filed]~~ of the seal in the office of the county clerk
2656 and with the Division of Archives.

2657 Section 126. Section **17-53-216**, which is renumbered from Section 17-5-222 is
2658 renumbered and amended to read:

2659 **[17-5-222]. 17-53-216. Business license fees and taxes -- Application information**
2660 **to be transmitted to the county assessor.**

2661 (1) For the purpose of this section, "business" means any enterprise carried on for the
2662 purpose of gain or economic profit, except that the acts of employees rendering services to
2663 employers are not included in this definition.

2664 (2) The ~~[governing]~~ legislative body of a county may ~~[license]~~ by ordinance provide for
2665 the licensing of businesses within the unincorporated areas of the county for the purpose of
2666 regulation and revenue ~~[any business within the unincorporated areas of the county]~~.

2667 (3) All license fees and taxes shall be uniform in respect to the class upon which they are
2668 imposed.

2669 (4) The county business licensing agency shall transmit the information from each
2670 approved business license application to the county assessor within 60 days following the approval
2671 of the application.

2672 (5) This section may not be construed to enhance, diminish, or otherwise alter the taxing
2673 power of counties existing prior to the effective date of Chapter 144, Laws of Utah 1988.

2674 Section 127. Section **17-53-217**, which is renumbered from Section 17-5-228 is
2675 renumbered and amended to read:

2676 ~~[17-5-228].~~ **17-53-217. Commanding services of sheriff.**

2677 ~~[They]~~ A county legislative body may direct the sheriff to serve notices, subpoenas,
2678 citations, or other process issued by the ~~[board]~~ legislative body, and to attend in person or by
2679 deputy all meetings of the ~~[board]~~ legislative body to preserve order.

2680 Section 128. Section **17-53-218**, which is renumbered from Section 17-5-246 is
2681 renumbered and amended to read:

2682 ~~[17-5-246].~~ **17-53-218. Duties as board of equalization.**

2683 ~~[They]~~ The legislative body of each county shall perform such duties as a county board of
2684 equalization as are ~~[or shall be]~~ provided by law.

2685 Section 129. Section **17-53-219**, which is renumbered from Section 17-5-247 is
2686 renumbered and amended to read:

2687 ~~[17-5-247].~~ **17-53-219. Auditor statement of county debt.**

2688 ~~[They]~~ The legislative body of each county shall have prepared by the auditor under ~~[their]~~
2689 its direction prior to the annual meeting for levying taxes a statement showing~~[:-(1)-The]~~ the
2690 indebtedness of the county, funded and floating, stating the amount of each class and the rate of
2691 interest borne by such indebtedness or any part ~~[thereof]~~ of it.

2692 ~~[(2) A concise statement of all property owned by the county with an estimate of the value~~
2693 ~~thereof and the amount of cash in the treasury and in its several funds.]~~

2694 Section 130. Section **17-53-220**, which is renumbered from Section 17-5-248 is
2695 renumbered and amended to read:

2696 ~~[17-5-248].~~ **17-53-220. Taxation for county purposes.**

2697 ~~[They]~~ A county legislative body may by ordinance levy taxes upon the taxable property
2698 within the county for all county purposes ~~[and may levy taxes upon the taxable property within any~~
2699 ~~district for the construction and repair of roads and highways and for other district purposes;~~
2700 ~~provided, that no district tax shall be levied until the proposition to levy the same has been~~
2701 ~~submitted to a vote of such qualified electors of such districts as shall have paid a property tax~~
2702 ~~therein in the year next preceding such election and a majority of those voting thereon shall have~~
2703 ~~voted in favor of such tax].~~

2704 Section 131. Section **17-53-221**, which is renumbered from Section 17-5-255 is
2705 renumbered and amended to read:

2706 ~~[17-5-255].~~ **17-53-221. Tax for care, relief, and burial of indigents.**

2707 ~~[The]~~ (1) A county legislative body may, if ~~[they consider]~~ it considers it necessary and
2708 expedient so to do, annually at ~~[their]~~ its session at which the annual tax levy for county purposes
2709 is fixed and levied, assess and levy a tax for ~~[the following purposes]:~~

2710 ~~[(1)]~~ (a) the care, maintenance, and relief of the indigent sick or dependent poor persons
2711 having a lawful settlement in the county;

2712 ~~[(2)]~~ (b) the temporary relief of indigent persons not having a lawful settlement in the
2713 county temporarily residing therein, and for the burial of such indigent persons who ~~[shall]~~ die
2714 within the county;

2715 ~~[(3)]~~ (c) the erection and maintenance of hospitals, infirmaries, and farms in connection
2716 ~~[therewith]~~ with Subsections (1)(a) and (b);

2717 ~~[(4)]~~ (d) the employment of a superintendent for such county hospitals~~;~~ and infirmaries,
2718 and any other necessary help ~~[therein]~~ in them; and

2719 ~~[(5)]~~ (e) the salary of the county physician for attending the indigent sick or dependent
2720 poor and other duties as provided by law.

2721 (2) The taxes ~~[herein]~~ authorized under Subsection (1) shall be assessed, levied, and
2722 collected in the same manner as other county taxes are assessed, levied, and collected.

2723 Section 132. Section **17-53-222**, which is renumbered from Section 17-5-258 is
2724 renumbered and amended to read:

2725 ~~[17-5-258].~~ **17-53-222. Tax for exhibits encouraging trade.**

2726 ~~[The boards]~~ A county legislative body may levy a special tax on the taxable property
2727 within ~~[their respective counties]~~ the county for the purpose of creating a fund to be used for
2728 collecting, preparing, and maintaining an exhibit of the products and industries of the county at any
2729 domestic or foreign exposition, fair, or livestock show for the purpose of encouraging immigration
2730 and increasing trade in the products of the state and for the purpose of maintaining, conducting,
2731 and furnishing facilities for livestock or other exhibitions or for the purpose of promoting and
2732 making water surveys, collecting data relating to the supply, distribution and use of water or the
2733 necessity for drainage or other reclamation work and the compilation of data or information to
2734 encourage the conservation of water for the reclamation of lands within the county or counties of
2735 the state ~~[of Utah]~~ either by the county or through the instrumentality of a corporation not for
2736 pecuniary profit, organized for that purpose.

2737 Section 133. Section **17-53-223**, which is renumbered from Section 17-5-263 is
2738 renumbered and amended to read:

2739 ~~[17-5-263].~~ **17-53-223. Ordinances -- Power to enact -- Penalty for violation.**

2740 ~~[The]~~ (1) A county legislative body may:

2741 (a) pass all ordinances and rules and make all regulations, not repugnant to law, necessary
2742 for carrying into effect or discharging the powers and duties conferred by this title, and as are
2743 necessary and proper to provide for the safety, and preserve the health, promote the prosperity,
2744 improve the morals, peace, and good order, comfort, and convenience of the county and its
2745 inhabitants, and for the protection of property in the county; ~~[and may]~~

2746 (b) enforce obedience to ordinances with fines or penalties as the legislative body
2747 considers proper~~[-, provided that the punishment of any offense shall be by fine, not to exceed the~~
2748 ~~maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or by both fine~~
2749 ~~and imprisonment. The county legislative body may]; and~~

2750 (c) pass ordinances to control air pollution.

2751 (2) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the
2752 maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or by both fine
2753 and imprisonment.

2754 Section 134. Section **17-53-224**, which is renumbered from Section 17-5-272 is
2755 renumbered and amended to read:

2756 ~~[17-5-272].~~ **17-53-224. Rewards for information -- Law enforcement -- Protection**
2757 **of county property.**

2758 (1) ~~[The]~~ (a) A county legislative body ~~[of each county]~~ may appropriate funds from the
2759 county treasury for the offering and payment of rewards for information which directly assists in
2760 the enforcement of law and protection of county property.

2761 (b) The offering and payment of rewards shall be made under conditions and limitations
2762 as established by the county legislative body.

2763 (2) With the prior approval of the county legislative body, any county officer or agency
2764 ~~[can]~~ may offer rewards to the same extent and for the same purposes authorized by ~~[this section]~~
2765 Subsection (1).

2766 Section 135. Section **17-53-225** is enacted to read:

2767 **17-53-225. County legislative body may adopt Utah Procurement Code.**

2768 A county legislative body may adopt any or all of the provisions of Title 63, Chapter 56,
2769 Utah Procurement Code, or the rules promulgated pursuant to that code.

2770 Section 136. Section **17-53-226**, which is renumbered from Section 17-15-2 is renumbered
2771 and amended to read:

2772 ~~[17-15-2].~~ **17-53-226. Investigation by legislative body -- Witnesses -- Hearings.**

2773 ~~[The]~~ (1) A county legislative body may investigate any matter pertaining to the county
2774 or its business or affairs or any county officer ~~[thereof]~~, and may require the attendance of
2775 witnesses and take evidence ~~[therein]~~ in its investigations.

2776 (2) At such investigations, any member of the county legislative body may administer
2777 oaths to witnesses. ~~[Whenever]~~

2778 (3) ~~If the county legislative body [shall have appointed any]~~ appoints a member of its body
2779 a committee upon any subject or matter and ~~[shall have conferred upon him]~~ confers upon that
2780 member power to hear or take evidence ~~[therein]~~, such committee shall have the same powers in
2781 the premises as the county legislative body itself.

2782 Section 137. Section **17-53-227**, which is renumbered from Section 17-5-207 is
2783 renumbered and amended to read:

2784 ~~[17-5-207].~~ **17-53-227. Breach of duty by county legislative body member --**

2785 **Penalty.**

2786 ~~[Any county commissioner]~~ A member of a county legislative body who, without just
2787 cause, refuses or neglects to perform [any] a duty imposed upon [him without just cause therefor]
2788 the member or willfully violates any law ~~[provided for his government as such officer]~~ governing
2789 the member as a member of the county legislative body, or who, as [commissioner] a county
2790 legislative body member, willfully, fraudulently, or corruptly attempts to perform an act
2791 unauthorized by law shall, in addition to the penalty provided in the [penal] criminal code[-];

2792 (1) forfeit to the county \$500 for every such act, to be recovered on [his] the member's
2793 official bond[-]; and [shall]

2794 (2) be further liable on [his] the member's official bond to any person injured [thereby] by
2795 the act for all damages sustained.

2796 Section 138. Section **17-53-301** is enacted to read:

2797 **Part 3. County Executive**2798 **17-53-301. General powers and functions of county executive.**

2799 (1) The elected county executive is the chief executive office of the county.

2800 (2) Except as expressly provided otherwise in statute and except as contrary to the powers,
2801 duties, and functions of other county officers expressly provided for in Chapters 16, 17, 18, 19, 20,
2802 21, 22, 23, and 24, each county executive shall exercise all executive powers, have all executive
2803 duties, and perform all executive functions of the county, including those enumerated in this part.

2804 Section 139. Section **17-53-302** is enacted to read:

2805 **17-53-302. County executive duties.**

2806 Each county executive shall:

2807 (1) exercise supervisory control over all functions of the executive branch of county
2808 government;

2809 (2) direct and organize the management of the county in a manner consistent with state
2810 law, county ordinance, and the county's optional plan of county government;

2811 (3) carry out programs and policies established by the county legislative body;

2812 (4) faithfully ensure compliance with all applicable laws and county ordinances;

2813 (5) exercise supervisory and coordinating control over all departments of county
2814 government;

2815 (6) except as otherwise vested in the county legislative body by state law or by the optional

2816 plan of county government, appoint, suspend, and remove the directors of all county departments
2817 and all appointive officers of boards and commissions;

2818 (7) except as otherwise delegated by statute to another county officer, exercise
2819 administrative and auditing control over all funds and assets, tangible and intangible, of the county;

2820 (8) except as otherwise delegated by statute to another county officer, supervise and direct
2821 centralized budgeting, accounting, personnel management, purchasing, and other service functions
2822 of the county;

2823 (9) conduct planning studies and make recommendations to the county legislative body
2824 relating to financial, administrative, procedural, and operational plans, programs, and
2825 improvements in county government;

2826 (10) maintain a continuing review of expenditures and of the effectiveness of departmental
2827 budgetary controls;

2828 (11) develop systems and procedures, not inconsistent with statute, for planning,
2829 programming, budgeting, and accounting for all activities of the county;

2830 (12) if the county executive is an elected county executive, exercise a power of veto over
2831 ordinances enacted by the county legislative body, including an item veto upon budget
2832 appropriations, in the manner provided by the optional plan of county government; and

2833 (13) perform all other functions and duties required of the executive by state law, county
2834 ordinance, and the optional plan of county government.

2835 Section 140. Section **17-53-303** is enacted to read:

2836 **17-53-303. Examination and audit of accounts.**

2837 The county executive may examine and audit the accounts of all officers having the care,
2838 management, collection, or disbursement of moneys belonging to the county or appropriated by
2839 law or otherwise for its use and benefit.

2840 Section 141. Section **17-53-304** is enacted to read:

2841 **17-53-304. Commanding services of sheriff.**

2842 The county executive may direct the county sheriff to serve notices, subpoenas, citations,
2843 or other process issued by the executive, and to attend in person or by deputy all meetings
2844 conducted by the executive to preserve order.

2845 Section 142. Section **17-53-305**, which is renumbered from Section 17-5-218 is
2846 renumbered and amended to read:

2847 [17-5-218]. **17-53-305. Warrants -- Authority to draw on treasurer.**

2848 [They] The county executive may settle and allow all accounts legally chargeable against
2849 the county, after [the] their examination [of the same] by the county auditor, and order warrants
2850 to be drawn on the county treasurer [therefor] for those accounts.

2851 Section 143. Section **17-53-306** is enacted to read:

2852 **17-53-306. Warrants -- Required information -- Payment -- Registration.**

2853 (1) Each warrant drawn by order of the county executive on the county treasurer for current
2854 expenses during each year shall specify the liability for which it is drawn, when it accrued, and the
2855 funds from which it is to be paid.

2856 (2) Each warrant shall be paid in the order of presentation to the treasurer.

2857 (3) If the fund is insufficient to pay a warrant, the treasurer shall register the warrant and
2858 pay it in the order of registration.

2859 (4) Accounts for county charges of every description shall be presented to the auditor and
2860 county executive to be audited as prescribed in statute.

2861 Section 144. Section **17-53-307**, which is renumbered from Section 17-5-259 is
2862 renumbered and amended to read:

2863 [17-5-259]. **17-53-307. County purchasing agent -- Appointment -- Compensation**
2864 **-- Oath.**

2865 (1) The county executive, with the advice and consent of the county legislative body, in
2866 each county having a taxable value in excess of \$500,000,000 may appoint a county purchasing
2867 agent.

2868 (2) The agent shall qualify by taking, subscribing, and filing the constitutional oath and
2869 giving bond to the county in a sum fixed by the county legislative body.

2870 (3) The county purchasing agent shall, under the direction and supervision of the county
2871 executive:

2872 (a) negotiate for the purchase of or contract for all supplies and materials required by the
2873 county;

2874 (b) submit all contracts and purchases negotiated by the purchasing agent under Subsection
2875 (3)(a) to the county executive for approval and ratification; and

2876 (c) keep an accurate and complete record of all purchases and a detailed disposition of
2877 them and, when required by the county legislative body, make a complete and detailed report to

2878 it of business transacted.

2879 (4) The county executive may exclude from the purchasing agent's responsibility a county
2880 clerk's duties concerning elections or a sheriff's duties under Section 17-22-8.

2881 Section 145. Section **17-53-308**, which is renumbered from Section 17-15-3 is renumbered
2882 and amended to read:

2883 ~~[17-15-3].~~ **17-53-308. Repair, alteration, or construction of public buildings --**
2884 **Contracts -- Bids -- Payment and performance bonds -- Retainage.**

2885 (1) (a) [~~Whenever~~] (i) If the county [~~legislative body~~] considers the repair, alteration, or
2886 construction of any courthouse, jail, hospital, or other public building to be paid for out of the
2887 general funds of the county, the county executive shall require plans and specifications to be drawn
2888 up and an estimate of the cost to be made.

2889 (ii) If the estimated cost exceeds \$25,000, the county may not repair, alter, or construct any
2890 building except through contract let to the low responsive and responsible bidder.

2891 (b) All buildings for which the estimated cost exceeds \$25,000 shall be repaired, altered,
2892 or constructed by contract let to the low responsive and responsible bidder after publication of
2893 notice at least once a week for three consecutive weeks in a newspaper of general circulation
2894 published in the county, or, if there is no such newspaper, then after posting such notice for at least
2895 20 days in at least five public places in the county.

2896 (c) The county executive may reject any or all bids.

2897 (d) (i) In seeking bids and awarding a contract for the repair, alteration, or construction
2898 work, the county legislative body may elect to follow the provisions of Title 63, Chapter 56, Utah
2899 Procurement Code, as the county legislative body considers appropriate under the circumstances
2900 for specification preparation, source selection, or contract formation.

2901 (ii) The election may be made on a case-by-case basis, unless the county has previously
2902 adopted the Utah Procurement Code as permitted by Subsection 63-56-2(3)(e).

2903 (iii) If an election is made, it shall be done in an open meeting of the county legislative
2904 body and the portions of the Utah Procurement Code to be followed for the work under
2905 consideration shall be specified in the legislative body's action.

2906 (e) (i) This chapter may not be construed to prohibit the county legislative body from
2907 adopting the procedures of [~~the~~] Title 63, Chapter 56, Utah Procurement Code[~~;~~ ~~however, an~~].

2908 (ii) An election to adopt the procedures of the code may not excuse the county from

2909 complying with the requirements to award a contract for work in excess of \$25,000 and to publish
2910 notice of the intent to award.

2911 (f) The person to whom any contract to erect or repair buildings is awarded shall execute
2912 bonds under Sections 14-1-18 and 63-56-38.

2913 (g) Nothing in this section may be construed to prohibit a public entity from contracting
2914 with another public entity under Title 11, Chapter 13, Interlocal Cooperation Act.

2915 (2) Any payment on a contract with a private contractor to erect or repair buildings under
2916 this section that is retained or withheld shall be retained or withheld and released as provided in
2917 Section 13-8-5.

2918 Section 146. Section **17-53-309**, which is renumbered from Section 17-15-4 is renumbered
2919 and amended to read:

2920 **[17-15-4]. 17-53-309. Approval of cost-increase changes in plans and**
2921 **specifications -- Delegation.**

2922 (1) [Whenever] If the county executive adopts plans and specifications for the alteration,
2923 construction, or repair of any public building or other public structure, the plans and specifications
2924 may not be altered or changed in any manner that would increase the cost of altering, constructing,
2925 or repairing the building or structure, unless the county [~~legislative body in a regularly scheduled~~
2926 ~~open and public meeting;~~] executive approves the alteration or change in the plans and
2927 specifications.

2928 (2) The county [~~legislative body~~] executive may adopt policies and procedures to delegate
2929 authority to approve alterations or changes in plans and specifications to a county employee,
2930 including the county engineer, architect, surveyor, or director of the department or division
2931 responsible for the work.

2932 Section 147. Section **17-53-310**, which is renumbered from Section 17-15-5 is renumbered
2933 and amended to read:

2934 **[17-15-5]. 17-53-310. Changes or alterations in contract -- Liability of county.**

2935 (1) [Whenever] If the county executive enters into a contract for the construction,
2936 alteration, or repair of any public building or other public structure, the contract may be altered or
2937 changed only[: ~~(a) by vote of the county legislative body made in a regularly scheduled open and~~
2938 ~~public meeting; and (b) when~~] if the alteration or change is within the general scope of the
2939 contract.

2940 (2) [~~Whenever any~~] If a change or alteration in the contract is made:

2941 (a) the particular change or alteration shall be specified in writing; and

2942 (b) the increase or decrease in cost due to the change or alteration shall be established by
2943 the county executive according to either the provisions of the contract or established principles of
2944 the construction industry.

2945 (3) (a) The county [~~legislative body~~] executive may adopt policies and procedures to
2946 delegate authority for approval of changes or alterations in the contract to a county employee,
2947 including the [~~county executive,~~] county engineer, architect, surveyor, or director of the department
2948 or division responsible for the work.

2949 (b) Unless the requirements of this section are met, the county is not liable for any extra
2950 work done on the buildings or public structures.

2951 Section 148. Section **17-53-311**, which is renumbered from Section 17-5-274 is
2952 renumbered and amended to read:

2953 [~~17-5-274~~]. **17-53-311. Contracting for management, maintenance, operation, or**
2954 **construction of jails.**

2955 (1) (a) With the approval of the sheriff, [~~the~~] a county executive may contract with private
2956 contractors for management, maintenance, operation, and construction of county jails.

2957 (b) [~~The~~] A county executive may include a provision in the contract that allows use of a
2958 building authority created under the provisions of Title 17A, Chapter 3, Part 9, Municipal Building
2959 Authorities, to construct or acquire a jail facility.

2960 (c) [~~The~~] A county executive may include a provision in the contract that requires that any
2961 jail facility meet any federal, state, or local standards for the construction of jails.

2962 (2) If [~~the~~] a county executive contracts only for the management, maintenance, or
2963 operation of a jail, the county executive shall include provisions in the contract that:

2964 (a) require the private contractor to post a performance bond in the amount set by the
2965 county legislative body;

2966 (b) establish training standards that must be met by jail personnel;

2967 (c) require the private contractor to provide and fund training for jail personnel so that the
2968 personnel meet the standards established in the contract and any other federal, state, or local
2969 standards for the operation of jails and the treatment of jail prisoners;

2970 (d) require the private contractor to indemnify the county for errors, omissions,

2971 defalcations, and other activities committed by the private contractor that result in liability to the
2972 county;

2973 (e) require the private contractor to show evidence of liability insurance protecting the
2974 county and its officers, employees, and agents from liability arising from the construction,
2975 operation, or maintenance of the jail, in an amount not less than those specified in Title 63,
2976 Chapter 30, Utah Governmental Immunity Act;

2977 (f) require the private contractor to:

2978 (i) receive all prisoners committed to the jail by competent authority; and

2979 (ii) provide them with necessary food, clothing, and bedding in the manner prescribed by
2980 the governing body; and

2981 (g) prohibit the use of inmates by the private contractor for private business purposes of
2982 any kind.

2983 (3) A contractual provision requiring the private contractor to maintain liability insurance
2984 in an amount not less than the liability limits established by Title 63, Chapter 30, Utah
2985 Governmental Immunity Act, may not be construed as waiving the limitation on damages
2986 recoverable from a governmental entity or its employees established by that chapter.

2987 Section 149. Section **17-53-312** is enacted to read:

2988 **17-53-312. County resource development committee -- Membership -- Term --**
2989 **Compensation and expenses -- Duties.**

2990 (1) (a) A county executive may, with the advice and consent of the county legislative body,
2991 appoint a county resource development committee of three or more members, at least one of which
2992 shall be a member of the county legislative body.

2993 (b) Each member of a county resource development committee shall be a resident of the
2994 county.

2995 (2) (a) The term of each member of a county resource development committee shall be two
2996 years and until a successor has been appointed.

2997 (b) The legislative body of each county with a county resource development committee
2998 shall provide by ordinance for the filling of a vacancy in the membership of the committee and for
2999 the removal of a member for nonperformance of duty or misconduct.

3000 (3) (a) Each member shall serve without compensation.

3001 (b) The county legislative body may reimburse a member for actual expenses incurred in

3002 performing the member's duties and responsibilities on the committee, upon presentation of proper
3003 receipts and vouchers.

3004 (4) The committee may elect such officers from its members as it considers appropriate
3005 and may, with the consent and approval of the county legislative body, employ an executive
3006 director for the committee.

3007 (5) The committee shall:

3008 (a) assist in promoting the development of the county's mineral, water, manpower,
3009 industrial, historical, cultural, and other resources; and

3010 (b) make such recommendations to the county for resource development as the committee
3011 considers advisable.

3012 (6) The county executive may cooperate and enter into contracts with municipalities, local
3013 communities, other counties, and the state for the purpose of promoting the development of the
3014 economic, historical, and cultural resources of the county.

3015 Section 150. Section **17-53-313**, which is renumbered from Section 17-5-273 is
3016 renumbered and amended to read:

3017 **[~~17-5-273~~]. 17-53-313. Hiring of professional architect, engineer, or surveyor.**

3018 ~~[(1) The county legislative body of any county may adopt any or all of the provisions of~~
3019 ~~Title 63, Chapter 56, Utah Procurement Code, or the rules promulgated pursuant to that code.]~~

3020 ~~[(2)]~~ Notwithstanding ~~[Subsection (1), the legislative body of]~~ the adoption of some or all
3021 of the provisions of Title 63, Chapter 56, Utah Procurement Code, under Section 17-53-225, each
3022 county executive that engages the services of a professional architect, engineer, or surveyor and
3023 considers more than one such professional for the engagement:

3024 ~~[(a)]~~ (1) shall consider, as a minimum, in the selection process:

3025 ~~[(i)]~~ (a) the qualifications, experience, and background of each firm submitting a proposal;

3026 ~~[(ii)]~~ (b) the specific individuals assigned to the project and the time commitments of each
3027 to the project; and

3028 ~~[(iii)]~~ (c) the project schedule and the approach to the project that the firm will take; and

3029 ~~[(b)]~~ (2) may engage the services of a professional architect, engineer, or surveyor based
3030 on the criteria under Subsection ~~[(2)(a)]~~ (1) rather than solely on lowest cost.

3031 Section 151. Section **17-53-314**, which is renumbered from Section 17-5-219 is
3032 renumbered and amended to read:

3033 [17-5-219]. **17-53-314. Actions -- Control and direction.**

3034 [They] A county executive may control and direct the prosecution and defense of all actions
3035 to which the county is a party, and, when necessary [may], employ counsel to assist the county
3036 attorney or district attorney in conducting [~~the same~~] those actions or any other cases where the
3037 county attorney or district attorney is authorized by law to act.

3038 Section 152. Section **17A-2-1059** is amended to read:

3039 **17A-2-1059. Funding districts -- Ceiling exempt tax.**

3040 (1) Counties and municipalities involved in the establishment and operation of public
3041 transit districts may, through their duly constituted appropriating bodies, provide funds necessary
3042 for the operation and maintenance of these public transit districts by an appropriation from the
3043 general fund or by levy of a tax, or in part by an appropriation and in part by the levy provided
3044 under Section [~~17-5-248~~] 17-53-220. The use of these county funds to establish and operate public
3045 transit districts within all or part of a county is declared to be a county purpose.

3046 (2) Public transit districts may be funded from local, state, or federal funds, or through a
3047 separate ceiling exempt tax provided for under Section 59-2-911, which may not exceed .0004 per
3048 dollar of taxable value of taxable property, or in part by each.

3049 Section 153. Section **17A-2-1314** is amended to read:

3050 **17A-2-1314. Rights, powers, and authority of service district.**

3051 (1) In addition to all other rights, powers, and authority granted by law or by other
3052 provisions of this part, a service district has the following rights, powers and authority:

3053 (a) The right to sue and be sued.

3054 (b) The power to exercise all powers of eminent domain possessed by the county or
3055 municipality which established the service district.

3056 (c) The power to enter into contracts considered desirable by the governing authority of
3057 the service district to carry out the functions of the service district, including, without limitation,
3058 the power to enter into contracts with the government of the United States or any of its agencies,
3059 the State of Utah, counties, municipalities, school districts, and other public corporations, districts,
3060 or political subdivisions including institutions of higher education. These contracts may include,
3061 without limitation, provisions concerning the use, operation, and maintenance of any facilities of
3062 the service district and the collection of fees or charges with respect to commodities, services, or
3063 facilities provided by the service district.

3064 (d) The power to acquire or construct facilities, to purchase, take, receive, lease, take by
3065 gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and otherwise deal
3066 in and with real and personal property, or any interest in them, wherever situated, either within or
3067 outside of the service district, including water and water rights, and including the power to acquire
3068 other than by condemnation property or interests in property owned or held by institutions of
3069 higher education.

3070 (e) The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise
3071 dispose of or contract with respect to the use, operation, and maintenance of, all or any part of its
3072 property and assets, including water and water rights.

3073 (f) The power to accept governmental grants, loans, or funds and to comply with the
3074 conditions of them.

3075 (g) The right to utilize any officers, employees, property, equipment, offices, or facilities
3076 of the county or municipality which established the service district, and for which the governing
3077 authority of the service district shall reimburse the county or municipality from service district
3078 funds, a reasonable amount for the services so rendered or for the property, equipment, offices, or
3079 facilities so used.

3080 (h) The right to employ officers, employees, and agents for the service district, including
3081 engineers, accountants, attorneys, and financial consultants, and to fix their compensation.

3082 (i) The right to adopt an official seal for the service district.

3083 (2) The county legislative body shall by ordinance establish those classes of contracts of
3084 a service district which shall be subject to the requirements of Section [17-15-3] 17-53-308, or of
3085 any law hereafter enacted for the same purpose.

3086 (3) The governing authority of a municipality shall by ordinance establish those classes
3087 of contracts of a service district which shall be subject to the requirements of Section 10-7-20, or
3088 of any law hereafter enacted for the same purpose.

3089 Section 154. Section **17A-3-208** is amended to read:

3090 **17A-3-208. Contract required for improvement -- Bidding requirements --**
3091 **Exceptions.**

3092 (1) Except as otherwise provided in this section, improvements in a special improvement
3093 district shall be made only under contract duly let to the lowest responsible bidder for the kind of
3094 service or material or form of construction which may be desired. The improvements may be

3095 divided into parts, and separate contracts let for each part, or several parts may be combined in the
3096 same contract. A contract may be let on a unit basis. A contract shall not be let until a notice to
3097 contractors that sealed bids for the construction of the improvements will be received by the
3098 governing body at a specified time and place, and this notice has been published at least one time
3099 in a newspaper having general circulation in the county at least 15 days before the date specified
3100 for the receipt of bids. If by inadvertence or oversight, the notice is not published or is not
3101 published for a sufficient period of time prior to the receipt of bids, the governing body, however,
3102 may still proceed to let a contract for the improvements if at the time specified for the receipt of
3103 bids it has received not less than three sealed and bona fide bids from contractors. If, under the
3104 construction contract, periodic payments for work performed are to be made by the issuance of
3105 interim warrants, this fact shall be disclosed in the notice to contractors. The notice to contractors
3106 may be published simultaneously with the notice of intention.

3107 (2) The governing body, or its designated agent, shall at the time specified in the notice,
3108 open, examine, and publicly declare the bids. From these bids, the governing body may award a
3109 contract to the lowest, responsible bidder if that party's bid is responsive to the request for proposal
3110 or invitation to bid; but the governing body shall not be obligated or required to award a contract
3111 to any bidder and may reject any or all bids. In the event no bids are received or no responsive or
3112 acceptable bids are received after one public invitation to bid, the governing body may take any
3113 of the following actions:

3114 (a) publicly re-bid the project using the original plans, specifications, cost estimates, and
3115 contract documents;

3116 (b) negotiate a contract privately using the original project plans, specifications, cost
3117 estimates, and contract documents;

3118 (c) publicly re-bid the project after revising the original plans, specifications, cost
3119 estimates, or contract documents;

3120 (d) cancel the project;

3121 (e) abandon or dissolve the improvement district; or

3122 (f) perform the project work with the governing entity's work forces and be reimbursed for
3123 this work out of the special assessments levied.

3124 (3) A contract need not be let for any improvement or part of any improvement the cost
3125 of which or the making of which is donated or contributed by any individual, corporation, the

3126 county, a municipality, the state of Utah, the United States, or any political subdivision of the state
3127 of Utah or of the United States. These donations or contributions may be accepted by the
3128 governing entity, but no assessments shall be levied against the property in the district for the
3129 amount of the donations or contributions.

3130 (4) A contract need not be let as provided in this section where the improvements consist
3131 of the furnishing of utility services or maintenance of improvements. This work may be done by
3132 the governing entity itself. Assessments may be levied for the actual cost incurred by the
3133 governing entity for the furnishing of these services or maintenance, or in case the work is done
3134 by the governing entity, to reimburse the governing entity for the reasonable cost of supplying the
3135 services or maintenance.

3136 (5) A contract need not be let as provided in this section where any labor, materials, or
3137 equipment to make any of the improvements are supplied by the governing entity. Assessments
3138 may be levied to reimburse the governing entity for the reasonable cost of supplying such labor,
3139 materials or equipment. The provisions of Sections [~~17-15-3~~] 17-53-308 and 72-6-108 shall not
3140 apply to the improvements to be placed in a special improvement district created under this part.

3141 Section 155. Section **17A-3-218** is amended to read:

3142 **17A-3-218. Assessment ordinance - Publication - Assessment list incorporated by**
3143 **reference.**

3144 (1) Notwithstanding the provisions of Section [~~17-15-1~~] 17-53-208 or any other law
3145 concerning the publication, posting, or effective date of ordinances, any ordinance levying
3146 assessments shall be published one time in a newspaper published in the governing entity or, if
3147 there is no newspaper published in the governing entity, in a newspaper having general circulation
3148 in the governing entity. The ordinance shall be effective on the date of the publication or at a later
3149 date as provided in the ordinance. No other publication and no posting of the ordinance is required
3150 nor is it necessary to declare that the immediate preservation of the peace, health, or safety of the
3151 governing entity requires the ordinance to be effective on the date of publication or at the later
3152 date.

3153 (2) An ordinance levying assessments need not describe each block, lot, part of block or
3154 lot, tract, or parcel of property to be assessed. It is sufficient if the ordinance incorporates by
3155 reference the corrected assessment list that describes the list of properties assessed by tax
3156 identification number and a valid legal description of property within the district.

3157 Section 156. Section **20A-1-102** is amended to read:

3158 **20A-1-102. Definitions.**

3159 As used in this title:

3160 (1) "Active voter" means a registered voter who has not been classified as an inactive voter
3161 by the county clerk.

3162 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
3163 counts votes recorded on paper ballots or ballot cards and tabulates the results.

3164 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his
3165 votes and includes ballot cards, paper ballots, and secrecy envelopes.

3166 (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

3167 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain
3168 the names of offices and candidates and statements of ballot propositions to be voted on and which
3169 are used in conjunction with ballot cards.

3170 (6) "Ballot proposition" means opinion questions specifically authorized by the
3171 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that
3172 are submitted to the voters for their approval or rejection.

3173 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
3174 20A-4-306 to canvass election returns.

3175 (8) "Bond election" means an election held for the sole purpose of approving or rejecting
3176 the proposed issuance of bonds by a government entity.

3177 (9) "Book voter registration form" means voter registration forms contained in a bound
3178 book that are used by election officers and registration agents to register persons to vote.

3179 (10) "By-mail voter registration form" means a voter registration form designed to be
3180 completed by the voter and mailed to the election officer.

3181 (11) "Canvass" means the review of election returns and the official declaration of election
3182 results by the board of canvassers.

3183 (12) "Canvassing judge" means an election judge designated to assist in counting ballots
3184 at the canvass.

3185 (13) "Convention" means the political party convention at which party officers and
3186 delegates are selected.

3187 (14) "Counting center" means one or more locations selected by the election officer in

3188 charge of the election for the automatic counting of ballots.

3189 (15) "Counting judge" means a judge designated to count the ballots during election day.

3190 (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201
3191 to witness the counting of ballots.

3192 (17) "Counting room" means a suitable and convenient private place or room, immediately
3193 adjoining the place where the election is being held, for use by the counting judges to count ballots
3194 during election day.

3195 (18) "County executive" means:

3196 (a) the county commission in the [~~traditional~~] county commission or expanded county
3197 commission form of government established [~~by Section 17-4-2 and~~] under Title 17, Chapter [5]
3198 52, [County Commissioners and Legislative Bodies] Forms of County Government;

3199 (b) the county executive in the county executive and chief administrative officer-council
3200 optional form of government authorized by Section [~~17-35a-501~~] 17-52-503;

3201 (c) the county executive in the county executive-council optional form of government
3202 authorized by Section [~~17-35a-502~~] 17-52-504;

3203 (d) the county council in the council-manager optional form of government authorized by
3204 Section [~~17-35a-503~~] 17-52-505; and

3205 (e) the county council in the council-county administrative officer optional form of
3206 government authorized by Section [~~17-35a-504~~] 17-52-506.

3207 (19) "County legislative body" means:

3208 (a) the county commission in the [~~traditional~~] county commission or expanded county
3209 commission form of government established [~~by Section 17-4-2 and~~] under Title 17, Chapter [5]
3210 52, [County Commissioners and Legislative Bodies] Forms of County Government;

3211 (b) the county council in the county executive and chief administrative officer-council
3212 optional form of government authorized by Section [~~17-35a-501~~] 17-52-503;

3213 (c) the county council in the county executive-council optional form of government
3214 authorized by Section [~~17-35a-502~~] 17-52-504;

3215 (d) the county council in the council-manager optional form of government authorized by
3216 Section [~~17-35a-503~~] 17-52-505; and

3217 (e) the county council in the council-county administrative officer optional form of
3218 government authorized by Section [~~17-35a-504~~] 17-52-506.

3219 (20) "County officers" means those county officers that are required by law to be elected.

3220 (21) "Election" means a regular general election, a municipal general election, a statewide
3221 special election, a local special election, a regular primary election, a municipal primary election,
3222 and a special district election.

3223 (22) "Election cycle" means the period beginning on the first day persons are eligible to
3224 file declarations of candidacy and ending when the canvass is completed.

3225 (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

3226 (24) "Election officer" means:

3227 (a) the lieutenant governor, for all statewide ballots;

3228 (b) the county clerk or clerks for all county ballots and for certain special district and
3229 school district ballots as provided in Section 20A-5-400.5;

3230 (c) the municipal clerk for all municipal ballots and for certain special district and school
3231 district ballots as provided in Section 20A-5-400.5; and

3232 (d) the special district clerk or chief executive officer for all special district ballots that are
3233 not part of a statewide, county, or municipal ballot.

3234 (25) "Election official" means any election officer, election judge, or satellite registrar.

3235 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and
3236 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed
3237 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the
3238 ballot disposition form, and the total votes cast form.

3239 (27) "Electronic voting system" means a system in which a voting device is used in
3240 conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic
3241 tabulating equipment.

3242 (28) "Inactive voter" means a registered voter who has been sent the notice required by
3243 Section 20A-2-306 and who has failed to respond to that notice.

3244 (29) "Inspecting poll watcher" means a person selected as provided in this title to witness
3245 the receipt and safe deposit of voted and counted ballots.

3246 (30) "Judicial office" means the office filled by any judicial officer.

3247 (31) "Judicial officer" means any justice or judge of a court of record or any county court
3248 judge.

3249 (32) "Local election" means a regular municipal election, a local special election, a special

3250 district election, and a bond election.

3251 (33) "Local political subdivision" means a county, a municipality, a special district, or a
3252 local school district.

3253 (34) "Local special election" means a special election called by the governing body of a
3254 local political subdivision in which all registered voters of the local political subdivision may vote.

3255 (35) "Municipal executive" means:

3256 (a) the city commission, city council, or town council in the traditional management
3257 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

3258 (b) the mayor in the council-mayor optional form of government defined in Section
3259 10-3-1209; and

3260 (c) the manager in the council-manager optional form of government defined in Section
3261 10-3-1209.

3262 (36) "Municipal general election" means the election held in municipalities and special
3263 districts on the first Tuesday after the first Monday in November of each odd-numbered year for
3264 the purposes established in Section 20A-1-202.

3265 (37) "Municipal legislative body" means:

3266 (a) the city commission, city council, or town council in the traditional management
3267 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

3268 (b) the municipal council in the council-mayor optional form of government defined in
3269 Section 10-3-1209; and

3270 (c) the municipal council in the council-manager optional form of government defined in
3271 Section 10-3-1209.

3272 (38) "Municipal officers" means those municipal officers that are required by law to be
3273 elected.

3274 (39) "Municipal primary election" means an election held to nominate candidates for
3275 municipal office.

3276 (40) "Official ballot" means the ballots distributed by the election officer to the election
3277 judges to be given to voters to record their votes.

3278 (41) "Official endorsement" means:

3279 (a) the information on the ballot that identifies:

3280 (i) the ballot as an official ballot;

3281 (ii) the date of the election; and

3282 (iii) the facsimile signature of the election officer; and

3283 (b) the information on the ballot stub that identifies:

3284 (i) the election judge's initials; and

3285 (ii) the ballot number.

3286 (42) "Official register" means the book furnished election officials by the election officer

3287 that contains the information required by Section 20A-5-401.

3288 (43) "Paper ballot" means a paper that contains:

3289 (a) the names of offices and candidates and statements of ballot propositions to be voted
3290 on; and

3291 (b) spaces for the voter to record his vote for each office and for or against each ballot
3292 proposition.

3293 (44) "Political party" means an organization of registered voters that has qualified to
3294 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
3295 Formation and Procedures.

3296 (45) "Polling place" means the building where residents of a voting precinct vote.

3297 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
3298 which the voter marks his choice.

3299 (47) "Posting list" means a list of registered voters within a voting precinct.

3300 (48) "Primary convention" means the political party conventions at which nominees for
3301 the regular primary election are selected.

3302 (49) "Protective counter" means a separate counter, which cannot be reset, that is built into
3303 a voting machine and records the total number of movements of the operating lever.

3304 (50) "Qualify" or "qualified" means to take the oath of office and begin performing the
3305 duties of the position for which the person was elected.

3306 (51) "Receiving judge" means the election judge that checks the voter's name in the official
3307 register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter
3308 has voted.

3309 (52) "Registration days" means the days designated in Section 20A-2-203 when a voter
3310 may register to vote with a satellite registrar.

3311 (53) "Registration form" means a book voter registration form and a by-mail voter

3312 registration form.

3313 (54) "Regular general election" means the election held throughout the state on the first
3314 Tuesday after the first Monday in November of each even-numbered year for the purposes
3315 established in Section 20A-1-201.

3316 (55) "Regular primary election" means the election on the fourth Tuesday of June of each
3317 even-numbered year, at which candidates of political parties and nonpolitical groups are voted for
3318 nomination.

3319 (56) "Resident" means a person who resides within a specific voting precinct in Utah.

3320 (57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and
3321 distributed as provided in Section 20A-5-405.

3322 (58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register
3323 voters and perform other duties.

3324 (59) "Scratch vote" means to mark or punch the straight party ticket and then mark or
3325 punch the ballot for one or more candidates who are members of different political parties.

3326 (60) "Secrecy envelope" means the envelope given to a voter along with the ballot into
3327 which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's
3328 vote.

3329 (61) "Special district" means those local government entities created under the authority
3330 of Title 17A.

3331 (62) "Special district officers" means those special district officers that are required by law
3332 to be elected.

3333 (63) "Special election" means an election held as authorized by Section 20A-1-204.

3334 (64) "Spoiled ballot" means each ballot that:

3335 (a) is spoiled by the voter;

3336 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

3337 (c) lacks the official endorsement.

3338 (65) "Statewide special election" means a special election called by the governor or the
3339 Legislature in which all registered voters in Utah may vote.

3340 (66) "Stub" means the detachable part of each ballot.

3341 (67) "Substitute ballots" means replacement ballots provided by an election officer to the
3342 election judges when the official ballots are lost or stolen.

3343 (68) "Ticket" means each list of candidates for each political party or for each group of
3344 petitioners.

3345 (69) "Transfer case" means the sealed box used to transport voted ballots to the counting
3346 center.

3347 (70) "Vacancy" means the absence of a person to serve in any position created by statute,
3348 whether that absence occurs because of death, disability, disqualification, resignation, or other
3349 cause.

3350 (71) "Valid write-in candidate" means a candidate who has qualified as a write-in
3351 candidate by following the procedures and requirements of this title.

3352 (72) "Voter" means a person who meets the requirements of election registration and is
3353 registered and is listed in the official register book.

3354 (73) "Voting area" means the area within six feet of the voting booths, voting machines,
3355 and ballot box.

3356 (74) "Voting booth" means the space or compartment within a polling place that is
3357 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

3358 (75) "Voting device" means:

3359 (a) an apparatus in which ballot cards are used in connection with a punch device for
3360 piercing the ballots by the voter;

3361 (b) a device for marking the ballots with ink or another substance; or

3362 (c) any other method for recording votes on ballots so that the ballot may be tabulated by
3363 means of automatic tabulating equipment.

3364 (76) "Voting machine" means a machine designed for the sole purpose of recording and
3365 tabulating votes cast by voters at an election.

3366 (77) "Voting poll watcher" means a person appointed as provided in this title to witness
3367 the distribution of ballots and the voting process.

3368 (78) "Voting precinct" means the smallest voting unit established as provided by law
3369 within which qualified voters vote at one polling place.

3370 (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting
3371 poll watcher.

3372 (80) "Western States Presidential Primary" means the election established in Title 20A,
3373 Chapter 9, Part 8.

3374 (81) "Write-in ballot" means a ballot containing any write-in votes.

3375 (82) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot
3376 according to the procedures established in this title.

3377 Section 157. Section **21-2-8**, which is renumbered from Section 17-5-214 is renumbered
3378 and amended to read:

3379 ~~[17-5-214].~~ **21-2-8. Fees of county officers.**

3380 (1) As used in this section, "county officer" means all of the county officers enumerated
3381 in Section ~~[17-16-2]~~ 17-53-101 except county recorders, county constables, and county sheriffs.

3382 ~~[(2) The county legislative body shall adopt an ordinance establishing the fees for services~~
3383 ~~provided by each county officer.]~~

3384 ~~[(3)]~~ (2) (a) Each county officer shall collect, in advance, for exclusive county use and
3385 benefit:

3386 (i) all fees established by the county legislative body under this section; and

3387 (ii) any other fees authorized or required by law.

3388 (b) As long as the displaced homemaker program is authorized by Section 35A-3-114, the
3389 county clerk shall:

3390 (i) assess \$20 in addition to whatever fee for a marriage license is established under
3391 authority of this section; and

3392 (ii) transmit \$20 from each marriage license fee to the Division of Finance to be credited
3393 to the displaced homemaker program.

3394 (c) As long as the Children's Legal Defense Account is authorized by Section 63-63a-8,
3395 the county clerk shall:

3396 (i) assess \$10 in addition to whatever fee for a marriage license is established under
3397 authority of this section and in addition to the \$20 assessed for the displaced homemaker program;
3398 and

3399 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit in
3400 the Children's Legal Defense Account.

3401 ~~[(4)]~~ (3) This section does not apply to any fees currently being assessed by the state but
3402 collected by county officers.

3403 Section 158. Section **26A-1-102** is amended to read:

3404 **26A-1-102. Definitions.**

3405 As used in this part:

3406 (1) "Board" means a local board of health established under Section 26A-1-109.

3407 (2) "City-county health department" means a local health department that serves a county
3408 and municipalities located within that county.

3409 (3) "Department" means the Department of Health created in Title 26, Chapter 1.

3410 (4) "Local governing body" means any local unit of government required to establish a
3411 local health department by Section 10-7-3 or [~~17-5-243~~] 17-50-313.

3412 (5) "Local health department" means a city-county or multi-county local health department
3413 established under this part.

3414 (6) "Multi-county local health department" means a local health department that serves two
3415 or more contiguous counties and municipalities within those counties.

3416 Section 159. Section **26A-1-106** is amended to read:

3417 **26A-1-106. Assistance in establishing local departments -- Monitoring and standards**
3418 **of performance -- Responsibilities.**

3419 (1) (a) By request of local governing bodies, the department may assist in the
3420 establishment of a local health department under Sections 10-7-3 and [~~17-5-243~~] 17-50-313.

3421 (b) The department shall monitor the effort of the local health department to protect and
3422 promote the health of the public.

3423 (c) The department shall establish by rule minimum performance standards for basic
3424 programs of public health administration, personal health, laboratory services, health resources,
3425 and other preventive health programs not in conflict with state law as it finds necessary or
3426 desirable for the protection of the public health.

3427 (d) The department may by contract provide funds to assist a local health department if
3428 local resources are inadequate and may provide assistance to achieve the purposes of this part.

3429 (2) Regulations or standards relating to public health or environmental health services
3430 adopted or established by a local health department may not be less restrictive than department
3431 rules.

3432 (3) Local health departments are responsible within their boundaries for providing, directly
3433 or indirectly, basic public health services that include:

3434 (a) public health administration and support services;

3435 (b) maternal and child health;

3436 (c) communicable disease control, surveillance, and epidemiology;

3437 (d) food protection;

3438 (e) solid waste management;

3439 (f) waste water management; and

3440 (g) safe drinking water management.

3441 (4) The Department of Environmental Quality shall establish by rule minimum
3442 performance standards, including standards for inspection and enforcement, for basic programs
3443 of environmental health, not inconsistent with law, as necessary or desirable for the protection of
3444 public health.

3445 Section 160. Section **26A-1-117** is amended to read:

3446 **26A-1-117. Funding of departments -- Tax levies.**

3447 (1) Municipalities or counties involved in the establishment and operation of local health
3448 departments shall fund the local health departments with appropriations from the General Fund,
3449 from the levy of a tax, or in part by an appropriation and in part by a levy under Section [17-5-255]
3450 17-53-221.

3451 (2) A local health department may be funded as provided by law from:

3452 (a) local, state, and federal funds within local levy ceilings;

3453 (b) a separate ceiling exempt tax under Section 59-2-911, which may not exceed .0004 per
3454 dollar of taxable value of taxable property; or

3455 (c) in part by each.

3456 (3) Local funds from either tax source shall be appropriated by the local governing
3457 authorities participating in the local health department.

3458 Section 161. Section **35A-3-114** is amended to read:

3459 **35A-3-114. Programs for displaced homemakers.**

3460 (1) For purposes of this section, "displaced homemaker" means an individual:

3461 (a) who has been a homemaker for a period of eight or more years without significant
3462 gainful employment outside the home;

3463 (b) whose primary occupation during the period of time described in Subsection (1)(a) was
3464 the provision of unpaid household services for family members;

3465 (c) has found it necessary to enter the job market;

3466 (d) is not reasonably capable of obtaining employment sufficient to provide self-support

3467 or necessary support for dependents, due to a lack of marketable job skills or other skills necessary
3468 for self-sufficiency; and

3469 (e) has depended on:

3470 (i) the income of a family member and lost that income; or

3471 (ii) governmental assistance as the parent of dependent children and is no longer eligible
3472 for that assistance.

3473 (2) The department shall establish, in cooperation with state and local governmental
3474 agencies, community-based organizations, and private employers, a program for the education,
3475 training, and transitional counseling of displaced homemakers, which includes referral services and
3476 the following services:

3477 (a) employment and skills training, career counseling, and placement services specifically
3478 designed to address the needs of displaced homemakers;

3479 (b) assistance in obtaining access to existing public and private employment training
3480 programs;

3481 (c) educational services, including information on high school or college programs, or
3482 assistance in gaining access to existing educational programs;

3483 (d) health education and counseling, or assistance in gaining access to existing health
3484 education and counseling services;

3485 (e) financial management services which provide information on insurance, taxes, estate
3486 and probate matters, mortgages, loans, and other financial issues; and

3487 (f) prevocational self-esteem and assertiveness training.

3488 (3) The department shall:

3489 (a) (i) contract with existing governmental or private agencies or community-based
3490 organizations that have demonstrated effectiveness in serving displaced homemakers to provide
3491 a program for displaced homemakers in each county or group of counties, as the population
3492 demands; or

3493 (ii) establish a program for displaced homemakers in that area;

3494 (b) coordinate its program for displaced homemakers with existing state or federal
3495 programs of a similar nature and, where possible, utilize existing physical resources;

3496 (c) establish rules to implement this section, and may form an advisory committee for
3497 recommendations on the establishment and improvement of a program for displaced homemakers;

3498 (d) encourage the placement of displaced homemakers in programs established under:

3499 (i) the Job Training Partnership Act, 29 U.S.C. Section 1501; and

3500 (ii) the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C.

3501 Section 2301, et seq.; and

3502 (e) prepare an evaluation of its program for displaced homemakers, including the success
3503 of placement of displaced homemakers in programs described in this section, and annually submit
3504 a written report of that evaluation to the Legislature.

3505 (4) Displaced homemakers may act as peer counselors in programs for displaced
3506 homemakers.

3507 (5) (a) Appropriate funds received by the state under Section [~~17-5-214~~] 21-2-8 shall be
3508 deposited as nonlapsing dedicated credits and used for the purposes of this section.

3509 (b) Notwithstanding Subsection (5)(a), if the nonlapsing amount exceeds \$300,000 at the
3510 end of any fiscal year, the excess shall lapse into the General Fund.

3511 (6) The department shall establish procedures for payment and repayment, when possible,
3512 by clients to the department of the costs of services provided to displaced homemakers under this
3513 section.

3514 Section 162. Section **35A-3-401** is amended to read:

3515 **35A-3-401. General Assistance.**

3516 (1) (a) General Assistance may be provided to individuals who are not receiving cash
3517 assistance under Part 3, Family Employment Program, or Supplemental Security Income, and who
3518 are unemployable according to standards promulgated by the department.

3519 (b) (i) General Assistance may be provided by payment in cash or in kind.

3520 (ii) The office may provide an amount less than the existing payment level for an otherwise
3521 similarly situated client of cash assistance under Part 3, Family Employment Program.

3522 (c) The office shall establish asset limitations for General Assistance clients consistent
3523 with Section 35A-3-107.

3524 (d) (i) General Assistance may be granted to meet special nonrecurrent needs of an
3525 applicant for the federal Supplemental Security Income program, if the applicant agrees to
3526 reimburse the division for assistance advanced while awaiting the determination of eligibility by
3527 the Social Security Administration.

3528 (ii) General Assistance payments may not be made to a current client of cash assistance

3529 or Supplemental Security Income.

3530 (e) (i) General Assistance may be used for the reasonable cost of burial for a client, if heirs
3531 or relatives are not financially able to assume this expense[, and the county is determined not to
3532 be liable for the expense under Section 17-5-250].

3533 (ii) Notwithstanding Subsection (1)(e)(i), if the body of a person is unclaimed, Section
3534 53B-17-301 applies.

3535 (iii) The department shall fix the cost of a reasonable burial and conditions under which
3536 burial expenditures may be made.

3537 (2) The division may cooperate with any governmental unit or agency, or any private
3538 nonprofit agency in establishing work projects to provide employment for employable persons.

3539 Section 163. Section **63-55-235** is amended to read:

3540 **63-55-235. Repeal dates, Title 35 and Title 35A.**

3541 (1) Title 35A, Utah Workforce Services Code, is repealed July 1, 2005.

3542 (2) Section 35A-3-114, the Displaced Homemaker Program, together with the provision
3543 for funding that program contained in Subsection [~~17-5-214(3)~~] 21-2-8(2)(b), is repealed July 1,
3544 2007.

3545 Section 164. Section **63-63a-8** is amended to read:

3546 **63-63a-8. Children's Legal Defense Account.**

3547 (1) There is created a restricted account within the General Fund known as the Children's
3548 Legal Defense Account.

3549 (2) The purpose of the Children's Legal Defense Account is to provide for programs that
3550 protect and defend the rights, safety, and quality of life of children.

3551 (3) The Legislature shall appropriate money from the account for the administrative and
3552 related costs of the following programs:

3553 (a) implementing the Mandatory Educational Course on Children's Needs for Divorcing
3554 Parents relating to the effects of divorce on children as provided in Sections 30-3-4, 30-3-7,
3555 30-3-10.3, 30-3-11.3, 30-3-15.3, and 30-3-18, and the Mediation Pilot Program - Child Custody
3556 or Visitation as provided in Sections 30-3-15.3 and 30-3-18;

3557 (b) implementing the use of guardians ad litem as provided in Sections 30-3-5.2,
3558 78-3a-318, 78-3a-912, 78-11-6, and 78-7-9; the training of guardian ad litem and volunteers as
3559 provided in Section 78-3a-912; and termination of parental rights as provided in Sections

3560 78-3a-118, 78-3a-119, 78-3a-903, and Title 78, Chapter 3a, Part 4, Termination of Parental Rights
3561 Act. This account may not be used to supplant funding for the guardian ad litem program in the
3562 juvenile court as provided in Section 78-3a-912; and

3563 (c) implementing and administering the Expedited Visitation Enforcement Pilot Program
3564 as provided in Section 30-3-38.

3565 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
3566 Account and used only for the purposes provided in Subsections (3)(a) through (c):

3567 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
3568 as provided in Section [~~17-5-214~~] 21-2-8; and

3569 (b) a fee of \$2 shall be withheld from the existing civil filing fee collected on any
3570 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

3571 (5) The Division of Finance shall allocate the monies described in Subsection (4) from the
3572 General Fund to the Children's Legal Defense Account.

3573 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30 of
3574 any fiscal year shall lapse into the General Fund.

3575 Section 165. Section **68-3-12** is amended to read:

3576 **68-3-12. Rules of construction.**

3577 (1) In the construction of these statutes, the following general rules shall be observed,
3578 unless such construction would be inconsistent with the manifest intent of the Legislature or
3579 repugnant to the context of the statute:

3580 (a) The singular number includes the plural, and the plural the singular.

3581 (b) Words used in one gender comprehend the other.

3582 (c) Words used in the present tense include the future.

3583 (2) In the construction of these statutes, the following definitions shall be observed, unless
3584 the definition would be inconsistent with the manifest intent of the Legislature, or repugnant to the
3585 context of the statute:

3586 (a) "Adjudicative proceeding" means:

3587 (i) all actions by a board, commission, department, officer, or other administrative unit of
3588 the state that determine the legal rights, duties, privileges, immunities, or other legal interests of
3589 one or more identifiable persons, including all actions to grant, deny, revoke, suspend, modify,
3590 annul, withdraw, or amend an authority, right, or license; and

3591 (ii) judicial review of all such actions.

3592 (b) "Advisory board," "advisory commission," and "advisory council" means a board,
3593 commission, or council that:

3594 (i) provides advice and makes recommendations to another person or entity who makes
3595 policy for the benefit of the general public;

3596 (ii) is created by and whose duties are provided by statute or by executive order; and

3597 (iii) performs its duties only under the supervision of another person as provided by
3598 statute.

3599 (c) "Councilman" includes a town trustee or a city commissioner, and "city commissioner"
3600 includes a councilman.

3601 (d) "County executive" means:

3602 (i) the county commission in the [~~traditional~~] county commission or expanded county
3603 commission form of government established [~~by Section 17-4-2 and~~] under Title 17, Chapter [5]
3604 52, [County Commissioners and Legislative Bodies] Forms of County Government;

3605 (ii) the county executive in the "county executive and chief administrative officer-council"
3606 optional form of government authorized by Section [~~17-35a-501~~] 17-52-503;

3607 (iii) the county executive in the "county executive-council" optional form of government
3608 authorized by Section [~~17-35a-502~~] 17-52-504;

3609 (iv) the county manager in the "council-manager" optional form of government authorized
3610 by Section [~~17-35a-503~~] 17-52-505; and

3611 (v) the county council in the "council-county administrative officer" optional form of
3612 government authorized by Section [~~17-35a-504~~] 17-52-506.

3613 (e) "County legislative body" means:

3614 (i) the county commission in the [~~traditional~~] county commission or expanded county
3615 commission form of government established [~~by Section 17-4-2 and~~] under Title 17, Chapter [5]
3616 52, [County Commissioners and Legislative Bodies] Forms of County Government;

3617 (ii) the county council in the "county executive and chief administrative officer-council"
3618 optional form of government authorized by Section [~~17-35a-501~~] 17-52-503;

3619 (iii) the county council in the "county executive-council" optional form of government
3620 authorized by Section [~~17-35a-502~~] 17-52-504;

3621 (iv) the county council in the "council-manager" optional form of government authorized

3622 by Section [~~17-35a-503~~] 17-52-505; and

3623 (v) the county council in the "council-county administrative officer" optional form of
3624 government authorized by Section [~~17-35a-504~~] 17-52-506.

3625 (f) "Executor" includes administrator, and the term "administrator" includes executor,
3626 when the subject matter justifies such use.

3627 (g) "Guardian" includes a person who has qualified as a guardian of a minor or
3628 incapacitated person pursuant to testamentary or court appointment and a person who is appointed
3629 by a court to manage the estate of a minor or incapacitated person.

3630 (h) "Highway" and "road" include public bridges and may be held equivalent to the words
3631 "county way," "county road," "common road," and "state road."

3632 (i) "Him," "his," and other masculine pronouns include "her," "hers," and similar feminine
3633 pronouns unless the context clearly indicates a contrary intent or the subject matter relates clearly
3634 and necessarily to the male sex only.

3635 (j) "Insane person" include idiots, lunatics, distracted persons, and persons of unsound
3636 mind.

3637 (k) "Land," "real estate," and "real property" include land, tenements, hereditaments, water
3638 rights, possessory rights, and claims.

3639 (l) "Man" or "men" when used alone or in conjunction with other syllables as in
3640 "workman," includes "woman" or "women" unless the context clearly indicates a contrary intent
3641 or the subject matter relates clearly and necessarily to the male sex only.

3642 (m) "Month" means a calendar month, unless otherwise expressed, and the word "year,"
3643 or the abbreviation "A.D." is equivalent to the expression "year of our Lord."

3644 (n) "Oath" includes "affirmation," and the word "swear" includes "affirm." Every oral
3645 statement under oath or affirmation is embraced in the term "testify," and every written one, in the
3646 term "depose."

3647 (o) "Person" includes individuals, bodies politic and corporate, partnerships, associations,
3648 and companies.

3649 (p) "Personal property" includes every description of money, goods, chattels, effects,
3650 evidences of rights in action, and all written instruments by which any pecuniary obligation, right,
3651 or title to property is created, acknowledged, transferred, increased, defeated, discharged, or
3652 diminished, and every right or interest therein.

3653 (q) "Personal representative," "executor," and "administrator" includes an executor,
3654 administrator, successor personal representative, special administrator, and persons who perform
3655 substantially the same function under the law governing their status.

3656 (r) "Policy board," "policy commission," or "policy council" means a board, commission,
3657 or council that:

3658 (i) possesses a portion of the sovereign power of the state to enable it to make policy for
3659 the benefit of the general public;

3660 (ii) is created by and whose duties are provided by the constitution or by statute;

3661 (iii) performs its duties according to its own rules without supervision other than under the
3662 general control of another person as provided by statute; and

3663 (iv) is permanent and continuous and not temporary and occasional.

3664 (s) "Population" shall be as shown by the last preceding state or national census, unless
3665 otherwise specially provided.

3666 (t) "Property" includes both real and personal property.

3667 (u) "Review board," "review commission," or "review council" means a board,
3668 commission, or council that:

3669 (i) possesses a portion of the sovereign power of the state only to the extent to enable it
3670 to approve policy made for the benefit of the general public by another body or person;

3671 (ii) is created by and whose duties are provided by statute;

3672 (iii) performs its duties according to its own rules without supervision other than under the
3673 general control of another person as provided by statute; and

3674 (iv) is permanent and continuous and not temporary and occasional.

3675 (v) "Sheriff," "county attorney," "district attorney," "clerk," or other words used to denote
3676 an executive or ministerial officer, may include any deputy, or other person performing the duties
3677 of such officer, either generally or in special cases; and the words "county clerk" may be held to
3678 include "clerk of the district court."

3679 (w) "Signature" includes any name, mark, or sign written with the intent to authenticate
3680 any instrument or writing.

3681 (x) "State," when applied to the different parts of the United States, includes the District
3682 of Columbia and the territories; and the words "United States" may include the District and the
3683 territories.

3684 (y) "Town" may mean incorporated town and may include city, and the word "city" may
3685 mean incorporated town.

3686 (z) "Vessel," when used with reference to shipping, includes steamboats, canal boats, and
3687 every structure adapted to be navigated from place to place.

3688 (aa) "Will" includes codicils.

3689 (bb) "Writ" means an order or precept in writing, issued in the name of the state or of a
3690 court or judicial officer; and "process" means a writ or summons issued in the course of judicial
3691 proceedings.

3692 (cc) "Writing" includes printing, handwriting, and typewriting.

3693 Section 166. Section **70A-9-403** is amended to read:

3694 **70A-9-403. What constitutes filing -- Required statement -- Duration of filing --**
3695 **Effect of lapsed filing -- Duties of filing officer.**

3696 (1) Presentation for filing by the Division of Corporations and Commercial Code, or for
3697 recording, indexing, and abstracting by tract by the county recorder of a financing statement and
3698 tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under
3699 this chapter.

3700 (2) Except as provided in Subsection (6), a filed financing statement is effective for a
3701 period of five years from the date of filing. The effectiveness of a filed financing statement lapses
3702 on the expiration of the five-year period unless a continuation statement is filed prior to the lapse.
3703 If a security interest perfected by filing exists at the time insolvency proceedings are commenced
3704 by or against the debtor, the security interest remains perfected until termination of the insolvency
3705 proceedings and thereafter for a period of 60 days or until expiration of the five-year period,
3706 whichever occurs later. Upon lapse, the security interest becomes unperfected, unless it is
3707 perfected without filing. If the security interest becomes unperfected upon lapse, it is considered
3708 to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

3709 (3) (a) A continuation statement may be filed by the secured party within six months prior
3710 to the expiration of the five-year period specified in Subsection (2). Any such continuation
3711 statement must be signed by the secured party, identify the original statement by file number or
3712 by entry numbers and book and page numbers and state that the original statement is still effective.
3713 A continuation statement signed by a person other than the secured party of record must be
3714 accompanied by a separate written statement of assignment signed by the secured party of record

3715 and complying with Subsection 70A-9-405(2), including payment of the required fee. Upon timely
3716 filing of the continuation statement, the effectiveness of the original statement is continued for five
3717 years after the last date to which the filing was effective whereupon it lapses in the same manner
3718 as provided in Subsection (2) unless another continuation statement is filed prior to such lapse.
3719 Succeeding continuation statements may be filed in the same manner to continue the effectiveness
3720 of the original statement.

3721 (b) Unless a statute on disposition of public records provides otherwise, the filing officer
3722 may remove a lapsed statement from the files and destroy it immediately if the filing officer has
3723 retained a microfilm or other photographic record, or in other cases after one year after the lapse.
3724 The filing officer shall so arrange matters by physical annexation of financing statements to
3725 continuation statement or other related filings, or by other means, that if the filing officer
3726 physically destroys the financing statements of a period more than five years past, those which
3727 have been continued by a continuation statement or which are still effective under Subsection (6)
3728 shall be retained.

3729 (4) Except as provided in Subsection (7), a filing officer shall mark each statement with
3730 a file number and with the date and hour of filing and shall hold the statement or a microfilm or
3731 other photographic copy thereof for public inspection. In addition, the filing officer shall index
3732 the statements according to the name of the debtor and shall note in the index the file number and
3733 the address of the debtor given in the statement.

3734 (5) The fees for filing and indexing and for stamping a copy furnished by the secured party
3735 to show the date and place of filing for an original financing statement or for a continuation
3736 statement shall be determined by the Division of Corporations and Commercial Code pursuant to
3737 Section 63-38-3.2. The secured party may at the secured party's option show a trade name for any
3738 person and an extra indexing fee determined by the Division of Corporations and Commercial
3739 Code pursuant to Section 63-38-3.2 shall be paid with respect thereto.

3740 (6) If the debtor is a transmitting utility (Subsection 70A-9-401(5)) and a filed financing
3741 statement so states, it is effective until a termination statement is filed. A real estate mortgage
3742 which is effective as a fixture filing under Subsection 70A-9-402(6) remains effective as a fixture
3743 filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates
3744 as to the real estate.

3745 (7) When a financing statement covers timber to be cut or covers minerals or the like

3746 (including oil and gas) subject to Subsection 70A-9-103(5), or accounts, or is recorded as a fixture
3747 filing, the county recorder shall record and index it under the names of the debtor and any owner
3748 of record shown on the financing statement in the same fashion as if they were the mortgagors in
3749 a mortgage of the real estate described, and under the name of the secured party as if the secured
3750 party were the mortgagee thereunder, or where indexing is by description, record and index it in
3751 the same fashion as if the financing statement were a mortgage of the real estate described.
3752 Original statements, once duly marked and recorded by the county recorder, may be returned to
3753 the party making the filing. Except as provided in Subsection 70A-9-404(3), filings made in the
3754 office of the county recorder shall be subject to the provisions of Section [~~17-5-214~~] 21-2-8 in lieu
3755 of the fees provided in this chapter.

3756 Section 167. Section **70A-9-404** is amended to read:

3757 **70A-9-404. Termination statement.**

3758 (1) If a financing statement covering consumer goods is filed on or after July 1, 1977, then
3759 within one month or within ten days following written demand by the debtor after there is no
3760 outstanding secured obligation and no commitment to make advances, incur obligations, or
3761 otherwise give value, the secured party must file with each filing officer with whom the financing
3762 statement was filed, a termination statement to the effect that he no longer claims a security interest
3763 under the financing statement, which shall be identified by file number or by entry number and
3764 book and page numbers. In other cases, whenever there is no outstanding secured obligation and
3765 no commitment to make advances, incur obligations, or otherwise give value, the secured party
3766 must, on written demand by the debtor, send the debtor, for each filing officer with whom the
3767 financing statement was filed, a termination statement to the effect that he no longer claims a
3768 security interest under the financing statement, which shall be identified by file number or by entry
3769 number and book and page numbers. A termination statement signed by a person other than the
3770 secured party of record must be accompanied by a separate written statement of assignment signed
3771 by the secured party of record complying with Subsection (2) of Section 70A-9-405, including
3772 payment of the required fee. If the affected secured party fails to file such a termination statement
3773 as required by this subsection, or to send such a termination statement within ten days after proper
3774 demand therefor, he shall be liable to the debtor for \$100, and in addition, for any loss caused to
3775 the debtor by such failure.

3776 (2) On presentation to the filing officer of such a termination statement, he must duly file

3777 the same. If he has received the termination statement in duplicate, he shall return one copy of the
3778 termination statement to the secured party stamped to show the time of receipt thereof. If the filing
3779 officer has a microfilm or other photographic record of the financing statement, and of any related
3780 continuation statement, statement of assignment and statement of release, he may remove the
3781 originals from the files at any time after receipt of the termination statement, or if he has no such
3782 record, he may remove them from the files at any time after one year after receipt of the
3783 termination statement.

3784 (3) No fee shall be charged for filing and indexing a termination statement including
3785 sending or delivering the financing statement, except that filings made in the office of the county
3786 recorder shall be subject to the provisions of Section [~~17-5-214~~] 21-2-8 in lieu of the no-fee
3787 provision in this chapter.

3788 Section 168. Section **72-3-301** is amended to read:

3789 **72-3-301. Statewide public safety interest highway defined -- Designations -- Control**
3790 **-- Maintenance -- Improvement restrictions -- Formula funding provisions.**

3791 (1) As used in this part, "statewide public safety interest highway" means a designated
3792 state highway that serves a compelling statewide public safety interest.

3793 (2) Statewide public safety interest highways include:

3794 (a) SR-900. From near the east bound on and off ramps of the I-80 Delle Interchange on
3795 the I-80 south frontage road, traversing northwesterly, westerly, and northeasterly, including on
3796 portions of a county road and a Bureau of Land Management road for a distance of 9.24 miles.
3797 Then beginning again at the I-80 south frontage road traversing southwesterly and northwesterly
3798 on a county road for a distance of 4.33 miles. Then beginning again at the I-80 south frontage road
3799 traversing southwesterly, northerly, northwesterly, westerly, and northeasterly on a county road and
3800 a Bureau of Land Management road to near the east bound on and off ramps of I-80 Low/Lakeside
3801 Interchange for a distance of 2.61 miles. The entire length of SR-900 is a total distance of 16.18
3802 miles.

3803 (b) SR-901. From SR-196 traversing westerly and northwesterly on a county road to a
3804 junction with a Bureau of Land Management road described as part of SR-901, then northwesterly
3805 to a junction with a county road for a distance of 8.70 miles. Then beginning again at a junction
3806 with SR-901 traversing northwesterly on a Bureau of Land Management road to a junction with
3807 a county road for a distance of 6.52 miles. Then beginning again at a junction with SR-901

3808 traversing southwesterly on a Bureau of Land Management road to a junction with a county road
3809 for a distance of 5.44 miles. Then beginning again from a junction with SR-901 traversing
3810 southwesterly on a county road to a junction with a county road a distance of 11.52 miles. Then
3811 beginning again at a junction with SR-196 traversing westerly on a Bureau of Land Management
3812 road to a junction with a county road for a distance of 11.30 miles. The entire length of SR-901
3813 is a total distance of 43.48 miles.

3814 (3) The department has jurisdiction and control over all statewide public safety interest
3815 highways.

3816 (4) (a) A county shall maintain the portions of a statewide public safety interest highway
3817 that was a class B county road under the county's jurisdiction prior to the designation under this
3818 section.

3819 (b) Notwithstanding the provisions of Section [~~17-5-232~~] 17-50-305, a county may not
3820 abandon any portion of a statewide public safety interest highway.

3821 (c) Except under written authorization of the executive director of the department, a
3822 statewide public safety interest highway shall remain the same class of highway that it was prior
3823 to the designation under this section with respect to grade, drainage, surface, and improvements
3824 and it may not be upgraded or improved to a higher class of highway.

3825 (5) A class B county road that is designated a statewide public safety interest highway
3826 under this section is considered a class B county road for the purposes of the distribution formula
3827 and distributions of funds. The amount of funds received by any jurisdiction from the class B and
3828 C roads account under Section 72-2-107 may not be affected by the provisions of this section.

3829 Section 169. Section **77-32-304.5** is amended to read:

3830 **77-32-304.5. Reasonable compensation for defense counsel for indigents.**

3831 (1) This section does not apply to any attorney:

3832 (a) under contract with the county or municipality for defense of an indigent person; or
3833 (b) in the legal defender organization, legal aid agency, law firm, or public defender
3834 association with which that attorney is professionally associated.

3835 (2) (a) The county or municipality shall pay reasonable compensation to any attorney
3836 assigned by the court under Subsection 77-32-306 at the conclusion of the representation or any
3837 segment of the representation, as provided in Subsections (b), (c), (d), and (e):

3838 (i) before the district or justice courts, including interlocutory appeals; and

- 3839 (ii) before the appellate court on a first appeal of right.
- 3840 (b) The legislative body of each county and municipality shall establish and annually
- 3841 review guidelines for the rate of compensation, taking into account:
- 3842 (i) the nature and complexity of the case;
- 3843 (ii) the competency and years of experience in criminal defense of the assigned attorney;
- 3844 (iii) the adjusted net hourly rate incurred by the county or municipality for a prosecutor or
- 3845 public defender of equivalent experience and competency; and
- 3846 (iv) the prevailing rates within the judicial district for comparable services.
- 3847 (c) If the legislative body of a county or municipality does not establish the rate guidelines,
- 3848 the rate of compensation shall be determined by the trial judge or a judge other than the trial judge
- 3849 if requested by:
- 3850 (i) the assigned attorney; or
- 3851 (ii) the county or municipality.
- 3852 (d) If the assigned attorney disagrees with the amount of compensation paid or
- 3853 contemplated for payment by the county or municipality, the assigned attorney shall nonetheless
- 3854 continue to represent the indigent defendant and may file a claim against:
- 3855 (i) the county pursuant to Section [~~17-15-10~~] 17-50-401, in which event the period for a
- 3856 denial by the county shall be 20 days; or
- 3857 (ii) the municipality pursuant to Title 10, Chapter 6, Uniform Fiscal Procedures Act.
- 3858 (e) In determining the reasonable compensation to be paid to defense counsel under
- 3859 Subsections (2)(c) and (d), the court shall consider the factors contained in Subsections (2)(b)(i)
- 3860 through (iv).
- 3861 (f) The total compensation in a noncapital case may not, without prior court approval
- 3862 following a hearing, exceed:
- 3863 (i) \$3,500 for each assigned attorney in a case in which one or more felonies is charged;
- 3864 (ii) \$1,000 for each assigned attorney in a case in which only misdemeanors or lesser
- 3865 offenses are charged; or
- 3866 (iii) \$2,500 for each assigned attorney in the representation of an indigent in an appellate
- 3867 court on a first appeal of right.
- 3868 Section 170. **Repealer.**
- 3869 This act repeals:

- 3870 Section 17-1-1, "Range," "township," "section" defined.
- 3871 Section 17-1-33, Disputed boundaries -- Determination.
- 3872 Section 17-4-1, Counties are bodies corporate and politic.
- 3873 Section 17-4-12, Citation.
- 3874 Section 17-4-13, Purpose of act.
- 3875 Section 17-5-103, Term of office -- Two vacancies in same election.
- 3876 Section 17-5-104, Vacancies on the County Commission.
- 3877 Section 17-5-223, Destruction of pests.
- 3878 Section 17-5-224, Dogs -- Tax and regulation.
- 3879 Section 17-5-225, Protection of fish and wildlife.
- 3880 Section 17-5-226, Working prisoners.
- 3881 Section 17-5-227, Inspecting and grading merchandise.
- 3882 Section 17-5-230, Explosives.
- 3883 Section 17-5-231, Stationary engineers, examination and licensing -- Boiler inspection.
- 3884 Section 17-5-238, Donations for county purposes.
- 3885 Section 17-5-240, Rooms where building not available.
- 3886 Section 17-5-241, Insurance of buildings and furniture.
- 3887 Section 17-5-244, Omnibus authority.
- 3888 Section 17-5-249, Cemeteries and burials.
- 3889 Section 17-5-250, Burial of indigents.
- 3890 Section 17-5-251, Farm -- Convalescent and nursing care facilities -- Social services.
- 3891 Section 17-5-252, Transient indigents and insane persons.
- 3892 Section 17-5-253, Lawful settlement, how acquired.
- 3893 Section 17-5-254, Relief of sick persons.
- 3894 Section 17-5-257, County fire department.
- 3895 Section 17-5-260, Powers and duties of purchasing agent.
- 3896 Section 17-5-261, Restriction of powers and duties.
- 3897 Section 17-5-262, Water survey -- Cooperation with Utah Water Users' Association
- 3898 **or subsidiary organization.**
- 3899 Section 17-5-266, Historic and cultural resource programs.
- 3900 Section 17-5-267, County resource development committee -- Appointment of

3901 **members -- Terms -- Compensation and expenses -- Vacancies -- Removal of members.**

3902 Section **17-5-268, County resource development committee -- Election of officers --**

3903 **Employment of executive director.**

3904 Section **17-5-269, Functions of committee.**

3905 Section **17-5-270, County resources -- Power of county executives to contract with**
3906 **other authorities.**

3907 Section **17-15-10, Claims against county -- Presentation.**

3908 Section **17-35a-101, Title.**

3909 Section **17-35a-103, Legislative intent.**

3910 Section 171. **Coordination clause.**

3911 (1) If this bill and S.B. 58, Optional Forms of County Government Amendments, both
3912 pass, it is the intent of the Legislature that the amendments in this bill supersede the amendments
3913 in S.B. 58.

3914 (2) If this bill and H.B. 138, Public Attorneys Act Amendments, both pass, it is the intent
3915 of the Legislature that the amendments in this bill to Section 17-5-219 be reversed and that Section
3916 17-5-219 be repealed.