

**Senator David L. Gladwell** proposes the following substitute bill:

**COUNTY LAW REVISIONS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

**This act modifies provisions relating to counties. The act clarifies references to county legislative bodies. The act amends provisions relating to the recording of subdivision plats. The act amends the procedures for adjusting and recording boundaries between adjacent parcels. The act amends the reporting date for county recorders to provide copies of ownership plats to the county assessor. The act repeals the requirements that assessors return plats to the recorder. The act repeals the requirement that the assessor maintain separate plat books. The act amends procedures relating to the abandonment of public roads. The act makes technical changes.**

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

AMENDS:

**10-9-806**, as last amended by Chapter 209, Laws of Utah 2000

**10-9-808**, as last amended by Chapter 209, Laws of Utah 2000

**17-21-22**, as last amended by Chapter 241, Laws of Utah 2001

**17-27-806**, as last amended by Chapter 241, Laws of Utah 2001

**17-27-808**, as last amended by Chapter 241, Laws of Utah 2001

**17-27-811**, as last amended by Chapter 241, Laws of Utah 2001

**17A-3-602**, as last amended by Chapter 106, Laws of Utah 1999

**17A-3-701**, as last amended by Chapter 1, Laws of Utah 2000

**19-4-111**, as last amended by Chapter 181, Laws of Utah 2000

**57-3-101**, as renumbered and amended by Chapter 61, Laws of Utah 1998

**59-2-906.3**, as last amended by Chapter 292, Laws of Utah 1997



26           **70A-9a-520**, as enacted by Chapter 252, Laws of Utah 2000

27           **72-5-105**, as renumbered and amended by Chapter 270, Laws of Utah 1998

28 REPEALS:

29           **17-21-23**, Utah Code Annotated 1953

30           **59-2-312**, as enacted by Chapter 4, Laws of Utah 1987

31 *Be it enacted by the Legislature of the state of Utah:*

32           Section 1. Section **10-9-806** is amended to read:

33           **10-9-806. Exemptions from plat requirement.**

34           (1) (a) Notwithstanding Sections 10-9-804 and 10-9-805, a person may submit to the  
35 county recorder's office for recording a document that subdivides property by metes and bounds  
36 into less than ten lots, without the necessity of recording a plat, if:

37           (i) the planning commission, if required by municipal ordinance, has given the municipal  
38 legislative body its recommendation, whether favorable or not; and

39           (ii) the document contains a certificate or written approval from:

40           (A) the legislative body of the municipality in which the property is located; or

41           (B) other officers that the municipal legislative body designates in an ordinance.

42           (b) By indicating its approval on a document under Subsection (1)(a), the municipal  
43 legislative body or other officer designated by the municipal legislative officer certifies that:

44           (i) the planning commission:

45           (A) has given its recommendation to the municipal legislative body; or

46           (B) is not required by municipal ordinance to give its recommendation;

47           (ii) the subdivision is not traversed by the mapped lines of a proposed street as shown in  
48 the general plan and does not require the dedication of any land for street or other public purposes;  
49 and

50           (iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the  
51 frontage, width, and area requirements of the zoning ordinance or has been granted a variance from  
52 those requirements by the board of adjustment.

53           (2) Municipalities under the council-mayor form of government shall comply with Section  
54 10-3-1219.5.

55           (3) (a) Subject to Subsection (3)(b), a lot or parcel resulting from a division of agricultural  
56 land is exempt from the plat requirements of Section 10-9-804 if the lot or parcel:

57 (i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland  
58 Assessment Act;

59 (ii) meets the minimum size requirement of applicable zoning ordinances; and

60 (iii) is not used and will not be used for any nonagricultural purpose.

61 (b) The boundaries of each lot or parcel exempted under Subsection (3)(a) shall be  
62 graphically illustrated on a record of survey map that, after receiving the same approvals as are  
63 required for a plat under Section 10-9-805, shall be recorded with the county recorder.

64 (c) If a lot or parcel exempted under Subsection (3)(a) is used for a nonagricultural  
65 purpose, the municipality in which the lot or parcel is located may require the lot or parcel to  
66 comply with the requirements of Section 10-9-804.

67 ~~[(4) (a) A person may not submit to the county recorder's office for recording a document  
68 that subdivides property by metes and bounds unless it contains the certificate or written approval  
69 required by this section.]~~

70 ~~[(b) The recording of a document that subdivides property by metes and bounds and does  
71 not contain the certificate or written approval required by this section:]~~

72 ~~[(i) does not affect the validity of the document; and]~~

73 ~~[(ii) does not affect whether the subdivided property complies with applicable municipal  
74 ordinances on land use and development.]~~

75 (4) (a) Documents recorded in the county recorder's office that divide property by a metes  
76 and bounds description do not create a subdivision allowed by this part unless the certificate of  
77 written approval required by Subsection (1)(a)(ii) is attached to the document.

78 (b) The absence of the certificate or written approval required by Subsection (1)(a)(ii) does  
79 not affect the validity of a recorded document.

80 (c) A document recorded under Subsection (1)(a) which does not meet the requirements  
81 of Subsection (1)(a)(ii) may be corrected to comply with Subsection (1)(a)(ii) by the recording of  
82 an affidavit to which the required certificate or written approval is attached in accordance with  
83 Section 57-3-106.

84 Section 2. Section **10-9-808** is amended to read:

85 **10-9-808. Vacating or changing a subdivision plat.**

86 (1) (a) Subject to Subsection (2), the legislative body of a municipality or any other officer  
87 that the legislative body designates by ordinance may, with or without a petition, consider any

88 proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision  
89 plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

90 (b) If a petition is filed, the responsible body or officer shall hold the public hearing within  
91 45 days after receipt of the planning commission's recommendation under Subsection (2) if:

92 (i) the plat change includes the vacation of a public street or alley;

93 (ii) any owner within the plat notifies the municipality of their objection in writing within  
94 ten days of mailed notification; or

95 (iii) a public hearing is required because all of the owners in the subdivision have not  
96 signed the revised plat.

97 (2) (a) Before the legislative body or officer designated by the legislative body may  
98 consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the  
99 legislative body or officer shall refer the proposal to the planning commission for its  
100 recommendation.

101 (b) The planning commission shall give its recommendation within 30 days after the  
102 proposed vacation, alteration, or amendment is referred to it.

103 (3) Any fee owner, as shown on the last county assessment rolls, of land within the  
104 subdivision that has been laid out and platted as provided in this part may, in writing, petition the  
105 legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated,  
106 altered, or amended as provided in this section.

107 (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or  
108 lot contained in a plat shall include:

109 (a) the name and address of all owners of record of the land contained in the entire plat;

110 (b) the name and address of all owners of record of land adjacent to any street that is  
111 proposed to be vacated, altered, or amended; and

112 (c) the signature of each of these owners who consents to the petition.

113 (5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may not  
114 be scheduled for consideration at a public hearing before the legislative body until the notice  
115 required by this part is given.

116 (b) The petitioner shall pay the cost of the notice.

117 (6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter,  
118 or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider

119 the issue at a public hearing after giving the notice required by this part.

120 ~~[(7) Petitions to adjust lot lines between adjacent properties may be executed upon the~~  
121 ~~recording of an appropriate deed if:]~~

122 (7) (a) The owners of record of adjacent parcels that are described by either a metes and  
123 bounds description or a recorded plat may exchange title to portions of those parcels if the  
124 exchange of title is approved by the planning commission, or such other person or board as the  
125 municipal legislative body may designate, in accordance with Subsection (7)(b).

126 (b) The planning commission, or such other person or board as the municipal legislative  
127 body may designate, shall approve an exchange of title under Subsection (7)(a) if:

128 ~~[(a)]~~ (i) no new dwelling lot or housing unit [results from the lot line adjustment;] will  
129 result from the exchange of title; and

130 ~~[(b) the adjoining property owners consent to the lot line adjustment;]~~

131 ~~[(c) the lot line adjustment does not result in remnant land that did not previously exist;~~  
132 ~~and (d) the adjustment does]~~

133 (ii) the exchange of title will not result in a violation of applicable zoning requirements.

134 (c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall  
135 be recorded by the planning commission, or such other person or board as the municipal legislative  
136 body may designate, in the office of the county recorder which:

137 (i) is executed by each owner included in the exchange and by the planning commission,  
138 or such other person or board as the municipal legislative body may designate;

139 (ii) contains an acknowledgment for each party executing the notice in accordance with  
140 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

141 (iii) recites the descriptions of both the original parcels and the parcels created by the  
142 exchange of title.

143 (d) A notice of approval recorded under this Subsection (7) does not act as a conveyance  
144 of title to real property and is not required for the recording of a document purporting to convey  
145 title to real property.

146 (8) (a) The name of a recorded subdivision may be changed by recording an amended plat  
147 making that change, as provided in this section.

148 (b) Except as provided in Subsection (8)(a), the recording of a declaration or other  
149 document that purports to change the name of a recorded plat is void.

150 (9) Municipalities operating under the council-mayor form of government shall comply  
151 with Section 10-3-1219.5.

152 Section 3. Section **17-21-22** is amended to read:

153 **17-21-22. Annual revision -- Reporting changes in ownership to county assessors --**  
154 **Use of geographic information systems or computer systems.**

155 (1) The county recorder shall:

156 (a) each year, prepare copies of ownership plats and descriptions, showing record owners  
157 at noon on January 1;

158 (b) on or before January [~~15~~] 30 of each year, transmit the copies to the county assessor;

159 (c) report all changes in recorded ownership of real property made during the first seven  
160 months of each calendar year to the county assessor not later than August 15 of that year;

161 (d) for the remainder of the calendar year, report the changes in the ownership of real  
162 property that are recorded in the county recorder's office each month on or before the 15th day of  
163 the month following the month in which the changes were recorded;

164 (e) transmit the changes of ownership on appropriate forms that show the current owner's  
165 name and a full legal description of the property conveyed; and

166 (f) where only a part of the grantor's property is conveyed, transmit an additional form  
167 showing a full legal description of the portion retained.

168 (2) Nothing in this chapter precludes the use of geographic information systems or  
169 computer systems by the recorder if the systems include all of the information required by this  
170 section.

171 Section 4. Section **17-27-806** is amended to read:

172 **17-27-806. Exemptions from plat requirement.**

173 (1) (a) Notwithstanding Sections 17-27-804 and 17-27-805, a person may submit to the  
174 county recorder's office for recording a document that subdivides property by metes and bounds  
175 into less than ten lots, without the necessity of recording a plat, if:

176 (i) the planning commission, if required by county ordinance, has given the county  
177 executive its recommendation, whether favorable or not; and

178 (ii) the document contains a certificate or written approval from:

179 (A) the executive of the county in whose unincorporated area the property is located; or

180 (B) other officers that the county legislative body designates in an ordinance.

181 (b) By indicating its approval on a document under Subsection (1)(a), the county executive  
182 or other officer designated by the county legislative body certifies that:

183 (i) the planning commission:

184 (A) has given its recommendation to the county executive; or

185 (B) is not required by county ordinance to give its recommendation;

186 (ii) the subdivision is not traversed by the mapped lines of a proposed street as shown in  
187 the general plan and does not require the dedication of any land for street or other public purposes;  
188 and

189 (iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the  
190 frontage, width, and area requirements of the zoning ordinance or has been granted a variance from  
191 those requirements by the board of adjustment.

192 (2) (a) Subject to Subsection (2)(b), a lot or parcel resulting from a division of agricultural  
193 land is exempt from the plat requirements of Section 17-27-804 if the lot or parcel:

194 (i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland  
195 Assessment Act;

196 (ii) meets the minimum size requirement of applicable zoning ordinances; and

197 (iii) is not used and will not be used for any nonagricultural purpose.

198 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be  
199 graphically illustrated on a record of survey map that, after receiving the same approvals as are  
200 required for a plat under Section 17-27-805, shall be recorded with the county recorder.

201 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
202 purpose, the county in whose unincorporated area the lot or parcel is located may require the lot  
203 or parcel to comply with the requirements of Section 17-27-804.

204 ~~[(3) (a) A person may not submit to the county recorder's office for recording a document  
205 that subdivides property by metes and bounds unless it contains the certificate or written approval  
206 required by this section.]~~

207 (3) (a) Documents recorded in the county recorder's office that divide property by a metes  
208 and bounds description do not create a subdivision allowed by this part unless the certificate of  
209 written approval required by Subsection (1)(a)(ii) is attached to the document.

210 ~~[(b) The recording of a document that subdivides property by metes and bounds and does  
211 not contain the certificate or written approval required by this section:]~~

212           ~~[(i)]~~ (b) The absence of the certificate or written approval required by Subsection (1)(a)(ii)  
213 does not affect the validity of ~~[the]~~ a recorded document~~[-and]~~.

214           ~~[(ii) does not affect whether the subdivided property complies with applicable county~~  
215 ~~ordinances on land use and development.]~~

216           (c) A document recorded under Subsection (1)(a) which does not meet the requirements  
217 of Subsection (1)(a)(ii) may be corrected to comply with Subsection (1)(a)(ii) by the recording of  
218 an affidavit to which the required certificate or written approval is attached in accordance with  
219 Section 57-3-106.

220           Section 5. Section **17-27-808** is amended to read:

221           **17-27-808. Vacating or changing a subdivision plat.**

222           (1) (a) Subject to Subsection (2), the county executive or any other officer that the county  
223 legislative body designates by ordinance may, with or without a petition, consider any proposed  
224 vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any  
225 street, lot, or alley contained in a subdivision plat at a public hearing.

226           (b) If a petition is filed, the responsible officer shall hold the public hearing within 45 days  
227 after receipt of the planning commission's recommendation under Subsection (2) if:

228           (i) the plat change includes the vacation of a public street or alley;

229           (ii) any owner within the plat notifies the municipality of their objection in writing within  
230 ten days of mailed notification; or

231           (iii) a public hearing is required because all of the owners in the subdivision have not  
232 signed the revised plat.

233           (2) (a) Before the county legislative body or officer designated by the county legislative  
234 body may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6),  
235 the county legislative body or officer shall refer the proposal to the planning commission for its  
236 recommendation.

237           (b) The planning commission shall give its recommendation within 30 days after the  
238 proposed vacation, alteration, or amendment is referred to it.

239           (3) Any fee owner, as shown on the last county assessment rolls, of land within the  
240 subdivision that has been laid out and platted as provided in this part may, in writing, petition the  
241 county executive to have the plat, any portion of it, or any street or lot contained in it, vacated,  
242 altered, or amended as provided in this section.

243 (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or  
244 lot contained in a plat shall include:

245 (a) the name and address of all owners of record of the land contained in the entire plat;

246 (b) the name and address of all owners of record of land adjacent to any street that is  
247 proposed to be vacated, altered, or amended; and

248 (c) the signature of each of these owners who consents to the petition.

249 (5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may not  
250 be scheduled for consideration at a public hearing before the responsible officer until the notice  
251 required by this part is given.

252 (b) The petitioner shall pay the cost of the notice.

253 (6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter,  
254 or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider  
255 the issue at a public hearing after giving the notice required by this part.

256 ~~[(7) Petitions to adjust lot lines between adjacent properties may be executed upon the  
257 recordation of an appropriate deed if:]~~

258 (7) (a) The owners of record of adjacent parcels that are described by either a metes and  
259 bounds description or a recorded plat may exchange title to portions of those parcels if the  
260 exchange of title is approved by the planning commission, or such other person or board as the  
261 county legislative body may designate, in accordance with Subsection (7)(b).

262 (b) The planning commission, or such other person or board as the county legislative body  
263 may designate, shall approve an exchange of title under Subsection (7)(a) if:

264 ~~[(a)]~~ (i) no new dwelling lot or housing unit [results from the lot line adjustment] will  
265 result from the exchange of title; and

266 ~~[(b) the adjoining property owners consent to the lot line adjustment;]~~

267 ~~[(c) the lot line adjustment does not result in remnant land that did not previously exist;  
268 and]~~

269 ~~[(d)]~~ (ii) [the adjustment does] the exchange of title will not result in a violation of  
270 applicable zoning requirements.

271 (c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall  
272 be recorded by the planning commission, or such other person or board as the county legislative  
273 body may designate, in the office of the county recorder which:

274 (i) is executed by each owner included in the exchange and by the planning commission,  
275 or such other person or board as the county legislative body may designate;

276 (ii) contains an acknowledgment for each party executing the notice in accordance with  
277 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

278 (iii) recites the descriptions of both the original parcels and the parcels created by the  
279 exchange of title.

280 (d) A notice of approval recorded under this Subsection (7) does not act as a conveyance  
281 of title to real property and is not required for the recording of a document purporting to convey  
282 title to real property.

283 (8) (a) The name of a recorded subdivision may be changed by recording an amended plat  
284 making that change, as provided in this section.

285 (b) Except as provided in Subsection (8)(a), the recording of a declaration or other  
286 document that purports to change the name of a recorded plat is void.

287 Section 6. Section **17-27-811** is amended to read:

288 **17-27-811. Owner may not sell land before plat recorded -- Improper recording does**  
289 **not affect validity of document or compliance with ordinances -- Action by county.**

290 (1) (a) An owner of any land located in a subdivision, as defined in this chapter, who  
291 transfers or sells any land in that subdivision before a plat of the subdivision has been approved  
292 and recorded as required in this part violates this part for each lot or parcel transferred or sold.

293 (b) The description by metes and bounds in the instrument of transfer or other documents  
294 used in the process of selling or transferring does not exempt the transaction from a violation of  
295 Subsection [~~(2)~~] (1)(a) or from the penalties or remedies provided in this chapter.

296 (c) Notwithstanding any other provision of this Subsection (1), the recording of an  
297 instrument of transfer or other document used in the process of selling or transferring real property  
298 that violates this part:

299 (i) does not affect the validity of the instrument or other document; and

300 (ii) does not affect whether the property that is the subject of the instrument or other  
301 document complies with applicable [~~municipal~~] county ordinances on land use and development.

302 (2) (a) A county may bring an action against an owner to require the property to conform  
303 to the provisions of this part or an ordinance enacted under the authority of this part.

304 (b) An action under this Subsection (2) may include an injunction, abatement, merger of

305 title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation.

306 (c) A county need only establish the violation to obtain the injunction.

307 Section 7. Section **17A-3-602** is amended to read:

308 **17A-3-602. Local mental health authorities -- Responsibilities.**

309 (1) All county [~~governing~~] legislative bodies in this state are local mental health  
310 authorities. Within legislative appropriations and county matching funds required by this section,  
311 under the policy direction of the state Board of Mental Health and the administrative direction of  
312 the Division of Mental Health within the Department of Human Services, local mental health  
313 authorities shall provide mental health services to persons within their respective counties. Two  
314 or more [~~county governing bodies~~] counties may join to provide mental health prevention and  
315 treatment services.

316 (2) The [~~governing~~] legislative bodies may establish acceptable ways of apportioning the  
317 cost of mental health services. Any agreement for joint mental health services may designate the  
318 treasurer of one of the participating counties as the custodian of moneys available for those joint  
319 services, and that the designated treasurer, or other disbursing officer, may make payments from  
320 those moneys for such purposes upon audit of the appropriate auditing officer or officers  
321 representing the participating counties. The agreement may provide for:

322 (a) joint operation of services and facilities or for operation of services and facilities under  
323 contract by one participating local mental health authority for other participating local mental  
324 health authorities; and

325 (b) allocation of appointments of members of the mental health advisory council between  
326 or among participating counties.

327 (3) (a) All county [~~governing~~] legislative bodies, as local mental health authorities, are  
328 accountable to the Department of Human Services, the Department of Health, and the state with  
329 regard to the use of state and federal funds received from those departments for mental health  
330 services, regardless of whether the services are provided by a private contract provider.

331 (b) A local mental health authority shall comply, and require compliance by its contract  
332 provider, with all directives issued by the Department of Human Services and the Department of  
333 Health regarding the use and expenditure of state and federal funds received from those  
334 departments for the purpose of providing mental health programs and services. The Department  
335 of Human Services and Department of Health shall ensure that those directives are not duplicative

336 or conflicting, and shall consult and coordinate with local mental health authorities with regard to  
337 programs and services.

338 (4) Local mental health authorities shall:

339 (a) review and evaluate mental health needs and services;

340 (b) annually prepare and submit to the division a plan for mental health funding and  
341 service delivery. The plan shall include services for adults, youth, and children, including, but not  
342 limited to, the following:

343 (i) inpatient care and services;

344 (ii) residential care and services;

345 (iii) outpatient care and services;

346 (iv) 24-hour crisis care and services;

347 (v) psychotropic medication management;

348 (vi) psychosocial rehabilitation including vocational training and skills development;

349 (vii) case management;

350 (viii) community supports including in-home services, housing, family support services,  
351 and respite services; and

352 (ix) consultation and education services, including but not limited to, case consultation,  
353 collaboration with other service agencies, public education, and public information;

354 (c) establish and maintain, either directly or by contract, programs licensed under Title  
355 62A, Chapter 2, Licensure of Programs and Facilities;

356 (d) appoint directly or by contract a full-time or part-time director for mental health  
357 programs and prescribe his duties;

358 (e) provide input and comment on new and revised policies established by the state Board  
359 of Mental Health;

360 (f) establish and require contract providers to establish administrative, clinical, personnel,  
361 financial, and management policies regarding mental health services and facilities, in accordance  
362 with the policies of the state Board of Mental Health, the Division of Mental Health, and state and  
363 federal law;

364 (g) establish mechanisms allowing for direct citizen input;

365 (h) annually contract with the Division of Mental Health to provide mental health  
366 programs and services in accordance with the provisions of Title 62A, Chapter 12, Mental Health;

367 (i) comply with all applicable state and federal statutes, policies, audit requirements,  
368 contract requirements, and any directives resulting from those audits and contract requirements;

369 (j) provide funding equal to at least 20% of the state funds that it receives to fund services  
370 described in the plan; and

371 (k) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
372 Cooperation Act, Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations  
373 and Other Local Entities, and Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special  
374 Districts Act.

375 (5) Before disbursing any public funds, local mental health authorities shall require that  
376 all entities that receive any public funds from a local mental health authority agree in writing that:

377 (a) the division may examine the entity's financial records;

378 (b) the county auditor may examine and audit the entity's financial records; and

379 (c) the entity will comply with the provisions of Subsection (3)(b).

380 (6) Local mental health authorities may receive property, grants, gifts, supplies, materials,  
381 contributions, and any benefit derived therefrom, for mental health services. If those gifts are  
382 conditioned upon their use for a specified service or program, they shall be so used.

383 (7) (a) For purposes of this section "public funds" means the same as that term is defined  
384 in Section 17A-3-603.5.

385 (b) Nothing in this section limits or prohibits an organization exempt under Section  
386 501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any  
387 financial arrangement that is otherwise lawful for that organization.

388 Section 8. Section **17A-3-701** is amended to read:

389 **17A-3-701. Local substance abuse authorities -- Responsibilities.**

390 (1) All county [~~governing~~] legislative bodies in this state are local substance abuse  
391 authorities. Within legislative appropriations and county matching funds required by this section,  
392 and under the policy direction of the state Board of Substance Abuse and the administrative  
393 direction of the Division of Substance Abuse within the Department of Human Services, local  
394 substance abuse authorities shall provide substance abuse services to residents of their respective  
395 counties. Two or more [~~county governing bodies~~] counties may join to provide substance abuse  
396 prevention and treatment services.

397 (2) The [~~governing~~] legislative bodies may establish acceptable ways of apportioning the

398 cost of substance abuse services. Any agreement for joint substance abuse services may designate  
399 the treasurer of one of the participating counties as the custodian of moneys available for those  
400 joint services, and that the designated treasurer, or other disbursing officer, may make payments  
401 from those moneys for such purposes upon audit of the appropriate auditing officer or officers  
402 representing the participating counties. The agreement may provide for joint operation of services  
403 and facilities or for operation of services and facilities under contract by one participating local  
404 substance abuse authority for other participating local substance abuse authorities.

405 (3) (a) All county [~~governing~~] legislative bodies, as local substance abuse authorities, are  
406 accountable to the Department of Human Services, the Department of Health, and the state with  
407 regard to the use of state and federal funds received from those departments for substance abuse  
408 services, regardless of whether the services are provided by a private contract provider.

409 (b) A local substance abuse authority shall comply, and require compliance by its contract  
410 provider, with all directives issued by the Department of Human Services and the Department of  
411 Health regarding the use and expenditure of state and federal funds received from those  
412 departments for the purpose of providing substance abuse programs and services. The Department  
413 of Human Services and Department of Health shall ensure that those directives are not duplicative  
414 or conflicting, and shall consult and coordinate with local substance abuse authorities with regard  
415 to programs and services.

416 (4) Local substance abuse authorities shall:

417 (a) review and evaluate substance abuse prevention and treatment needs and services;

418 (b) annually prepare and submit a plan to the division for funding and service delivery; the  
419 plan shall include, but is not limited to, primary prevention, targeted prevention, early intervention,  
420 and treatment services;

421 (c) establish and maintain, either directly or by contract, programs licensed under Title  
422 62A, Chapter 2, Licensure of Programs and Facilities;

423 (d) appoint directly or by contract a full or part time director for substance abuse programs,  
424 and prescribe his duties;

425 (e) provide input and comment on new and revised policies established by the state Board  
426 of Substance Abuse;

427 (f) establish and require contract providers to establish administrative, clinical, personnel,  
428 financial, and management policies regarding substance abuse services and facilities, in accordance

429 with the policies of the state Board of Substance Abuse, and state and federal law;

430 (g) establish mechanisms allowing for direct citizen input;

431 (h) annually contract with the Division of Substance Abuse to provide substance abuse  
432 programs and services in accordance with the provisions of Title 62A, Chapter 8, Substance  
433 Abuse;

434 (i) comply with all applicable state and federal statutes, policies, audit requirements,  
435 contract requirements, and any directives resulting from those audits and contract requirements;

436 (j) promote or establish programs for the prevention of substance abuse within the  
437 community setting through community-based prevention programs;

438 (k) provide funding equal to at least 20% of the state funds that it receives to fund services  
439 described in the plan; and

440 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
441 Cooperation Act, Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations  
442 and Other Local Entities, and Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special  
443 Districts Act.

444 (5) Before disbursing any public funds, local substance abuse authorities shall require that  
445 all entities that receive any public funds from a local substance abuse authority agree in writing  
446 that:

447 (a) the division may examine the entity's financial records;

448 (b) the county auditor may examine and audit the entity's financial records; and

449 (c) the entity will comply with the provisions of Subsection (3)(b).

450 (6) Local substance abuse authorities may receive property, grants, gifts, supplies,  
451 materials, contributions, and any benefit derived therefrom, for substance abuse services. If those  
452 gifts are conditioned upon their use for a specified service or program, they shall be so used.

453 (7) (a) For purposes of this section "public funds" means the same as that term is defined  
454 in Section 17A-3-703.

455 (b) Nothing in this section limits or prohibits an organization exempt under Section  
456 501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any  
457 financial arrangement that is otherwise lawful for that organization.

458 Section 9. Section **19-4-111** is amended to read:

459 **19-4-111. Fluorine added to water -- Election required.**

460 (1) Notwithstanding any other provision of law, public water supplies, whether state,  
461 county, municipal, or district, shall not have fluorine or any of its derivatives or compounds added  
462 to them without the approval of a majority of voters in an election in the area affected. An election  
463 shall be held upon the:

464 (a) filing of an initiative petition requesting the action in accordance with state law  
465 governing initiative petitions;

466 (b) in the case of a municipal, special district, or county water system, passage of a  
467 resolution by the legislative body or special district board representing the affected voters,  
468 submitting the question to the affected voters at the next regular general election or municipal  
469 general election; or

470 (c) in a county of the first or second class, passage of a resolution by the county  
471 [~~commission~~] legislative body to place an opinion question relating to all public water systems  
472 within the county, except as provided in Subsection (2), on the ballot at the next general election.

473 (2) If a majority of voters on an opinion question under Subsection (1)(c) approve the  
474 addition of fluorine to the public water supplies within the county, the local health departments  
475 shall require the addition of fluorine to all public water supplies within that county other than those  
476 systems:

477 (a) that are functionally separate from any other public water systems in that county; and

478 (b) where a majority of the voters served by the public water system voted against the  
479 addition of fluorine on the opinion question under Subsection (1)(c).

480 (3) Nothing contained in this section prohibits the addition of chlorine or other water  
481 purifying agents.

482 (4) Any political subdivision which, prior to November 2, 1976, decided to and was adding  
483 fluorine or any of its derivatives or compounds to the drinking water is considered to have  
484 complied with Subsection (1).

485 Section 10. Section **57-3-101** is amended to read:

486 **57-3-101. Certificate of acknowledgment, proof of execution, jurat, or other**  
487 **certificate required -- Notarial acts affecting real property -- Right to record documents**  
488 **unaffected by subdivision ordinances.**

489 (1) A certificate of the acknowledgment of any document, or of the proof of the execution  
490 of any document, or a jurat as defined in Section 46-1-2, or other notarial certificate containing the

491 words "subscribed and sworn" or their substantial equivalent, that is signed and certified by the  
492 officer taking the acknowledgment, proof, or jurat, as provided in this title, entitles the document  
493 and the certificate to be recorded in the office of the recorder of the county where the real property  
494 is located.

495 (2) Notarial acts affecting real property in this state shall also be performed in  
496 conformance with Title 46, Chapter 1, Notaries Public Reform Act.

497 (3) Nothing in the provisions of Title 10, Chapter 9, Part 8, Subdivisions, and Title 17,  
498 Chapter 27, Part 8, Subdivisions, shall prohibit the recording of a document which is otherwise  
499 entitled to be recorded under the provisions of this chapter.

500 Section 11. Section **59-2-906.3** is amended to read:

501 **59-2-906.3. Additional levies by counties.**

502 (1) Beginning January 1, 1994, a county may levy an additional tax to fund state mandated  
503 actions to meet legislative mandates or judicial or administrative orders which relate to promoting  
504 the accurate valuation of property, the establishment and maintenance of uniform assessment levels  
505 within and among counties, and the administration of the property tax system. An additional rate  
506 levied under this Subsection (1):

507 (a) shall be stated on the tax notice, and may be included on the tax notice with the county  
508 assessing and collecting levy authorized under Subsection 59-2-906.1(4);

509 (b) may not be included in determining the maximum allowable levy for the county or  
510 other taxing entities; and

511 (c) is subject to the notice requirements of Sections 59-2-918 and 59-2-919.

512 (2) Beginning January 1, 1994, a county may levy an additional tax for reappraisal  
513 programs that are formally adopted by the county [~~commission~~] legislative body and which  
514 conform to tax commission rules. An additional rate levied under this Subsection (2):

515 (a) shall be stated on the tax notice, and may be included on the tax notice with the county  
516 assessing and collecting levy authorized under Subsection 59-2-906.1(4);

517 (b) may not be included in determining the maximum allowable levy for the county or  
518 other taxing entities; and

519 (c) is subject to the notice requirements of Sections 59-2-918 and 59-2-919.

520 Section 12. Section **70A-9a-520** is amended to read:

521 **70A-9a-520. Acceptance and refusal to accept record.**

522 (1) A filing office shall refuse to accept a record for filing for a reason set forth in  
523 Subsection 70A-9a-516(2) and may refuse to accept a record for filing only for a reason set forth  
524 in Subsection 70A-9a-516(2).

525 (2) If a filing office refuses to accept a record for filing, it shall communicate to the person  
526 that presented the record the fact of and reason for the refusal and the date and time the record  
527 would have been filed had the filing office accepted it. The communication must be made at the  
528 time and in the manner prescribed by filing-office rule but, in the case of a filing office described  
529 in Subsection 70A-9a-501(1)(b), in no event more than two business days after the filing office  
530 receives the record.

531 (3) A filed financing statement satisfying Subsections 70A-9a-502(1) and (2) is effective,  
532 even if the filing office is required to refuse to accept it for filing under Subsection (1). However,  
533 Section 70A-9a-338 applies to a filed financing statement providing information described in  
534 Subsection 70A-9a-516(2)(e) which is incorrect at the time the financing statement is filed.

535 (4) If a record communicated to a filing office provides information that relates to more  
536 than one debtor, this part applies as to each debtor separately.

537 (5) This section does not apply to a filing office described in Subsection 70A-9a-501(1)(a).  
538 Section 13. Section **72-5-105** is amended to read:

539 **72-5-105. Highways, streets, or roads once established continue until abandoned.**

540 (1) All public highways, streets, or roads once established shall continue to be highways,  
541 streets, or roads until abandoned or vacated by order of the highway authorities having jurisdiction  
542 [over any highway,] or by other competent authority.

543 (2) For purposes of assessment, upon the recordation of an order executed by the proper  
544 authority with the county recorder's office, title to the vacated or abandoned highway, street, or  
545 road shall vest to the adjoining record owners, with 1/2 of the width of the highway, street, or road  
546 assessed to each of the adjoining owners. Provided, however, that should a description of an  
547 owner of record extend into the vacated or abandoned highway, street, or road that portion of the  
548 vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder  
549 of the highway, street, or road vested as otherwise provided in this Subsection (2).

550 Section 14. **Repealer.**

551 This act repeals:

552 Section **17-21-23, Assessor to return for revision.**

**02-04-02 2:11 PM**

**2nd Sub. (Salmon) S.B. 65**

553

**Section 59-2-312, Assessor to keep plat book.**