

Senator Dennis E. Stowell proposes the following substitute bill:

LIMITED PURPOSE LOCAL GOVERNMENT

ENTITIES REVISIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Fred R. Hunsaker

LONG TITLE

General Description:

This bill modifies provisions relating to limited purpose local government entities.

Highlighted Provisions:

This bill:

- ▶ repeals and reenacts, rewrites, clarifies, and modifies provisions related to special service districts, municipal building authorities, and conservation districts;
- ▶ expands the entities authorized to create a building authority to include local districts and special service districts;
- ▶ repeals provisions related to parking and business improvement districts, special road districts, and historic districts;
- ▶ reenacts historic preservation authority for counties and municipalities;
- ▶ modifies assessment area provisions to preserve authority eliminated through the repeal of parking and business improvement district provisions;
- ▶ requires the type of local district proposed to be created to be specified in the petition or resolution proposing the creation of a local district;
- ▶ clarifies that a local district board of trustees member must be a registered voter at the location of the member's residence;

1st Sub. S.B. 47



- 26 ▶ modifies a provision authorizing a local district to agree to the use of its land or land
- 27 over which it has a right-of-way;
- 28 ▶ provides that a previously created local district authorized to provide fire protection
- 29 service is also authorized to provide paramedic and emergency service;
- 30 ▶ allows an agent or officer of an owner of land to qualify as a board of trustees
- 31 member of certain local districts with seasonally occupied homes;
- 32 ▶ specifies who may administer an oath of office to a local district board of trustees
- 33 member and requires an oath to be filed with the local district clerk;
- 34 ▶ modifies a provision relating to the relationship between a local district election and
- 35 a municipal general election;
- 36 ▶ exempts local district and special service district elections from early voting
- 37 provisions;
- 38 ▶ eliminates a requirement that a water conservancy district publish notice of a board
- 39 vacancy;
- 40 ▶ reduces the percentage of property owners or voters required to protest the creation
- 41 of a special service district or the addition of new territory or a new service to the
- 42 special service district;
- 43 ▶ eliminates a provision stating that a federal employee protection act applies to
- 44 public transit district leases and other agreements;
- 45 ▶ makes a provision allowing a service area to establish divisions for electing some or
- 46 all elected board members apply to all local districts rather than just service areas;
- 47 ▶ increases the number of services that a local district may provide from two to four;
- 48 ▶ expands the group of service areas that have a higher allowable tax rate to include
- 49 service areas in second class counties, if the service area provides fire protection,
- 50 paramedic, and emergency services;
- 51 ▶ eliminates a cap on the number of local district board of trustees members allowed,
- 52 and makes conforming changes;
- 53 ▶ authorizes animal control officers of special service districts to issue misdemeanor
- 54 and infraction citations;
- 55 ▶ limits the area that an improvement district for electric service may include and
- 56 requires that type of district to have applied for and received approval of a

- 57 certification before a certain date;
- 58 ▶ authorizes a special service district to provide service outside its boundary;
- 59 ▶ modifies the type of correctional facilities and services that a special service district
- 60 is authorized to provide;
- 61 ▶ authorizes a special service district in a county of the first class to provide extended
- 62 police protection;
- 63 ▶ eliminates a cap on the number of special service district administrative control
- 64 board members allowed;
- 65 ▶ modifies the qualifications of an administrative control board member;
- 66 ▶ clarifies that a provision relating to the imposition and increasing of local district
- 67 fees does not apply to impact fees;
- 68 ▶ modifies a provision relating to the oath of office of local district board members;
- 69 ▶ clarifies that a voter at an election of a local district board member must be a
- 70 registered voter within the district;
- 71 ▶ authorizes a local district board to pay local district board members a specified
- 72 compensation for training every year rather than every two years;
- 73 ▶ modifies the authority of a conservation district;
- 74 ▶ modifies the date by which a conservation district's annual report is to be submitted
- 75 to the commission; and
- 76 ▶ makes technical changes.

77 **Monies Appropriated in this Bill:**

78 None

79 **Other Special Clauses:**

80 None

81 **Utah Code Sections Affected:**

82 AMENDS:

83 **4-18-3**, as last amended by Laws of Utah 2007, Chapter 179

84 **4-18-5**, as last amended by Laws of Utah 2007, Chapter 179

85 **4-20-1.5**, as last amended by Laws of Utah 2007, Chapter 179

86 **10-2-101**, as last amended by Laws of Utah 2007, Chapter 329

87 **10-2-401**, as last amended by Laws of Utah 2007, Chapter 329

- 88 **10-2-428**, as last amended by Laws of Utah 2007, Chapter 329
- 89 **10-9a-103**, as last amended by Laws of Utah 2007, Chapters 188, 199, and 329
- 90 **10-15-4**, as last amended by Laws of Utah 1992, Chapter 30
- 91 **10-15-6**, as last amended by Laws of Utah 1992, Chapter 30
- 92 **11-14-102**, as last amended by Laws of Utah 2007, Chapter 329
- 93 **11-17-3**, as last amended by Laws of Utah 2005, Chapter 105
- 94 **11-27-2**, as last amended by Laws of Utah 2007, Chapter 329
- 95 **11-32-2**, as last amended by Laws of Utah 1993, Chapter 227
- 96 **11-36-102**, as last amended by Laws of Utah 2007, Chapter 329
- 97 **11-36-201**, as last amended by Laws of Utah 2007, Chapter 329
- 98 **11-39-101**, as last amended by Laws of Utah 2007, Chapter 329
- 99 **11-40-101**, as last amended by Laws of Utah 2007, Chapter 329
- 100 **11-42-102**, as enacted by Laws of Utah 2007, Chapter 329
- 101 **11-39-104**, as enacted by Laws of Utah 2003, Chapter 259
- 102 **11-43-102**, as enacted by Laws of Utah 2007, Chapter 118
- 103 **17-27a-103**, as last amended by Laws of Utah 2007, Chapters 188, 199, and 329
- 104 **17-52-403**, as last amended by Laws of Utah 2007, Chapter 329
- 105 **17-53-311**, as last amended by Laws of Utah 2005, Chapter 102
- 106 **17B-1-102**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 107 **17B-1-103**, as enacted by Laws of Utah 2007, Chapter 329
- 108 **17B-1-202**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 109 **17B-1-203**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 110 **17B-1-205**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 111 **17B-1-215**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 112 **17B-1-302**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 113 **17B-1-303**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 114 **17B-1-306**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 115 **17B-1-312**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 116 **17B-1-643**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 117 **17B-1-1002**, as enacted by Laws of Utah 2007, Chapter 329
- 118 **17B-1-1101**, as enacted by Laws of Utah 2007, Chapter 329

119 **17B-1-1103**, as enacted by Laws of Utah 2007, Chapter 329
120 **17B-1-1104**, as enacted by Laws of Utah 2007, Chapter 329
121 **17B-2a-404**, as enacted by Laws of Utah 2007, Chapter 329
122 **17B-2a-405**, as enacted by Laws of Utah 2007, Chapter 329
123 **17B-2a-406**, as renumbered and amended by Laws of Utah 2007, Chapter 329
124 **17B-2a-804**, as enacted by Laws of Utah 2007, Chapter 329
125 **17B-2a-813**, as enacted by Laws of Utah 2007, Chapter 329
126 **17B-2a-1005**, as renumbered and amended by Laws of Utah 2007, Chapter 329
127 **17B-2a-1007**, as enacted by Laws of Utah 2007, Chapter 329
128 **19-3-301**, as last amended by Laws of Utah 2007, Chapter 329
129 **19-6-502**, as last amended by Laws of Utah 2007, Chapter 329
130 **20A-1-102**, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329
131 **20A-11-1202**, as last amended by Laws of Utah 2007, Chapter 329
132 **26-8a-405.1**, as last amended by Laws of Utah 2007, Chapter 329
133 **26-8a-405.2**, as last amended by Laws of Utah 2005, Chapters 25 and 205
134 **51-7-3**, as last amended by Laws of Utah 2007, Chapter 207
135 **52-4-202**, as last amended by Laws of Utah 2007, Chapters 45 and 249
136 **52-4-203**, as last amended by Laws of Utah 2007, Chapters 35, 204, and 329
137 **53-2-502**, as enacted by Laws of Utah 2007, Chapter 331
138 **53A-2-123**, as last amended by Laws of Utah 2007, Chapter 329
139 **54-14-103**, as last amended by Laws of Utah 2007, Chapters 242 and 329
140 **59-2-102**, as last amended by Laws of Utah 2007, Chapters 107, 234, and 329
141 **59-2-924**, as last amended by Laws of Utah 2007, Chapters 107 and 329
142 **59-21-1**, as last amended by Laws of Utah 2007, Chapter 303
143 **59-21-2**, as last amended by Laws of Utah 2007, Chapter 303
144 **63-9-68**, as enacted by Laws of Utah 2007, Chapter 118
145 **63E-1-102**, as last amended by Laws of Utah 2007, Chapter 329
146 **67-1a-6.5**, as last amended by Laws of Utah 2007, Chapters 212 and 329
147 **67-3-1**, as last amended by Laws of Utah 2007, Chapter 329
148 **69-2-4**, as last amended by Laws of Utah 1992, Chapter 30
149 **69-2-5**, as last amended by Laws of Utah 2007, Chapter 241

- 150 **73-2-1**, as last amended by Laws of Utah 2007, Chapter 329
- 151 **73-5-15**, as last amended by Laws of Utah 2007, Chapters 179 and 329
- 152 **73-10-21**, as last amended by Laws of Utah 2007, Chapter 329
- 153 **77-7-18**, as last amended by Laws of Utah 2005, Chapter 2
- 154 **78-27-63**, as last amended by Laws of Utah 2007, Chapters 280, 329, and 357

155 ENACTS:

- 156 **10-8-85.9**, Utah Code Annotated 1953
- 157 **17-50-324**, Utah Code Annotated 1953
- 158 **17D-1-101**, Utah Code Annotated 1953
- 159 **17D-1-102**, Utah Code Annotated 1953
- 160 **17D-1-103**, Utah Code Annotated 1953
- 161 **17D-1-104**, Utah Code Annotated 1953
- 162 **17D-1-105**, Utah Code Annotated 1953
- 163 **17D-1-106**, Utah Code Annotated 1953
- 164 **17D-1-107**, Utah Code Annotated 1953
- 165 **17D-1-108**, Utah Code Annotated 1953
- 166 **17D-1-109**, Utah Code Annotated 1953
- 167 **17D-1-201**, Utah Code Annotated 1953
- 168 **17D-1-202**, Utah Code Annotated 1953
- 169 **17D-1-203**, Utah Code Annotated 1953
- 170 **17D-1-204**, Utah Code Annotated 1953
- 171 **17D-1-205**, Utah Code Annotated 1953
- 172 **17D-1-206**, Utah Code Annotated 1953
- 173 **17D-1-207**, Utah Code Annotated 1953
- 174 **17D-1-208**, Utah Code Annotated 1953
- 175 **17D-1-209**, Utah Code Annotated 1953
- 176 **17D-1-210**, Utah Code Annotated 1953
- 177 **17D-1-211**, Utah Code Annotated 1953
- 178 **17D-1-212**, Utah Code Annotated 1953
- 179 **17D-1-301**, Utah Code Annotated 1953
- 180 **17D-1-302**, Utah Code Annotated 1953

- 181 **17D-1-303**, Utah Code Annotated 1953
- 182 **17D-1-304**, Utah Code Annotated 1953
- 183 **17D-1-305**, Utah Code Annotated 1953
- 184 **17D-1-306**, Utah Code Annotated 1953
- 185 **17D-1-401**, Utah Code Annotated 1953
- 186 **17D-1-402**, Utah Code Annotated 1953
- 187 **17D-1-403**, Utah Code Annotated 1953
- 188 **17D-1-501**, Utah Code Annotated 1953
- 189 **17D-1-502**, Utah Code Annotated 1953
- 190 **17D-1-503**, Utah Code Annotated 1953
- 191 **17D-1-504**, Utah Code Annotated 1953
- 192 **17D-1-505**, Utah Code Annotated 1953
- 193 **17D-1-506**, Utah Code Annotated 1953
- 194 **17D-1-507**, Utah Code Annotated 1953
- 195 **17D-1-508**, Utah Code Annotated 1953
- 196 **17D-1-509**, Utah Code Annotated 1953
- 197 **17D-1-601**, Utah Code Annotated 1953
- 198 **17D-1-602**, Utah Code Annotated 1953
- 199 **17D-1-603**, Utah Code Annotated 1953
- 200 **17D-2-101**, Utah Code Annotated 1953
- 201 **17D-2-102**, Utah Code Annotated 1953
- 202 **17D-2-103**, Utah Code Annotated 1953
- 203 **17D-2-104**, Utah Code Annotated 1953
- 204 **17D-2-105**, Utah Code Annotated 1953
- 205 **17D-2-106**, Utah Code Annotated 1953
- 206 **17D-2-107**, Utah Code Annotated 1953
- 207 **17D-2-108**, Utah Code Annotated 1953
- 208 **17D-2-109**, Utah Code Annotated 1953
- 209 **17D-2-110**, Utah Code Annotated 1953
- 210 **17D-2-201**, Utah Code Annotated 1953
- 211 **17D-2-202**, Utah Code Annotated 1953

- 212 **17D-2-203**, Utah Code Annotated 1953
- 213 **17D-2-301**, Utah Code Annotated 1953
- 214 **17D-2-302**, Utah Code Annotated 1953
- 215 **17D-2-401**, Utah Code Annotated 1953
- 216 **17D-2-402**, Utah Code Annotated 1953
- 217 **17D-2-403**, Utah Code Annotated 1953
- 218 **17D-2-404**, Utah Code Annotated 1953
- 219 **17D-2-405**, Utah Code Annotated 1953
- 220 **17D-2-501**, Utah Code Annotated 1953
- 221 **17D-2-502**, Utah Code Annotated 1953
- 222 **17D-2-503**, Utah Code Annotated 1953
- 223 **17D-2-504**, Utah Code Annotated 1953
- 224 **17D-2-505**, Utah Code Annotated 1953
- 225 **17D-2-506**, Utah Code Annotated 1953
- 226 **17D-2-507**, Utah Code Annotated 1953
- 227 **17D-2-601**, Utah Code Annotated 1953
- 228 **17D-2-602**, Utah Code Annotated 1953
- 229 **17D-2-701**, Utah Code Annotated 1953
- 230 **17D-2-702**, Utah Code Annotated 1953
- 231 **17D-3-101**, Utah Code Annotated 1953
- 232 **17D-3-103**, Utah Code Annotated 1953
- 233 **17D-3-104**, Utah Code Annotated 1953
- 234 **17D-3-201**, Utah Code Annotated 1953
- 235 **17D-3-202**, Utah Code Annotated 1953
- 236 **17D-3-203**, Utah Code Annotated 1953
- 237 **17D-3-204**, Utah Code Annotated 1953
- 238 **17D-3-301**, Utah Code Annotated 1953
- 239 **17D-3-302**, Utah Code Annotated 1953
- 240 **17D-3-303**, Utah Code Annotated 1953
- 241 **17D-3-304**, Utah Code Annotated 1953
- 242 **17D-3-305**, Utah Code Annotated 1953

- 243 **17D-3-306**, Utah Code Annotated 1953
- 244 **17D-3-307**, Utah Code Annotated 1953
- 245 **17D-3-308**, Utah Code Annotated 1953
- 246 **17D-3-309**, Utah Code Annotated 1953
- 247 **17D-3-310**, Utah Code Annotated 1953
- 248 **20A-3-605**, Utah Code Annotated 1953

249 RENUMBERS AND AMENDS:

250 **17B-1-306.5**, (Renumbered from 17B-2a-906, as enacted by Laws of Utah 2007,
251 Chapter 329)

252 **17D-3-102**, (Renumbered from 17A-3-800, as last amended by Laws of Utah 2007,
253 Chapter 179)

254 REPEALS:

255 **17A-2-1301**, as renumbered and amended by Laws of Utah 1990, Chapter 186

256 **17A-2-1302**, as last amended by Laws of Utah 2003, Chapter 292

257 **17A-2-1303**, as renumbered and amended by Laws of Utah 1990, Chapter 186

258 **17A-2-1304**, as last amended by Laws of Utah 2007, Chapters 183 and 203

259 **17A-2-1305**, as renumbered and amended by Laws of Utah 1990, Chapter 186

260 **17A-2-1306**, as renumbered and amended by Laws of Utah 1990, Chapter 186

261 **17A-2-1307**, as renumbered and amended by Laws of Utah 1990, Chapter 186

262 **17A-2-1308**, as last amended by Laws of Utah 2003, Chapter 292

263 **17A-2-1309**, as renumbered and amended by Laws of Utah 1990, Chapter 186

264 **17A-2-1310**, as renumbered and amended by Laws of Utah 1990, Chapter 186

265 **17A-2-1311**, as last amended by Laws of Utah 2005, Chapter 233

266 **17A-2-1312**, as last amended by Laws of Utah 2005, Chapter 105

267 **17A-2-1313**, as last amended by Laws of Utah 2005, Chapter 233

268 **17A-2-1314**, as last amended by Laws of Utah 2007, Chapter 329

269 **17A-2-1315**, as last amended by Laws of Utah 2007, Chapter 329

270 **17A-2-1316**, as last amended by Laws of Utah 2005, Chapter 105

271 **17A-2-1317**, as renumbered and amended by Laws of Utah 1990, Chapter 186

272 **17A-2-1318**, as last amended by Laws of Utah 2005, Chapter 148

273 **17A-2-1319**, as renumbered and amended by Laws of Utah 1990, Chapter 186

- 274 **17A-2-1320**, as last amended by Laws of Utah 2001, Chapter 195
- 275 **17A-2-1321**, as last amended by Laws of Utah 2004, Chapter 316
- 276 **17A-2-1322**, as last amended by Laws of Utah 2005, Chapters 105 and 260
- 277 **17A-2-1323**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 278 **17A-2-1324**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 279 **17A-2-1325**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 280 **17A-2-1326**, as last amended by Laws of Utah 2007, Chapters 203 and 329
- 281 **17A-2-1327**, as last amended by Laws of Utah 2005, Chapter 233
- 282 **17A-2-1328**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 283 **17A-2-1329**, as last amended by Laws of Utah 2005, Chapter 233
- 284 **17A-2-1330**, as last amended by Laws of Utah 2007, Chapter 329
- 285 **17A-2-1331**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 286 **17A-2-1332**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 287 **17A-3-401**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 288 **17A-3-402**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 289 **17A-3-403**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 290 **17A-3-404**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 291 **17A-3-405**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 292 **17A-3-406**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 293 **17A-3-407**, as last amended by Laws of Utah 2003, Chapter 292
- 294 **17A-3-408**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 295 **17A-3-409**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 296 **17A-3-410**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 297 **17A-3-411**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 298 **17A-3-412**, as last amended by Laws of Utah 2000, Chapter 1
- 299 **17A-3-413**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 300 **17A-3-414**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 301 **17A-3-801**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 302 **17A-3-802**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 303 **17A-3-803**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 304 **17A-3-804**, as last amended by Laws of Utah 1997, Chapter 180

- 305 **17A-3-805**, as last amended by Laws of Utah 2005, Chapter 39
- 306 **17A-3-806**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 307 **17A-3-807**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 308 **17A-3-1201**, as last amended by Laws of Utah 1993, Chapter 227
- 309 **17A-3-1202**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 310 **17A-3-1203**, as last amended by Laws of Utah 1993, Chapter 227
- 311 **17A-3-1204**, as last amended by Laws of Utah 1994, Chapter 146
- 312 **17A-3-1205**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 313 **17A-3-1206**, as last amended by Laws of Utah 1993, Chapter 227
- 314 **17A-3-1301**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 315 **17A-3-1302**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 316 **17A-3-1303**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 317 **17A-3-1304**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 318 **17A-3-1305**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 319 **17A-3-1306**, as renumbered and amended by Laws of Utah 1990, Chapter 186

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

322 Section 1. Section **4-18-3** is amended to read:

323 **4-18-3. Definitions.**

324 As used in this chapter:

- 325 (1) "Alternate" means a substitute for a district supervisor if the district supervisor
- 326 cannot attend a meeting.
- 327 (2) (a) "Animal feeding operation" means a facility where animals, other than aquatic
- 328 animals, are stabled or confined and fed or maintained for a total of 45 days or more in any
- 329 12-month period.
- 330 (b) "Animal feeding operation" does not include an operation where animals are in
- 331 areas such as pastures or rangeland that sustain crops or forage growth during the entire time
- 332 the animals are present.
- 333 (3) "Commission" means the Conservation Commission created in Section 4-18-4.
- 334 (4) "Comprehensive nutrient management plan" means a plan that identifies actions or
- 335 priorities that will be followed to meet clearly defined nutrient management goals at an animal

336 feeding operation.

337 (5) "District" or " conservation district" [~~means a governmental subdivision of this~~
338 ~~state organized under Title 17A, Chapter 3, Part 8, Conservation Districts]~~ has the same
339 meaning as "conservation district" as defined in Section 17D-3-102.

340 Section 2. Section **4-18-5** is amended to read:

341 **4-18-5. Conservation commission -- Functions and duties.**

342 (1) The commission shall:

343 (a) facilitate the development and implementation of the strategies and programs

344 necessary to protect, conserve, utilize, and develop the soil and water resources of the state;

345 (b) disseminate information regarding districts' activities and programs;

346 (c) supervise the formation, reorganization, or dissolution of districts according to the

347 requirements of Title [~~17A~~] 17D, Chapter 3, [~~Part 8;~~] Conservation [~~Districts~~] District Act;

348 (d) prescribe uniform accounting and recordkeeping procedures for districts and

349 require each district to submit annually an audit of its funds to the commission;

350 (e) approve and make loans for agricultural purposes, from the Agriculture Resource

351 Development Fund for:

352 (i) nonfederal rangeland improvement and management projects;

353 (ii) watershed protection and flood prevention projects;

354 (iii) agricultural cropland soil and water conservation projects; and

355 (iv) programs designed to promote energy efficient farming practices;

356 (f) administer federal or state funds in accordance with applicable federal or state

357 guidelines and make loans or grants from those funds to land occupiers for the conservation of

358 soil or water resources;

359 (g) seek to coordinate soil and water protection, conservation, and development

360 activities and programs of state agencies, local governmental units, other states, special interest

361 groups, and federal agencies; and

362 (h) plan watershed and flood control projects in cooperation with appropriate local,

363 state, and federal authorities and coordinate flood control projects in the state.

364 (2) The commission may:

365 (a) employ, with the approval of the department, an administrator and necessary

366 technical experts and employees;

- 367 (b) execute contracts or other instruments necessary to exercise its powers;
- 368 (c) sue and be sued; and
- 369 (d) adopt rules, in accordance with Title 63, Chapter 46a, Utah Administrative
- 370 Rulemaking Act, necessary to carry out the powers and duties specified in Subsections (1)(d),
- 371 (e), (f), and (2)(b).

372 Section 3. Section **4-20-1.5** is amended to read:

373 **4-20-1.5. State Grazing Advisory Board -- Duties.**

374 (1) (a) There is created within the department the State Grazing Advisory Board.

375 (b) The commissioner shall appoint the following members:

376 (i) one member from each regional board;

377 (ii) one member from the Conservation Commission created in Section 4-18-4;

378 (iii) one representative of the Department of Natural Resources;

379 (iv) two livestock producers at-large; and

380 (v) one representative of the oil, gas, or mining industry.

381 (2) The term of office for a state board member is four years.

382 (3) Members of the state board shall elect a chair, who shall serve for two years.

383 (4) (a) (i) A member who is not a government employee may not receive compensation
384 or benefits for the member's service, but may receive per diem and expenses incurred in the
385 performance of the member's official duties at the rates established by the Division of Finance
386 under Sections 63A-3-106 and 63A-3-107.

387 (ii) A member may decline to receive per diem and expenses for the member's service.

388 (b) (i) A state government officer and employee member who does not receive salary,
389 per diem, or expenses from the agency the member represents for the member's service may
390 receive per diem and expenses incurred in the performance of the member's official duties at
391 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

392 (ii) A state government officer and employee member may decline to receive per diem
393 and expenses for the member's service.

394 (c) (i) A local government member who does not receive salary, per diem, or expenses
395 from the entity that the member represents for the member's service may receive per diem and
396 expenses incurred in the performance of the member's official duties at the rates established by
397 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

398 (ii) A local government member may decline to receive per diem and expenses for the
399 member's service.

400 (5) The state board shall:

401 (a) receive:

402 (i) advice and recommendations from a regional board concerning:

403 (A) management plans for public lands, state lands, and school and institutional trust
404 lands as defined in Section 53C-1-103, within the regional board's region; and

405 (B) any issue that impacts grazing on private lands, public lands, state lands, or school
406 and institutional trust lands as defined in Section 53C-1-103, in its region; and

407 (ii) requests for fund monies from the entities described in Subsections (5)(c)(i)
408 through (iv);

409 (b) recommend state policy positions and cooperative agency participation in federal
410 and state land management plans to the department and to the Public Lands Policy
411 Coordinating Office created under Section 63-38d-602; and

412 (c) advise the department on the requests and recommendations of:

413 (i) regional boards;

414 (ii) county weed control boards created under Section 4-17-4;

415 (iii) cooperative weed management associations; and

416 (iv) conservation districts created under the authority of Title [~~17A~~] 17D, Chapter 3,
417 [~~Part 8,~~] Conservation [~~Districts~~] District Act.

418 Section 4. Section **10-2-101** is amended to read:

419 **10-2-101. Definitions.**

420 (1) As used in this part:

421 (a) "Commission" means a boundary commission established under Section 10-2-409
422 for the county in which the property that is proposed to be incorporated is located.

423 (b) "Feasibility consultant" means a person or firm with expertise in the processes and
424 economics of local government.

425 (c) "Private," with respect to real property, means not owned by the United States or
426 any agency of the federal government, the state, a county, a municipality, a school district, a
427 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a
428 special service district under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service

429 District Act, or any other political subdivision or governmental entity of the state.

430 (2) For purposes of this part:

431 (a) the owner of real property shall be the record title owner according to the records of
432 the county recorder on the date of the filing of the request or petition; and

433 (b) the value of private real property shall be determined according to the last
434 assessment roll for county taxes before the filing of the request or petition.

435 (3) For purposes of each provision of this part that requires the owners of private real
436 property covering a percentage or fraction of the total private land area within an area to sign a
437 request or petition:

438 (a) a parcel of real property may not be included in the calculation of the required
439 percentage or fraction unless the request or petition is signed by:

440 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
441 ownership interest in that parcel; or

442 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
443 of owners of that parcel;

444 (b) the signature of a person signing a request or petition in a representative capacity on
445 behalf of an owner is invalid unless:

446 (i) the person's representative capacity and the name of the owner the person represents
447 are indicated on the request or petition with the person's signature; and

448 (ii) the person provides documentation accompanying the request or petition that
449 substantiates the person's representative capacity; and

450 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
451 request or petition on behalf of a deceased owner.

452 Section 5. Section **10-2-401** is amended to read:

453 **10-2-401. Definitions -- Property owner provisions.**

454 (1) As used in this part:

455 (a) "Affected entity" means:

456 (i) a county in whose unincorporated area the area proposed for annexation is located;

457 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local
458 Districts, or special service district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special
459 Service District Act, whose boundaries include any part of an area proposed for annexation;

460 (iii) a school district whose boundaries include any part of an area proposed for
461 annexation; and

462 (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for
463 annexation.

464 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the
465 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
466 municipality.

467 (c) "Commission" means a boundary commission established under Section 10-2-409
468 for the county in which the property that is proposed for annexation is located.

469 (d) "Expansion area" means the unincorporated area that is identified in an annexation
470 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in
471 the future.

472 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
473 economics of local government.

474 (f) "Municipal selection committee" means a committee in each county composed of
475 the mayor of each municipality within that county.

476 (g) "Private," with respect to real property, means not owned by the United States or
477 any agency of the federal government, the state, a county, a municipality, a school district, a
478 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a
479 special service district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service
480 District Act, or any other political subdivision or governmental entity of the state.

481 (h) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

482 (i) "Urban development" means:

483 (i) a housing development with more than 15 residential units and an average density
484 greater than one residential unit per acre; or

485 (ii) a commercial or industrial development for which cost projections exceed
486 \$750,000 for all phases.

487 (2) For purposes of this part:

488 (a) the owner of real property shall be the record title owner according to the records of
489 the county recorder on the date of the filing of the petition or protest; and

490 (b) the value of private real property shall be determined according to the last

491 assessment roll for county taxes before the filing of the petition or protest.

492 (3) For purposes of each provision of this part that requires the owners of private real
493 property covering a percentage or majority of the total private land area within an area to sign a
494 petition or protest:

495 (a) a parcel of real property may not be included in the calculation of the required
496 percentage or majority unless the petition or protest is signed by:

497 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
498 ownership interest in that parcel; or

499 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
500 of owners of that parcel;

501 (b) the signature of a person signing a petition or protest in a representative capacity on
502 behalf of an owner is invalid unless:

503 (i) the person's representative capacity and the name of the owner the person represents
504 are indicated on the petition or protest with the person's signature; and

505 (ii) the person provides documentation accompanying the petition or protest that
506 substantiates the person's representative capacity; and

507 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
508 petition or protest on behalf of a deceased owner.

509 Section 6. Section **10-2-428** is amended to read:

510 **10-2-428. Neither annexation nor boundary adjustment has an effect on the**
511 **boundaries of most local districts or special service districts.**

512 Except as provided in Section 17B-1-416 and Subsection 17B-1-502(2), the annexation
513 of an unincorporated area by a municipality or the adjustment of a boundary shared by
514 municipalities does not affect the boundaries of a local district under Title 17B, Limited
515 Purpose Local Government Entities - Local Districts, or a special service district under Title
516 ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act.

517 Section 7. Section **10-8-85.9** is enacted to read:

518 **CHAPTER 8. POWERS AND DUTIES OF MUNICIPALITIES**

519 **10-8-85.9. Preservation of historical areas and sites.**

520 A municipality may:

521 (1) expend public funds to preserve, protect, or enhance an historical area or site;

522 (2) acquire an historical area or site by direct purchase, contract, lease, trade, or gift;

523 (3) obtain an easement or right-of-way across public or private property to insure

524 access or proper development of an historical area or site;

525 (4) protect an historical area or site;

526 (5) ensure proper development and utilization of land or an area adjacent to an

527 historical area or site; and

528 (6) enter into an agreement with a private individual for the right to purchase an

529 historical area or site if and when the private individual elects to sell or dispose of the owner's

530 property.

531 Section 8. Section **10-9a-103** is amended to read:

532 **10-9a-103. Definitions.**

533 As used in this chapter:

534 (1) "Affected entity" means a county, municipality, local district, special service

535 district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act,

536 school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal

537 Cooperation Act, specified public utility, a property owner, a property owners association, or

538 the Utah Department of Transportation, if:

539 (a) the entity's services or facilities are likely to require expansion or significant

540 modification because of an intended use of land;

541 (b) the entity has filed with the municipality a copy of the entity's general or long-range

542 plan; or

543 (c) the entity has filed with the municipality a request for notice during the same

544 calendar year and before the municipality provides notice to an affected entity in compliance

545 with a requirement imposed under this chapter.

546 (2) "Appeal authority" means the person, board, commission, agency, or other body

547 designated by ordinance to decide an appeal of a decision of a land use application or a

548 variance.

549 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or

550 residential property if the sign is designed or intended to direct attention to a business, product,

551 or service that is not sold, offered, or existing on the property where the sign is located.

552 (4) "Charter school" includes:

- 553 (a) an operating charter school;
- 554 (b) a charter school applicant that has its application approved by a chartering entity in
555 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
- 556 (c) an entity who is working on behalf of a charter school or approved charter applicant
557 to develop or construct a charter school building.
- 558 (5) "Chief executive officer" means the:
- 559 (a) mayor in municipalities operating under all forms of municipal government except
560 the council-manager form; or
- 561 (b) city manager in municipalities operating under the council-manager form of
562 municipal government.
- 563 (6) "Conditional use" means a land use that, because of its unique characteristics or
564 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
565 compatible in some areas or may be compatible only if certain conditions are required that
566 mitigate or eliminate the detrimental impacts.
- 567 (7) "Constitutional taking" means a governmental action that results in a taking of
568 private property so that compensation to the owner of the property is required by the:
- 569 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
570 (b) Utah Constitution Article I, Section 22.
- 571 (8) "Culinary water authority" means the department, agency, or public entity with
572 responsibility to review and approve the feasibility of the culinary water system and sources for
573 the subject property.
- 574 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
575 or more of a person's major life activities, including a person having a record of such an
576 impairment or being regarded as having such an impairment.
- 577 (b) "Disability" does not include current illegal use of, or addiction to, any federally
578 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
579 802.
- 580 (10) "Elderly person" means a person who is 60 years old or older, who desires or
581 needs to live with other elderly persons in a group setting, but who is capable of living
582 independently.
- 583 (11) "Fire authority" means the department, agency, or public entity with responsibility

584 to review and approve the feasibility of fire protection and suppression services for the subject
585 property.

586 (12) "General plan" means a document that a municipality adopts that sets forth general
587 guidelines for proposed future development of the land within the municipality.

588 (13) "Identical plans" means building plans submitted to a municipality that are
589 substantially identical to building plans that were previously submitted to and reviewed and
590 approved by the municipality and describe a building that is:

591 (a) located on land zoned the same as the land on which the building described in the
592 previously approved plans is located; and

593 (b) subject to the same geological and meteorological conditions and the same law as
594 the building described in the previously approved plans.

595 (14) "Land use application" means an application required by a municipality's land use
596 ordinance.

597 (15) "Land use authority" means a person, board, commission, agency, or other body
598 designated by the local legislative body to act upon a land use application.

599 (16) "Land use ordinance" means a planning, zoning, development, or subdivision
600 ordinance of the municipality, but does not include the general plan.

601 (17) "Land use permit" means a permit issued by a land use authority.

602 (18) "Legislative body" means the municipal council.

603 (19) "Local district" means an entity under Title 17B, Limited Purpose Local
604 Government Entities - Local Districts, and any other governmental or quasi-governmental
605 entity that is not a county, municipality, school district, or unit of the state.

606 (20) "Lot line adjustment" means the relocation of the property boundary line in a
607 subdivision between two adjoining lots with the consent of the owners of record.

608 (21) "Moderate income housing" means housing occupied or reserved for occupancy
609 by households with a gross household income equal to or less than 80% of the median gross
610 income for households of the same size in the county in which the city is located.

611 (22) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
612 spent and expenses incurred in:

613 (a) verifying that building plans are identical plans; and

614 (b) reviewing and approving those minor aspects of identical plans that differ from the

615 previously reviewed and approved building plans.

616 (23) "Noncomplying structure" means a structure that:

617 (a) legally existed before its current land use designation; and

618 (b) because of one or more subsequent land use ordinance changes, does not conform
619 to the setback, height restrictions, or other regulations, excluding those regulations, which
620 govern the use of land.

621 (24) "Nonconforming use" means a use of land that:

622 (a) legally existed before its current land use designation;

623 (b) has been maintained continuously since the time the land use ordinance governing
624 the land changed; and

625 (c) because of one or more subsequent land use ordinance changes, does not conform
626 to the regulations that now govern the use of the land.

627 (25) "Official map" means a map drawn by municipal authorities and recorded in a
628 county recorder's office that:

629 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
630 highways and other transportation facilities;

631 (b) provides a basis for restricting development in designated rights-of-way or between
632 designated setbacks to allow the government authorities time to purchase or otherwise reserve
633 the land; and

634 (c) has been adopted as an element of the municipality's general plan.

635 (26) "Person" means an individual, corporation, partnership, organization, association,
636 trust, governmental agency, or any other legal entity.

637 (27) "Plan for moderate income housing" means a written document adopted by a city
638 legislative body that includes:

639 (a) an estimate of the existing supply of moderate income housing located within the
640 city;

641 (b) an estimate of the need for moderate income housing in the city for the next five
642 years as revised biennially;

643 (c) a survey of total residential land use;

644 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
645 income housing; and

646 (e) a description of the city's program to encourage an adequate supply of moderate
647 income housing.

648 (28) "Plat" means a map or other graphical representation of lands being laid out and
649 prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

650 (29) "Public hearing" means a hearing at which members of the public are provided a
651 reasonable opportunity to comment on the subject of the hearing.

652 (30) "Public meeting" means a meeting that is required to be open to the public under
653 Title 52, Chapter 4, Open and Public Meetings Act.

654 (31) "Record of survey map" means a map of a survey of land prepared in accordance
655 with Section 17-23-17.

656 (32) "Receiving zone" means an area of a municipality that the municipality's land use
657 authority designates as an area in which an owner of land may receive transferrable
658 development rights.

659 (33) "Residential facility for elderly persons" means a single-family or multiple-family
660 dwelling unit that meets the requirements of Section 10-9a-516, but does not include a health
661 care facility as defined by Section 26-21-2.

662 (34) "Residential facility for persons with a disability" means a residence:

663 (a) in which more than one person with a disability resides; and

664 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
665 Chapter 2, Licensure of Programs and Facilities; or

666 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
667 Health Care Facility Licensing and Inspection Act.

668 (35) "Sanitary sewer authority" means the department, agency, or public entity with
669 responsibility to review and approve the feasibility of sanitary sewer services or onsite
670 wastewater systems.

671 (36) "Sending zone" means an area of a municipality that the municipality's land use
672 authority designates as an area from which an owner of land may transfer transferrable
673 development rights to an owner of land in a receiving zone.

674 (37) "Specified public utility" means an electrical corporation, gas corporation, or
675 telephone corporation, as those terms are defined in Section 54-2-1.

676 (38) "Street" means a public right-of-way, including a highway, avenue, boulevard,

677 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
678 way.

679 (39) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be
680 divided into two or more lots, parcels, sites, units, plots, or other division of land for the
681 purpose, whether immediate or future, for offer, sale, lease, or development either on the
682 installment plan or upon any and all other plans, terms, and conditions.

683 (b) "Subdivision" includes:

684 (i) the division or development of land whether by deed, metes and bounds description,
685 devise and testacy, map, plat, or other recorded instrument; and

686 (ii) except as provided in Subsection (39)(c), divisions of land for residential and
687 nonresidential uses, including land used or to be used for commercial, agricultural, and
688 industrial purposes.

689 (c) "Subdivision" does not include:

690 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
691 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
692 neither the resulting combined parcel nor the parcel remaining from the division or partition
693 violates an applicable land use ordinance;

694 (ii) a recorded agreement between owners of adjoining unsubdivided properties
695 adjusting their mutual boundary if:

696 (A) no new lot is created; and

697 (B) the adjustment does not violate applicable land use ordinances;

698 (iii) a recorded document, executed by the owner of record:

699 (A) revising the legal description of more than one contiguous unsubdivided parcel of
700 property into one legal description encompassing all such parcels of property; or

701 (B) joining a subdivided parcel of property to another parcel of property that has not
702 been subdivided, if the joinder does not violate applicable land use ordinances; or

703 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
704 their mutual boundary if:

705 (A) no new dwelling lot or housing unit will result from the adjustment; and

706 (B) the adjustment will not violate any applicable land use ordinance.

707 (d) The joining of a subdivided parcel of property to another parcel of property that has

708 not been subdivided does not constitute a subdivision under this Subsection (39) as to the
709 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
710 subdivision ordinance.

711 (40) "Transferrable development right" means the entitlement to develop land within a
712 sending zone that would vest according to the municipality's existing land use ordinances on
713 the date that a completed land use application is filed seeking the approval of development
714 activity on the land.

715 (41) "Unincorporated" means the area outside of the incorporated area of a city or
716 town.

717 (42) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
718 land use zones, overlays, or districts.

719 Section 9. Section **10-15-4** is amended to read:

720 **10-15-4. Powers of legislative body of municipality.**

721 The legislative body of the municipalities of this state shall have the power:

722 (1) to establish pedestrian malls;

723 (2) to prohibit, in whole or in part, vehicular traffic on a pedestrian mall;

724 (3) to pay from the general funds of the municipality, or from other available money, or
725 from the proceeds of assessments levied on land benefited by the establishment of a pedestrian
726 mall, the damages, if any, allowed or awarded to any property owner by reason of the
727 establishment of the pedestrian mall;

728 (4) to acquire, construct, and maintain on the municipality's streets which are
729 established as a pedestrian mall, improvements of any kind or nature necessary or convenient
730 to the operation of such streets as a pedestrian mall, included but not limited to paving,
731 sidewalks, curbs, gutters, sewers, drainage works, lighting facilities, fire protection facilities,
732 flood protection facilities, water distribution facilities, vehicular parking areas, retaining walls,
733 landscaping, tree planting, statuaries, fountains, decorative structures, benches, rest rooms,
734 child care facilities, display facilities, information booths, public assembly facilities, and other
735 structures, works or improvements necessary or convenient to serve members of the public
736 using such pedestrian malls, including the reconstruction or relocation of existing municipally
737 owned works, improvements, or facilities on such municipal streets; which foregoing changes
738 or any portions thereof, are referred to in this act as "improvements";

739 (5) to pay from the general funds of the municipality or other available moneys, or
 740 from the proceeds of assessments levied on property benefited by any such improvements, or
 741 from the proceeds of special improvement warrants or bonds, the whole or any portion of the
 742 costs of acquisition, construction, and maintenance of such improvements in accordance with
 743 the provisions of Title [~~17A~~] 11, Chapter [~~3, Part 3, Utah Municipal Improvement District~~] 42,
 744 Assessment Area Act, relating to special improvement assessments; and

745 (6) to do any and all other acts or things necessary or convenient for the
 746 accomplishment of the purposes of this act.

747 Section 10. Section **10-15-6** is amended to read:

748 **10-15-6. Public hearing -- Finance requirements.**

749 The designation of any street as a "mall" shall be by ordinance passed and published
 750 after full investigation and ample public hearing into the necessity and advisability of the
 751 creation of a mall. The ordinance shall designate the manner in which the project is to be
 752 financed, and, if financed by levy of special taxes or special improvement warrants or bonds,
 753 shall be in accordance with the provisions of Title [~~17A~~] 11, Chapter [~~3, Part 3, Utah~~
 754 ~~Municipal Improvement District~~] 42, Assessment Area Act.

755 Section 11. Section **11-14-102** is amended to read:

756 **11-14-102. Definitions.**

757 For the purpose of this chapter:

758 (1) "Bond" means any bond authorized to be issued under this chapter, including
 759 municipal bonds.

760 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

761 (3) "Governing body" means:

762 (a) for a county, city, or town, the legislative body of the county, city, or town;

763 (b) for a local district, the board of trustees of the local district;

764 (c) for a school district, the local board of education; or

765 (d) for a special service district under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1,
 766 Special Service District Act:

767 (i) the governing body of the county or municipality that created the special service
 768 district, if no administrative control board has been established under Section [~~17A-2-1326~~]
 769 17D-1-301; or

770 (ii) the administrative control board, if one has been established under Section
771 [~~17A-2-1326~~] 17D-1-301 and the power to issue bonds not payable from taxes has been
772 delegated to the administrative control board.

773 (4) "Local district" means a district operating under Title 17B, Limited Purpose Local
774 Government Entities - Local Districts.

775 (5) (a) "Local political subdivision" means a county, city, town, school district, local
776 district, or special service district.

777 (b) "Local political subdivision" does not include the state and its institutions.

778 Section 12. Section **11-17-3** is amended to read:

779 **11-17-3. Powers of municipalities, counties, and state universities.**

780 (1) Each municipality, county, and state university may:

781 (a) finance or acquire, whether by construction, purchase, devise, gift, exchange, or
782 lease, or any one or more of those methods, and construct, reconstruct, improve, maintain,
783 equip, and furnish or fund one or more projects, which shall be located within this state, and
784 which shall be located within, or partially within, the municipality or county or within the
785 county within which a state university is located, unless an agreement under the Interlocal
786 Cooperation Act has been entered into as authorized by Subsection (5), except that if a
787 governing body finds, by resolution, that the effects of international trade practices have been
788 or will be adverse to Utah manufacturers of industrial products and, therefore, it is desirable to
789 finance a project in order to maintain or enlarge domestic or foreign markets for Utah industrial
790 products, a project may consist of the financing on behalf of a user of the costs of acquiring
791 industrial products manufactured in, and which are to be exported from, the state;

792 (b) finance for, sell, lease, contract the management of, or otherwise dispose of to, any
793 person, firm, partnership, or corporation, either public or private, including without limitation
794 any person, firm, partnership, or corporation engaged in business for a profit, any or all of its
795 projects upon the terms and conditions as the governing body considers advisable and which do
796 not conflict with this chapter;

797 (c) issue revenue bonds for the purpose of defraying the cost of financing, acquiring,
798 constructing, reconstructing, improving, maintaining, equipping, furnishing, or funding any
799 project and secure the payment of the bonds as provided in this chapter, which revenue bonds
800 may be issued in one or more series or issues where considered advisable, and each series or

801 issue may contain different maturity dates, interest rates, priorities on securities available for
802 guaranteeing payment of them, and other differing terms and conditions considered necessary
803 and not in conflict with this chapter;

804 (d) (i) grant options to renew any lease with respect to any project and to buy any
805 project at a price the governing body considers desirable; and

806 (ii) sell and convey any real or personal property acquired under Subsection (1)(a) at
807 public or private sale, and make an order respecting the sale considered conducive to the best
808 interests of the municipality, county, or state university, the sale or conveyance to be subject to
809 the terms of any lease but to be free and clear of any other encumbrance;

810 (e) establish, acquire, develop, maintain, and operate industrial parks; and

811 (f) offer to the holders of its bonds issued pursuant to this chapter the right, where its
812 governing body considers it appropriate, to convert the bonds or some portion of the bond
813 obligation into an equity position in some or all of the assets developed with the proceeds of
814 the bond offering.

815 (2) An economic development or new venture investment fund shall be considered to
816 be located in the municipality or county where its headquarters is located or where any office of
817 it is located, as long as it is headquartered within the state. It need not make all of its
818 investments within the state of Utah or such county or municipality, so long as it locates within
819 the state of Utah or such county or municipality its headquarters where its actual investment
820 decisions and management functions occur and agrees to, and does, limit the aggregate amount
821 of its investments in companies located outside the state of Utah to an amount which in the
822 aggregate does not exceed the aggregate amount of investments made by institutions and funds
823 located outside the state of Utah in companies headquartered in Utah which the locally
824 managed fund has sponsored or in which it has invested and which it has brought to the
825 attention of investors outside the state of Utah. For purposes of enabling an offering of bonds
826 to fund such a fund, a certification of an executive managerial officer of the manager of said
827 fund of the intention to comply with this provision may be relied upon. Each fund shall at least
828 annually certify to the governmental offeror of such bonds its compliance with this provision.

829 (3) Before any municipality, county, or state university issues revenue bonds under this
830 chapter for the purpose of defraying the cost of acquiring, constructing, reconstructing,
831 improving, maintaining, equipping, or furnishing any industrial park project, the governing

832 body of the state university, county, or municipality shall adopt and establish a plan of
833 development for the tracts of land to constitute the industrial park and shall, by resolution, find
834 that the project for the establishment of the industrial park is well conceived and has a
835 reasonable prospect of success, that the project will tend to provide proper economic
836 development of the municipality or county and will encourage industry to locate within or near
837 the municipality or county or, in the case of state universities, will further, through industrial
838 research and development, the instructional progress of the state university. There may be
839 included as a part of any plan of development for any industrial park zoning regulations,
840 restrictions on usage of sites within the boundaries of the industrial park, minimum size of
841 sites, parking and loading regulations, and methods for the providing and furnishing of police
842 and fire protection and for the furnishing of other municipal or county services which are
843 considered necessary in order to provide for the maintenance of the public health and safety. If
844 any water or sewerage facilities are to be acquired as part of the development of the land for an
845 industrial park under this chapter, water and sewerage facilities may be acquired as part of the
846 issue of bonds issued under this chapter, through the issuance of bonds payable from water and
847 sewer charges in the manner as is now or as may hereafter be provided by law, in combination
848 with an issue of refunding bonds, in combination with an issue of bonds upon the consent of
849 the holders of outstanding bonds issued for the same purpose, in combination with bonds
850 issued for the purposes of financing water and sewer facilities which will not be a part of an
851 industrial park, or in any combination of the foregoing. Any municipality, county, or state
852 university establishing an industrial park may lease any land acquired and developed as part of
853 an industrial park to one or more lessees. The lessee may sublease all or a portion of the land
854 so leased from the municipality or county. Municipalities, counties, and state universities may
855 sell or lease land in connection with the establishment, acquisition, development, maintenance,
856 and operation of an industrial park project. Any such lease or sale of land shall be undertaken
857 only after the adoption by the governing body of a resolution authorizing the lease or sale of the
858 land for industrial park purposes.

859 (4) (a) No municipality, county, or state university may operate any project referred to
860 in this section, as a business or in any other manner except as the lessor or administrator of it,
861 nor may it acquire any such project, or any part of it, by condemnation. This prohibition does
862 not apply to projects involving research conducted, administered, or managed by a state

863 university.

864 (b) No municipality, county, or state university may, under this chapter, acquire or
865 lease projects, or issue revenue bonds for the purpose of defraying the cost of any project or
866 part of it, used for the generation, transmission, or distribution of electric energy beyond the
867 project site, or the production, transmission, or distribution of natural gas, except for any
868 project defined in Subsection 11-17-2(8)(b) or (d).

869 (5) Each municipality, county, and state university may enter, either before or after the
870 bonds have been issued, into interlocal agreements under Title 11, Chapter 13, Interlocal
871 Cooperation Act, with one or more municipalities, counties, state universities, or special
872 service districts created pursuant to Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special
873 Service District Act, in order to accomplish economies of scale or other cost savings and any
874 other additional purposes to be specified in the interlocal agreement, for the issuance of bonds
875 under this chapter on behalf of all of the signatories to the interlocal agreement by one of the
876 municipalities, counties, or state universities which is a signatory to the interlocal agreement
877 for the financing or acquisition of projects qualifying as a project under Subsection 11-17-2(8).
878 For all purposes of Section 11-13-207 the signatory to the interlocal agreement designated as
879 the issuer of the bonds constitutes the administrator of the interlocal agreement.

880 (6) Subsection (4) to the contrary notwithstanding, the governing body of any state
881 university owning or desiring to own facilities or administer projects described in Subsection
882 11-17-2(8) may:

883 (a) become a signatory to the interlocal agreement provided for in Subsection (5);

884 (b) enter into a separate security agreement with the issuer of the bonds, as provided in
885 Section 11-17-5 for the financing or acquisition of a project under Subsection 11-17-2(8) to be
886 owned by the state university;

887 (c) enter into agreements to secure the obligations of the state university under a
888 security agreement entered into under Subsection (6)(b), or to provide liquidity for such
889 obligations including, without limitation, letter of credit agreements with banking institutions
890 for letters of credit or for standby letters of credit, reimbursement agreements with financial
891 institutions, line of credit agreements, standby bond purchase agreements, and to provide for
892 payment of fees, charges, and other amounts coming due under the agreements entered into
893 under the authority contained in this Subsection (6)(c);

894 (d) provide in security agreements entered into under Subsection (6)(b) and in
895 agreements entered into under Subsection (6)(c) that the obligations of the state university
896 under an agreement shall be special obligations payable solely from the revenues derived from
897 the operation or management of the project, owned by the state university and from net profits
898 from proprietary activities and any other revenues pledged other than appropriations by the
899 Utah Legislature, and the governing body of the state university shall pledge all or any part of
900 such revenues to the payment of its obligations under an agreement; and

901 (e) in order to secure the prompt payment of the obligations of the state university
902 under a security agreement entered into under Subsection (6)(b) or an agreement entered into
903 under Subsection (6)(c) and the proper application of the revenues pledged to them, covenant
904 and provide appropriate provisions in an agreement to the extent permitted and provided for
905 under Section 53B-21-102.

906 (7) Subsection (4) to the contrary notwithstanding, the governing body of any
907 municipality, county, or special service district owning, desiring to own, or administering
908 projects or facilities described in Subsection 11-17-2(8) may:

909 (a) become a signatory to the interlocal agreement provided for in Subsection (5);

910 (b) enter into a separate security agreement with the issuer of the bonds, as provided in
911 Section 11-17-5, for the financing or acquisition of a project under Subsection 11-17-2(8) to be
912 owned by the municipality, county, or special service district, as the case may be, except that
913 no municipality, county, or special service district may mortgage the facilities so financed or
914 acquired;

915 (c) enter into agreements to secure the obligations of the municipality, county, or
916 special service district, as the case may be, under a security agreement entered into under
917 Subsection (7)(b), or to provide liquidity for such obligations including, without limitation,
918 letter of credit agreements with banking institutions for letters of credit or for standby letters of
919 credit, reimbursement agreements with financial institutions, line of credit agreements, standby
920 bond purchase agreements, and to provide for payment of fees, charges, and other amounts
921 coming due under the agreements entered into under the authority contained in this Subsection
922 (7)(c);

923 (d) provide in security agreements entered into under Subsection (7)(b) and in
924 agreements entered into under Subsection (7)(c) that the obligations of the municipality,

925 county, or special service district, as the case may be, under an agreement shall be special
926 obligations payable solely from the revenues derived from the operation or management of the
927 project, owned by the municipality, county, or special service district, as the case may be, and
928 the governing body of the municipality, county, or special service district, as the case may be,
929 shall pledge all or any part of such revenues to the payment of its obligations under an
930 agreement; and

931 (e) in order to secure the prompt payment of obligations under a security agreement
932 entered into under Subsection (7)(b) or an agreement entered into under Subsection (7)(c) and
933 the proper application of the revenues pledged to them, covenant and provide appropriate
934 provisions in an agreement to the extent permitted and provided for with respect to revenue
935 obligations under Section 11-14-306.

936 (8) In connection with the issuance of bonds under this chapter, a municipality, county,
937 or state university:

938 (a) may provide for the repurchase of bonds tendered by their owners and may enter
939 into an agreement to provide liquidity for such repurchases, including a letter of credit
940 agreement, line of credit agreement, standby bond purchase agreement, or other type of
941 liquidity agreement;

942 (b) may enter into remarketing, indexing, tender agent, or other agreements incident to
943 the financing of the project or the performance of the issuer's obligations relative to the bonds;
944 and

945 (c) may provide for payment of fees, charges, and other amounts coming due under the
946 agreements entered into pursuant to authority contained in Subsection (6).

947 Section 13. Section **11-27-2** is amended to read:

948 **11-27-2. Definitions.**

949 As used in this chapter:

950 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
951 refunding outstanding bonds in advance of their maturity.

952 (2) "Assessments" means a special tax levied against property within a special
953 improvement district to pay all or a portion of the costs of making improvements in the district.

954 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
955 special improvement bond, local building authority bond, or refunding bond.

956 (4) "General obligation bond" means any bond, note, warrant, certificate of
957 indebtedness, or other obligation of a public body payable in whole or in part from revenues
958 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
959 applicable constitutional or statutory debt limitation.

960 (5) "Governing body" means the council, commission, county legislative body, board
961 of directors, board of trustees, board of education, board of regents, or other legislative body of
962 a public body designated in this chapter that is vested with the legislative powers of the public
963 body, and, with respect to the state, the State Bonding Commission created by Section
964 63B-1-201.

965 (6) "Government obligations" means:

966 (a) direct obligations of the United States of America, or other securities, the principal
967 of and interest on which are unconditionally guaranteed by the United States of America; or

968 (b) obligations of any state, territory, or possession of the United States, or of any of
969 the political subdivisions of any state, territory, or possession of the United States, or of the
970 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

971 (7) "Issuer" means the public body issuing any bond or bonds.

972 (8) "Public body" means the state or any agency, authority, instrumentality, or
973 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
974 agency, school district, local district, special service district, or other governmental entity now
975 or hereafter existing under the laws of the state.

976 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
977 purpose of refunding outstanding bonds.

978 (10) "Resolution" means a resolution of the governing body of a public body taking
979 formal action under this chapter.

980 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
981 other obligation for the payment of money issued by a public body or any predecessor of any
982 public body and that is payable from designated revenues not derived from ad valorem taxes or
983 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
984 of the following:

985 (a) any obligation constituting an indebtedness within the meaning of any applicable
986 constitutional or statutory debt limitation;

987 (b) any obligation issued in anticipation of the collection of taxes, where the entire
988 issue matures not later than one year from the date of the issue; and

989 (c) any special improvement bond.

990 (12) "Special improvement bond" means any bond, note, warrant, certificate of
991 indebtedness, or other obligation of a public body or any predecessor of any public body that is
992 payable from assessments levied on benefitted property and from any special improvement
993 guaranty fund.

994 (13) "Special improvement guaranty fund" means any special improvement guaranty
995 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
996 Title ~~[17A]~~ 11, Chapter ~~[3, Part 2, County Improvement Districts]~~ 42, Assessment Area Act; or
997 any predecessor or similar statute.

998 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
999 or other obligation of a public body issued under authority of Title 17C, Limited Purpose Local
1000 Government Entities - Community Development and Renewal Agencies.

1001 Section 14. Section **11-32-2** is amended to read:

1002 **11-32-2. Definitions.**

1003 As used in this chapter:

1004 (1) "Assignment agreement" means the agreement, security agreement, indenture, or
1005 other documentation by which the county transfers the delinquent tax receivables to the
1006 authority in consideration of the amounts paid by the authority under the assignment
1007 agreement, as provided in this chapter.

1008 (2) "Bonds" means any bonds, notes, or other evidence of indebtedness of the financing
1009 authority issued under this chapter.

1010 (3) "Delinquent tax receivables" means those ad valorem tangible property taxes levied
1011 within any county, for any year, which remain unpaid and owing the participant members
1012 within the county, as of January 15 of the following year, plus any interest and penalties
1013 accruing or assessed to them.

1014 (4) "Financing authority" or "authority" means a nonprofit corporation organized under
1015 this chapter by a county on behalf of the participant members within the county as the
1016 financing authority for the participant members solely for the purpose of financing the
1017 assignment of the delinquent tax receivables of the participant members for which it was

1018 created.

1019 (5) "Governing body" means the council, commission, county legislative body, board
1020 of education, board of trustees, or any other governing entity of a public body in which the
1021 legislative powers of the public body are vested.

1022 (6) "Participant members" means those public bodies, including the county, the
1023 governing bodies of which approve the creation of an authority as provided in Section 11-32-3
1024 and on whose behalf the authority acts.

1025 (7) "Public body" means any city, town, county, school district, special service district,
1026 [~~water and sewer improvement~~] local district, [~~redevelopment~~] community development and
1027 renewal agency, [~~parking and business improvement district, fire protection district, special~~
1028 ~~service area, metropolitan water district, water conservancy district,~~] or any other entity entitled
1029 to receive ad valorem property taxes, existing under the laws of the state of Utah.

1030 Section 15. Section **11-36-102** is amended to read:

1031 **11-36-102. Definitions.**

1032 As used in this chapter:

1033 (1) "Building permit fee" means the fees charged to enforce the uniform codes adopted
1034 pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not greater
1035 than the fees indicated in the appendix to the International Building Code.

1036 (2) "Capital facilities plan" means the plan required by Section 11-36-201.

1037 (3) "Development activity" means any construction or expansion of a building,
1038 structure, or use, any change in use of a building or structure, or any changes in the use of land
1039 that creates additional demand and need for public facilities.

1040 (4) "Development approval" means any written authorization from a local political
1041 subdivision that authorizes the commencement of development activity.

1042 (5) "Enactment" means:

1043 (a) a municipal ordinance, for municipalities;

1044 (b) a county ordinance, for counties; and

1045 (c) a governing board resolution, for local districts or special service districts.

1046 (6) "Hookup fees" means reasonable fees, not in excess of the approximate average
1047 costs to the political subdivision, for services provided for and directly attributable to the
1048 connection to utility services, including gas, water, sewer, power, or other municipal, county,

1049 local district, or special service district utility services.

1050 (7) (a) "Impact fee" means a payment of money imposed upon development activity as
1051 a condition of development approval.

1052 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a
1053 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

1054 (8) (a) "Local political subdivision" means a county, a municipality, a local district
1055 under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special
1056 service district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District
1057 Act.

1058 (b) "Local political subdivision" does not mean school districts, whose impact fee
1059 activity is governed by Section 53A-20-100.5.

1060 (9) "Private entity" means an entity with private ownership that provides culinary water
1061 that is required to be used as a condition of development.

1062 (10) (a) "Project improvements" means site improvements and facilities that are:

1063 (i) planned and designed to provide service for development resulting from a
1064 development activity; and

1065 (ii) necessary for the use and convenience of the occupants or users of development
1066 resulting from a development activity.

1067 (b) "Project improvements" does not mean system improvements.

1068 (11) "Proportionate share" means the cost of public facility improvements that are
1069 roughly proportionate and reasonably related to the service demands and needs of any
1070 development activity.

1071 (12) "Public facilities" means only the following capital facilities that have a life
1072 expectancy of ten or more years and are owned or operated by or on behalf of a local political
1073 subdivision or private entity:

1074 (a) water rights and water supply, treatment, and distribution facilities;

1075 (b) wastewater collection and treatment facilities;

1076 (c) storm water, drainage, and flood control facilities;

1077 (d) municipal power facilities;

1078 (e) roadway facilities;

1079 (f) parks, recreation facilities, open space, and trails; and

1080 (g) public safety facilities.

1081 (13) (a) "Public safety facility" means:

1082 (i) a building constructed or leased to house police, fire, or other public safety entities;

1083 or

1084 (ii) a fire suppression vehicle with a ladder reach of at least 75 feet, costing in excess of
1085 \$1,250,000, that is necessary for fire suppression in commercial areas with one or more
1086 buildings at least five stories high.

1087 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
1088 incarceration.

1089 (14) (a) "Roadway facilities" means streets or roads that have been designated on an
1090 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,
1091 together with all necessary appurtenances.

1092 (b) "Roadway facilities" includes associated improvements to federal or state roadways
1093 only when the associated improvements:

1094 (i) are necessitated by the new development; and

1095 (ii) are not funded by the state or federal government.

1096 (c) "Roadway facilities" does not mean federal or state roadways.

1097 (15) (a) "Service area" means a geographic area designated by a local political
1098 subdivision on the basis of sound planning or engineering principles in which a defined set of
1099 public facilities provide service within the area.

1100 (b) "Service area" may include the entire local political subdivision.

1101 (16) (a) "System improvements" means:

1102 (i) existing public facilities that are designed to provide services to service areas within
1103 the community at large; and

1104 (ii) future public facilities identified in a capital facilities plan that are intended to
1105 provide services to service areas within the community at large.

1106 (b) "System improvements" does not mean project improvements.

1107 Section 16. Section **11-36-201** is amended to read:

1108 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**
1109 **Summary -- Exemptions.**

1110 (1) (a) Each local political subdivision and private entity shall comply with the

1111 requirements of this chapter before establishing or modifying any impact fee.

1112 (b) A local political subdivision may not:

1113 (i) establish any new impact fees that are not authorized by this chapter; or

1114 (ii) impose or charge any other fees as a condition of development approval unless

1115 those fees are a reasonable charge for the service provided.

1116 (c) Notwithstanding any other requirements of this chapter, each local political
1117 subdivision shall ensure that each existing impact fee that is charged for any public facility not
1118 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

1119 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)
1120 that are charged by local political subdivisions need not comply with the requirements of this
1121 chapter until July 1, 1997.

1122 (ii) By July 1, 1997, each local political subdivision shall:

1123 (A) review any impact fees in existence as of the effective date of this act, and prepare
1124 and approve the analysis required by this section for each of those impact fees; and

1125 (B) ensure that the impact fees comply with the requirements of this chapter.

1126 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a
1127 capital facilities plan.

1128 (b) (i) As used in this Subsection (2)(b):

1129 (A) (I) "Affected entity" means each county, municipality, local district under Title
1130 17B, Limited Purpose Local Government Entities - Local Districts, special service district
1131 under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, school
1132 district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act,
1133 and specified public utility:

1134 (Aa) whose services or facilities are likely to require expansion or significant
1135 modification because of the facilities proposed in the proposed capital facilities plan; or

1136 (Bb) that has filed with the local political subdivision or private entity a copy of the
1137 general or long-range plan of the county, municipality, local district, special service district,
1138 school district, interlocal cooperation entity, or specified public utility.

1139 (II) "Affected entity" does not include the local political subdivision or private entity
1140 that is required under this Subsection (2) to provide notice.

1141 (B) "Specified public utility" means an electrical corporation, gas corporation, or

1142 telephone corporation, as those terms are defined in Section 54-2-1.

1143 (ii) Before preparing a capital facilities plan for facilities proposed on land located
1144 within a county of the first or second class, each local political subdivision and each private
1145 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare
1146 a capital facilities plan.

1147 (iii) Each notice under Subsection (2)(b)(ii) shall:

1148 (A) indicate that the local political subdivision or private entity intends to prepare a
1149 capital facilities plan;

1150 (B) describe or provide a map of the geographic area where the proposed capital
1151 facilities will be located;

1152 (C) be sent to:

1153 (I) each county in whose unincorporated area and each municipality in whose
1154 boundaries is located the land on which the proposed facilities will be located;

1155 (II) each affected entity;

1156 (III) the Automated Geographic Reference Center created in Section 63F-1-506;

1157 (IV) the association of governments, established pursuant to an interlocal agreement
1158 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to
1159 be located; and

1160 (V) the state planning coordinator appointed under Section 63-38d-202; and

1161 (D) with respect to the notice to affected entities, invite the affected entities to provide
1162 information for the local political subdivision or private entity to consider in the process of
1163 preparing, adopting, and implementing a capital facilities plan concerning:

1164 (I) impacts that the facilities proposed in the capital facilities plan may have on the
1165 affected entity; and

1166 (II) facilities or uses of land that the affected entity is planning or considering that may
1167 conflict with the facilities proposed in the capital facilities plan.

1168 (c) The plan shall identify:

1169 (i) demands placed upon existing public facilities by new development activity; and

1170 (ii) the proposed means by which the local political subdivision will meet those
1171 demands.

1172 (d) Municipalities and counties need not prepare a separate capital facilities plan if the

1173 general plan required by Sections 10-9a-401 and 17-27a-401 contains the elements required by
1174 Subsection (2)(c).

1175 (e) (i) If a local political subdivision prepares an independent capital facilities plan
1176 rather than including a capital facilities element in the general plan, the local political
1177 subdivision shall, before adopting the capital facilities plan:

1178 (A) give public notice of the plan according to this Subsection (2)(e);

1179 (B) at least 14 days before the date of the public hearing:

1180 (I) make a copy of the plan, together with a summary designed to be understood by a
1181 lay person, available to the public; and

1182 (II) place a copy of the plan and summary in each public library within the local
1183 political subdivision; and

1184 (C) hold a public hearing to hear public comment on the plan.

1185 (ii) Municipalities shall comply with the notice and hearing requirements of, and,
1186 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections
1187 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2).

1188 (iii) Counties shall comply with the notice and hearing requirements of, and, except as
1189 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and
1190 17-27a-801 and Subsection 17-27a-502(2).

1191 (iv) Local districts, special service districts, and private entities shall comply with the
1192 notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

1193 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in
1194 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning
1195 commission in the capital facilities planning process.

1196 (f) (i) Local political subdivisions with a population or serving a population of less
1197 than 5,000 as of the last federal census need not comply with the capital facilities plan
1198 requirements of this part, but shall ensure that the impact fees imposed by them are based upon
1199 a reasonable plan.

1200 (ii) Subsection (2)(f)(i) does not apply to private entities.

1201 (3) In preparing the plan, each local political subdivision shall generally consider all
1202 revenue sources, including impact fees, to finance the impacts on system improvements.

1203 (4) A local political subdivision may only impose impact fees on development

1204 activities when its plan for financing system improvements establishes that impact fees are
1205 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the
1206 future, in comparison to the benefits already received and yet to be received.

1207 (5) (a) Each local political subdivision imposing impact fees shall prepare a written
1208 analysis of each impact fee that:

1209 (i) identifies the impact on system improvements required by the development activity;

1210 (ii) demonstrates how those impacts on system improvements are reasonably related to
1211 the development activity;

1212 (iii) estimates the proportionate share of the costs of impacts on system improvements
1213 that are reasonably related to the new development activity; and

1214 (iv) based upon those factors and the requirements of this chapter, identifies how the
1215 impact fee was calculated.

1216 (b) In analyzing whether or not the proportionate share of the costs of public facilities
1217 are reasonably related to the new development activity, the local political subdivision shall
1218 identify, if applicable:

1219 (i) the cost of existing public facilities;

1220 (ii) the manner of financing existing public facilities, such as user charges, special
1221 assessments, bonded indebtedness, general taxes, or federal grants;

1222 (iii) the relative extent to which the newly developed properties and the other
1223 properties in the municipality have already contributed to the cost of existing public facilities,
1224 by such means as user charges, special assessments, or payment from the proceeds of general
1225 taxes;

1226 (iv) the relative extent to which the newly developed properties and the other
1227 properties in the municipality will contribute to the cost of existing public facilities in the
1228 future;

1229 (v) the extent to which the newly developed properties are entitled to a credit because
1230 the municipality is requiring their developers or owners, by contractual arrangement or
1231 otherwise, to provide common facilities, inside or outside the proposed development, that have
1232 been provided by the municipality and financed through general taxation or other means, apart
1233 from user charges, in other parts of the municipality;

1234 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

1235 (vii) the time-price differential inherent in fair comparisons of amounts paid at
1236 different times.

1237 (c) Each local political subdivision that prepares a written analysis under this
1238 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,
1239 designed to be understood by a lay person.

1240 (6) Each local political subdivision that adopts an impact fee enactment under Section
1241 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit
1242 to each public library within the local political subdivision:

1243 (a) a copy of the written analysis required by Subsection (5)(a); and

1244 (b) a copy of the summary required by Subsection (5)(c).

1245 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any
1246 impact fee in effect on the effective date of this chapter that is pledged as a source of revenues
1247 to pay bonded indebtedness that was incurred before the effective date of this chapter.

1248 Section 17. Section **11-39-101** is amended to read:

1249 **11-39-101. Definitions.**

1250 As used in this chapter:

1251 (1) "Bid limit" means:

1252 (a) for a building improvement:

1253 (i) for the year 2003, \$40,000; and

1254 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
1255 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
1256 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
1257 year; and

1258 (b) for a public works project:

1259 (i) for the year 2003, \$125,000; and

1260 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
1261 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
1262 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
1263 year.

1264 (2) "Building improvement":

1265 (a) means the construction or repair of a public building or structure; and

- 1266 (b) does not include construction or repair at an international airport.
- 1267 (3) "Consumer Price Index" means the Consumer Price Index for All Urban
1268 Consumers as published by the Bureau of Labor Statistics of the United States Department of
1269 Labor.
- 1270 (4) "Design-build project":
1271 (a) means a building improvement or public works project costing over \$250,000 with
1272 respect to which both the design and construction are provided for in a single contract with a
1273 contractor or combination of contractors capable of providing design-build services; and
1274 (b) does not include a building improvement or public works project:
1275 (i) that is undertaken by a local entity under contract with a construction manager that
1276 guarantees the contract price and is at risk for any amount over the contract price; and
1277 (ii) each component of which is competitively bid.
- 1278 (5) "Design-build services" means the engineering, architectural, and other services
1279 necessary to formulate and implement a design-build project, including its actual construction.
- 1280 (6) "Emergency repairs" means a building improvement or public works project
1281 undertaken on an expedited basis to:
1282 (a) eliminate an imminent risk of damage to or loss of public or private property;
1283 (b) remedy a condition that poses an immediate physical danger; or
1284 (c) reduce a substantial, imminent risk of interruption of an essential public service.
- 1285 (7) "Governing body" means:
1286 (a) for a county, city, or town, the legislative body of the county, city, or town;
1287 (b) for a local district, the board of trustees of the local district; and
1288 (c) for a special service district:
1289 (i) the legislative body of the county, city, or town that established the special service
1290 district, if no administrative control board has been appointed under Section [~~17A-2-1326~~]
1291 17D-1-301; or
1292 (ii) the administrative control board of the special service district, if an administrative
1293 control board has been appointed under Section [~~17A-2-1326~~] 17D-1-301.
- 1294 (8) "Local district" has the same meaning as defined in Section 17B-1-102.
- 1295 (9) "Local entity" means a county, city, town, local district, or special service district.
- 1296 (10) "Lowest responsive responsible bidder" means a prime contractor who:

1297 (a) has submitted a bid in compliance with the invitation to bid and within the
1298 requirements of the plans and specifications for the building improvement or public works
1299 project;

1300 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
1301 strength, past performance, integrity, reliability, and other factors that the local entity uses to
1302 assess the ability of a bidder to perform fully and in good faith the contract requirements;

1303 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
1304 prime contract; and

1305 (d) furnishes a payment and performance bond as required by law.

1306 (11) "Procurement code" means the provisions of Title 63, Chapter 56, Utah
1307 Procurement Code.

1308 (12) "Public works project":

1309 (a) means the construction of:

1310 (i) a park or recreational facility; or

1311 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or
1312 flood control; and

1313 (b) does not include:

1314 (i) the replacement or repair of existing infrastructure on private property;

1315 (ii) construction commenced before June 1, 2003; and

1316 (iii) construction or repair at an international airport.

1317 (13) "Special service district" [~~means a special service district under Title 17A,~~
1318 ~~Chapter 2, Part 13, Utah Special Service District Act~~] has the same meaning as defined in
1319 Section 17D-1-102.

1320 Section 18. Section **11-39-104** is amended to read:

1321 **11-39-104. Exceptions.**

1322 (1) The requirements of Section 11-39-103 do not apply to:

1323 (a) emergency repairs;

1324 (b) a building improvement or public works project if the estimated cost under Section
1325 11-39-102 is less than the bid limit; or

1326 (c) the conduct or management of any of the departments, business, or property of the
1327 local entity.

1328 (2) This section may not be construed to limit the application of Section 72-6-108 to an
1329 improvement project, as defined in Section 72-6-109, that would otherwise be subject to
1330 Section 72-6-108.

1331 (3) This part applies to a building improvement or public works project of a special
1332 service district only to the extent that the contract for the building improvement or public
1333 works project is in a class of contract designated under Section 17D-1-107 as subject to this
1334 part.

1335 Section 19. Section **11-40-101** is amended to read:

1336 **11-40-101. Definitions.**

1337 As used in this chapter:

1338 (1) "Applicant" means a person who seeks employment with a public water utility,
1339 either as an employee or as an independent contractor, and who, after employment, would, in
1340 the judgment of the public water utility, be in a position to affect the safety or security of the
1341 publicly owned treatment works or public water system or to affect the safety or well-being of
1342 patrons of the public water utility.

1343 (2) "Division" means the Criminal Investigation and Technical Services Division of the
1344 Department of Public Safety, established in Section 53-10-103.

1345 (3) "Independent contractor":

1346 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,
1347 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or
1348 equipment, or related control or security facilities or equipment, to the public water utility; and

1349 (b) includes the employees and agents of the engineer, contractor, consultant, or
1350 supplier.

1351 (4) "Person seeking access" means a person who seeks access to a public water utility's
1352 public water system or publicly owned treatment works and who, after obtaining access, would,
1353 in the judgment of the public water utility, be in a position to affect the safety or security of the
1354 publicly owned treatment works or public water system or to affect the safety or well-being of
1355 patrons of the public water utility.

1356 (5) "Publicly owned treatment works" has the same meaning as defined in Section
1357 19-5-102.

1358 (6) "Public water system" has the same meaning as defined in Section 19-4-102.

1359 (7) "Public water utility" means a county, city, town, local district under Title 17B,
1360 Chapter 1, Provisions Applicable to All Local Districts, special service district under Title
1361 ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, or other political
1362 subdivision of the state that operates publicly owned treatment works or a public water system.

1363 Section 20. Section **11-42-102** is amended to read:

1364 **11-42-102. Definitions.**

1365 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203
1366 that represent at least 50% of the frontage, area, taxable value, fair market value, lots, number
1367 of connections, or equivalent residential units of the property proposed to be assessed,
1368 according to the same assessment method by which the assessment is proposed to be levied,
1369 after eliminating:

1370 (a) protests relating to:

1371 (i) property that has been deleted from a proposed assessment area; or

1372 (ii) an improvement that has been deleted from the proposed improvements to be
1373 provided to property within the proposed assessment area; and

1374 (b) protests that have been withdrawn under Subsection 11-42-203(3).

1375 (2) "Assessment area" means an area, or, if more than one area is designated, the
1376 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a
1377 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the
1378 costs of improvements, operation and maintenance, or economic promotion activities that
1379 benefit property within the area.

1380 (3) "Assessment bonds" means bonds that are:

1381 (a) issued under Section 11-42-605; and

1382 (b) payable in part or in whole from assessments levied in an assessment area,
1383 improvement revenues, and a guaranty fund or reserve fund.

1384 (4) "Assessment fund" means a special fund that a local entity establishes under
1385 Section 11-42-412.

1386 (5) "Assessment lien" means a lien on property within an assessment area that arises
1387 from the levy of an assessment, as provided in Section 11-42-501.

1388 (6) "Assessment method" means the method by which an assessment is levied against
1389 property, whether by frontage, area, taxable value, fair market value, lot, number of

1390 connections, equivalent residential unit, or any combination of these methods.

1391 (7) "Assessment ordinance" means an ordinance adopted by a local entity under
1392 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

1393 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
1394 11-42-404 that levies an assessment on benefitted property within an assessment area.

1395 (9) "Benefitted property" means property within an assessment area that benefits from
1396 improvements, operation and maintenance, or economic promotion activities.

1397 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in
1398 anticipation of the issuance of assessment bonds.

1399 (11) "Bonds" means assessment bonds and refunding assessment bonds.

1400 (12) "Commercial area" means an area in which at least 75% of the property is devoted
1401 to the interchange of goods or commodities.

1402 (13) "Connection fee" means a fee charged by a local entity to pay for the costs of
1403 connecting property to a publicly owned sewer, water, gas, telecommunications, or electrical
1404 system, whether or not improvements are installed on the property.

1405 (14) "Contract price" means:

1406 (a) the cost of acquiring an improvement, if the improvement is acquired; or

1407 (b) the amount payable to one or more contractors for the design, engineering,
1408 inspection, and construction of an improvement.

1409 (15) "Designation ordinance" means an ordinance adopted by a local entity under
1410 Section 11-42-206 designating an assessment area.

1411 (16) "Designation resolution" means a resolution adopted by a local entity under
1412 Section 11-42-206 designating an assessment area.

1413 (17) "Economic promotion activities" means activities that promote economic growth
1414 in a commercial area of a local entity, including:

1415 (a) sponsoring festivals and markets;

1416 (b) promoting business investment or activities;

1417 (c) helping to coordinate public and private actions; and

1418 (d) developing and issuing publications designed to improve the economic well-being
1419 of the commercial area.

1420 (18) "Equivalent residential unit" means a dwelling, unit, or development that is equal

1421 to a single-family residence in terms of the nature of its use or impact on an improvement to be
1422 provided in the assessment area.

1423 (19) "Governing body" means:

1424 (a) for a county, city, or town, the legislative body of the county, city, or town;

1425 (b) for a local district, the board of trustees of the local district; and

1426 (c) for a special service district:

1427 (i) the legislative body of the county, city, or town that established the special service
1428 district, if no administrative control board has been appointed under Section [~~17A-2-1326~~

1429 17D-1-301; or

1430 (ii) the administrative control board of the special service district, if an administrative
1431 control board has been appointed under Section [~~17A-2-1326~~] 17D-1-301.

1432 (20) "Guaranty fund" means the fund established by a local entity under Section
1433 11-42-701.

1434 (21) "Improved property" means property proposed to be assessed within an
1435 assessment area upon which a residential, commercial, or other building has been built.

1436 (22) "Improvement" means any publicly owned infrastructure, system, or other facility
1437 that:

1438 (a) a local entity is authorized to provide; or

1439 (b) the governing body of a local entity determines is necessary or convenient to enable
1440 the local entity to provide a service that the local entity is authorized to provide.

1441 (23) "Improvement revenues":

1442 (a) means charges, fees, impact fees, or other revenues that a local entity receives from
1443 improvements; and

1444 (b) does not include revenue from assessments.

1445 (24) "Incidental refunding costs" means any costs of issuing refunding assessment
1446 bonds and calling, retiring, or paying prior bonds, including:

1447 (a) legal and accounting fees;

1448 (b) charges of fiscal agents, escrow agents, and trustees;

1449 (c) underwriting discount costs, printing costs, the costs of giving notice;

1450 (d) any premium necessary in the calling or retiring of prior bonds;

1451 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to

1452 refund the outstanding prior bonds;

1453 (f) any other costs that the governing body determines are necessary or desirable to
1454 incur in connection with the issuance of refunding assessment bonds; and

1455 (g) any interest on the prior bonds that is required to be paid in connection with the
1456 issuance of the refunding assessment bonds.

1457 (25) "Installment payment date" means the date on which an installment payment of an
1458 assessment is payable.

1459 (26) "Interim warrant" means a warrant issued by a local entity under Section
1460 11-42-601.

1461 (27) "Jurisdictional boundaries" means:

1462 (a) for a county, the boundaries of the unincorporated area of the county; and

1463 (b) for each other local entity, the boundaries of the local entity.

1464 (28) "Local district" means a local district under Title 17B, Limited Purpose Local
1465 Government Entities - Local Districts.

1466 (29) "Local entity" means a county, city, town, special service district, or local district.

1467 (30) "Local entity obligations" means assessment bonds, refunding assessment bonds,
1468 interim warrants, and bond anticipation notes issued by a local entity.

1469 (31) "Mailing address" means:

1470 (a) a property owner's last-known address using the name and address appearing on the
1471 last completed real property assessment roll of the county in which the property is located; and

1472 (b) if the property is improved property:

1473 (i) the property's street number; or

1474 (ii) the post office box, rural route number, or other mailing address of the property, if
1475 a street number has not been assigned.

1476 (32) "Net improvement revenues" means all improvement revenues that a local entity
1477 has received since the last installment payment date, less all amounts payable by the local entity
1478 from those improvement revenues for operation and maintenance costs.

1479 (33) "Operation and maintenance costs" means the costs that a local entity incurs in
1480 operating and maintaining improvements in an assessment area, including service charges,
1481 administrative costs, ongoing maintenance charges, and tariffs or other charges for electrical,
1482 water, gas, or other utility usage.

- 1483 (34) "Optional facilities":
1484 (a) means facilities in an assessment area that:
1485 (i) can be conveniently installed at the same time as improvements in the assessment
1486 area; and
1487 (ii) are requested by a property owner on whose property or for whose benefit the
1488 improvements are being installed; and
1489 (b) includes private driveways, irrigation ditches, and water turnouts.
1490 (35) "Overhead costs" means the actual costs incurred or the estimated costs to be
1491 incurred by a local entity in connection with an assessment area for appraisals, legal fees, filing
1492 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and paying
1493 agent fees, publishing and mailing costs, costs of levying an assessment, recording costs, and
1494 all other incidental costs.
1495 (36) "Prior bonds" means the assessment bonds that are refunded in part or in whole by
1496 refunding assessment bonds.
1497 (37) "Prior assessment ordinance" means the ordinance levying the assessments from
1498 which the prior bonds are payable.
1499 (38) "Prior assessment resolution" means the resolution levying the assessments from
1500 which the prior bonds are payable.
1501 (39) "Project engineer" means the surveyor or engineer employed by or private
1502 consulting engineer engaged by a local entity to perform the necessary engineering services for
1503 and to supervise the construction or installation of the improvements.
1504 (40) "Property" includes real property and any interest in real property, including water
1505 rights, leasehold rights, and personal property related to the property.
1506 (41) "Property price" means the price at which a local entity purchases or acquires by
1507 eminent domain property to make improvements in an assessment area.
1508 (42) "Provide" or "providing," with reference to an improvement, includes the
1509 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and
1510 expansion of an improvement.
1511 (43) "Public agency" means:
1512 (a) the state or any agency, department, or division of the state; and
1513 (b) a political subdivision of the state.

1514 (44) "Reduced payment obligation" means the full obligation of an owner of property
1515 within an assessment area to pay an assessment levied on the property after the assessment has
1516 been reduced because of the issuance of refunding assessment bonds, as provided in Section
1517 11-42-608.

1518 (45) "Refunding assessment bonds" means assessment bonds that a local entity issues
1519 under Section 11-42-607 to refund, in part or in whole, assessment bonds.

1520 (46) "Reserve fund" means a fund established by a local entity under Section
1521 11-42-702.

1522 (47) "Service" means water, sewer, garbage collection, library, recreation, or electric
1523 service, economic promotion activities, or any other service that a local entity is required or
1524 authorized to provide.

1525 (48) "Special service district" [~~means a special service district under Title 17A,~~
1526 ~~Chapter 2, Part 13, Utah Special Service District Act~~] has the same meaning as defined in
1527 Section 17D-1-102.

1528 (49) "Unimproved property" means property upon which no residential, commercial, or
1529 other building has been built.

1530 (50) "Voluntary assessment area" means an assessment area that contains only property
1531 whose owners have voluntarily consented to an assessment.

1532 Section 21. Section **11-43-102** is amended to read:

1533 **11-43-102. Memorials by political subdivisions.**

1534 (1) As used in this section:

1535 (a) "Political subdivision" means any county, city, town, or school district.

1536 (b) "Political subdivision" does not mean a local district under Title 17B, Limited
1537 Purpose Local Government Entities - Local Districts, or a special service district under Title
1538 [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act[~~, or a dependent district~~
1539 ~~under Title 17A, Chapter 3, Dependent Districts~~].

1540 (2) A political subdivision may authorize the use or donation of the political
1541 subdivision's land for the purpose of maintaining, erecting, or contributing to the erection or
1542 maintenance of a memorial to commemorate those individuals who have:

1543 (a) participated in or have given their lives in any of the one or more wars or military
1544 conflicts in which the United States of America has been a participant; or

1545 (b) given their lives in association with public service on behalf of the state or the
1546 political subdivision, including firefighters, peace officers, highway patrol officers, or other
1547 public servants.

1548 (3) The use or donation of a political subdivision's land in relation to a memorial
1549 described in Subsection (2) may include:

1550 (a) using or appropriating public funds for the purchase, development, improvement, or
1551 maintenance of public land on which a memorial is located or established;

1552 (b) using or appropriating public funds for the erection, improvement, or maintenance
1553 of a memorial;

1554 (c) donating or selling public land for use in relation to a memorial; or

1555 (d) authorizing the use of a political subdivision's land for a memorial that is funded or
1556 maintained in part or in full by another public or private entity.

1557 (4) The political subdivision may specify the form, placement, and design of a
1558 memorial that is subject to this section.

1559 Section 22. Section **17-27a-103** is amended to read:

1560 **17-27a-103. Definitions.**

1561 As used in this chapter:

1562 (1) "Affected entity" means a county, municipality, local district, special service
1563 district under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act,
1564 school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal
1565 Cooperation Act, specified property owner, property owners association, public utility, or the
1566 Utah Department of Transportation, if:

1567 (a) the entity's services or facilities are likely to require expansion or significant
1568 modification because of an intended use of land;

1569 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1570 or

1571 (c) the entity has filed with the county a request for notice during the same calendar
1572 year and before the county provides notice to an affected entity in compliance with a
1573 requirement imposed under this chapter.

1574 (2) "Appeal authority" means the person, board, commission, agency, or other body
1575 designated by ordinance to decide an appeal of a decision of a land use application or a

1576 variance.

1577 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1578 residential property if the sign is designed or intended to direct attention to a business, product,
1579 or service that is not sold, offered, or existing on the property where the sign is located.

1580 (4) "Charter school" includes:

1581 (a) an operating charter school;

1582 (b) a charter school applicant that has its application approved by a chartering entity in
1583 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

1584 (c) an entity who is working on behalf of a charter school or approved charter applicant
1585 to develop or construct a charter school building.

1586 (5) "Chief executive officer" means the person or body that exercises the executive
1587 powers of the county.

1588 (6) "Conditional use" means a land use that, because of its unique characteristics or
1589 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
1590 compatible in some areas or may be compatible only if certain conditions are required that
1591 mitigate or eliminate the detrimental impacts.

1592 (7) "Constitutional taking" means a governmental action that results in a taking of
1593 private property so that compensation to the owner of the property is required by the:

1594 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1595 (b) Utah Constitution Article I, Section 22.

1596 (8) "Culinary water authority" means the department, agency, or public entity with
1597 responsibility to review and approve the feasibility of the culinary water system and sources for
1598 the subject property.

1599 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
1600 or more of a person's major life activities, including a person having a record of such an
1601 impairment or being regarded as having such an impairment.

1602 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1603 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1604 802.

1605 (10) "Elderly person" means a person who is 60 years old or older, who desires or
1606 needs to live with other elderly persons in a group setting, but who is capable of living

1607 independently.

1608 (11) "Fire authority" means the department, agency, or public entity with responsibility
1609 to review and approve the feasibility of fire protection and suppression services for the subject
1610 property.

1611 (12) "Gas corporation" has the same meaning as defined in Section 54-2-1.

1612 (13) "General plan" means a document that a county adopts that sets forth general
1613 guidelines for proposed future development of the unincorporated land within the county.

1614 (14) "Identical plans" means building plans submitted to a county that are substantially
1615 identical building plans that were previously submitted to and reviewed and approved by the
1616 county and describe a building that is:

1617 (a) located on land zoned the same as the land on which the building described in the
1618 previously approved plans is located; and

1619 (b) subject to the same geological and meteorological conditions and the same law as
1620 the building described in the previously approved plans.

1621 (15) "Interstate pipeline company" means a person or entity engaged in natural gas
1622 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
1623 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1624 (16) "Intrastate pipeline company" means a person or entity engaged in natural gas
1625 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1626 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1627 (17) "Land use application" means an application required by a county's land use
1628 ordinance.

1629 (18) "Land use authority" means a person, board, commission, agency, or other body
1630 designated by the local legislative body to act upon a land use application.

1631 (19) "Land use ordinance" means a planning, zoning, development, or subdivision
1632 ordinance of the county, but does not include the general plan.

1633 (20) "Land use permit" means a permit issued by a land use authority.

1634 (21) "Legislative body" means the county legislative body, or for a county that has
1635 adopted an alternative form of government, the body exercising legislative powers.

1636 (22) "Local district" means any entity under Title 17B, Limited Purpose Local
1637 Government Entities - Local Districts, and any other governmental or quasi-governmental

1638 entity that is not a county, municipality, school district, or unit of the state.

1639 (23) "Lot line adjustment" means the relocation of the property boundary line in a
1640 subdivision between two adjoining lots with the consent of the owners of record.

1641 (24) "Moderate income housing" means housing occupied or reserved for occupancy
1642 by households with a gross household income equal to or less than 80% of the median gross
1643 income for households of the same size in the county in which the housing is located.

1644 (25) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
1645 and expenses incurred in:

1646 (a) verifying that building plans are identical plans; and

1647 (b) reviewing and approving those minor aspects of identical plans that differ from the
1648 previously reviewed and approved building plans.

1649 (26) "Noncomplying structure" means a structure that:

1650 (a) legally existed before its current land use designation; and

1651 (b) because of one or more subsequent land use ordinance changes, does not conform
1652 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1653 the use of land.

1654 (27) "Nonconforming use" means a use of land that:

1655 (a) legally existed before its current land use designation;

1656 (b) has been maintained continuously since the time the land use ordinance regulation
1657 governing the land changed; and

1658 (c) because of one or more subsequent land use ordinance changes, does not conform
1659 to the regulations that now govern the use of the land.

1660 (28) "Official map" means a map drawn by county authorities and recorded in the
1661 county recorder's office that:

1662 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1663 highways and other transportation facilities;

1664 (b) provides a basis for restricting development in designated rights-of-way or between
1665 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1666 the land; and

1667 (c) has been adopted as an element of the county's general plan.

1668 (29) "Person" means an individual, corporation, partnership, organization, association,

1669 trust, governmental agency, or any other legal entity.

1670 (30) "Plan for moderate income housing" means a written document adopted by a
1671 county legislative body that includes:

1672 (a) an estimate of the existing supply of moderate income housing located within the
1673 county;

1674 (b) an estimate of the need for moderate income housing in the county for the next five
1675 years as revised biennially;

1676 (c) a survey of total residential land use;

1677 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1678 income housing; and

1679 (e) a description of the county's program to encourage an adequate supply of moderate
1680 income housing.

1681 (31) "Plat" means a map or other graphical representation of lands being laid out and
1682 prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

1683 (32) "Public hearing" means a hearing at which members of the public are provided a
1684 reasonable opportunity to comment on the subject of the hearing.

1685 (33) "Public meeting" means a meeting that is required to be open to the public under
1686 Title 52, Chapter 4, Open and Public Meetings Act.

1687 (34) "Receiving zone" means an unincorporated area of a county that the county's land
1688 use authority designates as an area in which an owner of land may receive transferrable
1689 development rights.

1690 (35) "Record of survey map" means a map of a survey of land prepared in accordance
1691 with Section 17-23-17.

1692 (36) "Residential facility for elderly persons" means a single-family or multiple-family
1693 dwelling unit that meets the requirements of Section 17-27a-515, but does not include a health
1694 care facility as defined by Section 26-21-2.

1695 (37) "Residential facility for persons with a disability" means a residence:

1696 (a) in which more than one person with a disability resides; and

1697 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
1698 Chapter 2, Licensure of Programs and Facilities; or

1699 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,

1700 Health Care Facility Licensing and Inspection Act.

1701 (38) "Sanitary sewer authority" means the department, agency, or public entity with
1702 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1703 wastewater systems.

1704 (39) "Sending zone" means an unincorporated area of a county that the county's land
1705 use authority designates as an area from which an owner of land may transfer transferrable
1706 development rights to an owner of land in a receiving zone.

1707 (40) "Specified public utility" means an electrical corporation, gas corporation, or
1708 telephone corporation, as those terms are defined in Section 54-2-1.

1709 (41) "Street" means a public right-of-way, including a highway, avenue, boulevard,
1710 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
1711 way.

1712 (42) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be
1713 divided into two or more lots, parcels, sites, units, plots, or other division of land for the
1714 purpose, whether immediate or future, for offer, sale, lease, or development either on the
1715 installment plan or upon any and all other plans, terms, and conditions.

1716 (b) "Subdivision" includes:

1717 (i) the division or development of land whether by deed, metes and bounds description,
1718 devise and testacy, map, plat, or other recorded instrument; and

1719 (ii) except as provided in Subsection (42)(c), divisions of land for residential and
1720 nonresidential uses, including land used or to be used for commercial, agricultural, and
1721 industrial purposes.

1722 (c) "Subdivision" does not include:

1723 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1724 (ii) a recorded agreement between owners of adjoining properties adjusting their
1725 mutual boundary if:

1726 (A) no new lot is created; and

1727 (B) the adjustment does not violate applicable land use ordinances;

1728 (iii) a recorded document, executed by the owner of record:

1729 (A) revising the legal description of more than one contiguous unsubdivided parcel of
1730 property into one legal description encompassing all such parcels of property; or

1731 (B) joining a subdivided parcel of property to another parcel of property that has not
1732 been subdivided, if the joinder does not violate applicable land use ordinances;

1733 (iv) a bona fide division or partition of land in a county other than a first class county
1734 for the purpose of siting, on one or more of the resulting separate parcels:

1735 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas
1736 corporation, interstate pipeline company, or intrastate pipeline company; or

1737 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1738 utility service regeneration, transformation, retransmission, or amplification facility; or

1739 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
1740 their mutual boundary if:

1741 (A) no new dwelling lot or housing unit will result from the adjustment; and

1742 (B) the adjustment will not violate any applicable land use ordinance.

1743 (d) The joining of a subdivided parcel of property to another parcel of property that has
1744 not been subdivided does not constitute a subdivision under this Subsection (42) as to the
1745 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
1746 ordinance.

1747 (43) "Township" means a contiguous, geographically defined portion of the
1748 unincorporated area of a county, established under this part or reconstituted or reinstated under
1749 Section 17-27a-306, with planning and zoning functions as exercised through the township
1750 planning commission, as provided in this chapter, but with no legal or political identity
1751 separate from the county and no taxing authority, except that "township" means a former
1752 township under Chapter 308, Laws of Utah 1996 where the context so indicates.

1753 (44) "Transferrable development right" means the entitlement to develop land within a
1754 sending zone that would vest according to the county's existing land use ordinances on the date
1755 that a completed land use application is filed seeking the approval of development activity on
1756 the land.

1757 (45) "Unincorporated" means the area outside of the incorporated area of a
1758 municipality.

1759 (46) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1760 land use zones, overlays, or districts.

1761 Section 23. Section **17-52-403** is amended to read:

1762 **17-52-403. Adoption of optional plan -- Effect of adoption.**

1763 (1) If a proposed optional plan is approved at an election held under Section
1764 17-52-206:

1765 (a) the proposed optional plan becomes effective according to its terms and, subject to
1766 Subsection 17-52-401(1)(c), at the time specified in it, is public record open to inspection by
1767 the public, and is judicially noticeable by all courts;

1768 (b) the county clerk shall, within ten days of the canvass of the election, file with the
1769 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct
1770 copy;

1771 (c) all public officers and employees shall cooperate fully in making the transition
1772 between forms of county government; and

1773 (d) the county legislative body may enact and enforce necessary ordinances to bring
1774 about an orderly transition to the new form of government, including any transfer of power,
1775 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with
1776 the approved optional plan and necessary or convenient to place it into full effect.

1777 (2) Adoption of an optional plan changing only the form of county government without
1778 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County
1779 Government, does not alter or affect the boundaries, organization, powers, duties, or functions
1780 of any:

1781 (a) school district;

1782 (b) justice court;

1783 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local
1784 Districts;

1785 (d) special service district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special
1786 Service District Act;

1787 (e) city or town; or

1788 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
1789 Cooperation Act.

1790 (3) After the adoption of an optional plan, the county remains vested with all powers
1791 and duties vested generally in counties by statute.

1792 Section 24. Section **17-50-324** is enacted to read:

1793 **17-50-324. Preservation of historical areas and sites.**

1794 A county may:

1795 (1) expend public funds to preserve, protect, or enhance an historical area or site;

1796 (2) acquire an historical area or site by direct purchase, contract, lease, trade, or gift;

1797 (3) obtain an easement or right-of-way across public or private property to insure
1798 access or proper development of an historical area or site;

1799 (4) protect an historical area or site;

1800 (5) ensure proper development and utilization of land or an area adjacent to an
1801 historical area or site; and

1802 (6) enter into an agreement with a private individual for the right to purchase an
1803 historical area or site if and when the private individual elects to sell or dispose of the owner's
1804 property.

1805 Section 25. Section **17-53-311** is amended to read:

1806 **17-53-311. Contracting for management, maintenance, operation, or construction**
1807 **of jails.**

1808 (1) (a) With the approval of the sheriff, a county executive may contract with private
1809 contractors for management, maintenance, operation, and construction of county jails.

1810 (b) A county executive may include a provision in the contract that allows use of a
1811 building authority created under the provisions of Title [~~17A~~] 17D, Chapter [~~3, Part 9,~~
1812 ~~Municipal~~] 2, Local Building [Authorities] Authority Act, to construct or acquire a jail facility.

1813 (c) A county executive may include a provision in the contract that requires that any
1814 jail facility meet any federal, state, or local standards for the construction of jails.

1815 (2) If a county executive contracts only for the management, maintenance, or operation
1816 of a jail, the county executive shall include provisions in the contract that:

1817 (a) require the private contractor to post a performance bond in the amount set by the
1818 county legislative body;

1819 (b) establish training standards that must be met by jail personnel;

1820 (c) require the private contractor to provide and fund training for jail personnel so that
1821 the personnel meet the standards established in the contract and any other federal, state, or local
1822 standards for the operation of jails and the treatment of jail prisoners;

1823 (d) require the private contractor to indemnify the county for errors, omissions,

1824 defalcations, and other activities committed by the private contractor that result in liability to
1825 the county;

1826 (e) require the private contractor to show evidence of liability insurance protecting the
1827 county and its officers, employees, and agents from liability arising from the construction,
1828 operation, or maintenance of the jail, in an amount not less than those specified in Title 63,
1829 Chapter 30d, Governmental Immunity Act of Utah;

1830 (f) require the private contractor to:

1831 (i) receive all prisoners committed to the jail by competent authority; and

1832 (ii) provide them with necessary food, clothing, and bedding in the manner prescribed
1833 by the governing body; and

1834 (g) prohibit the use of inmates by the private contractor for private business purposes
1835 of any kind.

1836 (3) A contractual provision requiring the private contractor to maintain liability
1837 insurance in an amount not less than the liability limits established by Title 63, Chapter 30d,
1838 Governmental Immunity Act of Utah, may not be construed as waiving the limitation on
1839 damages recoverable from a governmental entity or its employees established by that chapter.

1840 Section 26. Section **17B-1-102** is amended to read:

1841 **17B-1-102. Definitions.**

1842 As used in this title:

1843 (1) "Appointing authority" means the person or body authorized to make an
1844 appointment to the board of trustees.

1845 (2) "Basic local district":

1846 (a) means a local district that is not a [~~cemetery maintenance district, drainage district,~~
1847 ~~fire protection district, improvement district, irrigation district, metropolitan water district,~~
1848 ~~mosquito abatement district, public transit district, service area, or water conservancy]~~
1849 specialized local district; and

1850 (b) includes an entity that was, under the law in effect before April 30, 2007, created
1851 and operated as a local district, as defined under the law in effect before April 30, 2007.

1852 (3) "Bond" means:

1853 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
1854 warrant, certificate of indebtedness, or otherwise; and

1855 (b) a lease agreement, installment purchase agreement, or other agreement that:
1856 (i) includes an obligation by the district to pay money; and
1857 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
1858 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
1859 Act.

1860 (4) "Cemetery maintenance district" means a local district that operates under and is
1861 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District
1862 Act, including an entity that was created and operated as a cemetery maintenance district under
1863 the law in effect before April 30, 2007.

1864 (5) "Drainage district" means a local district that operates under and is subject to the
1865 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that
1866 was created and operated as a drainage district under the law in effect before April 30, 2007.

1867 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
1868 water, or other real or personal property required to provide a service that a local district is
1869 authorized to provide, including any related or appurtenant easement or right-of-way,
1870 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

1871 (7) "Fire protection district" means a local district that operates under and is subject to
1872 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an
1873 entity that was created and operated as a fire protection district under the law in effect before
1874 April 30, 2007.

1875 (8) "General obligation bond":

1876 (a) means a bond that is directly payable from and secured by ad valorem property
1877 taxes that are:

1878 (i) levied;

1879 (A) by the district that issues the bond; and

1880 (B) on taxable property within the district; and

1881 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

1882 and

1883 (b) does not include:

1884 (i) a short-term bond;

1885 (ii) a tax and revenue anticipation bond; or

1886 (iii) a special assessment bond.

1887 (9) "Improvement district" means a local district that operates under and is subject to
1888 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
1889 entity that was created and operated as a county improvement district under the law in effect
1890 before April 30, 2007.

1891 (10) "Irrigation district" means a local district that operates under and is subject to the
1892 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that
1893 was created and operated as an irrigation district under the law in effect before April 30, 2007.

1894 (11) "Local district" means a limited purpose local government entity, as described in
1895 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

1896 (a) this chapter; or

1897 (b) (i) this chapter; and

1898 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

1899 (B) Chapter 2a, Part 2, Drainage District Act;

1900 (C) Chapter 2a, Part 3, Fire Protection District Act;

1901 (D) Chapter 2a, Part 4, Improvement District Act;

1902 (E) Chapter 2a, Part 5, Irrigation District Act;

1903 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

1904 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

1905 (H) Chapter 2a, Part 8, Public Transit District Act;

1906 (I) Chapter 2a, Part 9, Service Area Act; or

1907 (J) Chapter 2a, Part 10, Water Conservancy District Act.

1908 (12) "Metropolitan water district" means a local district that operates under and is
1909 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District
1910 Act, including an entity that was created and operated as a metropolitan water district under the
1911 law in effect before April 30, 2007.

1912 (13) "Mosquito abatement district" means a local district that operates under and is
1913 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District
1914 Act, including an entity that was created and operated as a mosquito abatement district under
1915 the law in effect before April 30, 2007.

1916 (14) "Municipal" means of or relating to a municipality.

1917 (15) "Municipality" means a city or town.

1918 (16) "Person" has the same meaning as defined in Section 68-3-12.

1919 (17) "Political subdivision" means a county, city, town, local district under this title,
1920 special service district under Title ~~[17A]~~ 17D, Chapter ~~[2]~~ 1, ~~[Part 13, Utah]~~ Special Service
1921 District Act, an entity created by interlocal cooperation agreement under Title 11, Chapter 13,
1922 Interlocal Cooperation Act, or any other governmental entity designated in statute as a political
1923 subdivision of the state.

1924 (18) "Private," with respect to real property, means not owned by the United States or
1925 any agency of the federal government, the state, a county, or a political subdivision.

1926 (19) "Public entity" means:

1927 (a) the United States or an agency of the United States;

1928 (b) the state or an agency of the state;

1929 (c) a political subdivision of the state or an agency of a political subdivision of the
1930 state;

1931 (d) another state or an agency of that state; or

1932 (e) a political subdivision of another state or an agency of that political subdivision.

1933 (20) "Public transit district" means a local district that operates under and is subject to
1934 the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an
1935 entity that was created and operated as a public transit district under the law in effect before
1936 April 30, 2007.

1937 (21) "Revenue bond":

1938 (a) means a bond payable from designated taxes or other revenues other than the local
1939 district's ad valorem property taxes; and

1940 (b) does not include:

1941 (i) an obligation constituting an indebtedness within the meaning of an applicable
1942 constitutional or statutory debt limit;

1943 (ii) a tax and revenue anticipation bond; or

1944 (iii) a special assessment bond.

1945 (22) "Service area" means a local district that operates under and is subject to the
1946 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was
1947 created and operated as a county service area or a regional service area under the law in effect

1948 before April 30, 2007.

1949 (23) "Short-term bond" means a bond that is required to be repaid during the fiscal year
1950 in which the bond is issued.

1951 (24) "Special assessment" means an assessment levied against property to pay all or a
1952 portion of the costs of making improvements that benefit the property.

1953 (25) "Special assessment bond" means a bond payable from special assessments.

1954 (26) "Specialized local district" means a local district that is a cemetery maintenance
1955 district, a drainage district, a fire protection district, an improvement district, an irrigation
1956 district, a metropolitan water district, a mosquito abatement district, a public transit district, a
1957 service area, or a water conservancy district.

1958 [~~26~~] (27) "Taxable value" means the taxable value of property as computed from the
1959 most recent equalized assessment roll for county purposes.

1960 [~~27~~] (28) "Tax and revenue anticipation bond" means a bond:

1961 (a) issued in anticipation of the collection of taxes or other revenues or a combination
1962 of taxes and other revenues; and

1963 (b) that matures within the same fiscal year as the fiscal year in which the bond is
1964 issued.

1965 [~~28~~] (29) "Unincorporated" means not included within a municipality.

1966 [~~29~~] (30) "Water conservancy district" means a local district that operates under and
1967 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District
1968 Act, including an entity that was created and operated as a water conservancy district under the
1969 law in effect before April 30, 2007.

1970 [~~30~~] (31) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,
1971 tunnel, power plant, and any facility, improvement, or property necessary or convenient for
1972 supplying or treating water for any beneficial use, and for otherwise accomplishing the
1973 purposes of a local district.

1974 Section 27. Section **17B-1-103** is amended to read:

1975 **17B-1-103. Local district status and powers.**

1976 (1) A local district:

1977 (a) is:

1978 (i) a body corporate and politic with perpetual succession;

- 1979 (ii) a quasi-municipal corporation; and
- 1980 (iii) a political subdivision of the state; and
- 1981 (b) may sue and be sued.
- 1982 (2) A local district may:
- 1983 (a) acquire, by any lawful means, or lease any real or personal property necessary or
- 1984 convenient to the full exercise of the district's powers;
- 1985 (b) acquire, by any lawful means, any interest in real or personal property necessary or
- 1986 convenient to the full exercise of the district's powers;
- 1987 (c) transfer an interest in or dispose of any property or interest described in Subsections
- 1988 (2)(a) and (b);
- 1989 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 1990 the full exercise of the district's powers, and operate, control, maintain, and use those works,
- 1991 facilities, and improvements;
- 1992 (e) borrow money and incur indebtedness for any lawful district purpose;
- 1993 (f) issue bonds, including refunding bonds:
- 1994 (i) for any lawful district purpose; and
- 1995 (ii) as provided in and subject to Part [40] 11, Local District Bonds;
- 1996 (g) levy and collect property taxes:
- 1997 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
- 1998 from tax delinquencies in a preceding year; and
- 1999 (ii) as provided in and subject to Part 10, Local District Property Tax Levy;
- 2000 (h) as provided in Title 78, Chapter 34, Eminent Domain, acquire by eminent domain
- 2001 property necessary to the exercise of the district's powers;
- 2002 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 2003 (j) (i) impose fees or other charges for commodities, services, or facilities provided by
- 2004 the district, to pay some or all of the district's costs of providing the commodities, services, and
- 2005 facilities, including the costs of:
- 2006 (A) maintaining and operating the district;
- 2007 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 2008 (C) issuing bonds and paying debt service on district bonds; and
- 2009 (D) providing a reserve established by the board of trustees; and

- 2010 (ii) take action the board of trustees considers appropriate and adopt regulations to
2011 assure the collection of all fees and charges that the district imposes;
- 2012 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
2013 property to district facilities in order for the district to provide service to the property;
- 2014 (l) enter into a contract that the local district board of trustees considers necessary,
2015 convenient, or desirable to carry out the district's purposes, including a contract:
- 2016 (i) with the United States or any department or agency of the United States;
- 2017 (ii) to indemnify and save harmless; or
- 2018 (iii) to do any act to exercise district powers;
- 2019 (m) purchase supplies, equipment, and materials;
- 2020 (n) encumber district property upon terms and conditions that the board of trustees
2021 considers appropriate;
- 2022 (o) exercise other powers and perform other functions that are provided by law;
- 2023 (p) construct and maintain works and establish and maintain facilities, including works
2024 or facilities:
- 2025 (i) across or along any public street or highway, subject to Subsection (3) and if the
2026 district:
- 2027 (A) promptly restores the street or highway, as much as practicable, to its former state
2028 of usefulness; and
- 2029 (B) does not use the street or highway in a manner that completely or unnecessarily
2030 impairs the usefulness of it;
- 2031 (ii) in, upon, or over any vacant public lands that are or become the property of the
2032 state, including school and institutional trust lands, as defined in Section 53C-1-103, if the
2033 director of the School and Institutional Trust Lands Administration, acting under Sections
2034 53C-1-102 and 53C-1-303, consents; or
- 2035 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 2036 (q) perform any act or exercise any power reasonably necessary for the efficient
2037 operation of the local district in carrying out its purposes;
- 2038 (r) designate an assessment area and levy an assessment on land within the assessment
2039 area, as provided in Title 11, Chapter 42, Assessment Area Act;
- 2040 (s) contract with another political subdivision of the state to allow the other political

2041 subdivision to use the district's surplus water or capacity [of] or have an ownership interest in
2042 the district's works or facilities, upon the terms and for the consideration, whether monetary or
2043 nonmonetary consideration or no consideration, that the district's board of trustees considers to
2044 be in the best interests of the district and the public; and

2045 (t) [~~contract with another political subdivision of the state or with a public or private~~
2046 ~~owner of property on which the district has a right-of-way to allow the political subdivision or~~
2047 ~~owner to use the surface of the land on which the district has a right-of-way,]~~ upon the terms
2048 and for the consideration, whether monetary or nonmonetary consideration or no consideration,
2049 that the district's board of trustees considers to be in the best interests of the district and the
2050 public[-], agree:

2051 (i) with:

2052 (A) another political subdivision of the state; or

2053 (B) a public or private owner of property:

2054 (I) on which the district has a right-of-way; or

2055 (II) adjacent to which the district owns fee title to property; and

2056 (ii) to allow the use of property:

2057 (A) owned by the district; or

2058 (B) on which the district has a right-of-way.

2059 (3) With respect to a local district's use of a street or highway, as provided in
2060 Subsection (2)(p)(i):

2061 (a) the district shall comply with the reasonable rules and regulations of the
2062 governmental entity, whether state, county, or municipal, with jurisdiction over the street or
2063 highway, concerning:

2064 (i) an excavation and the refilling of an excavation;

2065 (ii) the relaying of pavement; and

2066 (iii) the protection of the public during a construction period; and

2067 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over
2068 the street or highway:

2069 (i) may not require the district to pay a license or permit fee or file a bond; and

2070 (ii) may require the district to pay a reasonable inspection fee.

2071 (4) (a) A local district may:

2072 (i) acquire, lease, or construct and operate electrical generation, transmission, and
2073 distribution facilities, if:

2074 (A) the purpose of the facilities is to harness energy that results inherently from the
2075 district's:

2076 (I) operation of a project or facilities that the district is authorized to operate; or

2077 (II) providing a service that the district is authorized to provide;

2078 (B) the generation of electricity from the facilities is incidental to the primary
2079 operations of the district; and

2080 (C) operation of the facilities will not hinder or interfere with the primary operations of
2081 the district;

2082 (ii) (A) use electricity generated by the facilities; or

2083 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric
2084 utility or municipality with an existing system for distributing electricity.

2085 (b) A district may not act as a retail distributor or seller of electricity.

2086 (c) Revenue that a district receives from the sale of electricity from electrical
2087 generation facilities it owns or operates under this section may be used for any lawful district
2088 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or
2089 constructing the facilities.

2090 (5) A local district may adopt and, after adoption, alter a corporate seal.

2091 Section 28. Section **17B-1-202** is amended to read:

2092 **17B-1-202. Local district may be created -- Services that may be provided --**
2093 **Limitations.**

2094 (1) (a) A local district may be created as provided in this part to provide within its
2095 boundaries service consisting of:

2096 (i) the operation of an airport;

2097 (ii) the operation of a cemetery;

2098 (iii) fire protection, paramedic, and emergency services;

2099 (iv) garbage collection and disposal;

2100 (v) health care, including health department or hospital service;

2101 (vi) the operation of a library;

2102 (vii) abatement or control of mosquitos and other insects;

2103 (viii) the operation of parks or recreation facilities or services;
2104 (ix) the operation of a sewage system;
2105 (x) street lighting;
2106 (xi) the construction and maintenance of curb, gutter, and sidewalk;
2107 (xii) transportation, including public transit and providing streets and roads;
2108 (xiii) the operation of a system, or one or more components of a system, for the
2109 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
2110 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
2111 the system is operated on a wholesale or retail level or both;
2112 (xiv) extended police protection; or
2113 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
2114 or the conversion to underground of an existing electric utility line.
2115 (b) Each local district that provides the service of the underground installation of an
2116 electric utility line or the conversion to underground of an existing electric utility line shall, in
2117 installing or converting the line, provide advance notice to and coordinate with the utility that
2118 owns the line.
2119 (2) For purposes of this section:
2120 (a) "Operation" means all activities involved in providing the indicated service
2121 including acquisition and ownership of property reasonably necessary to provide the indicated
2122 service and acquisition, construction, and maintenance of facilities and equipment reasonably
2123 necessary to provide the indicated service.
2124 (b) "System" means the aggregate of interrelated components that combine together to
2125 provide the indicated service including, for a sewage system, collection and treatment.
2126 (3) (a) A local district may not be created to provide and may not after its creation
2127 provide more than [~~two~~] four of the services listed in Subsection (1).
2128 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing
2129 more than [~~two~~] four services if, before April 30, 2007, the local district was authorized to
2130 provide those services.
2131 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
2132 provide and may not after its creation provide to an area the same service already being
2133 provided to that area by another political subdivision, unless the other political subdivision

2134 gives its written consent.

2135 (b) For purposes of Subsection (4)(a), a local district does not provide the same service
2136 as another political subdivision if it operates a component of a system that is different from a
2137 component operated by another political subdivision but within the same:

2138 (i) sewage system; or

2139 (ii) water system.

2140 (5) (a) Except for a local district in the creation of which an election is not required
2141 under Subsection 17B-1-214(3)(c), the area of a local district may include all or part of the
2142 unincorporated area of one or more counties and all or part of one or more municipalities.

2143 (b) The area of a local district need not be contiguous.

2144 (6) For a local district created before May 5, 2008, the authority to provide fire
2145 protection service also includes the authority to provide:

2146 (a) paramedic service; and

2147 (b) emergency service, including hazardous materials response service.

2148 Section 29. Section **17B-1-203** is amended to read:

2149 **17B-1-203. Process to initiate the creation of a local district -- Petition or**
2150 **resolution.**

2151 (1) The process to create a local district may be initiated by:

2152 (a) subject to Section 17B-1-204, a petition signed by the owners of private real
2153 property that:

2154 (i) is located within the proposed local district;

2155 (ii) covers at least 33% of the total private land area within the proposed local district
2156 as a whole and within each applicable area;

2157 (iii) is equal in value to at least 25% of the value of all private real property within the
2158 proposed local district as a whole and within each applicable area; and

2159 (iv) complies with the requirements of Subsection 17B-1-205(1) and Section
2160 17B-1-208;

2161 (b) subject to Section 17B-1-204, a petition that:

2162 (i) is signed by registered voters residing within the proposed local district as a whole
2163 and within each applicable area, equal in number to at least 33% of the number of votes cast in
2164 the proposed local district as a whole and in each applicable area, respectively, for the office of

2165 governor at the last regular general election prior to the filing of the petition; and
2166 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section
2167 17B-1-208;

2168 (c) a resolution proposing the creation of a local district, adopted by the legislative
2169 body of each county whose unincorporated area includes and each municipality whose
2170 boundaries include any of the proposed local district; or

2171 (d) a resolution proposing the creation of a local district, adopted by the board of
2172 trustees of an existing local district whose boundaries completely encompass the proposed
2173 local district, if:

2174 (i) the proposed local district is being created to provide one or more components of
2175 the same service that the initiating local district is authorized to provide; and

2176 (ii) the initiating local district is not providing to the area of the proposed local district
2177 any of the components that the proposed local district is being created to provide.

2178 (2) (a) Each resolution under Subsection (1)(c) or (d) shall:

2179 (i) describe the area proposed to be included in the proposed local district;

2180 (ii) be accompanied by a map that shows the boundaries of the proposed local district;

2181 (iii) describe the service proposed to be provided by the proposed local district;

2182 (iv) if the resolution proposes the creation of a specialized local district, specify the
2183 type of specialized local district proposed to be created;

2184 [~~(iv)~~] (v) explain the anticipated method of paying the costs of providing the proposed
2185 service;

2186 [~~(v)~~] (vi) state the estimated average financial impact on a household within the
2187 proposed local district;

2188 [~~(vi)~~] (vii) state the number of members that the board of trustees of the proposed local
2189 district will have, consistent with the requirements of Subsection 17B-1-302(2);

2190 [~~(vii)~~] (viii) for a proposed basic local district:

2191 (A) state whether the members of the board of trustees will be elected or appointed or
2192 whether some members will be elected and some appointed, as provided in Section
2193 17B-1-1402;

2194 (B) if one or more members will be elected, state the basis upon which each elected
2195 member will be elected; and

2196 (C) if applicable, explain how the election or appointment of board members will
2197 transition from one method to another based on stated milestones or events, as provided in
2198 Section 17B-1-1402;

2199 [~~viii~~] (ix) for a proposed improvement district whose remaining area members or
2200 county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that
2201 those members will be elected; and

2202 [~~ix~~] (x) for a proposed service area that is entirely within the unincorporated area of a
2203 single county, state whether the initial board of trustees will be:

2204 (A) the county legislative body;

2205 (B) appointed as provided in Section 17B-1-304; or

2206 (C) elected as provided in Section 17B-1-306.

2207 (b) Each county or municipal legislative body adopting a resolution under Subsection
2208 (1)(c) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a
2209 copy of the resolution to the responsible body if the county or municipal legislative body's
2210 resolution is one of multiple resolutions adopted by multiple county or municipal legislative
2211 bodies proposing the creation of the same local district.

2212 Section 30. Section **17B-1-205** is amended to read:

2213 **17B-1-205. Petition and request requirements -- Withdrawal of signature.**

2214 (1) Each petition and request shall:

2215 (a) indicate the typed or printed name and current residence address of each property
2216 owner or registered voter signing the petition;

2217 (b) if it is a property owner request or petition, indicate the address of the property as to
2218 which the owner is signing the request or petition;

2219 (c) describe the entire area of the proposed local district;

2220 (d) be accompanied by a map showing the boundaries of the entire proposed local
2221 district;

2222 (e) specify the service proposed to be provided by the proposed local district;

2223 (f) if the petition or request proposes the creation of a specialized local district, specify
2224 the type of specialized local district proposed to be created;

2225 [~~f~~] (g) for a proposed basic local district:

2226 (i) state whether the members of the board of trustees will be elected or appointed or

2227 whether some members will be elected and some appointed, as provided in Section
2228 17B-1-1402;

2229 (ii) if one or more members will be elected, state the basis upon which each elected
2230 member will be elected; and

2231 (iii) if applicable, explain how the election or appointment of board members will
2232 transition from one method to another based on stated milestones or events, as provided in
2233 Section 17B-1-1402;

2234 [~~(g)~~] (h) for a proposed improvement district whose remaining area members or county
2235 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
2236 members will be elected; and

2237 [~~(h)~~] (i) for a proposed service area that is entirely within the unincorporated area of a
2238 single county, state whether the initial board of trustees will be:

2239 (i) the county legislative body;

2240 (ii) appointed as provided in Section 17B-1-304; or

2241 (iii) elected as provided in Section 17B-1-306; and

2242 [~~(i)~~] (j) designate up to five signers of the petition or request as sponsors, one of whom
2243 shall be designated as the contact sponsor, with the mailing address and telephone number of
2244 each.

2245 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the
2246 signer's signature at any time before the filing of the request or petition by filing a written
2247 withdrawal or reinstatement with:

2248 (a) in the case of a request:

2249 (i) the clerk of the county or the clerk or recorder of the municipality in whose
2250 applicable area the signer's property is located, if the request is a property owner request; or

2251 (ii) the clerk of the county or the clerk or recorder of the municipality in whose
2252 applicable area the signer resides, if the request is a registered voter request; or

2253 (b) in the case of a petition, the responsible clerk.

2254 Section 31. Section **17B-1-215** is amended to read:

2255 **17B-1-215. Notice to lieutenant governor -- Certificate of incorporation -- Local**
2256 **district incorporated as specialized local district or basic local district.**

2257 (1) The responsible body shall file a notice with the lieutenant governor within ten days

2258 after:

2259 (a) the canvass of an election under Section 17B-1-214, if a majority of those voting at
2260 the election within the proposed local district as a whole vote in favor of the creation of a local
2261 district;

2262 (b) certification of a petition as to which the election requirement of Subsection
2263 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a) or (b); or

2264 (c) adoption of a resolution under Subsection 17B-1-213(4) approving the creation of a
2265 local district for which an election was not required under Subsection 17B-1-214(3)(c) or (d),
2266 by the legislative body of each county whose unincorporated area is included within and the
2267 legislative body of each municipality whose area is included within the proposed local district,
2268 or by the board of trustees of the initiating local district.

2269 (2) The area of each local district shall consist of:

2270 (a) if an election was held under Section 17B-1-214, the area of the new local district
2271 as approved at the election;

2272 (b) if an election was not required because of Subsection 17B-1-214(3)(a) or (b), the
2273 area of the proposed local district as described in the petition; or

2274 (c) if an election was not required because of Subsection 17B-1-214(3)(c) or (d), the
2275 area of the new local district as described in the resolution adopted under Subsection
2276 17B-1-213(4).

2277 (3) In each notice under Subsection (1) the responsible body shall:

2278 (a) if the notice follows an election under Section 17B-1-214, certify the results of the
2279 election;

2280 (b) describe the boundaries of the new local district with an accurate map or plat
2281 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed
2282 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and

2283 (c) certify that all requirements for the creation of a local district have been complied
2284 with.

2285 (4) Upon the lieutenant governor's issuance of the certificate of creation under Section
2286 67-1a-6.5, the local district is created and incorporated[-] as:

2287 (a) the type of specialized local district that was specified in the petition under
2288 Subsection 17B-1-203(1)(a) or (b) or resolution under Subsection 17B-1-203(1)(c) or (d), if the

2289 petition or resolution proposed the creation of a specialized local district; or

2290 (b) a basic local district, if the petition or resolution did not propose the creation of a
2291 specialized local district.

2292 Section 32. Section **17B-1-302** is amended to read:

2293 **17B-1-302. Board member qualifications -- Number of board members.**

2294 (1) (a) Each member of a local district board of trustees shall be:

2295 (i) a registered voter at the location of the member's residence; and

2296 (ii) except as provided in Subsections (1)(b) and (c), a resident within:

2297 (A) the boundaries of the local district; and

2298 (B) if applicable, the boundaries of the division of the local district from which the
2299 member is elected.

2300 (b) (i) As used in this Subsection (1)(b):

2301 (A) "Proportional number" means the number of members of a board of trustees that
2302 bears, as close as mathematically possible, the same proportion to all members of the board that
2303 the number of seasonally occupied homes bears to all residences within the district that receive
2304 service from the district.

2305 (B) "Seasonally occupied home" means a single-family residence:

2306 (I) that is located within the local district;

2307 (II) that receives service from the local district; and

2308 (III) whose owner:

2309 (Aa) does not reside permanently at the residence; and

2310 (Bb) may occupy the residence on a temporary or seasonal basis.

2311 (ii) If over 50% of the residences within a local district that receive service from the
2312 local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is
2313 replaced, for a proportional number of members of the board of trustees, with the requirement
2314 that the member be an owner of land, or an agent or officer of the owner of land, that:

2315 (A) receives service from the district; and

2316 (B) is located within:

2317 (I) the local district; and

2318 (II) if applicable, the division from which the member is elected.

2319 (c) For a board of trustees member in a basic local district that has within its

2320 boundaries fewer than one residential dwelling unit per ten acres of land, the requirement under
2321 Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land
2322 within the local district that receives service from the district, or an agent or officer of the
2323 owner.

2324 (2) Except as otherwise provided by statute, the number of members of each board of
2325 trustees of a local district shall be an odd number that is no less than three [~~and no more than~~
2326 ~~nine~~].

2327 (3) For a newly created local district, the number of members of the initial board of
2328 trustees shall be the number specified:

2329 (a) for a local district whose creation was initiated by a petition under Subsection
2330 17B-1-203(1)(a) or (b), in the petition; or

2331 (b) for a local district whose creation was initiated by a resolution under Subsection
2332 17B-1-203(1)(c) or (d), in the resolution.

2333 (4) (a) For an existing local district, the number of members of the board of trustees
2334 may be changed by a two-thirds vote of the board of trustees.

2335 (b) No change in the number of members of a board of trustees under Subsection (4)(a)
2336 may:

2337 (i) violate Subsection (2); or

2338 (ii) serve to shorten the term of any member of the board.

2339 Section 33. Section **17B-1-303** is amended to read:

2340 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond.**

2341 (1) (a) Except as provided in Subsection (1)(b), the term of each member of a board of
2342 trustees shall begin at noon on the [~~first Monday of~~] January 1 following the member's election
2343 or appointment.

2344 (b) The term of each member of the initial board of trustees of a newly created local
2345 district shall begin:

2346 (i) upon appointment, for an appointed member; and

2347 (ii) upon the member taking the oath of office after the canvass of the election at which
2348 the member is elected, for an elected member.

2349 (2) (a) (i) Subject to Subsection (2)(a)(ii), the term of each member of a board of
2350 trustees shall be four years, except that approximately half the members of the initial board of

2351 trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the
2352 board members expires every two years.

2353 (ii) (A) If the terms of members of the initial board of trustees of a newly created local
2354 district do not begin on the first Monday of January because of application of Subsection
2355 (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection
2356 (2)(a)(ii)(B), to result in the terms of their successors complying with:

2357 (I) the requirement under Subsection (1)(a) for a term to begin on the first Monday of
2358 January; and

2359 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

2360 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or
2361 subtract more than a year from a member's term.

2362 (b) Each board of trustees member shall serve until a successor is duly elected or
2363 appointed and qualified, unless the member earlier is removed from office or resigns or
2364 otherwise leaves office.

2365 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
2366 17B-1-302(1):

2367 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

2368 (ii) the member may continue to serve until a successor is duly elected or appointed
2369 and qualified.

2370 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
2371 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

2372 (ii) An oath of office may be administered by a judge, county clerk, notary public, or
2373 the local district clerk.

2374 (b) Each oath of office shall be filed with the clerk of the local district.

2375 [~~(b)~~] (c) The failure of a board of trustees member to take the oath required by
2376 Subsection (3)(a) does not invalidate any official act of that member.

2377 (4) A board of trustees member is not limited in the number of terms the member may
2378 serve.

2379 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
2380 position shall be filled as provided in Section 20A-1-512.

2381 (6) (a) For purposes of this Subsection (6):

- 2382 (i) "Appointed official" means a person who:
2383 (A) is appointed as a member of a local district board of trustees by a county or
2384 municipality entitled to appoint a member to the board; and
2385 (B) holds an elected position with the appointing county or municipality.
2386 (ii) "Appointing entity" means the county or municipality that appointed the appointed
2387 official to the board of trustees.
- 2388 (b) The board of trustees shall declare a midterm vacancy for the board position held
2389 by an appointed official if:
2390 (i) during the appointed official's term on the board of trustees, the appointed official
2391 ceases to hold the elected position with the appointing entity; and
2392 (ii) the appointing entity submits a written request to the board to declare the vacancy.
2393 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
2394 appointing entity shall appoint another person to fill the remaining unexpired term on the board
2395 of trustees.
- 2396 (7) (a) Each member of a board of trustees shall give a bond for the faithful
2397 performance of the member's duties, in the amount and with the sureties prescribed by the
2398 board of trustees.
- 2399 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
2400 Section 34. Section **17B-1-306** is amended to read:
2401 **17B-1-306. Local district board -- Election procedures.**
2402 (1) Except as provided in Subsection (11), each elected board member shall be selected
2403 as provided in this section.
2404 (2) (a) Each election of a local district board member shall be held:
2405 (i) ~~[in conjunction with]~~ at the same time as the municipal general election; and
2406 (ii) at polling places designated by the clerk of each county in which the local district is
2407 located.
- 2408 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
2409 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
2410 polling place per division of the district, designated by the district board.
2411 (ii) Each polling place designated by an irrigation district board under Subsection
2412 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection

2413 (2)(a)(ii).

2414 (3) (a) The clerk of each local district with a board member position to be filled at the
2415 next municipal general election shall provide notice of:

2416 (i) each elective position of the local district to be filled at the next municipal general
2417 election;

2418 (ii) the constitutional and statutory qualifications for each position; and

2419 (iii) the dates and times for filing a declaration of candidacy.

2420 (b) The notice required under Subsection (3)(a) shall be:

2421 (i) posted in at least five public places within the local district at least ten days before
2422 the first day for filing a declaration of candidacy; or

2423 (ii) published in a newspaper of general circulation within the local district at least
2424 three but no more than ten days before the first day for filing a declaration of candidacy.

2425 (4) (a) To become a candidate for an elective local district board position, the
2426 prospective candidate shall file a declaration of candidacy in person with the local district,
2427 during office hours and not later than 5 p.m. between July 15 and August 15 of any
2428 odd-numbered year.

2429 (b) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5
2430 p.m. on the following Monday.

2431 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
2432 officer shall:

2433 (A) read to the prospective candidate the constitutional and statutory qualification
2434 requirements for the office that the candidate is seeking; and

2435 (B) require the candidate to state whether or not the candidate meets those
2436 requirements.

2437 (ii) If the prospective candidate does not meet the qualification requirements for the
2438 office, the filing officer may not accept the declaration of candidacy.

2439 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
2440 the filing officer shall accept the declaration of candidacy.

2441 (d) The declaration of candidacy shall substantially comply with the following form:

2442 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
2443 _____, City of _____, County of _____, State of Utah,

2444 (Zip Code) _____, (Telephone Number, if any)_____; that I meet the qualifications
2445 for the office of board of trustees member for _____ (state the name of
2446 the local district); that I am a candidate for that office to be voted upon at the November
2447 municipal general election to be held on Tuesday, the _____ day of November, _____, and I
2448 hereby request that my name be printed upon the official ballot for that election.

2449 (Signed) _____

2450 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
2451 of _____, _____.

2452 (Signed) _____

2453 (Clerk or Notary Public)"

2454 (e) Each person wishing to become a valid write-in candidate for an elective local
2455 district board position is governed by Section 20A-9-601.

2456 (f) If at least one person does not file a declaration of candidacy as required by this
2457 section, a person shall be appointed to fill that board position by following the procedures and
2458 requirements for appointment established in Section 20A-1-512.

2459 (g) If only one candidate files a declaration of candidacy for a position on the board of
2460 an irrigation district, the board need not hold an election for that position and may appoint that
2461 candidate to the board.

2462 (5) There shall be no primary election.

2463 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
2464 candidate names to the clerk of each county in which the local district is located no later than
2465 August 20 of the municipal election year.

2466 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
2467 local district is located shall coordinate the placement of the name of each candidate for local
2468 district office in the nonpartisan section of the municipal general election ballot with the
2469 municipal election clerk.

2470 (ii) If consolidation of the local district election ballot with the municipal general
2471 election ballot is not feasible, the county clerk shall provide for a separate local district election
2472 ballot to be administered by separate election judges at polling locations designated by the
2473 county clerk in consultation with the local district.

2474 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board

2475 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

2476 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
2477 prescribe the form of the ballot for each board member election.

2478 (B) Each ballot for an election of an irrigation district board member shall be in a
2479 nonpartisan format.

2480 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

2481 (i) be a registered voter within the district, except for an election of:

2482 (A) an irrigation district board of trustees member; or

2483 (B) a basic local district board of trustees member who is elected by property owners;

2484 and

2485 (ii) meet the requirements to vote established by the district.

2486 (b) Each voter may vote for as many candidates as there are offices to be filled.

2487 (c) The candidates who receive the highest number of votes are elected.

2488 (8) Except as otherwise provided by this section, the election of local district board

2489 members is governed by Title 20A, Election Code.

2490 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
2491 beginning at noon on the January 1 after the person's election.

2492 (b) A person elected shall be sworn in as soon as practical after January 1.

2493 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse

2494 the county holding an election under this section for the costs of the election attributable to that
2495 local district.

2496 (b) Each irrigation district shall bear its own costs of each election it holds under this
2497 section.

2498 (11) This section does not apply to an improvement district that provides electric or gas
2499 service.

2500 (12) The provisions of Title 20A, Chapter 3, Part 3, Early Voting, do not apply to an
2501 election under this section.

2502 Section 35. Section **17B-1-306.5**, which is renumbered from Section 17B-2a-906 is
2503 renumbered and amended to read:

2504 [~~17B-2a-906~~]. **17B-1-306.5. Dividing a local district into divisions.**

2505 (1) Subject to Subsection (2), the board of trustees of a [~~service area~~] local district may,

2506 upon a vote of two-thirds of the members of the board, divide the [~~service area~~] local district
2507 into divisions so that some or all of the members of the board of trustees may be elected by
2508 division rather than at large.

2509 (2) Before dividing a [~~service area~~] local district into divisions under Subsection (1) or
2510 before changing the boundaries of divisions already established, the board of trustees shall:

2511 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

2512 (b) hold a public hearing at which any interested person may appear and speak for or
2513 against the proposal.

2514 (3) (a) The board of trustees shall review the division boundaries at least every ten
2515 years.

2516 (b) Except for changes in the divisions necessitated by annexations to or withdrawals
2517 from the [~~service area~~] local district, the boundaries of divisions established under Subsection
2518 (1) may not be changed more often than every five years.

2519 (c) Changes to the boundaries of divisions already established under Subsection (1) are
2520 not subject to the two-thirds vote requirement of Subsection (1).

2521 Section 36. Section **17B-1-312** is amended to read:

2522 **17B-1-312. Training for board members.**

2523 (1) Each member of a board of trustees of a local district, elected or appointed on or
2524 after May 3, 1999, should, within one year after taking office, complete the training described
2525 in Subsection (2).

2526 (2) In conjunction with the Utah Association of Special Districts, the state auditor
2527 shall:

2528 (a) develop a training curriculum for the members of local district boards; and

2529 (b) with the assistance of other state offices and departments the state auditor considers
2530 appropriate and at times and locations established by the state auditor, carry out the training of
2531 members of local district boards.

2532 (3) (a) A local district board of trustees may compensate each member of the board up
2533 to \$100 per day for each day of training described in Subsection (2) that the member completes.

2534 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other
2535 amounts of compensation and expense reimbursement authorized under this chapter.

2536 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board

2537 member more than once [~~in any consecutive two-year period~~] per year.

2538 (4) The state auditor shall issue a certificate of completion to each board member that
2539 completes the training described in Subsection (2).

2540 Section 37. Section **17B-1-643** is amended to read:

2541 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

2542 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
2543 by a local district, each local district board of trustees shall first hold a public hearing at which
2544 any interested person may speak for or against the proposal to impose a fee or to increase an
2545 existing fee.

2546 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
2547 no earlier than 6 p.m.

2548 (c) A public hearing required under this Subsection (1) may be combined with a public
2549 hearing on a tentative budget required under Section 17B-1-610.

2550 (d) Except to the extent that this section imposes more stringent notice requirements,
2551 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
2552 in holding the public hearing under Subsection (1)(a).

2553 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
2554 provided in Subsection (2)(b)(i) or (ii).

2555 (b) (i) (A) The notice required under Subsection (2)(a) shall be published in a
2556 newspaper or combination of newspapers of general circulation in the local district, if there is a
2557 newspaper or combination of newspapers of general circulation in the local district.

2558 (B) The notice shall be no less than 1/4 page in size and the type used shall be no
2559 smaller than 18 point, and surrounded by a 1/4-inch border.

2560 (C) The notice may not be placed in that portion of the newspaper where legal notices
2561 and classified advertisements appear.

2562 (D) It is legislative intent that, whenever possible, the advertisement appear in a
2563 newspaper that is published at least one day per week.

2564 (E) It is further the intent of the Legislature that the newspaper or combination of
2565 newspapers selected be of general interest and readership in the local district, and not of limited
2566 subject matter.

2567 (F) The notice shall be run once each week for the two weeks preceding the hearing.

2568 (G) The notice shall state that the local district board intends to impose or increase a
2569 fee for a service provided by the local district and will hold a public hearing on a certain day,
2570 time, and place fixed in the notice, which shall be not less than seven days after the day the first
2571 notice is published, for the purpose of hearing comments regarding the proposed imposition or
2572 increase of a fee and to explain the reasons for the proposed imposition or increase.

2573 (ii) (A) If there is no newspaper or combination of newspapers of general circulation in
2574 the local district, the local district board shall post at least one notice per 1,000 population
2575 within the local district, at places within the local district that are most likely to provide actual
2576 notice to residents within the local district.

2577 (B) Each notice under Subsection (2)(b)(ii)(A) shall comply with Subsection
2578 (2)(b)(i)(G).

2579 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
2580 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
2581 within the district who:

2582 (A) will be charged the fee for a district service, if the fee is being imposed for the first
2583 time; or

2584 (B) are being charged a fee, if the fee is proposed to be increased.

2585 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection (2)(b)(i)(G).

2586 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
2587 fee.

2588 (d) If the hearing required under this section is combined with the public hearing
2589 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied
2590 if a notice that meets the requirements of Subsection (2)(b)(i)(G) is combined with the notice
2591 required under Section 17B-1-609.

2592 (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie
2593 evidence that notice was properly given.

2594 (f) If no challenge is made to the notice given of a hearing required by Subsection (1)
2595 within 30 days after the date of the hearing, the notice is considered adequate and proper.

2596 (3) After holding a public hearing under Subsection (1), a local district board may:

2597 (a) impose the new fee or increase the existing fee as proposed;

2598 (b) adjust the amount of the proposed new fee or the increase of the existing fee and

2599 then impose the new fee or increase the existing fee as adjusted; or

2600 (c) decline to impose the new fee or increase the existing fee.

2601 (4) This section applies to each new fee imposed and each increase of an existing fee
2602 that occurs on or after July 1, 1998.

2603 (5) (a) This section does not apply to an impact fee.

2604 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36,
2605 Impact Fees Act.

2606 Section 38. Section **17B-1-1002** is amended to read:

2607 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

2608 (1) The rate at which a local district levies a property tax for district operation and
2609 maintenance expenses on the taxable value of taxable property within the district may not
2610 exceed:

2611 (a) .0008, for a basic local district;

2612 (b) .0004, for a cemetery maintenance district;

2613 (c) .0004, for a drainage district;

2614 (d) .0008, for a fire protection district;

2615 (e) .0008, for an improvement district;

2616 (f) .0005, for a metropolitan water district;

2617 (g) .0004, for a mosquito abatement district;

2618 (h) .0004, for a public transit district;

2619 (i) (i) .0023, for a service area that:

2620 (A) is located in a county of the first or second class; and

2621 (B) provides fire protection, paramedic, and emergency services; or

2622 (ii) .0014, for each other service area; or

2623 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district.

2624 (2) Property taxes levied by a local district are excluded from the limit applicable to
2625 that district under Subsection (1) if the taxes are:

2626 (a) levied under Section 17B-1-1103 by a local district, other than a water conservancy
2627 district, to pay principal of and interest on general obligation bonds issued by the district;

2628 (b) levied to pay debt and interest owed to the United States; or

2629 (c) levied to pay assessments or other amounts due to a water users association or other

2630 public cooperative or private entity from which the district procures water.

2631 Section 39. Section **17B-1-1101** is amended to read:

2632 **17B-1-1101. Provisions applicable to a local district's issuance of bonds.**

2633 Subject to the provisions of this part:

2634 (1) each local district that issues bonds shall:

2635 (a) issue them as provided in, as applicable:

2636 (i) Title 11, Chapter 14, Local Government Bonding Act; [~~and~~] or

2637 (ii) Title 11, Chapter 42, Assessment Area Act; and

2638 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

2639 (2) each local district that issues refunding bonds shall issue them as provided in Title
2640 11, Chapter 27, Utah Refunding Bond Act.

2641 Section 40. Section **17B-1-1103** is amended to read:

2642 **17B-1-1103. Levy to pay for general obligation bonds.**

2643 (1) (a) If a district has issued general obligation bonds, or expects to have debt service
2644 payments due on general obligation bonds during the current year, the district's board of
2645 trustees may make an annual levy of ad valorem property taxes in order to:

2646 (i) pay the principal of and interest on the general obligation bonds;

2647 (ii) establish a sinking fund for defaults and future debt service on the general
2648 obligation bonds; and

2649 (iii) establish a reserve to secure payment of the general obligation bonds.

2650 (b) A levy under Subsection (1)(a) is:

2651 (i) for a water conservancy district, subject to the limit stated in Section 17B-2a-1006;
2652 and

2653 (ii) for each other local district, without limitation as to rate or amount.

2654 (2) (a) Each district that levies a tax under Subsection (1) shall:

2655 (i) levy the tax as a separate and special levy for the specific purposes stated in
2656 Subsection (1); and

2657 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of
2658 and interest on the general obligation bonds, even though the proceeds may be used to establish
2659 or replenish a sinking fund under Subsection (1)[~~(b)~~](a)(ii) or a reserve under Subsection
2660 (1)[~~(c)~~](a)(iii).

2661 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district
2662 obligation in existence at the time the bonds were issued.

2663 Section 41. Section **17B-1-1104** is amended to read:

2664 **17B-1-1104. Pledge of revenues to pay for bonds.**

2665 Bonds may be payable from and secured by the pledge of all or any specified part of:

2666 (1) the revenues to be derived by the district from providing its services and from the
2667 operation of its facilities and other properties;

2668 (2) sales and use taxes, property taxes, and other taxes;

2669 (3) federal, state, or local grants; [~~and~~]

2670 (4) in the case of special assessment bonds, the special assessments pledged to repay
2671 the special assessment bonds; and

2672 [~~(4)~~] (5) other money legally available to the district.

2673 Section 42. Section **17B-2a-404** is amended to read:

2674 **17B-2a-404. Improvement district board of trustees.**

2675 (1) As used in this section:

2676 (a) "County district" means an improvement district that does not include within its
2677 boundaries any territory of a municipality.

2678 (b) "County member" means a member of a board of trustees of a county district.

2679 (c) "Electric district" means an improvement district that was created for the purpose of
2680 providing electric service.

2681 (d) "Included municipality" means a municipality whose boundaries are entirely
2682 contained within but do not coincide with the boundaries of an improvement district.

2683 (e) "Municipal district" means an improvement district whose boundaries coincide
2684 with the boundaries of a single municipality.

2685 (f) "Regular district" means an improvement district that is not a county district,
2686 electric district, or municipal district.

2687 (g) "Remaining area" means the area of a regular district that:

2688 (i) is outside the boundaries of an included municipality; and

2689 (ii) includes the area of an included municipality whose legislative body elects, under
2690 Subsection (4)(a)(i)(B), not to appoint a member to the board of trustees of the regular district.

2691 (h) "Remaining area member" means a member of a board of trustees of a regular

2692 district who is appointed, or, if applicable, elected to represent the remaining area of the
2693 district.

2694 (2) The legislative body of the municipality included within a municipal district may:

2695 (a) elect, at the time of the creation of the district, to be the board of trustees of the
2696 district; and

2697 (b) adopt at any time a resolution providing for:

2698 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

2699 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

2700 (3) The legislative body of a county whose unincorporated area is partly or completely
2701 within a county district may:

2702 (a) elect, at the time of the creation of the district, to be the board of trustees of the
2703 district; and

2704 (b) adopt at any time a resolution providing for:

2705 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

2706 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

2707 (4) (a) (i) ~~[(A)]~~ Except as provided in ~~[Subsections]~~ Subsection (4)(a)~~[(i)(B) and]~~ (ii),
2708 the legislative body of each included municipality shall each appoint one member to the board
2709 of trustees of a regular district.

2710 ~~[(B)]~~ (ii) The legislative body of an included municipality may elect not to appoint a
2711 member to the board under Subsection (4)(a)(i)(A).

2712 ~~[(ii) If municipalities are combined under Subsection (6)(b)(i), the legislative bodies of~~
2713 ~~the combined municipalities shall collectively appoint one member to the board of trustees, as~~
2714 ~~provided in Section 17B-1-304.]~~

2715 (b) Except as provided in Subsection (5), the legislative body of each county whose
2716 boundaries include a remaining area shall appoint all other members to the board of trustees of
2717 a regular district.

2718 (5) Each remaining area member of a regular district and each county member of a
2719 county district shall be elected, as provided in Section 17B-1-306, if:

2720 (a) the petition or resolution initiating the creation of the district provides for remaining
2721 area or county members to be elected;

2722 (b) the district holds an election to approve the district's issuance of bonds;

2723 (c) for a regular district, an included municipality elects, under Subsection (4)(a)(i)(B),
2724 not to appoint a member to the board of trustees; or

2725 (d) (i) at least 90 days before the municipal general election, a petition is filed with the
2726 district's board of trustees requesting remaining area members or county members, as the case
2727 may be, to be elected; and

2728 (ii) the petition is signed by registered voters within the remaining area or county
2729 district, as the case may be, equal in number to at least 10% of the number of registered voters
2730 within the remaining area or county district, respectively, who voted in the last gubernatorial
2731 election.

2732 (6) ~~[(a)]~~ Subject to Section 17B-1-302, the number of members of a board of trustees
2733 of a regular district shall be:

2734 ~~[(i)]~~ (a) the number of included municipalities within the district, if:

2735 ~~[(A)]~~ (i) the number is an odd number; and

2736 ~~[(B)]~~ (ii) the district does not include a remaining area;

2737 ~~[(ii)]~~ (b) the number of included municipalities plus one, if the number of included
2738 municipalities within the district is even;

2739 ~~[(iii)]~~ (c) the number of included municipalities plus two, if:

2740 ~~[(A)]~~ (i) the number of included municipalities is odd; and

2741 ~~[(B)]~~ (ii) the district includes a remaining area.

2742 ~~[(b) (i) If the number of board members under Subsection (6)(a) exceeds nine, then,
2743 except as provided in Subsection (6)(b)(ii):]~~

2744 ~~[(A) the number of members shall be nine; and]~~

2745 ~~[(B) the least populated included municipalities shall be combined for purposes of
2746 representation to the extent necessary to result in nine members:]~~

2747 ~~[(ii) Application of Subsection (6)(b)(i) may not cause an included municipality to lose
2748 its separate representation on the board until the end of the term of the board member
2749 appointed by that municipality.]~~

2750 (7) (a) Except as provided in Subsection (7)(b), each remaining area member of the
2751 board of trustees of a regular district shall reside within the remaining area.

2752 (b) Notwithstanding Subsection (7)(a), if the population of the remaining area is less
2753 than 5% of the total district population, each remaining area member shall be chosen from the

2754 district at large.

2755 (8) If the election of remaining area or county members of the board of trustees is
2756 required because of a bond election, as provided in Subsection (5)(b):

2757 (a) a person may file a declaration of candidacy if:

2758 (i) the person resides within:

2759 (A) the remaining area, for a regular district; or

2760 (B) the county district, for a county district; and

2761 (ii) otherwise qualifies as a candidate;

2762 (b) the board of trustees shall, if required, provide a ballot separate from the bond
2763 election ballot, containing the names of candidates and blanks in which a voter may write
2764 additional names; and

2765 (c) the election shall otherwise be governed by Title 20A, Election Code.

2766 (9) (a) (i) This Subsection (9) applies to the board of trustees members of an electric
2767 district.

2768 (ii) Subsections (2) through (8) do not apply to an electric district.

2769 (b) The legislative body of the county in which an electric district is located may
2770 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.

2771 (c) After the initial board of trustees is appointed as provided in Subsection (9)(b), each
2772 member of the board of trustees of an electric district shall be elected by persons using
2773 electricity from and within the district.

2774 (d) Each member of the board of trustees of an electric district shall be a user of
2775 electricity from the district and, if applicable, the division of the district from which elected.

2776 (e) The board of trustees of an electric district may be elected from geographic
2777 divisions within the district.

2778 (f) A municipality within an electric district is not entitled to automatic representation
2779 on the board of trustees.

2780 Section 43. Section **17B-2a-405** is amended to read:

2781 **17B-2a-405. Board of trustees of certain sewer improvement districts.**

2782 (1) As used in this section:

2783 (a) "Jurisdictional boundaries" means:

2784 (i) for a qualified county, the boundaries that include:

- 2785 (A) the area of the unincorporated part of the county that is included within a sewer
2786 improvement district; and
- 2787 (B) the area of each nonappointing municipality that is included within the sewer
2788 improvement district; and
- 2789 (ii) for a qualified municipality, the boundaries that include the area of the municipality
2790 that is included within a sewer improvement district.
- 2791 (b) "Nonappointing municipality" means a municipality that:
- 2792 (i) is partly included within a sewer improvement district; and
- 2793 (ii) is not a qualified municipality.
- 2794 (c) "Qualified county" means a county:
- 2795 (i) some or all of whose unincorporated area is included within a sewer improvement
2796 district; or
- 2797 (ii) which includes within its boundaries a nonappointing municipality.
- 2798 (d) "Qualified county member" means a member of a board of trustees of a sewer
2799 improvement district appointed under Subsection (3)(a)(ii).
- 2800 (e) "Qualified municipality" means a municipality that is partly or entirely included
2801 within a sewer improvement district that includes:
- 2802 (i) all of the municipality that is capable of receiving sewage treatment service from the
2803 sewer improvement district; and
- 2804 (ii) more than half of:
- 2805 (A) the municipality's land area; or
- 2806 (B) the assessed value of all private real property within the municipality.
- 2807 (f) "Qualified municipality member" means a member of a board of trustees of a sewer
2808 improvement district appointed under Subsection (3)(a)(i).
- 2809 (g) "Sewer improvement district" means an improvement district that:
- 2810 (i) provides sewage collection, treatment, and disposal service; and
- 2811 (ii) made an election before 1954 under [~~Chapter 29,~~ Laws of Utah 1953, Chapter 29,
2812 to enable it to continue to appoint its board of trustees members as provided in this section.
- 2813 (2) (a) Notwithstanding Section 17B-2a-404, the board of trustees members of a sewer
2814 improvement district shall be appointed as provided in this section.
- 2815 (b) The board of trustees of a sewer improvement district may revoke the election

2816 under Subsection (1)(d)(ii) and become subject to the provisions of Section 17B-2a-404 only
2817 by the unanimous vote of all members of the sewer improvement district's board of trustees at a
2818 time when there is no vacancy on the board.

2819 (3) (a) The board of trustees of each sewer improvement district shall consist of:

2820 (i) at least one person but not more than three persons appointed by the mayor of each
2821 qualified municipality, with the consent of the legislative body of that municipality; and

2822 (ii) at least one person but not more than three persons appointed by:

2823 (A) the county executive, with the consent of the county legislative body, for a
2824 qualified county operating under a county executive-council form of county government; or

2825 (B) the county legislative body, for each other qualified county.

2826 (b) Each qualified county member appointed under Subsection (3)(a)(ii) shall represent
2827 the area within the jurisdictional boundaries of the qualified county.

2828 (4) Notwithstanding Subsection 17B-1-302(2), the number of board of trustees
2829 members of a sewer improvement district shall be the number that results from application of
2830 Subsection (3)(a).

2831 (5) Except as provided in this section, an appointment to the board of trustees of a
2832 sewer improvement district is governed by Section 17B-1-304.

2833 (6) A quorum of a board of trustees of a sewer improvement district consists of
2834 members representing more than 50% of the total number of qualified county and qualified
2835 municipality votes under Subsection (7).

2836 (7) (a) Subject to Subsection (7)(b), each qualified county and each qualified
2837 municipality is entitled to one vote on the board of trustees of a sewer improvement district for
2838 each \$10,000,000, or fractional part larger than 1/2 of that amount, of assessed valuation of
2839 private real property taxable for district purposes within the respective jurisdictional
2840 boundaries, as shown by the assessment records of the county and evidenced by a certificate of
2841 the county auditor.

2842 (b) Notwithstanding Subsection (7)(a), each qualified county and each qualified
2843 municipality shall have at least one vote.

2844 (8) If a qualified county or qualified municipality appoints more than one board
2845 member, all the votes to which the qualified county or qualified municipality is entitled under
2846 Subsection (7) for an item of board business shall collectively be cast by a majority of the

2847 qualified county members or qualified municipal members, respectively, present at a meeting
2848 of the board of trustees.

2849 Section 44. Section **17B-2a-406** is amended to read:

2850 **17B-2a-406. Improvement districts providing electric service -- Public Service**
2851 **Commission jurisdiction -- Exceptions.**

2852 (1) (a) An improvement district that provides electric service as authorized under
2853 Subsection 17B-2a-403(1)(a)(iv);

2854 (i) is a public utility and subject to the jurisdiction of the Public Service
2855 Commission[-];

2856 (ii) may include only an area where:

2857 (A) no retail electricity has been provided to commercial, industrial, residential, and
2858 other users of electricity from an investor-owned utility within any part of an area certificated
2859 by the Public Service Commission or an area adjacent to that area, municipal agency, or
2860 electric cooperative within the five years immediately preceding September 1, 1985; and

2861 (B) electric service is provided to at least one user of electricity within the electric
2862 service district as of September 1, 1985; and

2863 (iii) shall have filed an application for certification and received approval by the Public
2864 Service Commission by September 1, 1986.

2865 (b) Nothing in this part may be construed to give the Public Service Commission
2866 jurisdiction over:

2867 (i) an improvement district, other than an improvement district that provides electric
2868 service as authorized under Subsection 17B-2a-403(1)(a)(iv); or

2869 (ii) a municipality or an association of municipalities organized under Title 11, Chapter
2870 13, Interlocal Cooperation Act.

2871 (c) Before an improvement district providing electric service serves any customer, the
2872 improvement district shall obtain a certificate of public convenience and necessity from the
2873 Public Service Commission.

2874 (2) (a) Section 54-7-12 does not apply to rate changes of an improvement district that
2875 provides electric service as authorized under Subsection 17B-2a-403(1)(a)(iv) if:

2876 (i) the district is organized for the purpose of distributing electricity to customers
2877 within the boundaries of the district on a not-for-profit basis;

2878 (ii) the schedule of new rates or other change that results in new rates has been
2879 approved by the board of trustees of the district;

2880 (iii) prior to the implementation of any rate increases, the district first holds a public
2881 meeting for all its customers to whom mailed notice of the meeting is sent at least ten days
2882 prior to the meeting; and

2883 (iv) the district has filed the schedule of new rates or other change with the Public
2884 Service Commission.

2885 (b) The Public Service Commission shall make the district's schedule of new rates or
2886 other change available for public inspection.

2887 Section 45. Section **17B-2a-804** is amended to read:

2888 **17B-2a-804. Additional public transit district powers.**

2889 (1) In addition to the powers conferred on a public transit district under Section
2890 17B-1-103, a public transit district may:

2891 (a) provide a public transit system for the transportation of passengers and their
2892 incidental baggage;

2893 (b) notwithstanding Subsection 17B-1-103(2)(~~f~~)(g) and subject to Section
2894 17B-2a-817, levy and collect property taxes only for the purpose of paying:

2895 (i) principal and interest of bonded indebtedness of the public transit district; or

2896 (ii) a final judgment against the public transit district if:

2897 (A) the amount of the judgment exceeds the amount of any collectable insurance or
2898 indemnity policy; and

2899 (B) the district is required by a final court order to levy a tax to pay the judgment;

2900 (c) insure against:

2901 (i) loss of revenues from damage to or destruction of some or all of a public transit
2902 system from any cause;

2903 (ii) public liability;

2904 (iii) property damage; or

2905 (iv) any other type of event, act, or omission;

2906 (d) acquire, contract for, lease, construct, own, operate, control, or use:

2907 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
2908 parking lot, or any other facility necessary or convenient for public transit service; or

- 2909 (ii) any structure necessary for access by persons and vehicles;
- 2910 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
- 2911 equipment, service, employee, or management staff of an operator; and
- 2912 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
- 2913 public interest;
- 2914 (f) operate feeder bus lines and other feeder services as necessary;
- 2915 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 2916 equipment trust certificates or otherwise, from the United States, or from a department,
- 2917 instrumentality, or agency of the United States, to:
 - 2918 (i) establish, finance, construct, improve, maintain, or operate transit facilities and
 - 2919 equipment; or
 - 2920 (ii) study and plan transit facilities in accordance with any legislation passed by
 - 2921 Congress;
 - 2922 (h) cooperate with and enter into an agreement with the state or an agency of the state
 - 2923 to establish transit facilities and equipment or to study or plan transit facilities;
 - 2924 (i) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
 - 2925 to carry out the purposes of the district;
 - 2926 (j) from bond proceeds or any other available funds, reimburse the state or an agency of
 - 2927 the state for an advance or contribution from the state or state agency; and
 - 2928 (k) do anything necessary to avail itself of any aid, assistance, or cooperation available
 - 2929 under federal law, including complying with labor standards and making arrangements for
 - 2930 employees required by the United States or a department, instrumentality, or agency of the
 - 2931 United States.

2932 (2) A public transit district may be funded from any combination of federal, state, or

2933 local funds.

2934 (3) A public transit district may not acquire property by eminent domain.

2935 Section 46. Section **17B-2a-813** is amended to read:

2936 **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**

2937 **transit district -- Strike prohibited -- Employees of an acquired transit system.**

2938 (1) The rights, benefits, and other employee protective conditions and remedies of

2939 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as

2940 determined by the Secretary of Labor, apply to~~[(a)]~~ a public transit district's establishment and
2941 operation of a public transit service or system~~[-and]~~.

2942 ~~[(b) a lease, contract, or other arrangement that a public transit district enters into for~~
2943 ~~the operation of a public transit service or system.]~~

2944 (2) (a) Employees of a public transit system established and operated by a public transit
2945 district have the right to:

2946 (i) self-organization;

2947 (ii) form, join, or assist labor organizations; and

2948 (iii) bargain collectively through representatives of their own choosing.

2949 (b) Employees of a public transit district and labor organizations may not join in a
2950 strike against the public transit system operated by the public transit district.

2951 (c) Each public transit district shall:

2952 (i) recognize and bargain exclusively with any labor organization representing a
2953 majority of the district's employees in an appropriate unit with respect to wages, salaries, hours,
2954 working conditions, and welfare, pension, and retirement provisions; and

2955 (ii) upon reaching agreement with the labor organization, enter into and execute a
2956 written contract incorporating the agreement.

2957 (3) If a public transit district acquires an existing public transit system:

2958 (a) all employees of the acquired system who are necessary for the operation of the
2959 acquired system, except executive and administrative officers and employees, shall be:

2960 (i) transferred to and appointed employees of the acquiring public transit district; and

2961 (ii) given sick leave, seniority, vacation, and pension or retirement credits in
2962 accordance with the acquired system's records;

2963 (b) members and beneficiaries of a pension or retirement plan or other program of
2964 benefits that the acquired system has established shall continue to have rights, privileges,
2965 benefits, obligations, and status with respect to that established plan or program; and

2966 (c) the public transit district may establish, amend, or modify, by agreement with
2967 employees or their authorized representatives, the terms, conditions, and provisions of a
2968 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

2969 Section 47. Section **17B-2a-1005** is amended to read:

2970 **17B-2a-1005. Water conservancy district board of trustees -- Selection of**

2971 **members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

2972 (1) (a) Within 45 days after the creation of a water conservancy district as provided in
2973 Section 17B-1-215, the board of trustees shall be selected as provided in this Subsection (1).

2974 (b) For a district located entirely within the boundaries of a single county, the county
2975 legislative body of that county shall appoint each trustee.

2976 (c) (i) For a district located in more than a single county, the governor, with the consent
2977 of the Senate, shall appoint each trustee from nominees submitted as provided in this
2978 Subsection (1)(c).

2979 (ii) (A) Except as provided in Subsection (1)(c)(ii)(B), in a division composed solely of
2980 municipalities, the legislative body of each municipality within the division shall submit two
2981 nominees per trustee.

2982 (B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a municipality
2983 may submit fewer than two nominees per trustee if the legislative body certifies in writing to
2984 the governor that the legislative body is unable, after reasonably diligent effort, to identify two
2985 nominees who are willing and qualified to serve as trustee.

2986 (iii) (A) Except as provided in Subsection (1)(c)(iii)(B), in all other divisions, the
2987 county legislative body of the county in which the division is located shall submit three
2988 nominees per trustee.

2989 (B) Notwithstanding Subsection (1)(c)(iii)(A), the county legislative body may submit
2990 fewer than three nominees per trustee if the county legislative body certifies in writing to the
2991 governor that the county legislative body is unable, after reasonably diligent effort, to identify
2992 three nominees who are willing and qualified to serve as trustee.

2993 (iv) If a trustee represents a division located in more than one county, the county
2994 legislative bodies of those counties shall collectively compile the list of three nominees.

2995 (v) For purposes of this Subsection (1)(c), a municipality that is located in more than
2996 one county shall be considered to be located in only the county in which more of the municipal
2997 area is located than in any other county.

2998 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee
2999 appointed in that district shall be a person who owns irrigation rights and uses those rights as
3000 part of that person's livelihood.

3001 (2) (a) The board of trustees of a water conservancy district shall consist of:

3002 (i) except as provided in Subsection (2)(a)(ii), not more than 11 persons who are
3003 residents of the district; or

3004 (ii) if the district consists of five or more counties, not more than 21 persons who are
3005 residents of the district.

3006 (b) At least 90 days before expiration of a trustee's term, the board shall~~[-(†)]~~ give
3007 written notice of the upcoming vacancy and the date when the trustee's term expires to the
3008 county legislative body in single county districts and to the nominating entities and the
3009 governor in all other districts~~[; and]~~.

3010 ~~[(ii) publish the notice in a newspaper having general circulation within the district.]~~

3011 (c) (i) Upon receipt of the notice of the expiration of a trustee's term or notice of a
3012 vacancy in the office of trustee, the county or municipal legislative body, as the case may be,
3013 shall nominate candidates to fill the unexpired term of office pursuant to Subsection (1).

3014 (ii) If a trustee is to be appointed by the governor and the entity charged with
3015 nominating candidates has not submitted the list of nominees within 90 days after service of
3016 the notice, the governor shall make the appointment from qualified candidates without
3017 consultation with the county or municipal legislative body.

3018 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a
3019 successor is appointed and qualified.

3020 (iv) Appointment by the governor vests in the appointee, upon qualification, the
3021 authority to discharge the duties of trustee, subject only to the consent of the Senate.

3022 (d) Each trustee shall hold office during the term for which appointed and until a
3023 successor is duly appointed and has qualified.

3024 (3) Each trustee shall furnish a corporate surety bond at the expense of the district,
3025 conditioned for the faithful performance of duties as a trustee.

3026 (4) (a) The board of trustees of a water conservancy district may:

3027 (i) make and enforce all reasonable rules and regulations for the management, control,
3028 delivery, use, and distribution of water;

3029 (ii) withhold the delivery of water with respect to which there is a default or
3030 delinquency of payment;

3031 (iii) provide for and declare a forfeiture of the right to the use of water upon the default
3032 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of

3033 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has
3034 been declared;

3035 (iv) allocate and reallocate the use of water to lands within the district;

3036 (v) provide for and grant the right, upon terms, to transfer water from lands to which
3037 water has been allocated to other lands within the district;

3038 (vi) create a lien, as provided in this part, upon land to which the use of water is
3039 transferred;

3040 (vii) discharge a lien from land to which a lien has attached; and

3041 (viii) subject to Subsection (4)(b), enter into a written contract for the sale, lease, or
3042 other disposition of the use of water.

3043 (b) (i) A contract under Subsection (4)(a)(viii) may provide for the use of water
3044 perpetually or for a specified term.

3045 (ii) (A) If a contract under Subsection (4)(a)(viii) makes water available to the
3046 purchasing party without regard to actual taking or use, the board may require that the
3047 purchasing party give security for the payment to be made under the contract, unless the
3048 contract requires the purchasing party to pay for certain specified annual minimums.

3049 (B) The security requirement under Subsection (4)(b)(iii)(A) in a contract with a public
3050 entity may be met by including in the contract a provision for the public entity's levy of a
3051 special assessment to make annual payments to the district.

3052 Section 48. Section **17B-2a-1007** is amended to read:

3053 **17B-2a-1007. Contract assessments.**

3054 (1) As used in this section:

3055 (a) "Assessed land" means:

3056 (i) for a contract assessment under a water contract with a private water user, the land
3057 owned by the private water user that receives the beneficial use of water under the water
3058 contract; or

3059 (ii) for a contract assessment under a water contract with a public water user, the land
3060 within the boundaries of the public water user that is within the boundaries of the water
3061 conservancy district and that receives the beneficial use of water under the water contract.

3062 (b) "Contract assessment" means an assessment levied as provided in this section by a
3063 water conservancy district on assessed land.

- 3064 (c) "Governing body" means:
- 3065 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 3066 (ii) for a local district, the board of trustees of the local district;
- 3067 (iii) for a special service district:
- 3068 (A) the legislative body of the county, city, or town that established the special service
- 3069 district, if no administrative control board has been appointed under Section [~~17A-2-1326~~]
- 3070 17D-1-301; or
- 3071 (B) the administrative control board of the special service district, if an administrative
- 3072 control board has been appointed under Section [~~17A-2-1326~~] 17D-1-301; and
- 3073 (iv) for any other political subdivision of the state, the person or body with authority to
- 3074 govern the affairs of the political subdivision.
- 3075 (d) "Petitioner" means a private petitioner or a public petitioner.
- 3076 (e) "Private petitioner" means an owner of land within a water conservancy district
- 3077 who submits a petition to a water conservancy district under Subsection (3) to enter into a
- 3078 water contract with the district.
- 3079 (f) "Private water user" means an owner of land within a water conservancy district
- 3080 who enters into a water contract with the district.
- 3081 (g) "Public petitioner" means a political subdivision of the state:
- 3082 (i) whose territory is partly or entirely within the boundaries of a water conservancy
- 3083 district; and
- 3084 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
- 3085 into a water contract with the district.
- 3086 (h) "Public water user" means a political subdivision of the state:
- 3087 (i) whose territory is partly or entirely within the boundaries of a water conservancy
- 3088 district; and
- 3089 (ii) that enters into a water contract with the district.
- 3090 (i) "Water contract" means a contract between a water conservancy district and a
- 3091 private water user or a public water user under which the water user purchases, leases, or
- 3092 otherwise acquires the beneficial use of water from the water conservancy district for the
- 3093 benefit of:
- 3094 (i) land owned by the private water user; or

3095 (ii) land within the public water user's boundaries that is also within the boundaries of
3096 the water conservancy district.

3097 (j) "Water user" means a private water user or a public water user.

3098 (2) A water conservancy district may levy a contract assessment as provided in this
3099 section.

3100 (3) (a) The governing body of a public petitioner may authorize its chief executive
3101 officer to submit a written petition on behalf of the public petitioner to a water conservancy
3102 district requesting to enter into a water contract.

3103 (b) A private petitioner may submit a written petition to a water conservancy district
3104 requesting to enter into a water contract.

3105 (c) Each petition under this Subsection (3) shall include:

3106 (i) the petitioner's name;

3107 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

3108 (iii) a description of the land upon which the water will be used;

3109 (iv) the price to be paid for the water;

3110 (v) the amount of any service, turnout, connection, distribution system, or other charge
3111 to be paid;

3112 (vi) whether payment will be made in cash or annual installments;

3113 (vii) a provision requiring the contract assessment to become a lien on the land for
3114 which the water is petitioned and is to be allotted; and

3115 (viii) an agreement that the petitioner is bound by the provisions of this part and the
3116 rules and regulations of the water conservancy district board of trustees.

3117 (4) (a) If the board of a water conservancy district desires to consider a petition
3118 submitted by a petitioner under Subsection (3), the board shall:

3119 (i) publish notice of the petition and of the hearing required under Subsection (4)(a)(ii)
3120 at least once a week in two successive weeks in a newspaper of general circulation within the
3121 county in which the political subdivision or private petitioner's land, as the case may be, is
3122 located; and

3123 (ii) hold a public hearing on the petition.

3124 (b) Each notice under Subsection (4)(a)(i) shall:

3125 (i) state that a petition has been filed and that the district is considering levying a

3126 contract assessment; and

3127 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

3128 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
3129 water conservancy district shall:

3130 (A) allow any interested person to appear and explain why the petition should not be
3131 granted; and

3132 (B) consider each written objection to the granting of the petition that the board
3133 receives before or at the hearing.

3134 (ii) The board of trustees may adjourn and reconvene the hearing as the board
3135 considers appropriate.

3136 (d) (i) Any interested person may file with the board of the water conservancy district,
3137 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
3138 a petition.

3139 (ii) Each person who fails to submit a written objection within the time provided under
3140 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
3141 levying a contract assessment.

3142 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
3143 trustees of a water conservancy district may:

3144 (a) deny the petition; or

3145 (b) grant the petition, if the board considers granting the petition to be in the best
3146 interests of the district.

3147 (6) The board of a water conservancy district that grants a petition under this section
3148 may:

3149 (a) make an allotment of water for the benefit of assessed land;

3150 (b) authorize any necessary construction to provide for the use of water upon the terms
3151 and conditions stated in the water contract;

3152 (c) divide the district into units and fix a different rate for water purchased or otherwise
3153 acquired and for other charges within each unit, if the rates and charges are equitable, although
3154 not equal and uniform, for similar classes of services throughout the district; and

3155 (d) levy a contract assessment on assessed land.

3156 (7) (a) The board of trustees of each water conservancy district that levies a contract

3157 assessment under this section shall:

3158 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
3159 to be recorded in the office of the recorder of each county in which assessed land is located;
3160 and

3161 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
3162 auditor of each county in which assessed land is located the amount of the contract assessment.

3163 (b) Upon the recording of the resolution or ordinance under Subsection (7)(a)(i), the
3164 contract assessment associated with allotting water to the assessed land under the water
3165 contract becomes a perpetual lien on the assessed land.

3166 (c) Each county in which assessed land is located shall collect the contract assessment
3167 in the same manner as taxes levied by the county.

3168 (8) (a) The board of trustees of each water conservancy district that levies a contract
3169 assessment under this section shall:

3170 (i) hold a public hearing, before August 8 of each year in which a contract assessment
3171 is levied, to hear and consider objections filed under Subsection (8)(b); and

3172 (ii) twice publish a notice, at least a week apart:

3173 (A) (I) in a newspaper of general circulation in each county with assessed land included
3174 within the district boundaries; or

3175 (II) if there is no newspaper of general circulation within the county, in a newspaper of
3176 general circulation in an adjoining county;

3177 (B) that contains:

3178 (I) a general description of the assessed land;

3179 (II) the amount of the contract assessment; and

3180 (III) the time and place of the public hearing under Subsection (8)(a)(i).

3181 (b) An owner of assessed land within the water conservancy district who believes that
3182 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
3183 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
3184 the assessment, stating the grounds for the objection.

3185 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
3186 consider the evidence and arguments supporting each objection.

3187 (ii) After hearing and considering the evidence and arguments supporting an objection,

3188 the board of trustees:

3189 (A) shall enter a written order, stating its decision; and

3190 (B) may modify the assessment.

3191 (d) (i) An owner of assessed land may file a petition in district court seeking review of

3192 a board of trustees' order under Subsection (8)(c)(i)(A).

3193 (ii) Each petition under Subsection (8)(d)(i) shall:

3194 (A) be filed within 30 days after the board enters its written order;

3195 (B) state specifically the part of the board's order for which review is sought; and

3196 (C) be accompanied by a bond with good and sufficient security in an amount not

3197 exceeding \$200, as determined by the court clerk.

3198 (iii) If more than one owner of assessed land seeks review, the court may, upon a

3199 showing that the reviews may be consolidated without injury to anyone's interests, consolidate

3200 the reviews and hear them together.

3201 (iv) The court shall act as quickly as possible after a petition is filed.

3202 (v) A court may not disturb a board of trustees' order unless the court finds that the

3203 contract assessment on the petitioner's assessed land is manifestly disproportionate to

3204 assessments imposed upon other land in the district.

3205 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is

3206 conclusively considered to have been made in proportion to the benefits conferred on the land

3207 in the district.

3208 (9) Each resolution, ordinance, or order under which a water conservancy district

3209 levied a Class B, Class C, or Class D assessment before April 30, 2007 under the law in effect

3210 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district

3211 may continue to levy the assessment according to the terms of the resolution, ordinance, or

3212 order.

3213 (10) A contract assessment is not a levy of an ad valorem property tax and is not

3214 subject to the limits stated in Section 17B-2a-1006.

3215 Section 49. Section **17D-1-101** is enacted to read:

3216 **TITLE 17D. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - OTHER**

3217 **ENTITIES**

3218 **CHAPTER 1. SPECIAL SERVICE DISTRICT ACT**

Part 1. General Provisions

17D-1-101. Title.

(1) This title is known as "Limited Purpose Local Government Entities - Other Entities."

(2) This chapter is known as the "Special Service District Act."

Section 50. Section 17D-1-102 is enacted to read:

17D-1-102. Definitions.

As used in this chapter:

(1) "Adequate protests" means written protests timely filed by:

(a) owners of property within the applicable area representing more than 33% of the taxable value of all taxable property within the applicable area; or

(b) more than 33% of all registered voters within the applicable area.

(2) "Applicable area" means:

(a) for a proposal to create a special service district, the area included within the proposed special service district;

(b) for a proposal to annex an area to an existing special service district, the area proposed to be annexed;

(c) for a proposal to add a service to the service or services provided by a special service district, the area included within the special service district; and

(d) for a proposal to consolidate special service districts, the area included within each special service district proposed to be consolidated.

(3) "Facility" or "facilities" includes any structure, building, system, land, water right, water, or other real or personal property required to provide a service that a special service district is authorized to provide, including any related or appurtenant easement or right-of-way, improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

(4) "General obligation bond":

(a) means a bond that is directly payable from and secured by ad valorem property taxes that are:

(i) levied:

(A) by the county or municipality that created the special service district that issues the bond; and

- 3250 (B) on taxable property within the special service district; and
3251 (ii) in excess of the ad valorem property taxes for the current fiscal year; and
3252 (b) does not include:
3253 (i) a short-term bond;
3254 (ii) a tax and revenue anticipation bond; or
3255 (iii) a special assessment bond.
3256 (5) "Governing body" means:
3257 (a) the legislative body of the county or municipality that creates the special service
3258 district, to the extent that the county or municipal legislative body has not delegated authority
3259 to an administrative control board appointed under Section 17D-1-301; or
3260 (b) the administrative control board of the special service district, to the extent that the
3261 county or municipal legislative body has delegated authority to an administrative control board
3262 appointed under Section 17D-1-301.
3263 (6) "Guaranteed bonds" means bonds:
3264 (a) issued by a special service district; and
3265 (b) the debt service of which is guaranteed by one or more taxpayers owning property
3266 within the special service district.
3267 (7) "Local district" has the same meaning as defined in Section 17B-1-102.
3268 (8) "Revenue bond":
3269 (a) means a bond payable from designated taxes or other revenues other than the ad
3270 valorem property taxes of the county or municipality that created the special service district;
3271 and
3272 (b) does not include:
3273 (i) an obligation constituting an indebtedness within the meaning of an applicable
3274 constitutional or statutory debt limit;
3275 (ii) a tax and revenue anticipation bond; or
3276 (iii) a special assessment bond.
3277 (9) "Special assessment" means an assessment levied against property to pay all or a
3278 portion of the costs of making improvements that benefit the property.
3279 (10) "Special assessment bond" means a bond payable from special assessments.
3280 (11) "Special service district" means a limited purpose local government entity, as

3281 described in Section 17D-1-103, that:

3282 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

3283 (b) operates under, is subject to, and has the powers set forth in this chapter.

3284 (12) "Tax and revenue anticipation bond" means a bond:

3285 (a) issued in anticipation of the collection of taxes or other revenues or a combination
3286 of taxes and other revenues; and

3287 (b) that matures within the same fiscal year as the fiscal year in which the bond is
3288 issued.

3289 Section 51. Section **17D-1-103** is enacted to read:

3290 **17D-1-103. Special service district status and powers.**

3291 (1) A special service district:

3292 (a) is a body corporate and politic with perpetual succession, separate and distinct from
3293 the county or municipality that creates it;

3294 (b) is a quasi-municipal corporation; and

3295 (c) may sue and be sued.

3296 (2) A special service district may:

3297 (a) exercise the power of eminent domain possessed by the county or municipality that
3298 creates the special service district;

3299 (b) enter into a contract that the governing authority considers desirable to carry out
3300 special service district functions, including a contract:

3301 (i) with the United States or an agency of the United States, the state, an institution of
3302 higher education, a county, a municipality, a school district, a local district, another special
3303 service district, or any other political subdivision of the state; or

3304 (ii) that includes provisions concerning the use, operation, and maintenance of special
3305 service district facilities and the collection of fees or charges with respect to commodities,
3306 services, or facilities that the district provides;

3307 (c) acquire or construct facilities;

3308 (d) acquire real or personal property, or an interest in real or personal property,
3309 including water and water rights, whether by purchase, lease, gift, devise, bequest, or
3310 otherwise, and whether the property is located inside or outside the special service district, and
3311 own, hold, improve, use, finance, or otherwise deal in and with the property or property right;

3312 (e) sell, convey, lease, exchange, transfer, or otherwise dispose of all or any part of the
3313 special service district's property or assets, including water and water rights;

3314 (f) mortgage, pledge, or otherwise encumber all or any part of the special service
3315 district's property or assets, including water and water rights;

3316 (g) enter into a contract with respect to the use, operation, or maintenance of all or any
3317 part of the special service district's property or assets, including water and water rights;

3318 (h) accept a government grant or loan and comply with the conditions of the grant or
3319 loan;

3320 (i) use an officer, employee, property, equipment, office, or facility of the county or
3321 municipality that created the special service district, subject to reimbursement as provided in
3322 Subsection (3);

3323 (j) employ one or more officers, employees, or agents, including one or more
3324 engineers, accountants, attorneys, or financial consultants, and establish their compensation;

3325 (k) designate an assessment area and levy an assessment as provided in Title 11,
3326 Chapter 42, Assessment Area Act;

3327 (l) contract with a franchised, certificated public utility for the construction and
3328 operation of an electrical service distribution system within the special service district;

3329 (m) borrow money and incur indebtedness;

3330 (n) as provided in Part 5, Special Service District Bonds, issue bonds for the purpose of
3331 acquiring, constructing, and equipping any of the facilities required for the services the special
3332 service district is authorized to provide, including:

3333 (i) bonds payable in whole or in part from taxes levied on the taxable property in the
3334 special service district;

3335 (ii) bonds payable from revenues derived from the operation of revenue-producing
3336 facilities of the special service district;

3337 (iii) bonds payable from both taxes and revenues;

3338 (iv) guaranteed bonds, payable in whole or in part from taxes levied on the taxable
3339 property in the special service district;

3340 (v) tax anticipation notes;

3341 (vi) bond anticipation notes;

3342 (vii) refunding bonds;

3343 (viii) special assessment bonds; and
3344 (ix) bonds payable in whole or in part from mineral lease payments as provided in
3345 Section 11-14-308;
3346 (o) except as provided in Subsection (4), impose fees or charges or both for
3347 commodities, services, or facilities that the special service district provides;
3348 (p) provide to an area outside the special service district's boundary, whether inside or
3349 outside the state, a service that the special service district is authorized to provide within its
3350 boundary, if the governing body makes a finding that there is a public benefit to providing the
3351 service to the area outside the special service district's boundary;
3352 (q) provide other services that the governing body determines will more effectively
3353 carry out the purposes of the special service district; and
3354 (r) adopt an official seal for the special service district.
3355 (3) Each special service district that uses an officer, employee, property, equipment,
3356 office, or facility of the county or municipality that created the special service district shall
3357 reimburse the county or municipality a reasonable amount for what the special service district
3358 uses.
3359 (4) (a) A special service district that provides jail service as provided in Subsection
3360 17D-1-201(10) may not impose a fee or charge for the service it provides.
3361 (b) Subsection (4)(a) may not be construed to limit a special service district that
3362 provides jail service from:
3363 (i) entering into a contract with the federal government, the state, or a political
3364 subdivision of the state to provide jail service for compensation; or
3365 (ii) receiving compensation for jail service it provides under a contract described in
3366 Subsection (4)(b)(i).
3367 Section 52. Section **17D-1-104** is enacted to read:
3368 **17D-1-104. Property owner provisions -- Determination of registered voters.**
3369 (1) For purposes of this chapter:
3370 (a) the owner of real property is the fee title owner according to the records of the
3371 county recorder on the date of the filing of the petition or protest; and
3372 (b) the value of private real property is determined according to the last assessment
3373 before the filing of the petition or protest, as determined by:

3374 (i) (A) the county under Title 59, Chapter 2, Part 3, County Assessment, for property
3375 subject to assessment by the county; or

3376 (B) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of
3377 Property, for property subject to assessment by the State Tax Commission; and

3378 (ii) the county, for all other property.

3379 (2) For purposes of each provision of this chapter that requires the owners of private
3380 real property covering a percentage of the total private land area within the applicable area to
3381 sign a petition or protest:

3382 (a) a parcel of real property may not be included in the calculation of the required
3383 percentage unless the petition or protest is signed by:

3384 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
3385 ownership interest in that parcel; or

3386 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
3387 of owners of that parcel;

3388 (b) the signature of a person signing a petition or protest in a representative capacity on
3389 behalf of an owner is invalid unless:

3390 (i) the person's representative capacity and the name of the owner the person represents
3391 are indicated on the petition or protest with the person's signature; and

3392 (ii) the person provides documentation accompanying the petition or protest that
3393 reasonably substantiates the person's representative capacity; and

3394 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
3395 petition or protest on behalf of a deceased owner.

3396 (3) For purposes of this chapter, registered voters shall be determined according to the
3397 official register.

3398 Section 53. Section **17D-1-105** is enacted to read:

3399 **17D-1-105. Authority of county or municipality to levy property tax on property**
3400 **within a special service district.**

3401 (1) Subject to Subsections (2) and (3), a county or municipality that has created a
3402 special service district may levy a tax on the taxable property in the special service district.

3403 (2) Each levy under Subsection (1) is subject to the prior approval of a majority of the
3404 registered voters of the special service district voting in an election held for that purpose under

3405 Title 11, Chapter 14, Local Government Bonding Act, in the same manner as for an election for
3406 the issuance of bonds.

3407 (3) A tax levied under this section for a special service district that provides jail service
3408 as provided in Subsection 17D-1-201(10) is considered to be levied by the county for purposes
3409 of the county's tax limitation under Section 59-2-908.

3410 Section 54. Section **17D-1-106** is enacted to read:

3411 **17D-1-106. Special service districts subject to other provisions.**

3412 (1) A special service district is, to the same extent as if it were a local district, subject
3413 to and governed by:

3414 (a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-109, 17B-1-110, 17B-1-111,
3415 17B-1-112, 17B-1-113, and 17B-1-116;

3416 (b) Sections 17B-1-304, 17B-1-305, 17B-1-306, 17B-1-307, 17B-1-310, 17B-1-312,
3417 and 17B-1-313;

3418 (c) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

3419 (d) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports;

3420 (e) Title 17B, Chapter 1, Part 8, Local District Personnel Management; and

3421 (f) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

3422 (2) For purposes of applying the provisions listed in Subsection (1) to a special service
3423 district, each reference in those provisions to the local district board of trustees means the
3424 governing authority.

3425 Section 55. Section **17D-1-107** is enacted to read:

3426 **17D-1-107. Contracts subject to building improvement and public works**
3427 **provisions.**

3428 (1) For each special service district created by a county, the legislative body of that
3429 county shall by ordinance designate the classes of special service district contracts that are
3430 subject to the requirements of Title 11, Chapter 39, Building Improvements and Public Works
3431 Projects.

3432 (2) For each special service district created by a municipality, the legislative body of
3433 that municipality shall by ordinance designate the classes of special service district contracts
3434 that are subject to the requirements of Title 11, Chapter 39, Building Improvements and Public
3435 Works Projects.

3436 Section 56. Section **17D-1-108** is enacted to read:

3437 **17D-1-108. Conflict.**

3438 If a provision of this chapter conflicts with any other statutory provision, the provision
3439 of this chapter controls.

3440 Section 57. Section **17D-1-109** is enacted to read:

3441 **17D-1-109. Validation of previously created special service districts.**

3442 Each special service district created before May 5, 2008 is validated, ratified, and
3443 confirmed and declared to be validly existing.

3444 Section 58. Section **17D-1-201** is enacted to read:

3445 **Part 2. Creating a Special Service District**

3446 **17D-1-201. Services that a special service district may be created to provide.**

3447 As provided in this part, a county or municipality may create a special service district to
3448 provide any combination of the following services:

3449 (1) water;

3450 (2) sewerage;

3451 (3) drainage;

3452 (4) flood control;

3453 (5) garbage collection and disposal;

3454 (6) health care;

3455 (7) transportation;

3456 (8) recreation;

3457 (9) fire protection and, if fire protection service is provided, emergency medical or
3458 ambulance or both;

3459 (10) providing, operating, and maintaining correctional and rehabilitative facilities and
3460 programs for municipal, state, and other detainees and prisoners;

3461 (11) street lighting;

3462 (12) consolidated 911 and emergency dispatch;

3463 (13) animal shelter and control;

3464 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease
3465 Funds, and expending those funds to provide construction and maintenance of public facilities,
3466 traditional governmental services, and planning, as a means for mitigating impacts from

3467 extractive mineral industries; and

3468 (15) in a county of the first class, extended police protection.

3469 Section 59. Section **17D-1-202** is enacted to read:

3470 **17D-1-202. Limitations on the creation of a special service district.**

3471 (1) Subject to Subsection (2), the boundary of a proposed special service district may
3472 include all or part of the area within the boundary of the county or municipality that creates the
3473 special service district.

3474 (2) (a) The boundary of a proposed special service district may not include an area
3475 included within the boundary of an existing special service district that provides the same
3476 service that the proposed special service district is proposed to provide.

3477 (b) The boundary of a proposed special service district may not include an area
3478 included within the boundary of an existing local district that provides the same service that the
3479 proposed special service district is proposed to provide, unless the local district consents.

3480 (c) A proposed special service district may not include land that will not be benefitted
3481 by the service that the special service district is proposed to provide, unless the owner of the
3482 nonbenefitted land consents to the inclusion.

3483 (d) A county may not create a special service district that includes some or all of the
3484 area within a municipality unless the legislative body of that municipality adopts a resolution or
3485 ordinance consenting to the inclusion.

3486 (3) All areas included within a special service district need not be contiguous.

3487 Section 60. Section **17D-1-203** is enacted to read:

3488 **17D-1-203. Initiating the process to create a special service district.**

3489 (1) The process to create a special service district is initiated by:

3490 (a) the legislative body of a county or municipality that proposes to create a special
3491 service district adopting a resolution that:

3492 (i) declares that the public health, convenience, and necessity require the creation of a
3493 special service district;

3494 (ii) indicates the legislative body's intent to create a special service district; and

3495 (iii) complies with the requirements of Subsection (3); or

3496 (b) the filing of a petition that:

3497 (i) proposes the creation of a special service district;

3498 (ii) complies with the requirements of Subsections (2) and (3); and
3499 (iii) is filed with the legislative body of the county or municipality in whose boundary
3500 the proposed special service district is located.

3501 (2) Each petition under Subsection (1)(b) shall:

3502 (a) be signed by:

3503 (i) the owners of at least 10% of the taxable value of taxable property within the
3504 proposed special service district; or

3505 (ii) at least 10% of the registered voters residing within the proposed special service
3506 district; and

3507 (b) indicate:

3508 (i) the residence address of each person who signs the petition; and

3509 (ii) if the person signs the petition as a property owner, the address or other description
3510 of the person's property sufficient to identify the property.

3511 (3) Each resolution under Subsection (1)(a) and petition under Subsection (1)(b) shall:

3512 (a) describe the boundaries of the proposed special service district;

3513 (b) specify each service that the special service district is proposed to provide; and

3514 (c) designate a name for the proposed special service district.

3515 Section 61. Section **17D-1-204** is enacted to read:

3516 **17D-1-204. Prerequisites for adopting a resolution or ordinance creating a special**
3517 **service district.**

3518 Before the legislative body of a county or municipality may adopt a resolution or
3519 ordinance under Section 17D-1-208 creating a special service district:

3520 (1) the clerk or recorder, as the case may be, of the county or municipality shall give
3521 written notice as provided in Section 17D-1-205;

3522 (2) the legislative body shall hold a public hearing, as provided in Section 17D-1-207;
3523 and

3524 (3) the period for filing protests under Section 17D-1-206 shall have passed without
3525 adequate protests having been filed.

3526 Section 62. Section **17D-1-205** is enacted to read:

3527 **17D-1-205. Notice.**

3528 (1) Each notice required under Subsection 17D-1-204(1) shall:

3529 (a) state that:

3530 (i) the legislative body has adopted a resolution stating its intent to create a special
3531 service district; or

3532 (ii) a petition has been filed proposing the creation of a special service district;

3533 (b) describe the boundary of the proposed special service district;

3534 (c) generally describe each service that the special service district is proposed to
3535 provide;

3536 (d) state that taxes may be levied annually upon all taxable property within the
3537 proposed special service district;

3538 (e) state that fees or charges may be imposed to pay for some or all of the services that
3539 the special service district is proposed to provide;

3540 (f) explain the process, requirements, and timetable for filing a protest against the
3541 creation of the special service district or against a service that the special service district is
3542 proposed to provide;

3543 (g) designate a date, time, and place for a public hearing on the proposed creation of
3544 the special service district; and

3545 (h) except as provided in Subsection (2), be published at least once a week during three
3546 consecutive weeks:

3547 (i) not less than 21 days or more than 35 days before the date of the public hearing
3548 required under Subsection 17D-1-204(2); and

3549 (ii) in a newspaper of general circulation in the county or municipality by which the
3550 special service district is proposed to be created.

3551 (2) Notwithstanding Subsection (1)(h), if the proposed special service district is located
3552 entirely within a city of the third, fourth, or fifth class or a town that has no newspaper of
3553 general circulation in the city or town, the legislative body of the city or town may provide that
3554 the notice required under Subsection 17D-1-204(1) be given by posting the notice in at least
3555 five public places in the city or town at least 21 days before the public hearing required under
3556 Subsection 17D-1-204(2).

3557 (3) The legislative body of the county or municipality by which the special service
3558 district is proposed to be created may include in a notice under this section any other
3559 information that the legislative body considers necessary or appropriate.

3560 Section 63. Section **17D-1-206** is enacted to read:

3561 **17D-1-206. Protests.**

3562 (1) An interested person may protest:

3563 (a) the creation of a special service district; or

3564 (b) a service that the special service district is proposed to provide.

3565 (2) Each protest under Subsection (1) shall:

3566 (a) be in writing;

3567 (b) be submitted:

3568 (i) to the legislative body of the county or municipality by which the special service
3569 district is proposed to be created; and

3570 (ii) no later than 15 days after the public hearing required under Subsection
3571 17D-1-204(2); and

3572 (c) explain why the person is protesting.

3573 (3) A person who submitted a written protest against the creation of a special service
3574 district may withdraw the protest or, having withdrawn a protest, cancel the withdrawal, until
3575 30 days after the public hearing required under Subsection 17D-1-204(2).

3576 (4) The legislative body of a county or municipality may not adopt a resolution or
3577 ordinance creating a special service district if adequate protests are filed with respect to the
3578 creation of the special service district.

3579 (5) The legislative body of a county or municipality may not adopt a resolution or
3580 ordinance authorizing a special service district to provide a service if adequate protests are filed
3581 with respect to that service.

3582 Section 64. Section **17D-1-207** is enacted to read:

3583 **17D-1-207. Public hearing.**

3584 (1) On the date and at the time and place specified in the notice under Section
3585 17D-1-205, the legislative body of the county or municipality by which the special service
3586 district is proposed to be created shall hold a public hearing.

3587 (2) At each public hearing under this section, the legislative body shall:

3588 (a) give full consideration to each written protest that has been filed; and

3589 (b) hear and consider each interested person desiring to be heard.

3590 (3) The legislative body may continue the hearing to another date and time.

3591 Section 65. Section **17D-1-208** is enacted to read:

3592 **17D-1-208. Adoption of a resolution or ordinance creating a special service**
3593 **district.**

3594 (1) Subject to the provisions of and as provided in this part, the legislative body of a
3595 county or municipality may adopt a resolution or ordinance creating a special service district.

3596 (2) (a) Subject to Subsection (2)(b), a resolution or ordinance adopted by a legislative
3597 body under Subsection (1) may contain changes from the proposal as set forth in a resolution
3598 under Subsection 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), including
3599 changes in:

3600 (i) the boundary of the special service district; and

3601 (ii) the services to be provided by the special service district.

3602 (b) The legislative body of a county or municipality may not adopt a resolution or
3603 ordinance under Subsection (1) that creates a special service district with a boundary that
3604 includes more area than is included in, or that authorizes the special service district to provide a
3605 service not proposed in, a resolution under Subsection 17D-1-203(1)(a) or a petition under
3606 Subsection 17D-1-203(1)(b), unless the requirements of Sections 17D-1-205, 17D-1-206, and
3607 17D-1-207 are met with respect to the additional area or service, as the case may be.

3608 Section 66. Section **17D-1-209** is enacted to read:

3609 **17D-1-209. Notice to lieutenant governor.**

3610 (1) Within 30 days after adopting a resolution or ordinance under Subsection
3611 17D-1-208(1) creating a special service district, the legislative body adopting the resolution or
3612 ordinance shall file a notice with the lieutenant governor.

3613 (2) Each notice under Subsection (1) shall:

3614 (a) be accompanied by:

3615 (i) a copy of the resolution or ordinance creating the special service district; and

3616 (ii) a map showing the boundaries of the special service district, prepared and certified
3617 by a licensed surveyor and filed with the county surveyor in accordance with Section 17-23-17;
3618 and

3619 (b) include the legislative body's certification that all requirements for the creation of
3620 the special service district have been met.

3621 (3) Upon the lieutenant governor's issuance of a certificate of creation under Section

3622 67-1a-6.5, the special service district is created and incorporated.

3623 Section 67. Section **17D-1-210** is enacted to read:

3624 **17D-1-210. Services that special service district is authorized to provide.**

3625 (1) After its creation, a special service district may provide the service or services:

3626 (a) specified in the resolution or ordinance creating the special service district; or

3627 (b) added under Part 4, Annexing a New Area and Adding a New Service.

3628 (2) Notwithstanding Subsection (1), a special service district created before May 5,

3629 2008 may continue on and after that date to provide a service that the special service district

3630 was authorized before May 5, 2008 to provide.

3631 Section 68. Section **17D-1-211** is enacted to read:

3632 **17D-1-211. Municipality's ability to provide temporary jail facilities not affected**
3633 **by the creation of a special service district to provide jail services.**

3634 The creation of a special service district to provide jail services as provided in

3635 Subsection 17D-1-201(10) does not affect the ability of a municipality under Section 10-8-58

3636 to provide, operate, and maintain facilities for the temporary incarceration, not to exceed 72

3637 hours, of persons charged with the violation of a municipal ordinance.

3638 Section 69. Section **17D-1-212** is enacted to read:

3639 **17D-1-212. Action to challenge the creation of a special service district or a service**
3640 **to be provided.**

3641 (1) A person may file an action in district court challenging the creation of a special
3642 service district or a service that a special service district is proposed to provide if:

3643 (a) the person filed a written protest under Section 17D-1-206;

3644 (b) the person:

3645 (i) (A) is a registered voter within the special service district; and

3646 (B) alleges in the action that the procedures used to create the special service district
3647 violated applicable law; or

3648 (ii) (A) is an owner of property included within the boundary of the special service
3649 district; and

3650 (B) alleges in the action that:

3651 (I) the person's property will not be benefitted by a service that the special service

3652 district is proposed to provide; or

3653 (II) the procedures used to create the special service district violated applicable law;
3654 and

3655 (c) the action is filed within 30 days after the date that the legislative body adopts a
3656 resolution or ordinance creating the special service district.

3657 (2) If an action is not filed within the time specified under Subsection (1), a registered
3658 voter or an owner of property located within the special service district may not contest the
3659 creation of the special service district or a service that the special service district is proposed to
3660 provide.

3661 Section 70. Section **17D-1-301** is enacted to read:

3662 **Part 3. Administrative Control Board**

3663 **17D-1-301. Governance of a special service district -- Authority to create and**
3664 **delegate authority to an administrative control board -- Limitations on authority to**
3665 **delegate.**

3666 (1) Each special service district shall be governed by the legislative body of the county
3667 or municipality that creates the special service district, subject to any delegation under this
3668 section of a right, power, or authority to an administrative control board.

3669 (2) At the time a special service district is created or at any time thereafter, the
3670 legislative body of a county or municipality that creates a special service district may, by
3671 resolution or ordinance:

3672 (a) create an administrative control board for the special service district; and

3673 (b) subject to Subsection (3), delegate to the administrative control board the exercise
3674 of any right, power, or authority that the legislative body possesses with respect to the
3675 governance of the special service district.

3676 (3) A county or municipal legislative body may not delegate to an administrative
3677 control board of a special service district the power to:

3678 (a) annex an area to an existing special service district or add a service within the area
3679 of an existing special service district under Part 4, Annexing a New Area and Adding a New
3680 Service;

3681 (b) designate, under Section 17D-1-107, the classes of special service district contracts
3682 that are subject to Title 11, Chapter 39, Building Improvements and Public Works Projects;

3683 (c) levy a tax on the taxable property within the special service district;

- 3684 (d) issue special service district bonds payable from taxes;
- 3685 (e) call or hold an election for the authorization of a property tax or the issuance of
- 3686 bonds;
- 3687 (f) levy an assessment;
- 3688 (g) issue interim warrants or bonds payable from an assessment; or
- 3689 (h) appoint a board of equalization under Section 11-42-404.

3690 (4) (a) A county or municipal legislative body that has delegated a right, power, or
3691 authority under this section to an administrative control board may at any time modify, limit, or
3692 revoke any right, power, or authority delegated to the administrative control board.

3693 (b) A modification, limitation, or revocation under Subsection (4)(a) does not affect the
3694 validity of an action taken by an administrative control board before the modification,
3695 limitation, or revocation.

3696 Section 71. Section **17D-1-302** is enacted to read:

3697 **17D-1-302. Number of members of an administrative control board.**

- 3698 (1) Each administrative control board shall consist of at least three members.
- 3699 (2) The number of administrative control board members for a special service district
- 3700 established by a county of the first class to provide jail service as provided in Subsection
- 3701 17D-1-201(10) is nine.

3702 Section 72. Section **17D-1-303** is enacted to read:

3703 **17D-1-303. Election or appointment of administrative control board members.**

3704 (1) Except as provided in Subsection (2)(b)(iii), a county or municipal legislative body
3705 that creates an administrative control board may provide for board members to be elected or
3706 appointed, or for some members to be elected and some appointed.

3707 (2) (a) Except as provided in Subsection (2)(b), each member of an administrative
3708 control board shall be elected or appointed as provided for the election or appointment,
3709 respectively, of a member of a board of trustees of a local district under Title 17B, Chapter 1,
3710 Part 3, Board of Trustees.

3711 (b) (i) A municipality or improvement district under Title 17B, Chapter 2a, Part 4,
3712 Improvement District Act, may appoint one member to represent it on an administrative control
3713 board created by a special service district if:

3714 (A) the special service district was created by a county;

3715 (B) the special service district provides the same service as the municipality or
3716 improvement district; and

3717 (C) the special service district includes some or all of the area included within the
3718 municipality or improvement district.

3719 (ii) An institution of higher education for which a special service district provides
3720 commodities, services, or facilities may appoint the number of members of an administrative
3721 control board of that special service district that are equal in number to at least 1/3 of the total
3722 number of board members.

3723 (iii) With respect to an administrative control board created for a special service district
3724 created by a county of the first class to provide jail service as provided in Subsection
3725 17D-1-201(10), the county legislative body shall appoint:

3726 (A) three members from a list of at least six recommendations from the county sheriff;

3727 (B) three members from a list of at least six recommendations from municipalities
3728 within the county; and

3729 (C) three members from a list of at least six recommendations from the county
3730 executive.

3731 Section 73. Section **17D-1-304** is enacted to read:

3732 **17D-1-304. Qualifications of administrative control board members -- Term of**
3733 **office.**

3734 (1) (a) Except as provided in Subsection (1)(b), each member of an administrative
3735 control board shall be:

3736 (i) a registered voter within the special service district; or

3737 (ii) an officer or employee of the county or municipality that created the special service
3738 district.

3739 (b) Subsection (1)(a) does not apply if:

3740 (i) at least 90% of the owners of real property within the special service district are not
3741 registered voters within the special service district; or

3742 (ii) the member is appointed under Subsection 17D-1-303(2)(b)(i) or (ii).

3743 (2) (a) Except as provided in Subsection (2)(b), the term of each member of an
3744 administrative control board is four years.

3745 (b) The term of as close as possible to half of the initial members of an administrative

3746 control board, chosen by lot, is two years.

3747 Section 74. Section **17D-1-305** is enacted to read:

3748 **17D-1-305. Compensation for administrative control board members.**

3749 An administrative control board member may receive compensation and reimbursement
3750 of expenses as provided in Section 17B-1-307 to the same extent as if the member were a
3751 member of a board of trustees of a local district.

3752 Section 75. Section **17D-1-306** is enacted to read:

3753 **17D-1-306. Administrative control board review of certain charges in special**
3754 **service districts providing jail service.**

3755 If the legislative body of a county of the first class creates an administrative control
3756 board under this part for a special service district that provides jail service as provided in
3757 Subsection 17D-1-201(10), the administrative control board may review and approve any
3758 amount charged to the special service district as reimbursement to the county for services
3759 provided under Subsection 17D-1-103(2)(i) before the amount is included in the special service
3760 district budget.

3761 Section 76. Section **17D-1-401** is enacted to read:

3762 **Part 4. Annexing a New Area and Adding a New Service**

3763 **17D-1-401. Annexing an area or adding a service to an existing special service**
3764 **district.**

3765 (1) Except as provided in Subsections (3) and (4), a county or municipal legislative
3766 body may, as provided in this part:

3767 (a) annex an area to an existing special service district to provide to that area a service
3768 that the special service district is authorized to provide;

3769 (b) add a service under Section 17D-1-201 within the area of an existing special service
3770 district that the special service district is not already authorized to provide; or

3771 (c) both annex an area under Subsection (1)(a) and add a service under Subsection
3772 (1)(b).

3773 (2) Except for Section 17D-1-209, the provisions of Part 2, Creating a Special Service
3774 District, apply to and govern the process of annexing an area to an existing special service
3775 district or adding a service that the special service district is not already authorized to provide,
3776 to the same extent as if the annexation or addition were the creation of a special service district.

3777 (3) A county or municipal legislative body may not:

3778 (a) annex an area to an existing special service district if a local district provides to that
3779 area the same service that the special service district is proposed to provide to the area, unless
3780 the local district consents to the annexation; or

3781 (b) add a service within the area of an existing special service district if a local district
3782 provides to that area the same service that is proposed to be added, unless the local district
3783 consents to the addition.

3784 (4) A county or municipal legislative body may not annex an area to an existing special
3785 service district or add a service within the area of an existing special service district if the
3786 creation of a special service district including that area or providing that service would not be
3787 allowed under Part 2, Creating a Special Service District.

3788 Section 77. Section **17D-1-402** is enacted to read:

3789 **17D-1-402. Inapplicability of some requirements if petition is filed by all owners**
3790 **of taxable real property.**

3791 Notwithstanding Section 17D-1-401, the notice, hearing, and protest requirements of
3792 Part 2, Creating a Special Service District, do not apply if a petition to annex an area or to add
3793 a service to an existing special service district is filed with the legislative body of the county or
3794 municipality, as the case may be, containing the signatures of all owners of taxable real
3795 property:

3796 (1) within the area proposed to be annexed, if the petition is for annexation of an area
3797 to the special service district; or

3798 (2) within the special service district, if the petition is for adding a service to be
3799 provided by the special service district.

3800 Section 78. Section **17D-1-403** is enacted to read:

3801 **17D-1-403. Notice of annexation to lieutenant governor -- Lieutenant governor**
3802 **certification.**

3803 (1) If a county or municipal legislative body adopts a resolution approving the
3804 annexation of an area to an existing special service district, the legislative body shall, within 30
3805 days after adopting the resolution, file a notice with the lieutenant governor.

3806 (2) Each notice under Subsection (1) shall:

3807 (a) be accompanied by:

3808 (i) a copy of the resolution adopted by the legislative body approving the annexation;
3809 and

3810 (ii) a map showing the additional area to be annexed to the special service district,
3811 prepared and certified by a licensed surveyor and filed with the county surveyor in accordance
3812 with Section 17-23-17; and

3813 (b) include the legislative body's certification that all requirements for the annexation
3814 of the additional area have been met.

3815 (3) Upon the lieutenant governor's issuance of the certificate of boundary change under
3816 Section 67-1a-6.5, the additional area that is the subject of the legislative body's resolution is
3817 annexed to the special service district.

3818 Section 79. Section **17D-1-501** is enacted to read:

3819 **Part 5. Special Service District Bonds**

3820 **17D-1-501. Provisions applicable to a special service district's issuance of bonds.**

3821 Except as otherwise provided in this chapter:

3822 (1) each special service district that issues bonds shall:

3823 (a) issue them as provided in, as applicable:

3824 (i) Title 11, Chapter 14, Local Government Bonding Act; or

3825 (ii) Title 11, Chapter 42, Assessment Area Act; and

3826 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

3827 (2) each special service district that issues refunding bonds shall issue them as

3828 provided in Title 11, Chapter 27, Utah Refunding Bond Act.

3829 Section 80. Section **17D-1-502** is enacted to read:

3830 **17D-1-502. General obligation bonds.**

3831 (1) Except as provided in Subsection (3), if a special service district intends to issue
3832 general obligation bonds, the special service district shall first obtain the approval of special
3833 service district voters for issuance of the bonds at an election held for that purpose as provided
3834 in Title 11, Chapter 14, Local Government Bonding Act.

3835 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
3836 the special service district.

3837 (3) A special service district may issue refunding general obligation bonds, as provided
3838 in Title 11, Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

3839 (4) (a) A special service district may not issue general obligation bonds if the issuance
3840 of the bonds will cause the outstanding principal amount of all of the special service district's
3841 general obligation bonds to exceed the amount that results from multiplying the fair market
3842 value of the taxable property within the special service district, as determined under Subsection
3843 11-14-301(3)(b), by .12.

3844 (b) Bonds or other obligations of a special service district that are not general
3845 obligation bonds are not included in the limit stated in Subsection (4)(a).

3846 (5) A special service district may not be considered to be a municipal corporation for
3847 purposes of the debt limitation of the Utah Constitution Article XIV, Section 4.

3848 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter
3849 13, Interlocal Cooperation Act, may not be considered to be bonds of a special service district
3850 that participates in the agreement creating the administrative or legal entity.

3851 Section 81. Section **17D-1-503** is enacted to read:

3852 **17D-1-503. Levy to pay for general obligation bonds.**

3853 (1) (a) If a special service district has issued general obligation bonds, or expects to
3854 have debt service payments due on general obligation bonds during the current year, the
3855 legislative body of the county or municipality that created the special service district may make
3856 an annual levy of ad valorem property taxes in order to:

3857 (i) pay the principal of and interest on the general obligation bonds;

3858 (ii) establish a sinking fund for defaults and future debt service on the general
3859 obligation bonds; and

3860 (iii) establish a reserve to secure payment of the general obligation bonds.

3861 (b) A levy under Subsection (1)(a) is:

3862 (i) without limitation as to rate or amount; and

3863 (ii) subject to the prior approval of a majority of registered voters of the special service
3864 district voting in an election held for that purpose.

3865 (2) (a) Each county or municipality that levies a tax under Subsection (1) shall:

3866 (i) levy the tax as a separate and special levy for the specific purposes stated in
3867 Subsection (1); and

3868 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of
3869 and interest on the general obligation bonds, even though the proceeds may be used to establish

3870 or replenish a sinking fund under Subsection (1)(a)(ii) or a reserve under Subsection (1)(a)(iii).

3871 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a special

3872 service district obligation in existence at the time the bonds were issued.

3873 Section 82. Section **17D-1-504** is enacted to read:

3874 **17D-1-504. Pledge of revenues to pay for bonds.**

3875 Bonds may be payable from and secured by the pledge of all or any specified part of:

3876 (1) the revenues to be derived by the special service district from providing its services

3877 and from the operation of its facilities and other properties;

3878 (2) sales and use taxes, property taxes, and other taxes;

3879 (3) federal, state, or local grants;

3880 (4) in the case of special assessment bonds, the special assessments pledged to repay

3881 the special assessment bonds; and

3882 (5) other money legally available to the special service district.

3883 Section 83. Section **17D-1-505** is enacted to read:

3884 **17D-1-505. Revenue bonds -- Requirement to impose rates and charges to cover**

3885 **revenue bonds -- Authority to make agreements and covenants to provide for bond**

3886 **repayment.**

3887 (1) Subject to Subsection 17D-1-501(2), a special service district intending to issue

3888 revenue bonds may, but is not required to, submit to special service district voters for their

3889 approval the issuance of the revenue bonds at an election held for that purpose as provided in

3890 Title 11, Chapter 14, Local Government Bonding Act.

3891 (2) Each special service district that has issued revenue bonds shall impose rates and

3892 charges for the services or commodities it provides fully sufficient, along with other sources of

3893 special service district revenues, to carry out all undertakings of the special service district with

3894 respect to its revenue bonds.

3895 (3) A special service district that issues revenue bonds may:

3896 (a) agree to pay operation and maintenance expenses of the special service district from

3897 the proceeds of the ad valorem taxes that this chapter authorizes the county or municipality that

3898 created the special service district to levy; and

3899 (b) for the benefit of bondholders, enter into covenants that:

3900 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

3901 (ii) provide for other pertinent matters that the governing body considers proper to
3902 assure the marketability of the bonds.

3903 Section 84. Section **17D-1-506** is enacted to read:

3904 **17D-1-506. Governing body required to fix rates to cover district expenses and**
3905 **bonds.**

3906 The governing body shall fix the rate or rates for services or commodities provided by
3907 the special service district that will, in conjunction with the proceeds of any maintenance and
3908 operation tax and other special service district revenues:

3909 (1) pay the special service district's operating expenses;

3910 (2) provide for repairs and depreciation of works owned or operated by the special
3911 service district;

3912 (3) pay the interest on any bonds issued by the special service district; and

3913 (4) provide, as much as practicable, a sinking or other fund to pay the principal of the
3914 bonds as they become due.

3915 Section 85. Section **17D-1-507** is enacted to read:

3916 **17D-1-507. Guaranteed bonds.**

3917 (1) Before a special service district may issue guaranteed bonds:

3918 (a) the special service district shall:

3919 (i) obtain a report:

3920 (A) prepared by:

3921 (I) a qualified, registered architect or engineer; or

3922 (II) a person qualified by experience appropriate to the project proposed to be funded
3923 by the proceeds from the guaranteed bonds;

3924 (B) setting forth:

3925 (I) a description of the project proposed to be funded by the proceeds from the
3926 guaranteed bonds;

3927 (II) the estimated or, if available, the actual cost of the project;

3928 (III) the principal amount and date and amount of each stated maturity of:

3929 (Aa) the guaranteed bonds to be issued; and

3930 (Bb) any outstanding guaranteed bonds of the special service district;

3931 (IV) the interest rate or rates of any outstanding guaranteed bonds of the special service

3932 district;

3933 (V) the amount of the annual debt service for each year during the life of all

3934 outstanding guaranteed bonds issued by the special service district;

3935 (VI) the estimated amount of the annual debt service for each year during the life of all

3936 guaranteed bonds that the special service district intends to issue to finance all or any part of

3937 the project; and

3938 (VII) the date or estimated date that the project will be complete; and

3939 (ii) submit to the Governor's Office of Economic Development:

3940 (A) the report described in Subsection (1)(a)(i);

3941 (B) a copy of each proposed guarantee of the guaranteed bonds, certified by the special

3942 service district;

3943 (C) a legal opinion indicating that each guarantee, when executed, will be the legal and

3944 binding obligation of the taxpayer executing the guarantee in accordance with the terms of the

3945 guarantee; and

3946 (D) evidence satisfactory to the Governor's Office of Economic Development from

3947 each taxpayer executing a guarantee of the guaranteed bonds as to the financial ability of the

3948 taxpayer to perform under the guarantee;

3949 (b) the Governor's Office of Economic Development shall, if it approves the issuance

3950 of the guaranteed bonds, deliver to the special service district governing body a written

3951 statement of its approval; and

3952 (c) the special service district governing body shall file the written approval statement

3953 under Subsection (1)(b) with the recorder of the county in which the special service district is

3954 located.

3955 (2) The issuance of guaranteed bonds is conditioned upon the approval of special

3956 service district voters at an election held for that purpose as provided in Title 11, Chapter 14,

3957 Local Government Bonding Act.

3958 (3) Guaranteed bonds that have been issued and remain outstanding shall be included

3959 in the determination of the debt limit under Subsection 17D-1-502(4) if the bonds by their

3960 terms no longer enjoy the benefit of the guarantee.

3961 (4) On July 1 of each year, the governing body shall file with the department of

3962 community affairs a report certifying:

3963 (a) the total amount of bonds issued by the special service district and other debt then
3964 outstanding and subject to the debt limit of Subsection 17D-1-502(4);

3965 (b) the total amount of guaranteed bonds then outstanding and not subject to the debt
3966 limit of Subsection 17D-1-502(4); and

3967 (c) the total amount of guaranteed bonds that, during the preceding 12 months,
3968 discontinued to enjoy the benefit of the guarantee.

3969 Section 86. Section **17D-1-508** is enacted to read:

3970 **17D-1-508. Special service district obligations are not obligations of any other**
3971 **entity.**

3972 A special service district bond, note, or other obligation or indebtedness, whether or not
3973 payable from taxes, may not be:

3974 (1) considered to be a bond, note, or other obligation or indebtedness of or to be
3975 enforceable against the state or a county, municipality, school district, or other political
3976 subdivision of the state; or

3977 (2) taken into account in calculating a debt limit applicable to the state or a county,
3978 municipality, school district, or other political subdivision of the state.

3979 Section 87. Section **17D-1-509** is enacted to read:

3980 **17D-1-509. Ratification of previously issued bonds and previously entered**
3981 **contracts.**

3982 All bonds issued or contracts entered into by a special service district before May 5,
3983 2008 are ratified, validated, and confirmed and declared to be valid and legally binding
3984 obligations of the special service district in accordance with their terms.

3985 Section 88. Section **17D-1-601** is enacted to read:

3986 **Part 6. Withdrawal, Dissolution, and Discontinuing Service**

3987 **17D-1-601. Adoption of a resolution to approve withdrawal, dissolution, or**
3988 **discontinuance of a service.**

3989 Subject to and as provided in this part, the legislative body of the county or
3990 municipality that created a special service district may by resolution:

3991 (1) approve the withdrawal of an area from the special service district if the legislative
3992 body determines that the area should not or cannot be provided the service that the special
3993 service district provides;

3994 (2) approve the dissolution of the special service district if the legislative body
3995 determines that the special service district is no longer needed for the purposes for which it was
3996 created; or

3997 (3) discontinue a service that the special service district provides.

3998 Section 89. Section **17D-1-602** is enacted to read:

3999 **17D-1-602. Limitations on adoption of withdrawal, dissolution, or discontinuance**
4000 **resolution.**

4001 (1) A resolution under Subsection 17D-1-601(1) or (2) to approve the withdrawal of an
4002 area from a special service district or the dissolution of a special service district may not be
4003 adopted if:

4004 (a) any bond, note, or other obligation of the special service district is outstanding and
4005 unpaid; or

4006 (b) any contractual obligation to provide service exists.

4007 (2) (a) A resolution under Subsection 17D-1-601(3) to discontinue a service may not
4008 be adopted if the special service district:

4009 (i) has an outstanding bond payable in whole or in part from fees and charges imposed
4010 for the service to be discontinued; or

4011 (ii) is under contractual obligation to provide the service.

4012 (b) Notwithstanding Subsection (2)(a)(i), a resolution to discontinue a service may be
4013 adopted if:

4014 (i) the bond is paid;

4015 (ii) adequate provision is made for payment of the bond; or

4016 (iii) the holder of the bond agrees to the discontinuance, if allowed under the bond.

4017 (c) Notwithstanding Subsection (2)(a)(ii), a resolution to discontinue a service may be
4018 adopted if all parties to the contract consent to the discontinuance.

4019 Section 90. Section **17D-1-603** is enacted to read:

4020 **17D-1-603. Notice of adoption of resolution approving a withdrawal or dissolution**
4021 **-- Lieutenant governor certificate -- Effective date of withdrawal or dissolution.**

4022 (1) Within 30 days after adopting a resolution approving the withdrawal of an area
4023 from a special service district or the dissolution of a special service district, the county or
4024 municipal legislative body, as the case may be, shall file a notice with the lieutenant governor.

- 4025 (2) Each notice under Subsection (1) shall:
- 4026 (a) be accompanied by:
- 4027 (i) a copy of the resolution approving the withdrawal or dissolution; and
- 4028 (ii) in the case of a withdrawal, a map showing the area to be withdrawn, prepared and
- 4029 certified by a licensed surveyor and filed with the county surveyor in accordance with Section
- 4030 17-23-17; and
- 4031 (b) include the legislative body's certification that all requirements for the withdrawal
- 4032 or dissolution have been met.
- 4033 (3) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
- 4034 Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's
- 4035 resolution is withdrawn from the special service district.
- 4036 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
- 4037 Section 67-1a-6.5, the special service district is dissolved.
- 4038 Section 91. Section **17D-2-101** is enacted to read:

CHAPTER 2. LOCAL BUILDING AUTHORITY ACT

Part 1. General Provisions

17D-2-101. Title.

This chapter is known as the "Local Building Authority Act."

Section 92. Section **17D-2-102** is enacted to read:

17D-2-102. Definitions.

As used in this chapter:

- 4046 (1) "Authority board" means the board of directors of a local building authority, as
- 4047 described in Section 17D-2-203.
- 4048 (2) "Bond" includes a bond, note, or other instrument issued under this chapter
- 4049 evidencing an indebtedness of a local building authority.
- 4050 (3) "Creating local entity" means the local entity that creates or created the local
- 4051 building authority.
- 4052 (4) "Governing body" means:
- 4053 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 4054 (b) for a school district, the local school board for the school district;
- 4055 (c) for a local district, the local district's board of trustees; and

4056 (d) for a special service district, the special service district's governing body, as defined
4057 in Section 17D-1-102.

4058 (5) "Local building authority" means a nonprofit corporation that is:

4059 (a) created as provided in Section 17D-2-201;

4060 (b) described in Section 17D-2-103; and

4061 (c) subject to and governed by the provisions of this chapter.

4062 (6) "Local district" has the same meaning as provided in Section 17B-1-102.

4063 (7) "Local entity" means a county, city, town, school district, local district, or special
4064 service district.

4065 (8) "Mortgage" means any instrument under which property may be encumbered as
4066 security for an obligation, including a mortgage, trust deed, indenture, pledge, assignment,
4067 security agreement, and financing statement.

4068 (9) "Project" means an improvement, facility, property, or appurtenance to property
4069 that a local entity is permitted under law to own or acquire, whether located inside or outside
4070 the local entity's boundary, including:

4071 (a) a public building or other structure of any kind; and

4072 (b) a joint or partial interest in the improvement, facility, property, or appurtenance to
4073 property.

4074 (10) "Project costs":

4075 (a) means all costs incurred in the development of a project; and

4076 (b) includes:

4077 (i) organizational and incorporation fees, including filing, legal, and financial advisor
4078 fees;

4079 (ii) the cost of a site for the project;

4080 (iii) the cost of equipment and furnishings for the project;

4081 (iv) the cost of planning and designing the project, including architectural, planning,
4082 engineering, legal, and fiscal advisor fees;

4083 (v) contractor fees associated with the project;

4084 (vi) the cost of issuing local building authority bonds to finance the project, including
4085 printing costs, document preparation costs, filing fees, recording fees, legal and other
4086 professional fees, underwriting costs, bond discount costs, any premium on the bonds, and any

4087 fees required to be paid to retire outstanding bonds;
4088 (vii) interest on local building authority bonds issued to finance the project;
4089 (viii) carrying costs;
4090 (ix) interest estimated to accrue on local building authority bonds during the period of
4091 construction of the project and for 12 months after;
4092 (x) any amount the governing body finds necessary to establish one or more reserve
4093 funds;
4094 (xi) any amount the governing body finds necessary to provide working capital for the
4095 project;
4096 (xii) all costs of transferring title of the project to the creating local entity;
4097 (xiii) all costs of dissolving the local building authority; and
4098 (xiv) all other reasonable costs associated with the project.
4099 (11) "Special service district" has the same meaning as provided in Section 17D-1-102.
4100 Section 93. Section 17D-2-103 is enacted to read:
4101 **17D-2-103. Status and authority of a local building authority.**
4102 A local building authority:
4103 (1) is a public entity and an instrumentality of the state, created by a local entity solely
4104 for the purpose of constructing, acquiring, improving, or extending, and financing the costs of,
4105 one or more projects on behalf of the local entity;
4106 (2) shall be known as the "Local Building Authority of (name of the creating local
4107 entity)"; and
4108 (3) may:
4109 (a) as provided in this chapter, construct, acquire, improve, or extend, and finance the
4110 costs of, one or more projects on behalf of the creating local entity, in order to accomplish the
4111 public purposes for which the creating local entity exists; and
4112 (b) as provided in Part 5, Local Building Authority Bonds, issue and sell its bonds for
4113 the purpose of paying the costs of constructing, acquiring, improving, or extending a project.
4114 Section 94. Section 17D-2-104 is enacted to read:
4115 **17D-2-104. Local building authority property exempt from taxation.**
4116 Property owned, held, or acquired by a local building authority, including all rent or
4117 other payment due under a lease agreement, is exempt from all taxation in the state.

4118 Section 95. Section **17D-2-105** is enacted to read:

4119 **17D-2-105. Action of a local entity's governing body or a local building**
4120 **authority's board of directors.**

4121 (1) The governing body of a local entity or the authority board of a local building
4122 authority may take an action or proceeding under this chapter by resolution.

4123 (2) Except as specifically required under this chapter:

4124 (a) an ordinance, resolution, or proceeding with respect to a transaction under this
4125 chapter is not necessary; and

4126 (b) the publication of a resolution, proceeding, or notice relating to a transaction under
4127 this chapter is not necessary.

4128 (3) The governing body of a local entity or authority board of a local building authority
4129 may adopt a proceeding under this chapter on a single reading at a legally convened meeting of
4130 the governing body or authority board, as the case may be.

4131 (4) Except as specifically provided in this chapter, a resolution adopted or proceeding
4132 taken under this chapter is not subject to referendum.

4133 Section 96. Section **17D-2-106** is enacted to read:

4134 **17D-2-106. Publications in newspapers.**

4135 A publication made under this chapter may be made in a newspaper conforming to the
4136 terms of this chapter and in which legal notices may be published under the law, without regard
4137 to whether the newspaper is designated as the local entity's official journal or newspaper.

4138 Section 97. Section **17D-2-107** is enacted to read:

4139 **17D-2-107. Local building authority not subject to any state board, commission,**
4140 **or agency.**

4141 Neither a local building authority nor a project is subject to the jurisdiction of any
4142 board, commission, or agency of the state, including the Public Service Commission.

4143 Section 98. Section **17D-2-108** is enacted to read:

4144 **17D-2-108. Other statutory provisions.**

4145 (1) This chapter is supplemental to existing laws relating to a local entity's acquisition,
4146 use, maintenance, management, or operation of a project.

4147 (2) Except as provided in this chapter, a local entity or local building authority that
4148 complies with the provisions of this chapter need not comply with any other statutory provision

4149 concerning the acquisition, construction, use, or maintenance of a project, including:

4150 (a) a statute relating to public bidding; and

4151 (b) Title 63, Chapter 56, Utah Procurement Code.

4152 (3) A local building authority is, to the same extent as if it were a local district, subject

4153 to and governed by:

4154 (a) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

4155 (b) Title 17B, Chapter 1, Part 8, Local District Personnel Management; and

4156 (c) Section 17B-1-108.

4157 Section 99. Section **17D-2-109** is enacted to read:

4158 **17D-2-109. Construction of this chapter -- Conflicts with other provisions.**

4159 (1) To enable a local building authority to perform its essential governmental functions
4160 on behalf of its creating local entity, this chapter shall be liberally construed.

4161 (2) (a) If a provision of this chapter conflicts with another statutory provision, the
4162 provision of this chapter controls.

4163 (b) Subsection (2)(a) applies notwithstanding Section 11-14-403.

4164 Section 100. Section **17D-2-110** is enacted to read:

4165 **17D-2-110. Validation of previous proceedings.**

4166 Each proceeding taken by a local entity before May 5, 2008 in connection with the
4167 creation and operation of a local building authority is validated, ratified, approved, and
4168 confirmed.

4169 Section 101. Section **17D-2-201** is enacted to read:

4170 **Part 2. Local Building Authority Creation, Powers, and Governance**

4171 **17D-2-201. Creating a local building authority -- Articles of incorporation and**
4172 **bylaws -- Changing a local building authority.**

4173 (1) The governing body of a local entity may create a local building authority by
4174 following the procedures in Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for
4175 the incorporation of a nonprofit corporation.

4176 (2) The creating local entity's governing body shall approve:

4177 (a) the local building authority's articles of incorporation before they are filed with the
4178 Division of Corporations and Commercial Code; and

4179 (b) the local building authority's bylaws.

4180 (3) The creating local entity's governing body may, in its sole discretion and at any
4181 time, change the local building authority's structure, organization, programs, or activities,
4182 subject to:

4183 (a) this chapter; and

4184 (b) the rights of:

4185 (i) holders of the local building authority's bonds; and

4186 (ii) parties to other obligations of the local building authority.

4187 Section 102. Section **17D-2-202** is enacted to read:

4188 **17D-2-202. Staff and personnel of a local building authority -- Legal, accounting,**
4189 **and auditing services.**

4190 (1) A local building authority may:

4191 (a) as necessary for the local building authority's performance of its functions and
4192 activities:

4193 (i) subject to Subsection (2), contract for or employ staff and other personnel, including
4194 the personnel of the creating local entity; and

4195 (ii) contract with the creating local entity to use the creating local entity's property or
4196 facilities; and

4197 (b) include the cost of the use of the creating local entity's personnel, property, or
4198 facilities under Subsection (1)(a) in the amount the local building authority charges under a
4199 lease or agreement with the creating local entity.

4200 (2) (a) If a creating local entity has an elected attorney, that elected attorney shall be the
4201 legal advisor to and provide all legal services for the local building authority created by the
4202 creating local entity, subject to Subsection (3).

4203 (b) If a creating local entity has an elected auditor, that elected auditor shall provide all
4204 accounting and auditing services for the local building authority created by the creating local
4205 entity, subject to Subsection (3).

4206 (c) The local building authority shall reimburse the creating local entity for legal,
4207 accounting, and auditing services provided by the creating local entity's elected attorney or
4208 auditor, based on the actual cost of the services, including a reasonable amount that the creating
4209 local entity allocates for overhead, employee benefits, and general and administrative costs.

4210 (3) Subsection (2) may not be construed to prevent a local building authority from

4211 obtaining:

4212 (a) with the consent of the elected attorney and the governing body, legal services from
4213 an outside attorney;

4214 (b) with the consent of the elected auditor and the governing body, accounting or
4215 auditing services from an outside accountant or auditor; or

4216 (c) an opinion of an outside attorney or accountant that is necessary for the issuance of
4217 the local building authority's bonds.

4218 (4) If fees for legal, accounting, or auditing services related to a project are paid by the
4219 creating local entity and not reimbursed by the local building authority, the local building
4220 authority may not include the cost of those services in the amount the local building authority
4221 charges under a lease agreement with the creating local entity with respect to that project.

4222 Section 103. Section **17D-2-203** is enacted to read:

4223 **17D-2-203. Local building authority board of directors.**

4224 (1) Except as provided in Subsection (3), the members of the governing body of the
4225 creating local entity constitute the authority board of the local building authority created by the
4226 creating local entity.

4227 (2) An authority board may be referred to as a board of trustees.

4228 (3) (a) For a local building authority whose creating local entity is a county that
4229 operates under the county commission form of government under Section 17-52-501, two
4230 members of the authority board may appoint an elected officer of the county to serve
4231 temporarily as a member of the authority board if the other authority board member:

4232 (i) is, as a member of the county commission, placed on paid administrative leave
4233 under Section 17-16-10.5;

4234 (ii) is unable to serve due to a disability;

4235 (iii) has a conflict of interest with respect to a matter before the authority board that
4236 disqualifies the authority board member or causes the member to abstain from participating in
4237 action on that matter; or

4238 (iv) is unable for any other reason to serve temporarily on the authority board or to
4239 participate in a matter before the board.

4240 (b) An elected county officer appointed to an authority board under Subsection (3)(a)
4241 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need

4242 for the appointment is no longer present.

4243 Section 104. Section **17D-2-301** is enacted to read:

4244 **Part 3. Local Building Authority Projects**

4245 **17D-2-301. Project plans and specifications.**

4246 Each local building authority that proposes to construct, acquire, improve, or extend a
4247 project for the use of its creating local entity shall submit to the governing body of the creating
4248 local entity:

4249 (1) plans and specifications for the project; and

4250 (2) the estimated project costs.

4251 Section 105. Section **17D-2-302** is enacted to read:

4252 **17D-2-302. Architect or engineer certificate -- Approval of plans and**
4253 **specifications.**

4254 (1) The plans and specifications submitted under Subsection 17D-3-301(1) shall
4255 include a certificate of the architect or engineer responsible for planning and designing the
4256 project, stating the estimated useful life of the project.

4257 (2) The creating local entity's governing body shall approve the plans, specifications,
4258 and estimated project costs before:

4259 (a) execution of a lease agreement with respect to the project; and

4260 (b) the local building authority begins to construct, acquire, improve, or extend the
4261 project.

4262 Section 106. Section **17D-2-401** is enacted to read:

4263 **Part 4. Local Building Authority Lease Agreements**

4264 **17D-2-401. Project lease agreements.**

4265 (1) A local building authority and its creating local entity may enter into a lease
4266 agreement with respect to a project that the local building authority:

4267 (a) has constructed, acquired, improved, or extended on behalf of the creating local
4268 entity; or

4269 (b) will construct, acquire, improve, or extend on behalf of the creating local entity.

4270 (2) (a) A local building authority and its creating local entity may enter into a lease
4271 agreement before the local building authority's acquisition of a site or construction of the
4272 project.

4273 (b) Each lease agreement described in Subsection (2)(a) shall:
4274 (i) provide that the creating local entity is not required to make a lease payment until
4275 acquisition or construction of the project is completed;
4276 (ii) require the local building authority to furnish or cause the construction contractor
4277 to furnish a bond satisfactory to the creating local entity, conditioned upon:
4278 (A) final completion of the project as expeditiously as reasonably possible from the
4279 date of the execution of the lease agreement; and
4280 (B) delivery of possession of the project to the creating local entity free and clear of all
4281 liens and encumbrances, except:
4282 (I) taxes, liens, and encumbrances on the local building authority's interest in the leased
4283 property; and
4284 (II) easements and restrictions that the creating local entity accepts.
4285 Section 107. Section **17D-2-402** is enacted to read:
4286 **17D-2-402. Requirements for lease agreements.**
4287 (1) Each lease agreement between a local building authority and its creating local entity
4288 shall:
4289 (a) provide for the payment of lease payments sufficient:
4290 (i) to pay:
4291 (A) the principal of and interest on local building authority bonds the proceeds of
4292 which were used to construct, acquire, improve, or extend the project;
4293 (B) all fees and expenses of trustees and paying agents for bonds described in
4294 Subsection (2)(a)(i)(A); and
4295 (C) all costs of maintaining and operating the project; and
4296 (ii) to accumulate any reasonable reserve that the local building authority considers
4297 necessary;
4298 (b) provide that the creating local entity, if not in default under the lease agreement,
4299 may:
4300 (i) subject to Subsection (2), renew the lease for a fixed term beyond the initial term by
4301 giving specified notice before the expiration of the initial term; and
4302 (ii) subject to Subsection (3) and the terms of the lease agreement, purchase the leased
4303 property on a date fixed in the agreement;

4304 (c) provide that a creating local entity under the lease agreement is not under any
4305 obligation:

4306 (i) to purchase the leased property; or

4307 (ii) to a creditor, shareholder, or security holder of the local building authority; and

4308 (d) require that:

4309 (i) title to the project vest in the creating local entity upon payment in full of all
4310 outstanding local building authority bonds issued to construct, acquire, improve, or extend a
4311 project; and

4312 (ii) any remaining assets and net earnings of the local building authority be paid to the
4313 creating local entity upon dissolution of the local building authority, as provided in Section
4314 17D-2-702.

4315 (2) The term of a lease agreement under this part, including any renewal of the lease
4316 agreement, may not exceed the lesser of:

4317 (a) the estimated useful life of the project, as certified under Subsection 17D-2-302(1);

4318 and

4319 (b) 40 years.

4320 (3) The purchase price of leased property under Subsection (1)(b)(ii) may not exceed
4321 the project costs that the local building authority actually invested in the project.

4322 Section 108. Section **17D-2-403** is enacted to read:

4323 **17D-2-403. Provisions that a lease agreement may contain.**

4324 (1) A lease agreement between a local building authority and its creating local entity
4325 may:

4326 (a) provide that the creating local entity, as part of the lease payments for the leased
4327 property:

4328 (i) pay all taxes and assessments levied against or on account of the leased property or
4329 rentals from it;

4330 (ii) maintain insurance on the leased property for the benefit of the local building
4331 authority and the holders of the local building authority's bonds; and

4332 (iii) assume all responsibility for any repair, replacement, alteration, or improvement to
4333 the leased property during the term of the lease agreement; and

4334 (b) authorize the local entity to sublease all or specified portions of a project to:

4335 (i) the state;
4336 (ii) another local entity; or
4337 (iii) a private party, including a nonprofit corporation, if the local building authority or
4338 local entity;

4339 (A) intends to own the project throughout the useful life of the project; and
4340 (B) determines that the local building authority or local entity's ownership of the
4341 project furthers a legitimate public purpose.

4342 (2) A local entity that subleases some or all of a project under Subsection (1)(b)
4343 continues to be responsible for lease payments due under the lease agreement with the local
4344 building authority.

4345 Section 109. Section **17D-2-404** is enacted to read:

4346 **17D-2-404. Lease of local entity's site to local building authority.**

4347 (1) A local entity desiring to have a local building authority construct a project for the
4348 use of the local entity upon a site that the local entity owns may lease the site to the local
4349 building authority for a nominal rental.

4350 (2) Each lease under Subsection (1) shall grant the local building authority an option to
4351 renew the lease on the same terms and conditions if, by the time of the expiration of the lease,
4352 the local building authority has not been fully repaid the project costs it actually invested in the
4353 project.

4354 (3) A lease under this section, including any renewal of the lease under Subsection (2),
4355 may not exceed the period specified in Subsection 17D-2-402(2).

4356 (4) (a) As used in this Subsection (4):

4357 (i) "Project lease agreement" means a lease agreement between a local building
4358 authority and its creating local entity under which the local building authority leases to the
4359 creating local entity a project constructed on a site owned by the creating local entity.

4360 (ii) "Site lease" means a creating local entity's lease of a site to a local building
4361 authority.

4362 (b) A local entity that has entered into a site lease with a local building authority may
4363 grant the local building authority an option to purchase the site within six months after the
4364 termination of the creating local entity's lease payment obligation under the project lease
4365 agreement, to be exercised if the creating local entity under the project lease agreement:

4366 (i) defaults under the terms of the project lease agreement; and
4367 (ii) does not exercise its option to purchase the project under the terms of the project
4368 lease agreement.

4369 Section 110. Section **17D-2-405** is enacted to read:

4370 **17D-2-405. Default under a lease agreement.**

4371 If a local entity fails to pay a lease payment due to a local building authority under a
4372 lease agreement:

4373 (1) the local entity shall immediately quit and vacate the project;

4374 (2) the local entity's lease payment obligation under the lease agreement terminates;

4375 and

4376 (3) the local building authority may immediately lease the project according to the
4377 provisions of:

4378 (a) the proceeding under which bonds to fund the project were authorized; and

4379 (b) any mortgage given to secure the bonds.

4380 Section 111. Section **17D-2-501** is enacted to read:

4381 **Part 5. Local Building Authority Bonds**

4382 **17D-2-501. Provisions applicable to issuance of local building authority bonds.**

4383 Except as otherwise provided in this chapter:

4384 (1) each local building authority that issues bonds shall:

4385 (a) issue them as provided in Title 11, Chapter 14, Local Government Bonding Act,

4386 except Section 11-14-306; and

4387 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act;

4388 (2) bonds issued by a local building authority are governed by and subject to Title 11,

4389 Chapter 14, Local Government Bonding Act, except Sections 11-14-306 and 11-14-403; and

4390 (3) each local building authority that issues refunding bonds shall issue them as

4391 provided in Title 11, Chapter 27, Utah Refunding Bond Act.

4392 Section 112. Section **17D-2-502** is enacted to read:

4393 **17D-2-502. Required process for issuance of local building authority bonds.**

4394 (1) A local building authority may not issue bonds unless the creating local entity's

4395 governing body approves the issuance and terms of the bonds.

4396 (2) (a) Before issuing bonds, the authority board of a local building authority shall give

4397 public notice of the authority board's intent to issue bonds.

4398 (b) (i) A local building authority may not issue bonds without the approval of the
4399 creating local entity's voters if, within 30 days after the notice under Subsection (2)(a) is given,
4400 a written petition requesting an election is filed with the local building authority, signed by at
4401 least 20% of the active voters, as defined in Section 20A-1-102, within the creating local entity.

4402 (ii) Each election under Subsection (2)(b)(i) shall be held as provided in Title 11,
4403 Chapter 14, Local Government Bonding Act, in the same manner as an election for general
4404 obligation bonds issued by the creating local entity.

4405 Section 113. Section **17D-2-503** is enacted to read:

4406 **17D-2-503. Proceedings for the issuance of local building authority bonds.**

4407 The proceeding under which a local building authority is authorized to issue bonds
4408 under this part may:

4409 (1) contain any agreement or provision customarily contained in an instrument securing
4410 bonds, including a provision regarding:

4411 (a) the fixing and collection of lease payments for a project covered by the bond
4412 proceeding;

4413 (b) the terms to be incorporated in the lease agreement with respect to the project;

4414 (c) the operation, maintenance, and insurance of the project;

4415 (d) the creation and maintenance of a reserve fund from the proceeds of the sale of
4416 bonds or from lease payment revenue; and

4417 (e) any rights and remedies available to the holders of the bonds or to the trustee, in the
4418 event of a default, that the authority board of the local building authority determines in
4419 accordance with this part;

4420 (2) provide for the appointment of a trust company or bank, located inside or outside
4421 the state, as trustee; and

4422 (3) provide that upon default in the payment of the principal of or interest on the bonds
4423 or in the performance of any covenant or agreement contained in the proceedings, the payment
4424 or performance may be enforced by the appointment of a receiver for the project, with power:

4425 (a) to rent or lease some or all of the property;

4426 (b) to charge and collect rent; and

4427 (c) to apply revenue from the project in accordance with the bond proceeding.

4428 Section 114. Section **17D-2-504** is enacted to read:

4429 **17D-2-504. Local building authority bonds payable solely from lease payments.**

4430 (1) Except to the extent that they are secured as provided in Section 17D-2-505, bonds
4431 issued by a local building authority and interest on the bonds are payable solely from payments
4432 received under a lease agreement with the creating local entity with respect to the project that
4433 was financed with the bond proceeds.

4434 (2) Each bond issued by a local building authority shall recite on its face that the bond
4435 is payable as provided in Subsection (1).

4436 Section 115. Section **17D-2-505** is enacted to read:

4437 **17D-2-505. Security for local building authority bonds.**

4438 (1) The principal of and interest on bonds that a local building authority issues under
4439 this part:

4440 (a) shall be secured by a pledge and assignment of the revenue that the local building
4441 authority receives under its lease agreement with respect to the project that was financed with
4442 the bond proceeds;

4443 (b) may be secured by:

4444 (i) a mortgage covering some or all of the project;

4445 (ii) a pledge and assignment of the lease agreement for that project;

4446 (iii) money held in a reserve fund; and

4447 (iv) any other security device with respect to the project that the local building
4448 authority considers most advantageous.

4449 (2) A proceeding under which a mortgage is given to secure the bonds of a local
4450 building authority may contain any agreement or provision listed in Section 17D-2-503 that
4451 could be contained in a proceeding under which a local building authority is authorized to issue
4452 bonds under this part.

4453 (3) A mortgage to secure bonds issued by a local building authority under this part may
4454 provide that:

4455 (a) upon default in its payment or the violation of any covenant or agreement contained
4456 in the mortgage, the mortgage may be foreclosed in the manner permitted by law; and

4457 (b) the trustee or holder of any bond secured by the mortgage may become the
4458 purchaser at a foreclosure sale, if the trustee or holder is the highest bidder.

4459 Section 116. Section **17D-2-506** is enacted to read:

4460 **17D-2-506. Other entities not responsible for local building authority bonds or**
4461 **breach of mortgage and other obligations.**

4462 (1) Nothing in this part may be construed to require:

4463 (a) the state or any political subdivision of the state to pay a bond issued under this
4464 part;

4465 (b) the state or, except the creating local entity, any political subdivision of the state to
4466 pay any rent or lease payment due to a local building authority under the terms of a lease
4467 agreement; or

4468 (c) the creating local entity to appropriate money to pay:

4469 (i) principal of or interest on bonds issued by a local building authority; or

4470 (ii) the lease payments under a lease agreement with the local building authority.

4471 (2) A breach of a mortgage or a covenant or agreement in a mortgage may not impose a
4472 general obligation or liability upon or a charge against:

4473 (a) the creating local entity;

4474 (b) the general credit or taxing power of the state or any political subdivision of the
4475 state.

4476 Section 117. Section **17D-2-507** is enacted to read:

4477 **17D-2-507. Required provision in device securing payment of bonds.**

4478 Each mortgage, trust deed, security agreement, trust indenture, or other security device
4479 securing payment of bonds issued under this part shall provide that no deficiency judgment
4480 upon foreclosure may be entered against:

4481 (1) the local building authority;

4482 (2) the state; or

4483 (3) any political subdivision of the state.

4484 Section 118. Section **17D-2-601** is enacted to read:

4485 **Part 6. Contesting a Resolution or Proceeding**

4486 **17D-2-601. Publishing notice of local entity or local building authority resolution**
4487 **or other proceeding.**

4488 (1) The governing body of a local entity or the authority board of a local building
4489 authority may provide for the publication of a resolution or other proceeding adopted under this

4490 chapter by the governing body or authority board, respectively, in a newspaper of general
4491 circulation in the local entity.

4492 (2) (a) If the resolution or other proceeding provides for the local building authority's
4493 issuance of bonds, the authority board may, in lieu of publishing the entire resolution or other
4494 proceeding, publish a notice of the bonds to be issued.

4495 (b) Each notice under Subsection (2)(a) shall comply with the requirements of
4496 Subsection 11-14-316(2).

4497 (c) The authority board of a local building authority publishing a notice under
4498 Subsection (2)(a) shall make a copy of the resolution or other proceeding authorizing the
4499 issuance of the local building authority bonds available for public inspection during regular
4500 business hours at the office of the local building authority for a period of at least 30 days after
4501 publication of the notice.

4502 Section 119. Section **17D-2-602** is enacted to read:

4503 **17D-2-602. Contesting the legality of a resolution or other proceeding -- No cause**
4504 **of action after contest period.**

4505 (1) For a period of 30 days after publication of a resolution or other proceeding under
4506 Subsection 17D-1-601(1) or a notice under Section 17D-1-601(2), any person in interest may
4507 file an action in district court contesting the regularity, formality, or legality of:

4508 (a) a resolution or other proceeding;

4509 (b) any bonds or a lease agreement authorized by a resolution or other proceeding; or

4510 (c) any provision made for the security or payment of local building authority bonds or
4511 lease agreement.

4512 (2) After the period referred to in Subsection (1), no one may have a cause of action to
4513 contest for any reason the regularity, formality, or legality of any of the matters listed in
4514 Subsection (1).

4515 Section 120. Section **17D-2-701** is enacted to read:

4516 **Part 7. Dissolution of Local Building Authority**

4517 **17D-2-701. Local entity governing body may dissolve local building authority --**
4518 **Limitation.**

4519 (1) Subject to Subsection (2), the governing body of the creating local entity may at any
4520 time dissolve a local building authority created by the creating local entity, by following the

4521 procedures in Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for the
4522 dissolution of a nonprofit corporation.

4523 (2) A creating local entity's governing body may not dissolve a local building authority
4524 unless:

4525 (a) (i) the principal, interest, and any redemption premium on all outstanding bonds of
4526 the local building authority are paid in full; and

4527 (ii) all other obligations of the local building authority are paid in full; or

4528 (b) the local building authority has made provision for the payment when due of all
4529 bond and other obligations described in Subsection (2)(a).

4530 Section 121. Section **17D-2-702** is enacted to read:

4531 **17D-2-702. Effect of dissolution.**

4532 Upon the dissolution of a local building authority:

4533 (1) title to all of the local building authority's projects vest in the creating local entity;

4534 and

4535 (2) all assets and net earnings of the local building authority remaining after the
4536 payment or providing for the payment of all local building authority bonds and other
4537 obligations shall be transferred to the creating local entity.

4538 Section 122. Section **17D-3-101** is enacted to read:

4539 **CHAPTER 3. CONSERVATION DISTRICT ACT**

4540 **Part 1. General Provisions**

4541 **17D-3-101. Title.**

4542 This chapter is known as the "Conservation District Act."

4543 Section 123. Section **17D-3-102**, which is renumbered from Section 17A-3-800 is
4544 renumbered and amended to read:

4545 ~~**17A-3-800.**~~ **17D-3-102. Definitions.**

4546 As used in this chapter:

4547 (1) "Commission" means the Conservation Commission created ~~[by]~~ under Section
4548 4-18-4.

4549 (2) "Conservation district" means a limited purpose local government entity, as
4550 described in Section 17D-3-103, that operates under, is subject to, and has the powers set forth
4551 in this chapter.

4552 ~~[(2)]~~ (3) "Department" means the Department of Agriculture and Food created ~~[in]~~
4553 under Section 4-2-1.

4554 ~~[(3) "District" means a conservation district created under this chapter.]~~

4555 Section 124. Section **17D-3-103** is enacted to read:

4556 **17D-3-103. Conservation district status, authority, and duties.**

4557 (1) A conservation district created under this chapter:

4558 (a) is a body corporate and politic;

4559 (b) is a political subdivision of the state; and

4560 (c) may sue and be sued.

4561 (2) (a) A conservation district may:

4562 (i) survey, investigate, and research soil erosion, flood water, nonpoint source water
4563 pollution, flood control, water pollution, sediment damage, and watershed development;

4564 (ii) subject to Subsection (2)(b), devise and implement on state or private land a
4565 measure to prevent soil erosion, floodwater or sediment damage, nonpoint source water

4566 pollution, or other degradation of a watershed or of property affecting a watershed;

4567 (iii) subject to Subsection (2)(b), devise and implement a measure to conserve,
4568 develop, utilize, or dispose of water on state or private land;

4569 (iv) construct, improve, operate, and maintain a structure that the board of supervisors
4570 considers necessary or convenient for the conservation district to carry out its purposes under
4571 this chapter;

4572 (v) acquire property, real or personal, by purchase or otherwise, and maintain, improve,
4573 and administer that property consistent with the purposes of this chapter;

4574 (vi) enter into a contract in the name of the conservation district;

4575 (vii) receive money from:

4576 (A) a federal or state agency;

4577 (B) a county, municipality, or other political subdivision of the state; or

4578 (C) a private source;

4579 (viii) subject to Subsection (2)(c), make recommendations governing land use within
4580 the conservation district, including:

4581 (A) the observance of particular methods of cultivation;

4582 (B) the use of specific crop programs and tillage practices;

4583 (C) the avoidance of tilling and cultivating highly erosive areas where erosion may not
4584 be adequately controlled if cultivated;

4585 (D) the construction of terraces, terrace outlets, check dams, dikes, ponds, or other
4586 structures; and

4587 (E) the development or restoration, or both, of range or forest lands or other natural
4588 resources, whether in private, state, or federal ownership;

4589 (ix) make recommendations for county and municipal land use authorities within the
4590 conservation district to consider with respect to land use applications and other development
4591 proposals;

4592 (x) employ clerical and other staff personnel, including legal staff, subject to available
4593 funds; and

4594 (xi) perform any other act that the board of supervisors considers necessary or
4595 convenient for the efficient and effective administration of the conservation district.

4596 (b) A conservation district's authority under Subsections (2)(a)(ii) and (iii) is subject to
4597 the consent of:

4598 (i) the land occupier; and

4599 (ii) in the case of school and institutional trust lands, as defined in Section 53C-1-103,
4600 the director of the School and Institutional Trust Lands Administration, in accordance with
4601 Sections 53C-1-102 and 53C-1-303.

4602 (c) (i) Each recommendation under Subsection (2)(a)(viii) shall be uniform throughout
4603 the conservation district or, if the board of supervisors classifies land under Subsection
4604 (2)(c)(ii), throughout each land classification.

4605 (ii) The board of supervisors may uniformly classify land within the conservation
4606 district with respect to soil type, degree of slope, degree of threatened or existing erosion,
4607 cropping and tillage practices in use, or other relevant factors.

4608 (3) (a) Each conservation district shall annually submit to the commission, no later
4609 than the date that the commission prescribes:

4610 (i) a copy of the minutes of each conservation district meeting;

4611 (ii) a copy of the conservation district's annual work plan; and

4612 (iii) an accounting of the conservation district's financial affairs, as provided in
4613 Subsection (3)(b).

4614 (b) The accounting required under Subsection (3)(a)(iii) shall:
4615 (i) be prepared by a disinterested person; and
4616 (ii) show the conservation district's debits and credits, including accounts payable and
4617 accounts receivable, the purpose of each debit, the source of each credit, and the actual cash
4618 balance on hand.

4619 Section 125. Section **17D-3-104** is enacted to read:

4620 **17D-3-104. District court jurisdiction.**

4621 The district court in which a conservation district is located has jurisdiction to decide
4622 all cases and controversies involving the construction, application, or enforcement of land use
4623 ordinances within the conservation district.

4624 Section 126. Section **17D-3-201** is enacted to read:

4625 **Part 2. Creation, Consolidation, Division, and Dissolution of Conservation Districts**

4626 **17D-3-201. Commission authority to approve the creation, consolidation, division,**
4627 **and dissolution of conservation districts -- Notice and hearing requirements.**

4628 (1) As provided in this part, the commission may:

4629 (a) pursuant to a petition under Section 17D-3-202, approve the creation of a
4630 conservation district; or

4631 (b) pursuant to a petition under Section 17D-3-202 or on its own motion, approve:

4632 (i) the consolidation of two or more existing conservation districts;

4633 (ii) the division of an existing conservation district into two or more conservation
4634 districts; or

4635 (iii) the dissolution of an existing conservation district.

4636 (2) Before taking an action authorized under Subsection (1), the commission shall:

4637 (a) cause notice of a hearing on the proposed creation, consolidation, division, or
4638 dissolution to be published:

4639 (i) no more than 30 days after, as the case may be:

4640 (A) the filing of a petition under Section 17D-3-202, for a proposed creation,
4641 consolidation, division, or dissolution; or

4642 (B) adoption of the commission's own motion, for a proposed consolidation, division,
4643 or dissolution; and

4644 (ii) within:

- 4645 (A) for a proposed creation, the area of the proposed conservation district;
- 4646 (B) for a proposed consolidation, the area of each conservation district proposed to be
- 4647 consolidated; and
- 4648 (C) for a proposed division or dissolution, within the area of the conservation district
- 4649 proposed to be divided or dissolved; and
- 4650 (b) hold a public hearing on the desirability and necessity of the creation,
- 4651 consolidation, division, or dissolution.

4652 Section 127. Section **17D-3-202** is enacted to read:

4653 **17D-3-202. Petition to create conservation district -- Petition or commission**

4654 **motion to consolidate, divide, or dissolve conservation districts -- Petition requirements.**

4655 (1) A petition to create a conservation district, to consolidate two or more existing

4656 conservation districts, or to divide or dissolve an existing conservation district may be filed by

4657 25 or more land occupiers residing within:

- 4658 (a) for the proposed creation of a conservation district, the area included within the
- 4659 proposed conservation district;
- 4660 (b) for the proposed consolidation of existing conservation districts, the area included
- 4661 within the conservation districts proposed to be consolidated; or
- 4662 (c) for the proposed division or dissolution of an existing conservation district, the area
- 4663 included within the conservation district proposed to be divided or dissolved.

4664 (2) Each petition under Subsection (1) shall be:

- 4665 (a) in the form that the commission prescribes; and
- 4666 (b) filed with the commission.

4667 Section 128. Section **17D-3-203** is enacted to read:

4668 **17D-3-203. Considerations in determining whether to approve conservation**

4669 **district creation, consolidation, division, or dissolution -- Denial or approval --**

4670 **Certification to lieutenant governor -- Prohibition against considering similar creation,**

4671 **consolidation, division, or dissolution if previously denied.**

4672 (1) In determining whether to approve the creation of a conservation district, the

4673 consolidation of existing conservation districts, or the division or dissolution of an existing

4674 conservation district, the commission shall consider:

- 4675 (a) the demonstrated necessity and administrative practicality of the creation,

4676 consolidation, division, or dissolution;

4677 (b) the topography of and soil compositions and prevailing land use practices within
4678 the area of the proposed or existing conservation district or districts;

4679 (c) the hydrologic unit code of the watershed in which the area of the proposed or
4680 existing conservation district or districts is located;

4681 (d) the relationship of the area of the proposed or existing conservation district or
4682 districts to existing watersheds and agricultural regions; and

4683 (e) the sentiment expressed by persons within the area of the proposed or existing
4684 conservation district or districts with respect to the proposed creation, consolidation, division,
4685 or dissolution.

4686 (2) After holding a public hearing as required under Subsection 17D-3-201(2)(b) and
4687 considering the factors listed in Subsection (1), the commission shall:

4688 (a) (i) deny the creation of a conservation district, the consolidation of existing
4689 conservation districts, or the division or dissolution of an existing conservation district, as the
4690 case may be, if the commission determines that creation, consolidation, division, or dissolution
4691 is not necessary or administratively practical; or

4692 (ii) approve the creation of a conservation district, the consolidation of existing
4693 conservation districts, or the division or dissolution of an existing conservation district, as the
4694 case may be, if the commission determines that creation, consolidation, division, or dissolution
4695 is necessary and administratively practical; and

4696 (b) set forth in writing the reasons for the commission's action.

4697 (3) (a) (i) If the commission approves the creation, consolidation, division, or
4698 dissolution, the commission shall certify its action and deliver a copy of the certification to the
4699 lieutenant governor.

4700 (ii) Each certification under Subsection (3)(a)(i) of a creation, consolidation, or
4701 division shall include an accurate legal description of the conservation district or districts as it
4702 or they are proposed to exist as a result of the creation, consolidation, or division.

4703 (b) Upon the lieutenant governor's issuance of the certificate of creation, consolidation,
4704 division, or dissolution under Section 67-1a-6.5, as the case may be, the conservation district is
4705 created and incorporated, consolidated, divided, or dissolved, respectively.

4706 (4) If the commission denies a creation, consolidation, division, or dissolution under

4707 Subsection (2)(a)(i), the commission may not, for six months following the denial, consider a
4708 similar proposal to create, divide, or dissolve the conservation district or to consolidate the
4709 conservation districts, as the case may be.

4710 Section 129. Section **17D-3-204** is enacted to read:

4711 **17D-3-204. Commission action if conservation districts are consolidated, divided,**
4712 **or dissolved.**

4713 (1) If two or more conservation districts are consolidated, the commission shall merge
4714 the assets and liabilities of the conservation districts that have been consolidated into the
4715 conservation district resulting from the consolidation.

4716 (2) If a conservation district is divided, the commission shall equitably divide the
4717 assets and liabilities of the divided conservation district between the conservation districts
4718 resulting from the division.

4719 (3) If a conservation district is dissolved, the commission shall wind up the affairs of
4720 the dissolved conservation district.

4721 Section 130. Section **17D-3-301** is enacted to read:

4722 **Part 3. Conservation District Board of Supervisors**

4723 **17D-3-301. Board of supervisors -- Number -- Term -- Chair and officers --**
4724 **Quorum -- Compensation.**

4725 (1) Each conservation district shall be governed by a board of supervisors.

4726 (2) (a) The board of supervisors of a conservation district consists of five members
4727 elected as provided in this part, at least three of whom shall be private agricultural land
4728 operators.

4729 (b) If the board of supervisors divides the conservation district into watershed voting
4730 areas under Section 17D-3-308, at least one member of the board of supervisors shall reside
4731 within each watershed voting area.

4732 (3) (a) The term of office of each member of a board of supervisors is four years.

4733 (b) Notwithstanding Subsection (3)(a), if multiple conservation districts are
4734 consolidated or a single conservation district divided or dissolved under Part 2, Creation,
4735 Consolidation, Division, and Dissolution of Conservation Districts:

4736 (i) the term of each member of the board of supervisors of the consolidated
4737 conservation districts or the divided or dissolved conservation district terminates immediately

4738 upon consolidation, division, or dissolution; and

4739 (ii) (A) the commission shall hold an election, as provided in this part, for all board of
4740 supervisors members of the consolidated conservation district or divided conservation districts,
4741 as the case may be; and

4742 (B) the term of the two candidates receiving the highest number of votes at an election
4743 under Subsection (3)(b)(ii)(A) shall be four years, and the term of the three candidates
4744 receiving the next highest number of votes shall be two years.

4745 (4) The board of supervisors shall elect a chair from among their number, and may
4746 elect other officers from among their number that the board considers necessary.

4747 (5) A majority of the board of supervisors constitutes a quorum for the transaction of
4748 board business, and action by a majority of a quorum present at a meeting of the board
4749 constitutes action of the board.

4750 (6) For performing official duties, each member of the board of supervisors of a
4751 conservation district shall receive:

4752 (a) compensation for travel and time, as fixed by the commission; and

4753 (b) actual and necessary expenses.

4754 Section 131. Section **17D-3-302** is enacted to read:

4755 **17D-3-302. Board of supervisor members to be elected -- Candidates nominated**
4756 **by nominating committee or petition -- Candidate qualifications.**

4757 (1) As provided in this part, each member of a board of supervisors of a conservation
4758 district shall be elected at large within the conservation district from candidates nominated by:

4759 (a) a nominating committee consisting of:

4760 (i) the chair of the commission or council of the county in which the conservation
4761 district is located;

4762 (ii) the chair of the USDA Farm Service Agency Committee of the county in which the
4763 conservation district is located;

4764 (iii) (A) the chair of the board of supervisors of the conservation district; or

4765 (B) the chair's designee, if the chair wishes to be a candidate for reelection;

4766 (iv) the agricultural extension service designated representative of the county in which
4767 the conservation district is located; or

4768 (b) petition under Section 17D-3-304.

4769 (2) Each candidate for election to the board of supervisors of a conservation district
4770 shall be:

4771 (a) at least 18 years of age; and

4772 (b) a resident within the conservation district.

4773 Section 132. Section **17D-3-303** is enacted to read:

4774 **17D-3-303. Nominating committee nomination of candidates for election to the**
4775 **board of supervisors.**

4776 The nominating committee under Subsection 17D-3-302(1)(a) shall:

4777 (1) nominate for each conservation district election a slate of candidates for election to
4778 the board of supervisors of the conservation district equal in number to at least one more than
4779 the number of board of supervisors members to be elected; and

4780 (2) submit the names of candidates to the commission no later than the date set by the
4781 commission as the close of nominations.

4782 Section 133. Section **17D-3-304** is enacted to read:

4783 **17D-3-304. Petition to nominate candidates for election to the board of**
4784 **supervisors.**

4785 (1) A person may be nominated to be a candidate for election as a member of a board
4786 of supervisors of a conservation district by a petition filed with the commission no later than
4787 the date set by the commission as the close of nominations.

4788 (2) Each petition under Subsection (1) shall:

4789 (a) state:

4790 (i) the candidate's name;

4791 (ii) that the candidate is at least 18 years of age; and

4792 (iii) that the candidate is a resident of the conservation district for which the election is
4793 to be held;

4794 (b) contain the signatures of at least six persons who reside and are registered voters
4795 within the conservation district; and

4796 (c) list the name, address, and voting precinct number of each person who signs the
4797 petition.

4798 Section 134. Section **17D-3-305** is enacted to read:

4799 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**

4800 **the election.**

4801 (1) The commission shall:

4802 (a) set the date of the election of members of the board of supervisors of a conservation
4803 district; and

4804 (b) publish notice of the election in a newspaper or other media outlet method with
4805 general circulation within the conservation district.

4806 (2) The date set for an election under Subsection (1)(a) may not be later than six weeks
4807 after the date set by the commission for the close of nominations.

4808 (3) The notice required under Subsection (1)(b) shall:

4809 (a) state:

4810 (i) the date of the election;

4811 (ii) the names of all candidates; and

4812 (iii) that a ballot request form for the election may be obtained from the commission
4813 office or from any other place that the commission designates; and

4814 (b) specify the address of the commission office or other place where a ballot request
4815 form may be obtained.

4816 Section 135. Section **17D-3-306** is enacted to read:

4817 **17D-3-306. Eligibility to vote in an election for board of supervisors members.**

4818 A person is eligible to vote in an election of members of the board of supervisors of a
4819 conservation district if the person:

4820 (1) (a) is a registered voter; and

4821 (b) resides within the conservation district; or

4822 (2) (a) owns or operates private agricultural land in the conservation district; and

4823 (b) (i) requests a ballot; or

4824 (ii) has voted in one of the last two elections of the conservation district's board of
4825 supervisors members.

4826 Section 136. Section **17D-3-307** is enacted to read:

4827 **17D-3-307. Supervisor's election mailing list.**

4828 (1) The commission and department shall establish and maintain for each conservation
4829 district a supervisor's election mailing list that contains the name and mailing address of each
4830 person eligible to vote in an election of board of supervisors members.

4831 (2) Before each election of board of supervisors members and if requested by the
4832 nominating committee under Subsection 17D-3-302(1), the commission shall deliver a copy of
4833 the supervisor's election mailing list to the nominating committee for the committee's review
4834 and approval.

4835 Section 137. Section **17D-3-308** is enacted to read:

4836 **17D-3-308. Watershed voting areas.**

4837 The board of supervisors of a conservation district may divide the conservation district
4838 into no more than three watershed voting areas.

4839 Section 138. Section **17D-3-309** is enacted to read:

4840 **17D-3-309. Election of board of supervisors members -- Ballots -- Commission**
4841 **duties regarding elections -- Election expenses.**

4842 (1) The commission and department shall conduct by mail each election of members of
4843 the board of supervisors of a conservation district.

4844 (2) (a) No later than five days before the date set for the election of board of
4845 supervisors members, the commission shall mail a ballot to each person listed on the
4846 supervisor's election mailing list under Section 17D-3-307.

4847 (b) Each ballot shall:

4848 (i) contain:

4849 (A) the names of all nominees for board of supervisors members, listed in alphabetical
4850 order according to last name;

4851 (B) a place for the voter to indicate the person or persons for whom the voter is voting;
4852 and

4853 (C) instructions to the voter on how to mark the ballot to indicate the voter's vote; and

4854 (ii) specify the date after which the ballot will not be accepted for purposes of the
4855 election.

4856 (3) The candidates equal in number to the number of board of supervisors positions
4857 available and receiving the highest number of votes are elected as members of the board of
4858 supervisors and take office on the date set by the commission for their terms to begin.

4859 (4) The commission shall:

4860 (a) determine all questions of voter eligibility;

4861 (b) certify the count and tally of ballots and votes cast; and

4862 (c) declare and certify each board of supervisors member elected.

4863 (5) The department shall pay all expenses incident to an election of board of
4864 supervisors members.

4865 Section 139. Section **17D-3-310** is enacted to read:

4866 **17D-3-310. Vacancies in the board of supervisors.**

4867 If a vacancy occurs in the office of board of supervisors member, the remaining
4868 members of the board of supervisors shall appoint a person to fill the vacancy, to serve the
4869 remainder of the unexpired term of the member creating the vacancy.

4870 Section 140. Section **19-3-301** is amended to read:

4871 **19-3-301. Restrictions on nuclear waste placement in state.**

4872 (1) The placement, including transfer, storage, decay in storage, treatment, or disposal,
4873 within the exterior boundaries of Utah of high-level nuclear waste or greater than class C
4874 radioactive waste is prohibited.

4875 (2) Notwithstanding Subsection (1) the governor, after consultation with the county
4876 executive and county legislative body of the affected county and with concurrence of the
4877 Legislature, may specifically approve the placement as provided in this part, but only if:

4878 (a) (i) the federal Nuclear Regulatory Commission issues a license, pursuant to the
4879 Nuclear Waste Policy Act, 42 U.S.C.A. 10101 et seq., or the Atomic Energy Act, 42 U.S.C.A.
4880 2011 et seq., for the placement within the exterior boundaries of Utah of high-level nuclear
4881 waste or greater than class C radioactive waste; and

4882 (ii) the authority of the federal Nuclear Regulatory Commission to grant a license
4883 under Subsection (2)(a)(i) is clearly upheld by a final judgment of a court of competent
4884 jurisdiction; or

4885 (b) an agency of the federal government is transporting the waste, and all state and
4886 federal requirements to proceed with the transportation have been met.

4887 (3) The requirement for the approval of a final court of competent jurisdiction shall be
4888 met in all of the following categories, in order for a state license proceeding regarding waste to
4889 begin:

4890 (a) transfer or transportation, by rail, truck, or other mechanisms;

4891 (b) storage, including any temporary storage at a site away from the generating reactor;

4892 (c) decay in storage;

4893 (d) treatment; and

4894 (e) disposal.

4895 (4) (a) Upon satisfaction of the requirements of Subsection (2)(a), for each category
4896 listed in Subsection (3), or satisfaction of the requirements under Subsection (2)(b), the
4897 governor, with the concurrence of the attorney general, shall certify in writing to the executive
4898 director of the Department of Environmental Quality that all of the requirements have been
4899 met, and that any necessary state licensing processes may begin.

4900 (b) Separate certification under this Subsection (4) shall be given for each category in
4901 Subsection (3).

4902 (5) (a) The department shall make, by rule, a determination of the dollar amount of the
4903 health and economic costs expected to result from a reasonably foreseeable accidental release
4904 of waste involving a transfer facility or storage facility, or during transportation of waste,
4905 within the exterior boundaries of the state. The department may initiate rulemaking under this
4906 Subsection (5)(a) on or after March 15, 2001.

4907 (b) (i) The department shall also determine the dollar amount currently available to
4908 cover the costs as determined in Subsection (5)(a):

4909 (A) under nuclear industry self-insurance;

4910 (B) under federal insurance requirements; and

4911 (C) in federal monies.

4912 (ii) The department may not include any calculations of federal monies that may be
4913 appropriated in the future in determining the amount under Subsection (5)(b)(i).

4914 (c) The department shall use the information compiled under Subsections (5)(a) and (b)
4915 to determine the amount of unfunded potential liability in the event of a release of waste from a
4916 storage or transfer facility, or a release during the transportation of waste.

4917 (6) (a) State agencies may not, for the purpose of providing any goods, services, or
4918 municipal-type services to a storage facility or transfer facility, or to any organization engaged
4919 in the transportation of waste, enter into any contracts or any other agreements prior to:

4920 (i) the satisfaction of the conditions in Subsection (4); and

4921 (ii) the executive director of the department having certified that the requirements of
4922 Sections 19-3-304 through 19-3-308 have been met for the purposes of a license application
4923 proceeding for a storage facility or transfer facility.

4924 (b) Political subdivisions of the state may not enter into any contracts or any other
4925 agreements for the purpose of providing any goods, services, or municipal-type services to a
4926 storage facility or transfer facility, or to any organization engaged in the transportation of
4927 waste.

4928 (c) This Subsection (6) does not prohibit a state agency from exercising the regulatory
4929 authority granted to it by law.

4930 (7) (a) Notwithstanding any other provision of law, any political subdivision may not
4931 be formed pursuant to the laws of Utah for the purpose of providing any goods, services, or
4932 municipal-type services to a storage facility or transfer facility prior to the satisfaction of the
4933 conditions in Subsection (4). These political subdivisions include:

4934 (i) a cooperative;

4935 (ii) a local district authorized by Title 17B, Limited Purpose Local Government
4936 Entities - Local Districts;

4937 (iii) a special service district under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1,
4938 Special Service District Act;

4939 (iv) a limited purpose local governmental entities authorized by Title 17, Counties;

4940 (v) any joint power agreement authorized by Title 11, Cities, Counties, and Local
4941 Taxing Units; and

4942 (vi) the formation of a municipality, or any authority of a municipality authorized by
4943 Title 10, Utah Municipal Code.

4944 (b) (i) Subsection (7)(a) shall be strictly interpreted. Any political subdivision
4945 authorized and formed under the laws of the state on or after March 15, 2001 which
4946 subsequently contracts to, or in any manner agrees to provide, or does provide goods, services,
4947 or municipal-type services to a storage facility or transfer facility is formed in violation of
4948 Subsection (7)(a).

4949 (ii) If the conditions of Subsection (7)(b)(i) apply, the persons who formed the political
4950 subdivision are considered to have knowingly violated a provision of this part, and the
4951 penalties of Section 19-3-312 apply.

4952 (8) (a) An organization may not be formed for the purpose of providing any goods,
4953 services, or municipal-type services to a storage facility or transfer facility prior to:

4954 (i) the satisfaction of the conditions in Subsection (4); and

4955 (ii) the executive director of the department having certified that the requirements of
4956 Sections 19-3-304 through 19-3-308 have been met.

4957 (b) A foreign organization may not be registered to do business in the state for the
4958 purpose of providing any goods, services, or municipal-type services to a storage facility or
4959 transfer facility prior to:

4960 (i) the satisfaction of the conditions in Subsection (4); and

4961 (ii) the executive director of the department having certified that the requirements of
4962 Sections 19-3-304 through 19-3-308 have been met.

4963 (c) The prohibitions of Subsections (8)(a) and (b) shall be strictly applied, and:

4964 (i) the formation of a new organization or registration of a foreign organization within
4965 the state, any of whose purposes are to provide goods, services, or municipal-type services to a
4966 storage facility or transfer facility may not be licensed or registered in the state, and the local or
4967 foreign organization is void and does not have authority to operate within the state;

4968 (ii) any organization which is formed or registered on or after March 15, 2001, and
4969 which subsequently contracts to, or in any manner agrees to provide, or does provide goods,
4970 services, or municipal-type services to a storage facility or transfer facility has been formed or
4971 registered in violation of Subsection (8)(a) or (b) respectively; and

4972 (iii) if the conditions of Subsection (8)(c)(ii) apply, the persons who formed the
4973 organization or the principals of the foreign organization, are considered to have knowingly
4974 violated a provision of this part, and are subject to the penalties in Section 19-3-312.

4975 (9) (a) (i) Any contract or agreement to provide any goods, services, or municipal-type
4976 services to any organization engaging in, or attempting to engage in the placement of high-level
4977 nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility
4978 within the state are declared to be against the greater public interest, health, and welfare of the
4979 state, by promoting an activity which has the great potential to cause extreme public harm.

4980 (ii) These contracts or agreements under Subsection (9)(a)(i), whether formal or
4981 informal, are declared to be void from inception, agreement, or execution as against public
4982 policy.

4983 (b) (i) Any contract or other agreement to provide goods, services, or municipal-type
4984 services to storage or transfer facilities may not be executed within the state.

4985 (ii) Any contract or other agreement, existing or executed on or after March 15, 2001,

4986 is considered void from the time of agreement or execution.

4987 (10) (a) All contracts and agreements under Subsection (10)(b) are assessed an annual
4988 transaction fee of 75% of the gross value of the contract to the party providing the goods,
4989 services, or municipal-type services to the storage facility or transfer facility or transportation
4990 entity. The fee shall be assessed per calendar year, and is payable on a prorated basis on or
4991 before the last day of each month in accordance with rules established under Subsection
4992 (10)(d), and as follows:

4993 (i) 25% of the gross value of the contract to the department; and

4994 (ii) 50% of the gross value of the contract to the Department of Community and
4995 Culture, to be used by the Utah Division of Indian Affairs as provided in Subsection (11).

4996 (b) Contracts and agreements subject to the fee under Subsection (10)(a) are those
4997 contracts and agreements to provide goods, services, or municipal-type services to a storage or
4998 transfer facility, or to any organization engaged in the transportation of high-level nuclear
4999 waste or greater than class C radioactive waste to a transfer facility or storage facility, and
5000 which:

5001 (i) are in existence on March 15, 2001; or

5002 (ii) become effective notwithstanding Subsection (9)(a).

5003 (c) Any governmental agency which regulates the charges to consumers for services
5004 provided by utilities or other organizations shall require the regulated utility or organization to
5005 include the fees under Subsection (10)(a) in the rates charged to the purchaser of the goods,
5006 services, or municipal-type services affected by Subsection (10)(b).

5007 (d) (i) The department, in consultation with the State Tax Commission, shall establish
5008 rules for the valuation of the contracts and assessment and collection of the fees, and other
5009 rules as necessary to determine the amount of and collection of the fee under Subsection
5010 (10)(a). The department may initiate rulemaking under this Subsection (10)(d)(i) on or after
5011 March 15, 2001.

5012 (ii) Persons and organizations holding contracts affected by Subsection (10)(b) shall
5013 make a good faith estimate of the fee under Subsection (10)(a) for calendar year 2001, and
5014 remit that amount to the department on or before July 31, 2001.

5015 (11) (a) The portion of the fees imposed under Subsection (10) which is to be paid to
5016 the Department of Community and Culture for use by the Utah Division of Indian Affairs shall

5017 be used for establishment of a statewide community and economic development program for
5018 the tribes of Native American people within the exterior boundaries of the state who have by
5019 tribal procedure established a position rejecting siting of any nuclear waste facility on their
5020 reservation lands.

5021 (b) The program under Subsection (11)(a) shall include:

5022 (i) educational services and facilities;

5023 (ii) health care services and facilities;

5024 (iii) programs of economic development;

5025 (iv) utilities;

5026 (v) sewer;

5027 (vi) street lighting;

5028 (vii) roads and other infrastructure; and

5029 (viii) oversight and staff support for the program.

5030 (12) It is the intent of the Legislature that this part does not prohibit or interfere with a
5031 person's exercise of the rights under the First Amendment to the Constitution of the United
5032 States or under Utah Constitution Article I, Sec. 15, by an organization attempting to site a
5033 storage facility or transfer facility within the borders of the state for the placement of high-level
5034 nuclear waste or greater than class C radioactive waste.

5035 Section 141. Section **19-6-502** is amended to read:

5036 **19-6-502. Definitions.**

5037 As used in this part:

5038 (1) "Governing body" means the governing board, commission, or council of a public
5039 entity.

5040 (2) "Jurisdiction" means the area within the incorporated limits of a municipality,
5041 special service district, municipal-type service district, service area, or all of the territorial area
5042 of a county not lying within a city or town.

5043 (3) "Long-term agreement" means an agreement or contract having a term of more than
5044 five years and less than 50 years.

5045 (4) "Public entity" means a county, municipality, special service district under Title
5046 ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, or service area under
5047 Title 17B, Chapter 2a, Part 9, Service Area Act and a municipal-type service district created

5048 under Title 17, Chapter 34, Municipal-type Services to Unincorporated Areas.

5049 (5) "Resource recovery" means the separation, extraction, recycling, or recovery of
5050 usable materials, energy, fuel, or heat from solid waste and the disposition of it.

5051 (6) "Short-term agreement" means any contract or agreement having a term of five
5052 years or less.

5053 (7) "Solid waste" means all putrescible and nonputrescible materials or substances
5054 discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the
5055 time of discard or rejection, including garbage, refuse, industrial and commercial waste,
5056 sludges from air or water control facilities, rubbish, ashes, contained gaseous material,
5057 incinerator residue, demolition, and construction debris, discarded automobiles and offal, but
5058 not including sewage and other highly diluted water carried materials or substances and those
5059 in gaseous form.

5060 (8) "Solid waste management" means the purposeful and systematic collection,
5061 transportation, storage, processing, recovery, and disposal of solid waste.

5062 (9) "Solid waste management facility" means any facility employed for solid waste
5063 management, including transfer stations, transport systems, baling facilities, landfills,
5064 processing systems, including resource recovery facilities or other facilities for reducing solid
5065 waste volume, plants and facilities for compacting, composting, or pyrolyzation of solid wastes,
5066 incinerators and other solid waste disposal, reduction, or conversion facilities, and facilities for
5067 resource recovery of energy consisting of:

5068 (a) facilities for the production, transmission, distribution, and sale of heat and steam;
5069 and

5070 (b) facilities for the generation and sale of electric energy to a public utility or
5071 municipality or other public entity which owns and operates an electric power system on March
5072 15, 1982, and for the generation, sale, and transmission of electric energy on an emergency
5073 basis only to a military installation of the United States; provided, that solid waste management
5074 facilities are not a public utility as defined in Section 54-2-1.

5075 Section 142. Section **20A-1-102** is amended to read:

5076 **20A-1-102. Definitions.**

5077 As used in this title:

5078 (1) "Active voter" means a registered voter who has not been classified as an inactive

5079 voter by the county clerk.

5080 (2) "Automatic tabulating equipment" means apparatus that automatically examines
5081 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

5082 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
5083 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
5084 secrecy envelopes.

5085 (4) "Ballot sheet":

5086 (a) means a ballot that:

5087 (i) consists of paper or a card where the voter's votes are marked or recorded; and

5088 (ii) can be counted using automatic tabulating equipment; and

5089 (b) includes punch card ballots, and other ballots that are machine-countable.

5090 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
5091 contain the names of offices and candidates and statements of ballot propositions to be voted
5092 on and which are used in conjunction with ballot sheets that do not display that information.

5093 (6) "Ballot proposition" means opinion questions specifically authorized by the
5094 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
5095 that are submitted to the voters for their approval or rejection.

5096 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
5097 20A-4-306 to canvass election returns.

5098 (8) "Bond election" means an election held for the purpose of approving or rejecting
5099 the proposed issuance of bonds by a government entity.

5100 (9) "Book voter registration form" means voter registration forms contained in a bound
5101 book that are used by election officers and registration agents to register persons to vote.

5102 (10) "By-mail voter registration form" means a voter registration form designed to be
5103 completed by the voter and mailed to the election officer.

5104 (11) "Canvass" means the review of election returns and the official declaration of
5105 election results by the board of canvassers.

5106 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
5107 the canvass.

5108 (13) "Convention" means the political party convention at which party officers and
5109 delegates are selected.

5110 (14) "Counting center" means one or more locations selected by the election officer in
5111 charge of the election for the automatic counting of ballots.

5112 (15) "Counting judge" means a poll worker designated to count the ballots during
5113 election day.

5114 (16) "Counting poll watcher" means a person selected as provided in Section
5115 20A-3-201 to witness the counting of ballots.

5116 (17) "Counting room" means a suitable and convenient private place or room,
5117 immediately adjoining the place where the election is being held, for use by the poll workers
5118 and counting judges to count ballots during election day.

5119 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

5120 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

5121 (20) "County officers" means those county officers that are required by law to be
5122 elected.

5123 (21) "Election" means a regular general election, a municipal general election, a
5124 statewide special election, a local special election, a regular primary election, a municipal
5125 primary election, and a local district election.

5126 (22) "Election Assistance Commission" means the commission established by Public
5127 Law 107-252, the Help America Vote Act of 2002.

5128 (23) "Election cycle" means the period beginning on the first day persons are eligible to
5129 file declarations of candidacy and ending when the canvass is completed.

5130 (24) "Election judge" means a poll worker that is assigned to:

5131 (a) preside over other poll workers at a polling place;

5132 (b) act as the presiding election judge; or

5133 (c) serve as a canvassing judge, counting judge, or receiving judge.

5134 (25) "Election officer" means:

5135 (a) the lieutenant governor, for all statewide ballots;

5136 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
5137 as provided in Section 20A-5-400.5;

5138 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
5139 provided in Section 20A-5-400.5;

5140 (d) the local district clerk or chief executive officer for certain ballots and elections as

5141 provided in Section 20A-5-400.5; and

5142 (e) the business administrator or superintendent of a school district for certain ballots
5143 or elections as provided in Section 20A-5-400.5.

5144 (26) "Election official" means any election officer, election judge, or poll worker.

5145 (27) "Election results" means, for bond elections, the count of those votes cast for and
5146 against the bond proposition plus any or all of the election returns that the board of canvassers
5147 may request.

5148 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
5149 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
5150 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
5151 spoiled ballots, the ballot disposition form, and the total votes cast form.

5152 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
5153 device or other voting device that records and stores ballot information by electronic means.

5154 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

5155 (b) "Electronic voting device" includes a direct recording electronic voting device.

5156 (31) "Inactive voter" means a registered voter who has been sent the notice required by
5157 Section 20A-2-306 and who has failed to respond to that notice.

5158 (32) "Inspecting poll watcher" means a person selected as provided in this title to
5159 witness the receipt and safe deposit of voted and counted ballots.

5160 (33) "Judicial office" means the office filled by any judicial officer.

5161 (34) "Judicial officer" means any justice or judge of a court of record or any county
5162 court judge.

5163 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
5164 Local Government Entities - Local Districts, and includes a special service district under Title
5165 ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act.

5166 (36) "Local district officers" means those local district officers that are required by law
5167 to be elected.

5168 (37) "Local election" means a regular municipal election, a local special election, a
5169 local district election, and a bond election.

5170 (38) "Local political subdivision" means a county, a municipality, a local district, or a
5171 local school district.

5172 (39) "Local special election" means a special election called by the governing body of a
5173 local political subdivision in which all registered voters of the local political subdivision may
5174 vote.

5175 (40) "Municipal executive" means:

5176 (a) the city council or town council in the traditional management arrangement
5177 established by Title 10, Chapter 3, Part 1, Governing Body;

5178 (b) the mayor in the council-mayor optional form of government defined in Section
5179 10-3-101; and

5180 (c) the manager in the council-manager optional form of government defined in
5181 Section 10-3-101.

5182 (41) "Municipal general election" means the election held in municipalities and local
5183 districts on the first Tuesday after the first Monday in November of each odd-numbered year
5184 for the purposes established in Section 20A-1-202.

5185 (42) "Municipal legislative body" means:

5186 (a) the city council or town council in the traditional management arrangement
5187 established by Title 10, Chapter 3, Part 1, Governing Body;

5188 (b) the municipal council in the council-mayor optional form of government defined in
5189 Section 10-3-101; and

5190 (c) the municipal council in the council-manager optional form of government defined
5191 in Section 10-3-101.

5192 (43) "Municipal officers" means those municipal officers that are required by law to be
5193 elected.

5194 (44) "Municipal primary election" means an election held to nominate candidates for
5195 municipal office.

5196 (45) "Official ballot" means the ballots distributed by the election officer to the poll
5197 workers to be given to voters to record their votes.

5198 (46) "Official endorsement" means:

5199 (a) the information on the ballot that identifies:

5200 (i) the ballot as an official ballot;

5201 (ii) the date of the election; and

5202 (iii) the facsimile signature of the election officer; and

- 5203 (b) the information on the ballot stub that identifies:
- 5204 (i) the poll worker's initials; and
- 5205 (ii) the ballot number.
- 5206 (47) "Official register" means the official record furnished to election officials by the
- 5207 election officer that contains the information required by Section 20A-5-401.
- 5208 (48) "Paper ballot" means a paper that contains:
- 5209 (a) the names of offices and candidates and statements of ballot propositions to be
- 5210 voted on; and
- 5211 (b) spaces for the voter to record his vote for each office and for or against each ballot
- 5212 proposition.
- 5213 (49) "Political party" means an organization of registered voters that has qualified to
- 5214 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
- 5215 Formation and Procedures.
- 5216 (50) (a) "Poll worker" means a person assigned by an election official to assist with an
- 5217 election, voting, or counting votes.
- 5218 (b) "Poll worker" includes election judges.
- 5219 (c) "Poll worker" does not include a watcher.
- 5220 (51) "Pollbook" means a record of the names of voters in the order that they appear to
- 5221 cast votes.
- 5222 (52) "Polling place" means the building where voting is conducted.
- 5223 (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 5224 in which the voter marks his choice.
- 5225 (54) "Provisional ballot" means a ballot voted provisionally by a person:
- 5226 (a) whose name is not listed on the official register at the polling place;
- 5227 (b) whose legal right to vote is challenged as provided in this title; or
- 5228 (c) whose identity was not sufficiently established by a poll worker.
- 5229 (55) "Provisional ballot envelope" means an envelope printed in the form required by
- 5230 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
- 5231 verify a person's legal right to vote.
- 5232 (56) "Primary convention" means the political party conventions at which nominees for
- 5233 the regular primary election are selected.

5234 (57) "Protective counter" means a separate counter, which cannot be reset, that is built
5235 into a voting machine and records the total number of movements of the operating lever.

5236 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
5237 duties of the position for which the person was elected.

5238 (59) "Receiving judge" means the poll worker that checks the voter's name in the
5239 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
5240 after the voter has voted.

5241 (60) "Registration form" means a book voter registration form and a by-mail voter
5242 registration form.

5243 (61) "Regular ballot" means a ballot that is not a provisional ballot.

5244 (62) "Regular general election" means the election held throughout the state on the first
5245 Tuesday after the first Monday in November of each even-numbered year for the purposes
5246 established in Section 20A-1-201.

5247 (63) "Regular primary election" means the election on the fourth Tuesday of June of
5248 each even-numbered year, at which candidates of political parties and nonpolitical groups are
5249 voted for nomination.

5250 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

5251 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed
5252 and distributed as provided in Section 20A-5-405.

5253 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or
5254 punch the ballot for one or more candidates who are members of different political parties.

5255 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
5256 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
5257 voter's vote.

5258 (68) "Special election" means an election held as authorized by Section 20A-1-204.

5259 (69) "Spoiled ballot" means each ballot that:

5260 (a) is spoiled by the voter;

5261 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

5262 (c) lacks the official endorsement.

5263 (70) "Statewide special election" means a special election called by the governor or the
5264 Legislature in which all registered voters in Utah may vote.

5265 (71) "Stub" means the detachable part of each ballot.

5266 (72) "Substitute ballots" means replacement ballots provided by an election officer to
5267 the poll workers when the official ballots are lost or stolen.

5268 (73) "Ticket" means each list of candidates for each political party or for each group of
5269 petitioners.

5270 (74) "Transfer case" means the sealed box used to transport voted ballots to the
5271 counting center.

5272 (75) "Vacancy" means the absence of a person to serve in any position created by
5273 statute, whether that absence occurs because of death, disability, disqualification, resignation,
5274 or other cause.

5275 (76) "Valid voter identification" means:

5276 (a) a form of identification that bears the name and photograph of the voter which may
5277 include:

5278 (i) a currently valid Utah driver license;

5279 (ii) a currently valid identification card that is issued by:

5280 (A) the state;

5281 (B) a local government within the state; or

5282 (C) a branch, department, or agency of the United States;

5283 (iii) an identification card that is issued by an employer for an employee;

5284 (iv) a currently valid identification card that is issued by a college, university, technical
5285 school, or professional school that is located within the state;

5286 (v) a currently valid Utah permit to carry a concealed weapon;

5287 (vi) a currently valid United States passport; or

5288 (vii) a valid tribal identification card; or

5289 (b) two forms of identification that bear the name of the voter and provide evidence
5290 that the voter resides in the voting precinct, which may include:

5291 (i) a voter identification card;

5292 (ii) a current utility bill or a legible copy thereof;

5293 (iii) a bank or other financial account statement, or a legible copy thereof;

5294 (iv) a certified birth certificate;

5295 (v) a valid Social Security card;

- 5296 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 5297 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 5298 (viii) a currently valid Utah hunting or fishing license;
- 5299 (ix) a currently valid United States military identification card;
- 5300 (x) certified naturalization documentation;
- 5301 (xi) a currently valid license issued by an authorized agency of the United States;
- 5302 (xii) a certified copy of court records showing the voter's adoption or name change;
- 5303 (xiii) a Bureau of Indian Affairs card;
- 5304 (xiv) a tribal treaty card;
- 5305 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 5306 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 5307 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 5308 in the voting precinct.

5309 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
5310 candidate by following the procedures and requirements of this title.

5311 (78) "Voter" means a person who meets the requirements for voting in an election,
5312 meets the requirements of election registration, is registered to vote, and is listed in the official
5313 register book.

5314 (79) "Voter registration deadline" means the registration deadline provided in Section
5315 20A-2-102.5.

5316 (80) "Voting area" means the area within six feet of the voting booths, voting
5317 machines, and ballot box.

5318 (81) "Voting booth" means:

5319 (a) the space or compartment within a polling place that is provided for the preparation
5320 of ballots, including the voting machine enclosure or curtain; or

5321 (b) a voting device that is free standing.

5322 (82) "Voting device" means:

5323 (a) an apparatus in which ballot sheets are used in connection with a punch device for
5324 piercing the ballots by the voter;

5325 (b) a device for marking the ballots with ink or another substance;

5326 (c) an electronic voting device or other device used to make selections and cast a ballot

5327 electronically, or any component thereof;

5328 (d) an automated voting system under Section 20A-5-302; or

5329 (e) any other method for recording votes on ballots so that the ballot may be tabulated
5330 by means of automatic tabulating equipment.

5331 (83) "Voting machine" means a machine designed for the sole purpose of recording
5332 and tabulating votes cast by voters at an election.

5333 (84) "Voting poll watcher" means a person appointed as provided in this title to
5334 witness the distribution of ballots and the voting process.

5335 (85) "Voting precinct" means the smallest voting unit established as provided by law
5336 within which qualified voters vote at one polling place.

5337 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
5338 poll watcher, and a testing watcher.

5339 (87) "Western States Presidential Primary" means the election established in Title 20A,
5340 Chapter 9, Part 8.

5341 (88) "Write-in ballot" means a ballot containing any write-in votes.

5342 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the
5343 ballot according to the procedures established in this title.

5344 Section 143. Section **20A-3-605** is enacted to read:

5345 **20A-3-605. Inapplicability to local district and special service district elections.**

5346 **This part does not apply to an election of a board member of a local district.**

5347 Section 144. Section **20A-11-1202** is amended to read:

5348 **20A-11-1202. Definitions.**

5349 As used in this chapter:

5350 (1) "Ballot proposition" means constitutional amendments, initiatives, referenda,
5351 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
5352 the voters for their approval or rejection.

5353 (2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
5354 agency that receives its revenues from conduct of its commercial operations.

5355 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
5356 cooperation agency that receives some or all of its revenues from:

5357 (i) government appropriations;

- 5358 (ii) taxes;
- 5359 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 5360 (iv) interest earned on public funds or other returns on investment of public funds.
- 5361 (3) "Expenditure" means:
- 5362 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 5363 or anything of value made for political purposes;
- 5364 (b) an express, legally enforceable contract, promise, or agreement to make any
- 5365 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 5366 value for political purposes;
- 5367 (c) a transfer of funds between a public entity and a candidate's personal campaign
- 5368 committee;
- 5369 (d) a transfer of funds between a public entity and a political issues committee; or
- 5370 (e) goods or services provided to or for the benefit of a candidate, a candidate's
- 5371 personal campaign committee, or a political issues committee for political purposes at less than
- 5372 fair market value.
- 5373 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation
- 5374 agency that receives some or all of its revenues from:
- 5375 (a) government appropriations;
- 5376 (b) taxes;
- 5377 (c) government fees imposed for regulatory or revenue raising purposes; or
- 5378 (d) interest earned on public funds or other returns on investment of public funds.
- 5379 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.
- 5380 (b) "Influence" does not mean providing a brief statement about a public entity's
- 5381 position on a ballot proposition and the reason for that position.
- 5382 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement
- 5383 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 5384 (7) "Local district" means an entity under Title 17B, Limited Purpose Local
- 5385 Government Entities - Local Districts, and includes a special service district under Title [17A]
- 5386 17D, Chapter [~~2~~, ~~Part 13, Utah~~] 1, Special Service District Act.
- 5387 (8) (a) "Political issues committee" means an entity, or any group of individuals or
- 5388 entities within or outside this state, that solicits or receives contributions from any other person,

5389 group, or entity and makes expenditures from these contributions to influence, or to intend to
5390 influence, directly or indirectly, any person to assist in placing a ballot proposition on the
5391 ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to vote
5392 for or to vote against any ballot proposition.

5393 (b) "Political issues committee" does not mean an entity that provides goods or
5394 services to an individual or committee in the regular course of its business at the same price
5395 that would be provided to the general public.

5396 (9) "Political purposes" means an act done with the intent or in a way to influence or
5397 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
5398 against any candidate for public office at any caucus, political convention, primary, or election.

5399 (10) (a) "Public entity" includes the state, each state agency, each county, municipality,
5400 school district, local district, governmental interlocal cooperation agency, and each
5401 administrative subunit of each of them.

5402 (b) "Public entity" does not include a commercial interlocal cooperation agency.

5403 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
5404 Local Health Departments.

5405 (11) (a) "Public funds" means any monies received by a public entity from
5406 appropriations, taxes, fees, interest, or other returns on investment.

5407 (b) "Public funds" does not include monies donated to a public entity by a person or
5408 entity.

5409 (12) (a) "Public official" means an elected or appointed member of government with
5410 authority to make or determine public policy.

5411 (b) "Public official" includes the person or group that:

5412 (i) has supervisory authority over the personnel and affairs of a public entity; and

5413 (ii) approves the expenditure of funds for the public entity.

5414 (13) (a) "State agency" means each department, commission, board, council, agency,
5415 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
5416 unit, bureau, panel, or other administrative unit of the state.

5417 (b) "State agency" includes the legislative branch, the Board of Regents, the
5418 institutional councils of each higher education institution, and each higher education
5419 institution.

5420 Section 145. Section **26-8a-405.1** is amended to read:

5421 **26-8a-405.1. Selection of provider by political subdivision.**

5422 (1) For purposes of this section and Sections 26-8a-405.2 and 26-8a-405.3:

5423 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911
5424 paramedic service, or both and:

5425 (i) means a 911 call received by a designated dispatch center that receives 911 or E911
5426 calls; and

5427 (ii) does not mean a seven digit telephone call received directly by an ambulance
5428 provider licensed under this chapter.

5429 (b) "Governing body" means:

5430 (i) in the case of a municipality or county, the elected council, commission, or other
5431 legislative body that is vested with the legislative power of the municipality;

5432 (ii) in the case of a special service district, local service district, or county service area,
5433 each elected council, commission, or other legislative body that is vested with the legislative
5434 power of the municipalities or counties that are members of the district or service area; and

5435 (iii) in the case of a local district or special service district for fire protection or
5436 interlocal entity, the board or other body vested with the power to adopt, amend, and repeal
5437 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its
5438 business.

5439 (c) "Political subdivision" means:

5440 (i) a city or town located in a county of the first or second class as defined in Section
5441 17-50-501;

5442 (ii) a county of the first or second class;

5443 (iii) the following districts located in a county of the first or second class:

5444 (A) a special service district created under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~]
5445 1, Special Service District Act; and

5446 (B) a local district under Title 17B, Limited Purpose Local Government Entities -
5447 Local Districts, for the purpose of providing fire protection, paramedic, and emergency
5448 services; or

5449 (iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);

5450 (v) municipalities and counties joining together pursuant to Title 11, Chapter 13,

5451 Interlocal Cooperation Act; or

5452 (vi) a special service district for fire protection [~~as defined in Section 17A-2-1304~~]
5453 service under Subsection 17D-1-201(9).

5454 (2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request
5455 for a proposal for 911 ambulance or paramedic services issued in accordance with Section
5456 26-8a-405.2 by a political subdivision.

5457 (b) A response to a request for proposal is subject to the maximum rates established by
5458 the department under Section 26-8a-403.

5459 (c) A political subdivision may award a contract to an applicant for the provision of
5460 911 ambulance or paramedic services:

5461 (i) in accordance with Section 26-8a-405.2; and

5462 (ii) subject to Subsection (3).

5463 (3) (a) The department shall issue a license to an applicant selected by a political
5464 subdivision under Subsection (2) unless the department finds that issuing a license to that
5465 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
5466 service area.

5467 (b) A license issued under this Subsection (3):

5468 (i) is for the exclusive geographic service area approved by the department in
5469 accordance with Subsection 26-8a-405.2(2);

5470 (ii) is valid for four years;

5471 (iii) is not subject to a request for license from another applicant under the provisions
5472 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
5473 license is revoked under Section 26-8a-504; and

5474 (iv) is subject to supervision by the department under Sections 26-8a-503 and
5475 26-8a-504.

5476 (4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections
5477 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

5478 Section 146. Section **26-8a-405.2** is amended to read:

5479 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**
5480 **Public convenience and necessity.**

5481 (1) (a) A political subdivision may contract with an applicant approved under Section

5482 26-8a-404 to provide 911 ambulance or paramedic services for the geographic service area that
5483 is approved by the department in accordance with Subsection (2), if the political subdivision
5484 complies with the provisions of this section and Section 26-8a-405.3.

5485 (b) The provisions of this section and Sections 26-8a-405.1 and 26-8a-405.3 do not
5486 require a political subdivision to issue a request for proposal for ambulance or paramedic
5487 services. If a political subdivision does not contract with an applicant in accordance with this
5488 section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409 apply
5489 to the issuance of a license for ambulance or paramedic services in the geographic service area
5490 that is within the boundaries of the political subdivision.

5491 (c) (i) For purposes of this Subsection (1)(c):

5492 (A) "Local district" [~~and "county service area" are defined in Subsection~~
5493 ~~26-8a-405.1(1)(b)(iii);~~] means a local district under Title 17B, Limited Purpose Local
5494 Government Entities - Local Districts, that:

5495 (I) is located in a county of the first or second class; and

5496 (II) provides fire protection, paramedic, and emergency services.

5497 (B) "Participating municipality" means a city or town whose area is partly or entirely
5498 included within a county service area or local district[~~; and~~].

5499 (C) "Participating county" means a county whose unincorporated area is partly or
5500 entirely included within a [~~county service area or~~] local district.

5501 (ii) A participating municipality or participating county may contract with a provider
5502 for 911 ambulance or paramedic service as provided in this section and Section 26-8a-405.3.

5503 (iii) If the participating municipality or participating county contracts with a provider
5504 for 911 ambulance or paramedic services under this section and Section 26-8a-405.3:

5505 (A) the [~~county service area or~~] local district is not obligated to provide the ambulance
5506 or paramedic services that are included in the contract between the participating municipality
5507 or the participating county and the 911 ambulance or paramedic provider;

5508 (B) the [~~county service area and~~] local district may impose taxes and obligations within
5509 the [~~county service area or~~] local district in the same manner as if the participating municipality
5510 or participating county were receiving all services offered by the local district [~~or county~~
5511 ~~service area~~]; and

5512 (C) the participating municipality's and participating county's obligations to the local

5513 district [or county service area] are not diminished.

5514 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
5515 geographic service area to be included in the request for proposal to the department for
5516 approval prior to issuing the request for proposal. The department shall approve the request for
5517 proposal and the exclusive geographic service area:

5518 (i) unless the geographic service area creates an orphaned area; and

5519 (ii) in accordance with Subsections (2)(b) and (c).

5520 (b) The exclusive geographic service area may:

5521 (i) include the entire geographic service area that is within the political subdivision's
5522 boundaries;

5523 (ii) include islands within or adjacent to other peripheral areas not included in the
5524 political subdivision that governs the geographic service area; or

5525 (iii) exclude portions of the geographic service area within the political subdivision's
5526 boundaries if another political subdivision or licensed provider agrees to include the excluded
5527 area within their license.

5528 (c) The proposed geographic service area for 911 ambulance or paramedic service must
5529 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic
5530 service area, either by the current provider, the applicant, or some other method acceptable to
5531 the department. The department may consider the effect of the proposed geographic service
5532 area on the costs to the non-911 provider and that provider's ability to provide only non-911
5533 services in the proposed area.

5534 Section 147. Section **51-7-3** is amended to read:

5535 **51-7-3. Definitions.**

5536 As used in this chapter:

5537 (1) "Agent" means "agent" as defined in Section 61-1-13.

5538 (2) "Certified dealer" means:

5539 (a) a primary reporting dealer recognized by the Federal Reserve Bank of New York
5540 who is certified by the director as having met the applicable criteria of council rule; or

5541 (b) a broker dealer who:

5542 (i) has and maintains an office and a resident registered principal in the state;

5543 (ii) meets the capital requirements established by council rules;

- 5544 (iii) meets the requirements for good standing established by council rule; and
5545 (iv) is certified by the director as meeting quality criteria established by council rule.
- 5546 (3) "Certified investment adviser" means a federal covered adviser, as defined in
5547 Section 61-1-13, or an investment adviser, as defined in Section 61-1-13, who is certified by
5548 the director as having met the applicable criteria of council rule.
- 5549 (4) "Commissioner" means the commissioner of financial institutions.
- 5550 (5) "Council" means the State Money Management Council created by Section
5551 51-7-16.
- 5552 (6) "Director" means the director of the Utah State Division of Securities of the
5553 Department of Commerce.
- 5554 (7) (a) "Endowment funds" means gifts, devises, or bequests of property of any kind
5555 donated to a higher education institution from any source.
- 5556 (b) "Endowment funds" does not mean monies used for the general operation of a
5557 higher education institution that are received by the higher education institution from:
- 5558 (i) state appropriations;
5559 (ii) federal contracts;
5560 (iii) federal grants;
5561 (iv) private research grants; and
5562 (v) tuition and fees collected from students.
- 5563 (8) "First tier commercial paper" means commercial paper rated by at least two
5564 nationally recognized statistical rating organizations in the highest short-term rating category.
- 5565 (9) "Funds functioning as endowments" means funds, regardless of source, whose
5566 corpus is intended to be held in perpetuity by formal institutional designation according to the
5567 institution's policy for designating those funds.
- 5568 (10) "GASB" or "Governmental Accounting Standards Board" means the
5569 Governmental Accounting Standards Board that is responsible for accounting standards used
5570 by public entities.
- 5571 (11) "Hard put" means an unconditional sell-back provision or a redemption provision
5572 applicable at issue to a note or bond, allowing holders to sell their holdings back to the issuer
5573 or to an equal or higher-rated third party provider at specific intervals and specific prices
5574 determined at the time of issuance.

5575 (12) "Higher education institution" means the institutions specified in Section
5576 53B-1-102.

5577 (13) "Investment adviser representative" means "investment adviser representative" as
5578 defined in Section 61-1-13.

5579 (14) (a) "Investment agreement" means any written agreement that has specifically
5580 negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate.

5581 (b) "Investment agreement" includes any agreement to supply investments on one or
5582 more future dates.

5583 (15) "Local government" means a county, municipality, school district, local district
5584 under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service
5585 district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, or
5586 any other political subdivision of the state.

5587 (16) "Market value" means market value as defined in the Master Repurchase
5588 Agreement.

5589 (17) "Master Repurchase Agreement" means the current standard Master Repurchase
5590 Agreement approved by the Public Securities Association or by any successor organization.

5591 (18) "Maximum amount" means, with respect to qualified depositories, the total
5592 amount of:

5593 (a) deposits in excess of the federal deposit insurance limit; and

5594 (b) nonqualifying repurchase agreements.

5595 (19) "Money market mutual fund" means an open-end managed investment fund:

5596 (a) that complies with the diversification, quality, and maturity requirements of Rule
5597 2a-7 or any successor rule of the Securities and Exchange Commission applicable to money
5598 market mutual funds; and

5599 (b) that assesses no sales load on the purchase of shares and no contingent deferred
5600 sales charge or other similar charges, however designated.

5601 (20) "Nationally recognized statistical rating organization" means an organization that
5602 has been designated as a nationally recognized statistical rating organization by the Securities
5603 and Exchange Commission's Division of Market Regulation.

5604 (21) "Nonqualifying repurchase agreement" means a repurchase agreement evidencing
5605 indebtedness of a qualified depository arising from the transfer of obligations of the United

5606 States Treasury or other authorized investments to public treasurers that is:

5607 (a) evidenced by a safekeeping receipt issued by the qualified depository;

5608 (b) included in the depository's maximum amount of public funds; and

5609 (c) valued and maintained at market value plus an appropriate margin collateral

5610 requirement based upon the term of the agreement and the type of securities acquired.

5611 (22) "Operating funds" means current balances and other funds that are to be disbursed

5612 for operation of the state government or any of its boards, commissions, institutions,

5613 departments, divisions, agencies, or other similar instrumentalities, or any county, city, school

5614 district, political subdivision, or other public body.

5615 (23) "Permanent funds" means funds whose principal may not be expended, the

5616 earnings from which are to be used for purposes designated by law.

5617 (24) "Permitted depository" means any out-of-state financial institution that meets

5618 quality criteria established by rule of the council.

5619 (25) "Public funds" means monies, funds, and accounts, regardless of the source from

5620 which the monies, funds, and accounts are derived, that are owned, held, or administered by the

5621 state or any of its boards, commissions, institutions, departments, divisions, agencies, bureaus,

5622 laboratories, or other similar instrumentalities, or any county, city, school district, political

5623 subdivision, or other public body.

5624 (26) (a) "Public monies" means "public funds."

5625 (b) "Public monies," as used in Article VII, Sec. 15, Utah Constitution, means the same

5626 as "state funds."

5627 (27) "Public treasurer" includes the state treasurer and the official of any state board,

5628 commission, institution, department, division, agency, or other similar instrumentality, or of

5629 any county, city, school district, political subdivision, or other public body who has the

5630 responsibility for the safekeeping and investment of any public funds.

5631 (28) "Qualified depository" means a Utah depository institution or an out-of-state

5632 depository institution, as those terms are defined in Section 7-1-103 that is authorized to

5633 conduct business in this state under Section 7-1-702 or Title 7, Chapter 19, Acquisition of

5634 Failing Depository Institutions or Holding Companies, whose deposits are insured by an

5635 agency of the federal government and that has been certified by the commissioner of financial

5636 institutions as having met the requirements established under this chapter and the rules of the

5637 council to be eligible to receive deposits of public funds.

5638 (29) "Qualifying repurchase agreement" means a repurchase agreement evidencing
5639 indebtedness of a financial institution or government securities dealer acting as principal
5640 arising from the transfer of obligations of the United States Treasury or other authorized
5641 investments to public treasurers only if purchased securities are:

5642 (a) delivered to the public treasurer's safekeeping agent or custodian as contemplated
5643 by Section 7 of the Master Repurchase Agreement; and

5644 (b) valued and maintained at market value plus an appropriate margin collateral
5645 requirement based upon the term of the agreement and the type of securities acquired.

5646 (30) "Securities division" means Utah's Division of Securities created within the
5647 Department of Commerce by Section 13-1-2.

5648 (31) "State funds" means:

5649 (a) public monies raised by operation of law for the support and operation of the state
5650 government; and

5651 (b) all other monies, funds, and accounts, regardless of the source from which the
5652 monies, funds, or accounts are derived, that are owned, held, or administered by the state or any
5653 of its boards, commissions, institutions, departments, divisions, agencies, bureaus, laboratories,
5654 or other similar instrumentalities.

5655 Section 148. Section **52-4-202** is amended to read:

5656 **52-4-202. Public notice of meetings -- Emergency meetings.**

5657 (1) A public body shall give not less than 24 hours public notice of each meeting
5658 including the meeting:

5659 (a) agenda;

5660 (b) date;

5661 (c) time; and

5662 (d) place.

5663 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
5664 regular meetings that are scheduled in advance over the course of a year shall give public
5665 notice at least once each year of its annual meeting schedule as provided in this section.

5666 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
5667 the scheduled meetings.

- 5668 (3) (a) Public notice shall be satisfied by:
- 5669 (i) posting written notice:
- 5670 (A) at the principal office of the public body, or if no principal office exists, at the
- 5671 building where the meeting is to be held; and
- 5672 (B) beginning April 1, 2008 and except as provided in Subsection (3)(b), on the Utah
- 5673 Public Notice Website created under Section 63F-1-701; and
- 5674 (ii) providing notice to:
- 5675 (A) at least one newspaper of general circulation within the geographic jurisdiction of
- 5676 the public body; or
- 5677 (B) a local media correspondent.
- 5678 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
- 5679 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
- 5680 special service district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service
- 5681 District Act, ~~[or a dependent district under Title 17A, Chapter 3, Dependent Districts,]~~ is
- 5682 encouraged, but not required, to post written notice on the Utah Public Notice Website, if the
- 5683 municipality or district has a current annual budget of less than \$1 million.
- 5684 (c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by
- 5685 providing notice to a newspaper or local media correspondent under the provisions of
- 5686 Subsection 63F-1-701(4)(d).
- 5687 (4) A public body is encouraged to develop and use additional electronic means to
- 5688 provide notice of its meetings under Subsection (3).
- 5689 (5) (a) The notice requirement of Subsection (1) may be disregarded if:
- 5690 (i) because of unforeseen circumstances it is necessary for a public body to hold an
- 5691 emergency meeting to consider matters of an emergency or urgent nature; and
- 5692 (ii) the public body gives the best notice practicable of:
- 5693 (A) the time and place of the emergency meeting; and
- 5694 (B) the topics to be considered at the emergency meeting.
- 5695 (b) An emergency meeting of a public body may not be held unless:
- 5696 (i) an attempt has been made to notify all the members of the public body; and
- 5697 (ii) a majority of the members of the public body approve the meeting.
- 5698 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall

5699 provide reasonable specificity to notify the public as to the topics to be considered at the
5700 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

5701 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
5702 member of the public body, a topic raised by the public may be discussed during an open
5703 meeting, even if the topic raised by the public was not included in the agenda or advance public
5704 notice for the meeting.

5705 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
5706 body may not take final action on a topic in an open meeting unless the topic is:

- 5707 (i) listed under an agenda item as required by Subsection (6)(a); and
- 5708 (ii) included with the advance public notice required by this section.

5709 Section 149. Section **52-4-203** is amended to read:

5710 **52-4-203. Minutes of open meetings -- Public records -- Recording of meetings.**

5711 (1) Except as provided under Subsection (8), written minutes and a recording shall be
5712 kept of all open meetings.

5713 (2) Written minutes of an open meeting shall include:

5714 (a) the date, time, and place of the meeting;

5715 (b) the names of members present and absent;

5716 (c) the substance of all matters proposed, discussed, or decided by the public body
5717 which may include a summary of comments made by members of the public body;

5718 (d) a record, by individual member, of each vote taken by the public body;

5719 (e) the name of each person who is not a member of the public body, and upon
5720 recognition by the presiding member of the public body, provided testimony or comments to
5721 the public body;

5722 (f) the substance, in brief, of the testimony or comments provided by the public under
5723 Subsection (2)(e); and

5724 (g) any other information that any member requests be entered in the minutes or
5725 recording.

5726 (3) A recording of an open meeting shall:

5727 (a) be a complete and unedited record of all open portions of the meeting from the
5728 commencement of the meeting through adjournment of the meeting; and

5729 (b) be properly labeled or identified with the date, time, and place of the meeting.

5730 (4) (a) The minutes and recordings of an open meeting are public records and shall be
5731 available within a reasonable time after the meeting.

5732 (b) An open meeting record kept only by a recording must be converted to written
5733 minutes within a reasonable time upon request.

5734 (5) All or any part of an open meeting may be independently recorded by any person in
5735 attendance if the recording does not interfere with the conduct of the meeting.

5736 (6) Minutes or recordings of an open meeting that are required to be retained
5737 permanently shall be maintained in or converted to a format that meets long-term records
5738 storage requirements.

5739 (7) Written minutes and recordings of open meetings are public records under Title 63,
5740 Chapter 2, Government Records Access and Management Act, but written minutes shall be the
5741 official record of action taken at the meeting.

5742 (8) Either written minutes or a recording shall be kept of:

5743 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
5744 by the public body; and

5745 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
5746 Government Entities - Local Districts, or special service district under Title ~~[17A]~~ 17D,
5747 Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, if the district's annual budgeted
5748 expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

5749 Section 150. Section **53-2-502** is amended to read:

5750 **53-2-502. Definitions.**

5751 As used in this part:

5752 (1) "Committee" means the statewide mutual aid committee established in Section
5753 53-2-503.

5754 (2) "Director" means the director of the division, appointed under Section 53-2-103.

5755 (3) "Division" means the Division of Homeland Security, created under Section
5756 53-2-103.

5757 (4) "Emergency responder":

5758 (a) means a person in the public or private sector:

5759 (i) who has special skills, qualification, training, knowledge, or experience, whether or
5760 not possessing a license, certificate, permit, or other official recognition for the skills,

5761 qualification, training, knowledge, or experience, that would benefit a participating political
5762 subdivision in responding to a locally declared emergency or in an authorized drill or exercise;
5763 and

5764 (ii) that a participating political subdivision requests or authorizes to assist in
5765 responding to a locally declared emergency or in an authorized drill or exercise; and

5766 (b) includes:

5767 (i) a law enforcement officer;

5768 (ii) a firefighter;

5769 (iii) an emergency medical services worker;

5770 (iv) a physician, nurse, or other public health worker;

5771 (v) an emergency management official;

5772 (vi) a public works worker;

5773 (vii) a building inspector;

5774 (viii) an architect, engineer, or other design professional; or

5775 (ix) a person with specialized equipment operations skills or training or with any other
5776 skills needed to provide aid in a declared emergency.

5777 (5) "Participating political subdivision" means each county, municipality, public safety
5778 district, and public safety interlocal entity that has not adopted a resolution under Section
5779 53-2-506 withdrawing itself from the statewide mutual aid system.

5780 (6) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter
5781 13, Interlocal Cooperation Act, that provides public safety service.

5782 (7) "Public safety service" means a service provided to the public to protect life and
5783 property and includes fire protection, police protection, emergency medical service, and
5784 hazardous material response service.

5785 (8) "Public safety district" means a local district under Title 17B, Limited Purpose
5786 Local Government Entities - Local Districts, or special service district under Title ~~[17A]~~ 17D,
5787 Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, that provides public safety service.

5788 (9) "Requesting political subdivision" means a participating political subdivision that
5789 requests emergency assistance under Section 53-2-507 from one or more other participating
5790 political subdivisions.

5791 (10) "Responding political subdivision" means a participating political subdivision that

5792 responds to a request under Section 53-2-507 from a requesting political subdivision.

5793 (11) "Statewide mutual aid system" or "system" means the aggregate of all
5794 participating political subdivisions.

5795 Section 151. Section **53A-2-123** is amended to read:

5796 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**
5797 **certain property.**

5798 (1) As used in this section:

5799 (a) "Affected entity" means each county, municipality, local district under Title 17B,
5800 Limited Purpose Local Government Entities - Local Districts, special service district under
5801 Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act, interlocal
5802 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and
5803 specified public utility:

5804 (i) whose services or facilities are likely to require expansion or significant
5805 modification because of an intended use of land; or

5806 (ii) that has filed with the school district a copy of the general or long-range plan of the
5807 county, municipality, local district, special service district, school district, interlocal
5808 cooperation entity, or specified public utility.

5809 (b) "Specified public utility" means an electrical corporation, gas corporation, or
5810 telephone corporation, as those terms are defined in Section 54-2-1.

5811 (2) (a) If a school district located in a county of the first or second class prepares a
5812 long-range plan regarding its facilities proposed for the future or amends an already existing
5813 long-range plan, the school district shall, before preparing a long-range plan or amendments to
5814 an existing long-range plan, provide written notice, as provided in this section, of its intent to
5815 prepare a long-range plan or to amend an existing long-range plan.

5816 (b) Each notice under Subsection (2)(a) shall:

5817 (i) indicate that the school district intends to prepare a long-range plan or to amend a
5818 long-range plan, as the case may be;

5819 (ii) describe or provide a map of the geographic area that will be affected by the
5820 long-range plan or amendments to a long-range plan;

5821 (iii) be sent to:

5822 (A) each county in whose unincorporated area and each municipality in whose

5823 boundaries is located the land on which the proposed long-range plan or amendments to a
5824 long-range plan are expected to indicate that the proposed facilities will be located;

5825 (B) each affected entity;

5826 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

5827 (D) each association of governments, established pursuant to an interlocal agreement
5828 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
5829 described in Subsection (2)(b)(iii)(A) is a member; and

5830 (E) the state planning coordinator appointed under Section 63-38d-202;

5831 (iv) with respect to the notice to counties and municipalities described in Subsection
5832 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
5833 consider in the process of preparing, adopting, and implementing the long-range plan or
5834 amendments to a long-range plan concerning:

5835 (A) impacts that the use of land proposed in the proposed long-range plan or
5836 amendments to a long-range plan may have on the county, municipality, or affected entity; and

5837 (B) uses of land that the county, municipality, or affected entity is planning or
5838 considering that may conflict with the proposed long-range plan or amendments to a long-range
5839 plan; and

5840 (v) include the address of an Internet website, if the school district has one, and the
5841 name and telephone number of a person where more information can be obtained concerning
5842 the school district's proposed long-range plan or amendments to a long-range plan.

5843 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
5844 acquire real property in a county of the first or second class for the purpose of expanding the
5845 district's infrastructure or other facilities shall provide written notice, as provided in this
5846 Subsection (3), of its intent to acquire the property if the intended use of the property is
5847 contrary to:

5848 (i) the anticipated use of the property under the county or municipality's general plan;

5849 or

5850 (ii) the property's current zoning designation.

5851 (b) Each notice under Subsection (3)(a) shall:

5852 (i) indicate that the school district intends to acquire real property;

5853 (ii) identify the real property; and

5854 (iii) be sent to:
5855 (A) each county in whose unincorporated area and each municipality in whose
5856 boundaries the property is located; and
5857 (B) each affected entity.
5858 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
5859 63-2-304(7).

5860 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
5861 previously provided notice under Subsection (2) identifying the general location within the
5862 municipality or unincorporated part of the county where the property to be acquired is located.

5863 (ii) If a school district is not required to comply with the notice requirement of
5864 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
5865 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
5866 the real property.

5867 Section 152. Section **54-14-103** is amended to read:

5868 **54-14-103. Definitions.**

5869 As used in this chapter:

5870 (1) "Actual excess cost" means the difference in cost between:

5871 (a) the standard cost of a facility; and

5872 (b) the actual cost of the facility, including any necessary right-of-way, as determined
5873 in accordance with Section 54-14-203.

5874 (2) "Board" means the Utility Facility Review Board.

5875 (3) "Commencement of construction of a facility" includes the project design and the
5876 ordering of materials necessary to construct the facility.

5877 (4) "Estimated excess cost" means any material difference in estimated cost between
5878 the costs of a facility, including any necessary right-of-way, if constructed in accordance with
5879 the requirements of a local government and the standard cost of the facility.

5880 (5) "Facility" means a transmission line, a substation, a gas pipeline, a tap, a measuring
5881 device, or a treatment device.

5882 (6) (a) "Gas pipeline" means equipment, material, and structures used to transport gas
5883 to the public utility's customers, including:

5884 (i) pipe;

- 5885 (ii) a compressor;
- 5886 (iii) a pressure regulator;
- 5887 (iv) a support structure; and
- 5888 (v) any other equipment or structure used to transport or facilitate transportation of gas
- 5889 through a pipe.
- 5890 (b) "Gas pipeline" does not include a service line.
- 5891 (7) "Local government":
- 5892 (a) means a city or town as defined in Section 10-1-104 or a county; or
- 5893 (b) may refer to one or more of the local governments in whose jurisdiction a facility is
- 5894 located if a facility is proposed to be located in more than one local government jurisdiction.
- 5895 (8) "Pay" includes, in reference to a local government paying the actual excess cost of a
- 5896 facility, payment by:
- 5897 (a) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 5898 Districts;
- 5899 (b) a special service district under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1,
- 5900 Special Service District Act; or
- 5901 (c) a private entity other than the public utility pursuant to a regulation or decision of
- 5902 the local government.
- 5903 (9) (a) "Standard cost" means the estimated cost of a facility, including any necessary
- 5904 right-of-way, if constructed in accordance with:
- 5905 (i) the public utility's normal practices; and
- 5906 (ii) zoning, subdivision, and building code regulations of a local government, including
- 5907 siting, setback, screening, and landscaping requirements:
- 5908 (A) imposed on similar land uses in the same zone; and
- 5909 (B) that do not impair the ability of the public utility to provide service to its customers
- 5910 in a safe, reliable, adequate, and efficient manner.
- 5911 (b) With respect to a transmission line, "standard cost" is the cost of any overhead line
- 5912 constructed in accordance with the public utility's normal practices.
- 5913 (c) With respect to a facility of a gas corporation, "standard cost" is the cost of
- 5914 constructing the facility in accordance with the public utility's normal practices.
- 5915 (10) (a) "Substation" means a separate space within which electric supply equipment is

5916 located for the purpose of switching, regulating, transforming, or otherwise modifying the
5917 characteristics of electricity, including:

5918 (i) electrical equipment such as transformers, circuit breakers, voltage regulating
5919 equipment, buses, switches, capacitor banks, reactors, protection and control equipment, and
5920 other related equipment;

5921 (ii) the site at which the equipment is located, any foundations, support structures,
5922 buildings, or driveways necessary to locate, operate, and maintain the equipment at the site;
5923 and

5924 (iii) the structure intended to restrict access to the equipment to qualified persons.

5925 (b) "Substation" does not include a distribution pole-mounted or pad-mounted
5926 transformer that is used for the final transformation of power to the voltage level utilized by the
5927 customer.

5928 (11) "Transmission line" means an electrical line, including structures, equipment,
5929 plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000
5930 volts or above.

5931 Section 153. Section **59-2-102** is amended to read:

5932 **59-2-102. Definitions.**

5933 As used in this chapter and title:

5934 (1) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of
5935 engaging in dispensing activities directly affecting agriculture or horticulture with an
5936 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or
5937 rotorcraft's use for agricultural and pest control purposes.

5938 (2) "Air charter service" means an air carrier operation which requires the customer to
5939 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled
5940 trip.

5941 (3) "Air contract service" means an air carrier operation available only to customers
5942 who engage the services of the carrier through a contractual agreement and excess capacity on
5943 any trip and is not available to the public at large.

5944 (4) "Aircraft" is as defined in Section 72-10-102.

5945 (5) "Airline" means any air carrier operating interstate routes on a scheduled basis
5946 which offers to fly passengers or cargo on the basis of available capacity on regularly scheduled

5947 routes.

5948 (6) "Assessment roll" means a permanent record of the assessment of property as
5949 assessed by the county assessor and the commission and may be maintained manually or as a
5950 computerized file as a consolidated record or as multiple records by type, classification, or
5951 categories.

5952 (7) (a) "Certified revenue levy" means a property tax levy that provides the same
5953 amount of ad valorem property tax revenue as was collected for the prior year, plus new
5954 growth, but exclusive of revenue from collections from redemptions, interest, and penalties.

5955 (b) For purposes of this Subsection (7), "ad valorem property tax revenue" does not
5956 include property tax revenue received by a taxing entity from personal property that is:

5957 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and
5958 (ii) semiconductor manufacturing equipment.

5959 (8) "County-assessed commercial vehicle" means:

5960 (a) any commercial vehicle, trailer, or semitrailer which is not apportioned under
5961 Section 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or
5962 property in furtherance of the owner's commercial enterprise;

5963 (b) any passenger vehicle owned by a business and used by its employees for
5964 transportation as a company car or vanpool vehicle; and

5965 (c) vehicles which are:

5966 (i) especially constructed for towing or wrecking, and which are not otherwise used to
5967 transport goods, merchandise, or people for compensation;

5968 (ii) used or licensed as taxicabs or limousines;

5969 (iii) used as rental passenger cars, travel trailers, or motor homes;

5970 (iv) used or licensed in this state for use as ambulances or hearses;

5971 (v) especially designed and used for garbage and rubbish collection; or

5972 (vi) used exclusively to transport students or their instructors to or from any private,
5973 public, or religious school or school activities.

5974 (9) (a) Except as provided in Subsection (9)(b), for purposes of Section 59-2-801,
5975 "designated tax area" means a tax area created by the overlapping boundaries of only the
5976 following taxing entities:

5977 (i) a county; and

5978 (ii) a school district.

5979 (b) Notwithstanding Subsection (9)(a), "designated tax area" includes a tax area created
5980 by the overlapping boundaries of:

5981 (i) the taxing entities described in Subsection (9)(a); and

5982 (ii) (A) a city or town if the boundaries of the school district under Subsection (9)(a)
5983 and the boundaries of the city or town are identical; or

5984 (B) a special service district if the boundaries of the school district under Subsection
5985 (9)(a) are located entirely within the special service district.

5986 (10) "Eligible judgment" means a final and unappealable judgment or order under
5987 Section 59-2-1330:

5988 (a) that became a final and unappealable judgment or order no more than 14 months
5989 prior to the day on which the notice required by Subsection 59-2-919(4) is required to be
5990 mailed; and

5991 (b) for which a taxing entity's share of the final and unappealable judgment or order is
5992 greater than or equal to the lesser of:

5993 (i) \$5,000; or

5994 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the
5995 previous fiscal year.

5996 (11) (a) "Escaped property" means any property, whether personal, land, or any
5997 improvements to the property, subject to taxation and is:

5998 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed
5999 to the wrong taxpayer by the assessing authority;

6000 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
6001 comply with the reporting requirements of this chapter; or

6002 (iii) undervalued because of errors made by the assessing authority based upon
6003 incomplete or erroneous information furnished by the taxpayer.

6004 (b) Property which is undervalued because of the use of a different valuation
6005 methodology or because of a different application of the same valuation methodology is not
6006 "escaped property."

6007 (12) "Fair market value" means the amount at which property would change hands
6008 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell

6009 and both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair
6010 market value" shall be determined using the current zoning laws applicable to the property in
6011 question, except in cases where there is a reasonable probability of a change in the zoning laws
6012 affecting that property in the tax year in question and the change would have an appreciable
6013 influence upon the value.

6014 (13) "Farm machinery and equipment," for purposes of the exemption provided under
6015 Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed
6016 handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage
6017 tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or
6018 equipment used primarily for agricultural purposes; but does not include vehicles required to be
6019 registered with the Motor Vehicle Division or vehicles or other equipment used for business
6020 purposes other than farming.

6021 (14) "Geothermal fluid" means water in any form at temperatures greater than 120
6022 degrees centigrade naturally present in a geothermal system.

6023 (15) "Geothermal resource" means:

6024 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;
6025 and

6026 (b) the energy, in whatever form, including pressure, present in, resulting from, created
6027 by, or which may be extracted from that natural heat, directly or through a material medium.

6028 (16) (a) "Goodwill" means:

6029 (i) acquired goodwill that is reported as goodwill on the books and records:

6030 (A) of a taxpayer; and

6031 (B) that are maintained for financial reporting purposes; or

6032 (ii) the ability of a business to:

6033 (A) generate income:

6034 (I) that exceeds a normal rate of return on assets; and

6035 (II) resulting from a factor described in Subsection (16)(b); or

6036 (B) obtain an economic or competitive advantage resulting from a factor described in
6037 Subsection (16)(b).

6038 (b) The following factors apply to Subsection (16)(a)(ii):

6039 (i) superior management skills;

- 6040 (ii) reputation;
- 6041 (iii) customer relationships;
- 6042 (iv) patronage; or
- 6043 (v) a factor similar to Subsections (16)(b)(i) through (iv).
- 6044 (c) "Goodwill" does not include:
- 6045 (i) the intangible property described in Subsection (20)(a) or (b);
- 6046 (ii) locational attributes of real property, including:
- 6047 (A) zoning;
- 6048 (B) location;
- 6049 (C) view;
- 6050 (D) a geographic feature;
- 6051 (E) an easement;
- 6052 (F) a covenant;
- 6053 (G) proximity to raw materials;
- 6054 (H) the condition of surrounding property; or
- 6055 (I) proximity to markets;
- 6056 (iii) value attributable to the identification of an improvement to real property,
- 6057 including:
- 6058 (A) reputation of the designer, builder, or architect of the improvement;
- 6059 (B) a name given to, or associated with, the improvement; or
- 6060 (C) the historic significance of an improvement; or
- 6061 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 6062 of the existing tangible property in place working together as a unit.
- 6063 (17) "Governing body" means:
- 6064 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 6065 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -
- 6066 Local Districts, the local district's board of trustees;
- 6067 (c) for a school district, the local board of education; or
- 6068 (d) for a special service district under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1,
- 6069 Special Service District Act:
- 6070 (i) the legislative body of the county or municipality that created the special service

6071 district, to the extent that the county or municipal legislative body has not delegated authority
6072 to an administrative control board established under Section [~~17A-2-1326~~] 17D-1-301; or

6073 (ii) the administrative control board, to the extent that the county or municipal
6074 legislative body has delegated authority to an administrative control board established under
6075 Section [~~17A-2-1326~~] 17D-1-301.

6076 (18) (a) For purposes of Section 59-2-103:

6077 (i) "household" means the association of persons who live in the same dwelling,
6078 sharing its furnishings, facilities, accommodations, and expenses; and

6079 (ii) "household" includes married individuals, who are not legally separated, that have
6080 established domiciles at separate locations within the state.

6081 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
6082 commission may make rules defining the term "domicile."

6083 (19) (a) Except as provided in Subsection (19)(c), "improvement" means a building,
6084 structure, fixture, fence, or other item that is permanently attached to land, regardless of
6085 whether the title has been acquired to the land, if:

6086 (i) (A) attachment to land is essential to the operation or use of the item; and

6087 (B) the manner of attachment to land suggests that the item will remain attached to the
6088 land in the same place over the useful life of the item; or

6089 (ii) removal of the item would:

6090 (A) cause substantial damage to the item; or

6091 (B) require substantial alteration or repair of a structure to which the item is attached.

6092 (b) "Improvement" includes:

6093 (i) an accessory to an item described in Subsection (19)(a) if the accessory is:

6094 (A) essential to the operation of the item described in Subsection (19)(a); and

6095 (B) installed solely to serve the operation of the item described in Subsection (19)(a);

6096 and

6097 (ii) an item described in Subsection (19)(a) that:

6098 (A) is temporarily detached from the land for repairs; and

6099 (B) remains located on the land.

6100 (c) Notwithstanding Subsections (19)(a) and (b), "improvement" does not include:

6101 (i) an item considered to be personal property pursuant to rules made in accordance

6102 with Section 59-2-107;

6103 (ii) a moveable item that is attached to land:

6104 (A) for stability only; or

6105 (B) for an obvious temporary purpose;

6106 (iii) (A) manufacturing equipment and machinery; or

6107 (B) essential accessories to manufacturing equipment and machinery;

6108 (iv) an item attached to the land in a manner that facilitates removal without substantial

6109 damage to:

6110 (A) the land; or

6111 (B) the item; or

6112 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that

6113 transportable factory-built housing unit is considered to be personal property under Section

6114 59-2-1503.

6115 (20) "Intangible property" means:

6116 (a) property that is capable of private ownership separate from tangible property,

6117 including:

6118 (i) moneys;

6119 (ii) credits;

6120 (iii) bonds;

6121 (iv) stocks;

6122 (v) representative property;

6123 (vi) franchises;

6124 (vii) licenses;

6125 (viii) trade names;

6126 (ix) copyrights; and

6127 (x) patents;

6128 (b) a low-income housing tax credit; or

6129 (c) goodwill.

6130 (21) "Low-income housing tax credit" means:

6131 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;

6132 or

- 6133 (b) a low-income housing tax credit under:
- 6134 (i) Section 59-7-607; or
- 6135 (ii) Section 59-10-1010.
- 6136 (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 6137 (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous
- 6138 valuable mineral.
- 6139 (24) "Mining" means the process of producing, extracting, leaching, evaporating, or
- 6140 otherwise removing a mineral from a mine.
- 6141 (25) (a) "Mobile flight equipment" means tangible personal property that is:
- 6142 (i) owned or operated by an:
- 6143 (A) air charter service;
- 6144 (B) air contract service; or
- 6145 (C) airline; and
- 6146 (ii) (A) capable of flight;
- 6147 (B) attached to an aircraft that is capable of flight; or
- 6148 (C) contained in an aircraft that is capable of flight if the tangible personal property is
- 6149 intended to be used:
- 6150 (I) during multiple flights;
- 6151 (II) during a takeoff, flight, or landing; and
- 6152 (III) as a service provided by an air charter service, air contract service, or airline.
- 6153 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare
- 6154 engine that is rotated:
- 6155 (A) at regular intervals; and
- 6156 (B) with an engine that is attached to the aircraft.
- 6157 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
- 6158 the commission may make rules defining the term "regular intervals."
- 6159 (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,
- 6160 sand, rock, gravel, and all carboniferous materials.
- 6161 (27) "Personal property" includes:
- 6162 (a) every class of property as defined in Subsection (28) which is the subject of
- 6163 ownership and not included within the meaning of the terms "real estate" and "improvements";

- 6164 (b) gas and water mains and pipes laid in roads, streets, or alleys;
- 6165 (c) bridges and ferries;
- 6166 (d) livestock which, for the purposes of the exemption provided under Section
- 6167 59-2-1112, means all domestic animals, honeybees, poultry, fur-bearing animals, and fish; and
- 6168 (e) outdoor advertising structures as defined in Section 72-7-502.
- 6169 (28) (a) "Property" means property that is subject to assessment and taxation according
- 6170 to its value.
- 6171 (b) "Property" does not include intangible property as defined in this section.
- 6172 (29) "Public utility," for purposes of this chapter, means the operating property of a
- 6173 railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline
- 6174 company, electrical corporation, telephone corporation, sewerage corporation, or heat
- 6175 corporation where the company performs the service for, or delivers the commodity to, the
- 6176 public generally or companies serving the public generally, or in the case of a gas corporation
- 6177 or an electrical corporation, where the gas or electricity is sold or furnished to any member or
- 6178 consumers within the state for domestic, commercial, or industrial use. Public utility also
- 6179 means the operating property of any entity or person defined under Section 54-2-1 except water
- 6180 corporations.
- 6181 (30) "Real estate" or "real property" includes:
- 6182 (a) the possession of, claim to, ownership of, or right to the possession of land;
- 6183 (b) all mines, minerals, and quarries in and under the land, all timber belonging to
- 6184 individuals or corporations growing or being on the lands of this state or the United States, and
- 6185 all rights and privileges appertaining to these; and
- 6186 (c) improvements.
- 6187 (31) "Residential property," for the purposes of the reductions and adjustments under
- 6188 this chapter, means any property used for residential purposes as a primary residence. It does
- 6189 not include property used for transient residential use or condominiums used in rental pools.
- 6190 (32) For purposes of Subsection 59-2-801(1)(e), "route miles" means the number of
- 6191 miles calculated by the commission that is:
- 6192 (a) measured in a straight line by the commission; and
- 6193 (b) equal to the distance between a geographical location that begins or ends:
- 6194 (i) at a boundary of the state; and

6195 (ii) where an aircraft:

6196 (A) takes off; or

6197 (B) lands.

6198 (33) (a) "State-assessed commercial vehicle" means:

6199 (i) any commercial vehicle, trailer, or semitrailer which operates interstate or intrastate
6200 to transport passengers, freight, merchandise, or other property for hire; or

6201 (ii) any commercial vehicle, trailer, or semitrailer which operates interstate and
6202 transports the vehicle owner's goods or property in furtherance of the owner's commercial
6203 enterprise.

6204 (b) "State-assessed commercial vehicle" does not include vehicles used for hire which
6205 are specified in Subsection (8)(c) as county-assessed commercial vehicles.

6206 (34) "Taxable value" means fair market value less any applicable reduction allowed for
6207 residential property under Section 59-2-103.

6208 (35) "Tax area" means a geographic area created by the overlapping boundaries of one
6209 or more taxing entities.

6210 (36) "Taxing entity" means any county, city, town, school district, special taxing
6211 district, local district under Title 17B, Limited Purpose Local Government Entities - Local
6212 Districts, or other political subdivision of the state with the authority to levy a tax on property.

6213 (37) "Tax roll" means a permanent record of the taxes charged on property, as extended
6214 on the assessment roll and may be maintained on the same record or records as the assessment
6215 roll or may be maintained on a separate record properly indexed to the assessment roll. It
6216 includes tax books, tax lists, and other similar materials.

6217 Section 154. Section **59-2-924** is amended to read:

6218 **59-2-924. Report of valuation of property to county auditor and commission --**
6219 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**
6220 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

6221 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to
6222 the county auditor and the commission the following statements:

6223 (i) a statement containing the aggregate valuation of all taxable property in each taxing
6224 entity; and

6225 (ii) a statement containing the taxable value of any additional personal property

6226 estimated by the county assessor to be subject to taxation in the current year.

6227 (b) The county auditor shall, on or before June 8, transmit to the governing body of
6228 each taxing entity:

6229 (i) the statements described in Subsections (1)(a)(i) and (ii);

6230 (ii) an estimate of the revenue from personal property;

6231 (iii) the certified tax rate; and

6232 (iv) all forms necessary to submit a tax levy request.

6233 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad
6234 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
6235 prior year.

6236 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not
6237 include:

6238 (A) collections from redemptions;

6239 (B) interest;

6240 (C) penalties; and

6241 (D) revenue received by a taxing entity from personal property that is:

6242 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

6243 (II) semiconductor manufacturing equipment.

6244 (iii) (A) Except as otherwise provided in this section, the certified tax rate shall be
6245 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
6246 taxing entity by the amount calculated under Subsection (2)(a)(iii)(B).

6247 (B) For purposes of Subsection (2)(a)(iii)(A), the legislative body of a taxing entity
6248 shall calculate an amount as follows:

6249 (I) calculate for the taxing entity the difference between:

6250 (Aa) the aggregate taxable value of all property taxed; and

6251 (Bb) any redevelopment adjustments for the current calendar year;

6252 (II) after making the calculation required by Subsection (2)(a)(iii)(B)(I), calculate an
6253 amount determined by increasing or decreasing the amount calculated under Subsection
6254 (2)(a)(iii)(B)(I) by the average of the percentage net change in the value of taxable property for
6255 the equalization period for the three calendar years immediately preceding the current calendar
6256 year;

- 6257 (III) after making the calculation required by Subsection (2)(a)(iii)(B)(II), calculate the
6258 product of:
- 6259 (Aa) the amount calculated under Subsection (2)(a)(iii)(B)(II); and
6260 (Bb) the percentage of property taxes collected for the five calendar years immediately
6261 preceding the current calendar year; and
- 6262 (IV) after making the calculation required by Subsection (2)(a)(iii)(B)(III), calculate an
6263 amount determined by subtracting from the amount calculated under Subsection
6264 (2)(a)(iii)(B)(III) any new growth as defined in this section:
- 6265 (Aa) within the taxing entity; and
6266 (Bb) for the current calendar year.
- 6267 (C) For purposes of Subsection (2)(a)(iii)(B)(I), the aggregate taxable value of all
6268 property taxed:
- 6269 (I) except as provided in Subsection (2)(a)(iii)(C)(II), includes the total taxable value of
6270 the real and personal property contained on the tax rolls of the taxing entity; and
6271 (II) does not include the total taxable value of personal property contained on the tax
6272 rolls of the taxing entity that is:
- 6273 (Aa) assessed by a county assessor in accordance with Part 3, County Assessment; and
6274 (Bb) semiconductor manufacturing equipment.
- 6275 (D) For purposes of Subsection (2)(a)(iii)(B)(II), for calendar years beginning on or
6276 after January 1, 2007, the value of taxable property does not include the value of personal
6277 property that is:
- 6278 (I) within the taxing entity assessed by a county assessor in accordance with Part 3,
6279 County Assessment; and
6280 (II) semiconductor manufacturing equipment.
- 6281 (E) For purposes of Subsection (2)(a)(iii)(B)(III)(Bb), for calendar years beginning on
6282 or after January 1, 2007, the percentage of property taxes collected does not include property
6283 taxes collected from personal property that is:
- 6284 (I) within the taxing entity assessed by a county assessor in accordance with Part 3,
6285 County Assessment; and
6286 (II) semiconductor manufacturing equipment.
- 6287 (F) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

6288 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
6289 year.

6290 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
6291 Act, the commission shall make rules determining the calculation of ad valorem property tax
6292 revenues budgeted by a taxing entity.

6293 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues
6294 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax
6295 revenues are calculated for purposes of Section 59-2-913.

6296 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)
6297 shall be calculated as follows:

6298 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified
6299 tax rate is zero;

6300 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

6301 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
6302 services under Sections 17-34-1 and 17-36-9; and

6303 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
6304 purposes and such other levies imposed solely for the municipal-type services identified in
6305 Section 17-34-1 and Subsection 17-36-3(22); and

6306 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy
6307 imposed by that section, except that the certified tax rates for the following levies shall be
6308 calculated in accordance with Section 59-2-913 and this section:

6309 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
6310 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

6311 (II) levies to pay for the costs of state legislative mandates or judicial or administrative
6312 orders under Section 59-2-906.3.

6313 (vi) (A) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
6314 established at that rate which is sufficient to generate only the revenue required to satisfy one
6315 or more eligible judgments, as defined in Section 59-2-102.

6316 (B) The ad valorem property tax revenue generated by the judgment levy shall not be
6317 considered in establishing the taxing entity's aggregate certified tax rate.

6318 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use

6319 the taxable value of property on the assessment roll.

6320 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the
6321 assessment roll does not include:

6322 (A) new growth as defined in Subsection (2)(b)(iii); or
6323 (B) the total taxable value of personal property contained on the tax rolls of the taxing
6324 entity that is:

6325 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
6326 (II) semiconductor manufacturing equipment.

6327 (iii) "New growth" means:

6328 (A) the difference between the increase in taxable value of the taxing entity from the
6329 previous calendar year to the current year; minus
6330 (B) the amount of an increase in taxable value described in Subsection (2)(b)(v).

6331 (iv) For purposes of Subsection (2)(b)(iii), the taxable value of the taxing entity does
6332 not include the taxable value of personal property that is:

6333 (A) contained on the tax rolls of the taxing entity if that property is assessed by a
6334 county assessor in accordance with Part 3, County Assessment; and
6335 (B) semiconductor manufacturing equipment.

6336 (v) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

6337 (A) the amount of increase to locally assessed real property taxable values resulting
6338 from factoring, reappraisal, or any other adjustments; or
6339 (B) the amount of an increase in the taxable value of property assessed by the
6340 commission under Section 59-2-201 resulting from a change in the method of apportioning the
6341 taxable value prescribed by:

6342 (I) the Legislature;
6343 (II) a court;
6344 (III) the commission in an administrative rule; or
6345 (IV) the commission in an administrative order.

6346 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from
6347 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
6348 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter
6349 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax

6350 rate to offset the increased revenues.

6351 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under
6352 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

6353 (A) decreased on a one-time basis by the amount of the estimated sales and use tax
6354 revenue to be distributed to the county under Subsection 59-12-1102(3); and

6355 (B) increased by the amount necessary to offset the county's reduction in revenue from
6356 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
6357 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
6358 (2)(d)(i)(A).

6359 (ii) The commission shall determine estimates of sales and use tax distributions for
6360 purposes of Subsection (2)(d)(i).

6361 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort
6362 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be
6363 decreased on a one-time basis by the amount necessary to offset the first 12 months of
6364 estimated revenue from the additional resort communities sales and use tax imposed under
6365 Section 59-12-402.

6366 (f) (i) (A) For fiscal year 2000, the certified tax rate of each county required under
6367 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the
6368 unincorporated area of the county shall be decreased by the amount necessary to reduce
6369 revenues in that fiscal year by an amount equal to the difference between the amount the county
6370 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services
6371 countywide and the amount the county spent during fiscal year 2000 for those services,
6372 excluding amounts spent from a municipal services fund for those services.

6373 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection
6374 (2)(f)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal
6375 year by the amount that the county spent during fiscal year 2000 for advanced life support and
6376 paramedic services countywide, excluding amounts spent from a municipal services fund for
6377 those services.

6378 (ii) (A) A city or town located within a county of the first class to which Subsection
6379 (2)(f)(i) applies may increase its certified tax rate by the amount necessary to generate within
6380 the city or town the same amount of revenues as the county would collect from that city or

6381 town if the decrease under Subsection (2)(f)(i) did not occur.

6382 (B) An increase under Subsection (2)(f)(ii)(A), whether occurring in a single fiscal year
6383 or spread over multiple fiscal years, is not subject to the notice and hearing requirements of
6384 Sections 59-2-918 and 59-2-919.

6385 (g) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to
6386 provide detective investigative services to the unincorporated area of the county shall be
6387 decreased:

6388 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year
6389 by at least \$4,400,000; and

6390 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year
6391 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in
6392 revenues under Subsection (2)(g)(i)(A).

6393 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a
6394 county to which Subsection (2)(g)(i) applies may increase its certified tax rate to generate
6395 within the city or town the same amount of revenue as the county would have collected during
6396 county fiscal year 2001 from within the city or town except for Subsection (2)(g)(i)(A).

6397 (II) Beginning with municipal fiscal year 2003, a city or town located within a county
6398 to which Subsection (2)(g)(i) applies may increase its certified tax rate to generate within the
6399 city or town the same amount of revenue as the county would have collected during county
6400 fiscal year 2002 from within the city or town except for Subsection (2)(g)(i)(B).

6401 (B) (I) Except as provided in Subsection (2)(g)(ii)(B)(II), an increase in the city or
6402 town's certified tax rate under Subsection (2)(g)(ii)(A), whether occurring in a single fiscal year
6403 or spread over multiple fiscal years, is subject to the notice and hearing requirements of
6404 Sections 59-2-918 and 59-2-919.

6405 (II) For an increase under this Subsection (2)(g)(ii) that generates revenue that does not
6406 exceed the same amount of revenue as the county would have collected except for Subsection
6407 (2)(g)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

6408 (Aa) publishes a notice that meets the size, type, placement, and frequency
6409 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed
6410 by the county to one imposed by the city or town, and explains how the revenues from the tax
6411 increase will be used; and

6412 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the
6413 city or town's regular budget hearing.

6414 (h) (i) This Subsection (2)(h) applies to each county that:

6415 (A) establishes a countywide special service district under Title [~~17A~~] 17D, Chapter [~~2~~,
6416 ~~Part 13, Utah~~] 1, Special Service District Act, to provide jail service, as provided in Subsection
6417 [~~17A-2-1304(1)(a)(x)~~] 17D-1-201(10); and

6418 (B) levies a property tax on behalf of the special service district under Section
6419 [~~17A-2-1322~~] 17D-1-105.

6420 (ii) (A) The certified tax rate of each county to which this Subsection (2)(h) applies
6421 shall be decreased by the amount necessary to reduce county revenues by the same amount of
6422 revenues that will be generated by the property tax imposed on behalf of the special service
6423 district.

6424 (B) Each decrease under Subsection (2)(h)(ii)(A) shall occur contemporaneously with
6425 the levy on behalf of the special service district under Section [~~17A-2-1322~~] 17D-1-105.

6426 (i) (i) As used in this Subsection (2)(i):

6427 (A) "Annexing county" means a county whose unincorporated area is included within a
6428 fire district by annexation.

6429 (B) "Annexing municipality" means a municipality whose area is included within a fire
6430 district by annexation.

6431 (C) "Equalized fire protection tax rate" means the tax rate that results from:

6432 (I) calculating, for each participating county and each participating municipality, the
6433 property tax revenue necessary to cover all of the costs associated with providing fire
6434 protection, paramedic, and emergency services:

6435 (Aa) for a participating county, in the unincorporated area of the county; and

6436 (Bb) for a participating municipality, in the municipality; and

6437 (II) adding all the amounts calculated under Subsection (2)(i)(i)(C)(I) for all
6438 participating counties and all participating municipalities and then dividing that sum by the
6439 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

6440 (Aa) for participating counties, in the unincorporated area of all participating counties;
6441 and

6442 (Bb) for participating municipalities, in all the participating municipalities.

6443 (D) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service
6444 Area Act, in the creation of which an election was not required under Subsection
6445 17B-1-214(3)(c).

6446 (E) "Fire protection tax rate" means:

6447 (I) for an annexing county, the property tax rate that, when applied to taxable property
6448 in the unincorporated area of the county, generates enough property tax revenue to cover all the
6449 costs associated with providing fire protection, paramedic, and emergency services in the
6450 unincorporated area of the county; and

6451 (II) for an annexing municipality, the property tax rate that generates enough property
6452 tax revenue in the municipality to cover all the costs associated with providing fire protection,
6453 paramedic, and emergency services in the municipality.

6454 (F) "Participating county" means a county whose unincorporated area is included
6455 within a fire district at the time of the creation of the fire district.

6456 (G) "Participating municipality" means a municipality whose area is included within a
6457 fire district at the time of the creation of the fire district.

6458 (ii) In the first year following creation of a fire district, the certified tax rate of each
6459 participating county and each participating municipality shall be decreased by the amount of
6460 the equalized fire protection tax rate.

6461 (iii) In the first year following annexation to a fire district, the certified tax rate of each
6462 annexing county and each annexing municipality shall be decreased by the fire protection tax
6463 rate.

6464 (iv) Each tax levied under this section by a fire district shall be considered to be levied
6465 by:

6466 (A) each participating county and each annexing county for purposes of the county's
6467 tax limitation under Section 59-2-908; and

6468 (B) each participating municipality and each annexing municipality for purposes of the
6469 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
6470 city.

6471 (j) For the calendar year beginning on January 1, 2007, the calculation of a taxing
6472 entity's certified tax rate shall be adjusted by the amount necessary to offset any change in the
6473 certified tax rate that may result from excluding the following from the certified tax rate under

6474 Subsection (2)(a) enacted by the Legislature during the 2007 General Session:

6475 (i) personal property tax revenue:

6476 (A) received by a taxing entity;

6477 (B) assessed by a county assessor in accordance with Part 3, County Assessment; and

6478 (C) for personal property that is semiconductor manufacturing equipment; or

6479 (ii) the taxable value of personal property:

6480 (A) contained on the tax rolls of a taxing entity;

6481 (B) assessed by a county assessor in accordance with Part 3, County Assessment; and

6482 (C) that is semiconductor manufacturing equipment.

6483 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

6484 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
6485 auditor of:

6486 (i) its intent to exceed the certified tax rate; and

6487 (ii) the amount by which it proposes to exceed the certified tax rate.

6488 (c) The county auditor shall notify all property owners of any intent to exceed the
6489 certified tax rate in accordance with Subsection 59-2-919(2).

6490 (4) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be
6491 reduced for any year to the extent necessary to provide a community development and renewal
6492 agency established under Title 17C, Limited Purpose Local Government Entities - Community
6493 Development and Renewal Agencies, with approximately the same amount of money the
6494 agency would have received without a reduction in the county's certified tax rate if:

6495 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or
6496 (2)(d)(i);

6497 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
6498 previous year; and

6499 (iii) the decrease results in a reduction of the amount to be paid to the agency under
6500 Section 17C-1-403 or 17C-1-404.

6501 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any
6502 year to the extent necessary to provide a community development and renewal agency with
6503 approximately the same amount of money as the agency would have received without an
6504 increase in the certified tax rate that year if:

6505 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to
6506 a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

6507 (ii) The certified tax rate of a city, school district, local district, or special service
6508 district increases independent of the adjustment to the taxable value of the base year.

6509 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or
6510 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a community
6511 development and renewal agency established under Title 17C, Limited Purpose Local
6512 Government Entities - Community Development and Renewal Agencies, for the payment of
6513 bonds or other contract indebtedness, but not for administrative costs, may not be less than that
6514 amount would have been without a decrease in the certified tax rate under Subsection (2)(c) or
6515 (2)(d)(i).

6516 Section 155. Section **59-21-1** is amended to read:

6517 **59-21-1. Disposition of federal mineral lease monies -- Priority to political**
6518 **subdivisions impacted by mineral development -- Disposition of mineral bonus payments**
6519 **-- Appropriation of monies attributable to royalties from extraction of minerals on**
6520 **federal land located within boundaries of Grand Staircase-Escalante National**
6521 **Monument.**

6522 (1) Except as provided in Subsections (2) through (4), all monies received from the
6523 United States under the provisions of the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et
6524 seq., shall:

6525 (a) be deposited in the Mineral Lease Account of the General Fund; and

6526 (b) be appropriated by the Legislature giving priority to those subdivisions of the state
6527 socially or economically impacted by development of minerals leased under the Mineral Lands
6528 Leasing Act, for:

6529 (i) planning;

6530 (ii) construction and maintenance of public facilities; and

6531 (iii) provision of public services.

6532 (2) Seventy percent of money received from federal mineral lease bonus payments
6533 shall be deposited into the Permanent Community Impact Fund and shall be used as provided
6534 in Title 9, Chapter 4, Part 3, Community Impact Alleviation.

6535 (3) Thirty percent of money received from federal mineral lease bonus payments shall

6536 be deposited in the Mineral Bonus Account created by Subsection 59-21-2(1) and appropriated
6537 as provided in that subsection.

6538 (4) (a) For purposes of this Subsection (4):

6539 (i) the "boundaries of the Grand Staircase-Escalante National Monument" means the
6540 boundaries:

6541 (A) established by Presidential Proclamation No. 6920, 61 Fed. Reg. 50,223 (1996);

6542 and

6543 (B) modified by:

6544 (I) Pub. L. No. 105-335, 112 Stat. 3139; and

6545 (II) Pub. L. No. 105-355, 112 Stat. 3247; and

6546 (ii) a special service district, school district, or federal land is considered to be located
6547 within the boundaries of the Grand Staircase-Escalante National Monument if a portion of the
6548 special service district, school district, or federal land is located within the boundaries
6549 described in Subsection (4)(a)(i).

6550 (b) Beginning on July 1, 1999, the Legislature shall appropriate, as provided in
6551 Subsections (4)(c) through (g), monies received from the United States that are attributable to
6552 royalties from the extraction of minerals on federal land that, on September 18, 1996, was
6553 located within the boundaries of the Grand Staircase-Escalante National Monument.

6554 (c) The Legislature shall annually appropriate 40% of the monies described in
6555 Subsection (4)(b) to the Department of Transportation to be distributed by the Department of
6556 Transportation to special service districts that are:

6557 (i) established by counties under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special
6558 Service District Act;

6559 (ii) socially or economically impacted by the development of minerals under the
6560 Mineral Lands Leasing Act; and

6561 (iii) located within the boundaries of the Grand Staircase-Escalante National
6562 Monument.

6563 (d) The Department of Transportation shall distribute the money described in
6564 Subsection (4)(c) in amounts proportionate to the amount of federal mineral lease money
6565 generated by the county in which a special service district is located.

6566 (e) The Legislature shall annually appropriate 40% of the monies described in

6567 Subsection (4)(b) to the State Board of Education to be distributed equally to school districts
6568 that are:

6569 (i) socially or economically impacted by the development of minerals under the
6570 Mineral Lands Leasing Act; and

6571 (ii) located within the boundaries of the Grand Staircase-Escalante National
6572 Monument.

6573 (f) The Legislature shall annually appropriate 2.25% of the monies described in
6574 Subsection (4)(b) to the Utah Geological Survey to facilitate the development of energy and
6575 mineral resources in counties that are:

6576 (i) socially or economically impacted by the development of minerals under the
6577 Mineral Lands Leasing Act; and

6578 (ii) located within the boundaries of the Grand Staircase-Escalante National
6579 Monument.

6580 (g) Seventeen and three-fourths percent of the monies described in Subsection (4)(b)
6581 shall be deposited annually into the State School Fund established by Utah Constitution Article
6582 X, Section 5.

6583 Section 156. Section **59-21-2** is amended to read:

6584 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
6585 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of monies**
6586 **from Mineral Lease Account.**

6587 (1) (a) The Mineral Bonus Account is created within the General Fund.

6588 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
6589 deposited pursuant to Subsection 59-21-1(3).

6590 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
6591 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

6592 (d) The state treasurer shall:

6593 (i) invest the money in the Mineral Bonus Account by following the procedures and
6594 requirements of Title 51, Chapter 7, State Money Management Act; and

6595 (ii) deposit all interest or other earnings derived from the account into the Mineral
6596 Bonus Account.

6597 (2) (a) The Mineral Lease Account is created within the General Fund.

6598 (b) The Mineral Lease Account consists of federal mineral lease money deposited
6599 pursuant to Subsection 59-21-1(1).

6600 (c) The Legislature shall make appropriations from the Mineral Lease Account as
6601 provided in Subsection 59-21-1(1) and this Subsection (2).

6602 (d) The Legislature shall annually appropriate 32.5% of all deposits made to the
6603 Mineral Lease Account to the Permanent Community Impact Fund established by Section
6604 9-4-303.

6605 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
6606 Mineral Lease Account to the State Board of Education, to be used for education research and
6607 experimentation in the use of staff and facilities designed to improve the quality of education in
6608 Utah.

6609 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
6610 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by
6611 the survey having as a purpose the development and exploitation of natural resources in the
6612 state.

6613 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
6614 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
6615 for activities carried on by the laboratory having as a purpose the development and exploitation
6616 of water resources in the state.

6617 (h) (i) The Legislature shall annually appropriate to the Department of Transportation
6618 40% of all deposits made to the Mineral Lease Account to be distributed as provided in
6619 Subsection (2)(h)(ii) to:

6620 (A) counties;

6621 (B) special service districts established:

6622 (I) by counties;

6623 (II) under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act;

6624 and

6625 (III) for the purpose of constructing, repairing, or maintaining roads; or

6626 (C) special service districts established:

6627 (I) by counties;

6628 (II) under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act;

6629 and
6630 (III) for other purposes authorized by statute.
6631 (ii) The Department of Transportation shall allocate the funds specified in Subsection
6632 (2)(h)(i):
6633 (A) in amounts proportionate to the amount of mineral lease money generated by each
6634 county; and
6635 (B) to a county or special service district established by a county under Title [~~17A~~]
6636 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act, as determined by the county
6637 legislative body.
6638 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
6639 Mineral Lease Account to the Department of Community and Culture to be distributed to:
6640 (A) special service districts established:
6641 (I) by counties;
6642 (II) under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act;
6643 and
6644 (III) for the purpose of constructing, repairing, or maintaining roads; or
6645 (B) special service districts established:
6646 (I) by counties;
6647 (II) under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act;
6648 and
6649 (III) for other purposes authorized by statute.
6650 (ii) The Department of Community and Culture may distribute the amounts described
6651 in Subsection (2)(i)(i) only to special service districts established under Title [~~17A~~] 17D,
6652 Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act, by counties:
6653 (A) of the third, fourth, fifth, or sixth class;
6654 (B) in which 4.5% or less of the mineral lease moneys within the state are generated;
6655 and
6656 (C) that are significantly socially or economically impacted as provided in Subsection
6657 (3)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
6658 181 et seq.
6659 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)

6660 shall be as a result of:

6661 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
6662 as defined in Section 59-5-101;

6663 (B) the employment of persons residing within the county in hydrocarbon extraction,
6664 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

6665 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

6666 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
6667 special service districts established by counties under Title [~~17A~~] 17D, Chapter [~~2, Part 13,~~
6668 ~~Utah~~] 1, Special Service District Act, the Department of Community and Culture shall:

6669 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
6670 requirements of Subsections (2)(i)(ii) and (iii); and

6671 (II) allocate 50% of the appropriations based on the ratio that the population of each
6672 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
6673 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

6674 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
6675 allocated revenues to special service districts established by the counties under Title [~~17A~~]
6676 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act, as determined by the executive
6677 director of the Department of Community and Culture after consulting with the county
6678 legislative bodies of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

6679 (v) The executive director of the Department of Community and Culture:

6680 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
6681 and (iii);

6682 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
6683 districts established by counties under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special
6684 Service District Act, that meet the requirements of Subsections (2)(i)(ii) and (iii); and

6685 (C) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
6686 may make rules:

6687 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
6688 special service districts; and

6689 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

6690 (j) (i) The Legislature shall annually make the following appropriations from the

6691 Mineral Lease Account:

6692 (A) an amount equal to 52 cents multiplied by the number of acres of school or
6693 institutional trust lands, lands owned by the Division of Parks and Recreation, and lands owned
6694 by the Division of Wildlife Resources that are not under an in lieu of taxes contract, to each
6695 county in which those lands are located;

6696 (B) to each county in which school or institutional trust lands are transferred to the
6697 federal government after December 31, 1992, an amount equal to the number of transferred
6698 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
6699 per acre and the per acre payment made to that county in the most recent payment under the
6700 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
6701 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
6702 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

6703 (C) to each county in which federal lands, which are entitlement lands under the federal
6704 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
6705 the number of transferred acres in the county multiplied by a payment per acre equal to the
6706 difference between the most recent per acre payment made under the federal payment in lieu of
6707 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
6708 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
6709 the transferred land; and

6710 (D) to a county of the fifth or sixth class, an amount equal to the product of:

6711 (I) \$1,000; and

6712 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
6713 the county.

6714 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
6715 county legislative body, distribute the money or a portion of the money to:

6716 (A) special service districts established by the county under Title [~~17A~~] 17D, Chapter
6717 [~~2, Part 13, Utah~~] 1, Special Service District Act;

6718 (B) school districts; or

6719 (C) public institutions of higher education.

6720 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
6721 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections

6722 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
6723 consumers published by the Department of Labor.

6724 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
6725 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
6726 annual change in the Consumer Price Index for all urban consumers published by the
6727 Department of Labor.

6728 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

6729 (A) owned by:

6730 (I) the Division of Parks and Recreation; or

6731 (II) the Division of Wildlife Resources;

6732 (B) located on lands that are owned by:

6733 (I) the Division of Parks and Recreation; or

6734 (II) the Division of Wildlife Resources; and

6735 (C) are not subject to taxation under:

6736 (I) Chapter 2, Property Tax Act; or

6737 (II) Chapter 4, Privilege Tax.

6738 (k) The Legislature shall annually appropriate to the Permanent Community Impact
6739 Fund all deposits remaining in the Mineral Lease Account after making the appropriations
6740 provided for in Subsections (2)(d) through (j).

6741 (3) (a) Each agency, board, institution of higher education, and political subdivision
6742 receiving money under this chapter shall provide the Legislature, through the Office of the
6743 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual
6744 basis.

6745 (b) The accounting required under Subsection (3)(a) shall:

6746 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
6747 current fiscal year, and planned expenditures for the following fiscal year; and

6748 (ii) be reviewed by the Economic Development and Human Resources Appropriation
6749 Subcommittee as part of its normal budgetary process under Title 63, Chapter 38, Budgetary
6750 Procedures Act.

6751 Section 157. Section **63-9-68** is amended to read:

6752 **63-9-68. Memorials by the state or state agencies.**

6753 (1) As used in this section:

6754 (a) "State agency" means any of the following of the state that holds title to state land:

6755 (i) a department;

6756 (ii) a division;

6757 (iii) a board;

6758 (iv) an institution of higher education; or

6759 (v) for the judicial branch, the state court administrator.

6760 (b) "State agency" does not mean a local district under Title 17B, Limited Purpose

6761 Local Government Entities - Local Districts, or a special service district under Title [~~17A~~] 17D,

6762 Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act[~~, or a dependent district under Title~~

6763 ~~17A, Chapter 3, Dependent Districts~~].

6764 (2) The Legislature, the governor, or a state agency may authorize the use or donation

6765 of state land for the purpose of maintaining, erecting, or contributing to the erection or

6766 maintenance of a memorial to commemorate those individuals who have:

6767 (a) participated in or have given their lives in any of the one or more wars or military

6768 conflicts in which the United States of America has been a participant; or

6769 (b) given their lives in association with public service on behalf of the state, including

6770 firefighters, peace officers, highway patrol officers, or other public servants.

6771 (3) The use or donation of state land in relation to a memorial described in Subsection

6772 (2) may include:

6773 (a) using or appropriating public funds for the purchase, development, improvement, or

6774 maintenance of state land on which a memorial is located or established;

6775 (b) using or appropriating public funds for the erection, improvement, or maintenance

6776 of a memorial;

6777 (c) donating or selling state land for use in relation to a memorial; or

6778 (d) authorizing the use of state land for a memorial that is funded or maintained in part

6779 or in full by another public or private entity.

6780 (4) The Legislature, the governor, or a state agency may specify the form, placement,

6781 and design of a memorial that is subject to this section if the Legislature, the governor, or the

6782 state agency holds title to, has authority over, or donates the land on which a memorial is

6783 established.

6784 (5) Memorials within the definition of a capital development as defined in Section
6785 63A-5-104 must be approved as provided for in Section 63A-5-104.

6786 (6) Nothing in this section shall be construed as a prohibition of memorials, including
6787 those for purposes not covered by this section, which have been erected within the approval
6788 requirements in effect at the time of their erection or which may be duly authorized through
6789 other legal means.

6790 Section 158. Section **63E-1-102** is amended to read:

6791 **63E-1-102. Definitions.**

6792 As used in this title:

6793 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

6794 (2) "Committee" means the Retirement and Independent Entities Committee created in
6795 Section 63E-1-201.

6796 (3) "Independent corporation" means a corporation incorporated in accordance with
6797 Chapter 2, Independent Corporations Act.

6798 (4) (a) "Independent entity" means an entity having a public purpose relating to the
6799 state or its citizens that is individually created by the state or is given by the state the right to
6800 exist and conduct its affairs as an:

6801 (i) independent state agency; or

6802 (ii) independent corporation.

6803 (b) "Independent entity" includes the:

6804 (i) Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

6805 (ii) Heber Valley Railroad Authority created in Title 9, Chapter 3, Part 3, Heber Valley
6806 Historic Railroad Authority;

6807 (iii) Utah Science Center Authority created in Title 9, Chapter 3, Part 4, Utah Science
6808 Center Authority;

6809 (iv) Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing
6810 Corporation Act;

6811 (v) Utah State Fair Corporation created in Title 9, Chapter 4, Part 11, Utah State Fair
6812 Corporation Act;

6813 (vi) Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'
6814 Compensation Fund;

- 6815 (vii) Utah State Retirement Office created in Title 49, Chapter 11, Utah State
6816 Retirement Systems Administration;
- 6817 (viii) School and Institutional Trust Lands Administration created in Title 53C,
6818 Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 6819 (ix) Utah Communications Agency Network created in Title 63C, Chapter 7, Utah
6820 Communications Agency Network Act; and
- 6821 (x) Utah Capital Investment Corporation created in Title 63, Chapter 38f, Part 12, Utah
6822 Venture Capital Enhancement Act.
- 6823 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 6824 (i) the Public Service Commission of Utah created in Section 54-1-1;
- 6825 (ii) an institution within the state system of higher education;
- 6826 (iii) a city, county, or town;
- 6827 (iv) a local school district;
- 6828 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
6829 Districts; or
- 6830 (vi) a special service district under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1,
6831 Special Service District Act.
- 6832 (5) "Independent state agency" means an entity that is created by the state, but is
6833 independent of the governor's direct supervisory control.
- 6834 (6) "Monies held in trust" means monies maintained for the benefit of:
- 6835 (a) one or more private individuals, including public employees;
- 6836 (b) one or more public or private entities; or
- 6837 (c) the owners of a quasi-public corporation.
- 6838 (7) "Public corporation" means an artificial person, public in ownership, individually
6839 created by the state as a body politic and corporate for the administration of a public purpose
6840 relating to the state or its citizens.
- 6841 (8) "Quasi-public corporation" means an artificial person, private in ownership,
6842 individually created as a corporation by the state which has accepted from the state the grant of
6843 a franchise or contract involving the performance of a public purpose relating to the state or its
6844 citizens.
- 6845 Section 159. Section **67-1a-6.5** is amended to read:

6846 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**
6847 **consolidation, division, dissolution, or boundary change.**

6848 (1) As used in this section:

6849 (a) "AGRC" means the Automated Geographic Reference Center created under Section
6850 63F-1-506.

6851 (b) "Boundary change" means the adjustment of an entity's boundary either through
6852 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary
6853 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and
6854 losing territory), or any other adjustment of the entity's boundary.

6855 (c) "Consolidation" means the combining of two or more entities into a single entity
6856 such that the consolidated entity's boundary contains all of the territory of the original entities,
6857 but no additional territory.

6858 (d) "County attorney" means the county attorney of each county which contains any
6859 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
6860 change.

6861 (e) (i) "County auditor" means the county auditor of each county which contains any
6862 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
6863 change.

6864 (ii) If the county does not have a county auditor, "county auditor" means the county
6865 clerk or other government official acting as the county auditor.

6866 (f) "County recorder" means the county recorder of each county which contains any
6867 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
6868 change.

6869 (g) "County surveyor" means the county surveyor of each county which contains any
6870 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
6871 change.

6872 (h) "Creation" means the forming of a new entity where that entity did not exist before
6873 its creation.

6874 (i) "Dissolution" means the disbandment of an entity.

6875 (j) "Division" means the dividing of one entity into two or more entities such that the
6876 original entity's boundary contains all of the territory of the resultant entities, but no additional

6877 territory.

6878 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose
6879 boundary is changed.

6880 (l) "Initiating body" means the county legislative body, municipal legislative body,
6881 local district or special service district board, court, public official, or other authorized person
6882 or body that initiates the creation, dissolution, consolidation, or boundary change of an entity or
6883 entities.

6884 (m) "Notice of entity boundary change" means the notice the lieutenant governor
6885 receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),
6886 17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(e), [~~17A-2-1327(4)~~], 17B-1-414(2),
6887 17B-1-417(6), 17B-1-512(1), or 53A-2-101.5(1), or Section 17D-1-403 or 17D-1-603 of an
6888 entity's pending boundary change.

6889 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives
6890 under Section 10-2-610 or Subsection 10-1-116(1) [~~or~~], 17-2-4(2), or 17D-3-203(3) of entities'
6891 pending consolidation.

6892 (o) "Notice of entity creation" means the notice the lieutenant governor receives under
6893 Subsection 10-1-116(1), 10-2-119(1), 10-2-125(8), 11-13-204(4), 11-13-205(6),
6894 [~~17A-2-1311(2)~~], 17B-1-215(1), 17C-1-201(2), 17D-3-203(3), or 53A-2-101.5(1) or Section
6895 17D-1-209 of an entity's pending creation.

6896 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives
6897 under Subsection 10-1-116(1), 10-2-712(2), [~~17A-2-1329(3)~~], 17B-1-1308(4), [~~or~~]
6898 17C-1-701(2)(a), or 17D-3-203(3), or Section 17D-1-603 of an entity's pending dissolution.

6899 (q) "Notice of entity division" means the notice the lieutenant governor receives under
6900 Subsection 17-3-3(3) or 17D-3-203(3) of an entity's pending division.

6901 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant
6902 governor receives under Subsection 10-2-120(1).

6903 (s) "Lieutenant governor" means the lieutenant governor created in Article VII, Section
6904 1 of the Utah Constitution.

6905 (t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah
6906 Constitution.

6907 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,

6908 Section 6 of the Utah Constitution.

6909 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor
6910 shall:

6911 (a) issue a certificate of entity creation;

6912 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the
6913 notice of entity creation, including the accompanying map or legal description, to the State Tax
6914 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;
6915 and

6916 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor;
6917 and

6918 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)
6919 and a statement indicating completion of Subsection (2)(b).

6920 (3) Within ten days after receiving a notice of intention to file articles of incorporation,
6921 the lieutenant governor shall:

6922 (a) issue a certificate indicating receipt of a notice of intention to file articles of
6923 incorporation;

6924 (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the
6925 notice of intention to file articles of incorporation, including the accompanying map or legal
6926 description, to the State Tax Commission, AGRC, county recorder, county surveyor, county
6927 auditor, and county attorney; and

6928 (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor;
6929 and

6930 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)
6931 and a statement indicating completion of Subsection (3)(b).

6932 (4) Within ten days after receiving a notice of entity consolidation, the lieutenant
6933 governor shall:

6934 (a) issue a certificate of entity consolidation;

6935 (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the
6936 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county
6937 surveyor, county auditor, and county attorney; and

6938 (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor;

6939 and

6940 (c) send to the initiating body and the entities being consolidated, if different from the
6941 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement
6942 indicating completion of Subsection (4)(b).

6943 (5) Within ten days after receiving a notice of entity division, the lieutenant governor
6944 shall:

6945 (a) issue a certificate of entity division;

6946 (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the
6947 notice of entity consolidation, including the accompanying map or legal description, to the
6948 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
6949 attorney; and

6950 (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor;
6951 and

6952 (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)
6953 and a statement indicating completion of Subsection (5)(b).

6954 (6) Within ten days after receiving a notice of entity dissolution, the lieutenant
6955 governor shall:

6956 (a) issue a certificate of entity dissolution;

6957 (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the
6958 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county
6959 surveyor, county auditor, and county attorney; and

6960 (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor;
6961 and

6962 (c) send to the initiating body and the entity being dissolved, if different than the
6963 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement
6964 indicating completion of Subsection (6)(b).

6965 (7) Within ten days after receiving a notice of entity boundary change, the lieutenant
6966 governor shall:

6967 (a) issue a certificate of entity boundary change;

6968 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the
6969 notice of entity boundary change, including the accompanying map or legal description, to the

6970 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
6971 attorney; and

6972 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if
6973 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a
6974 statement indicating completion of Subsection (7)(b).

6975 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the
6976 public certificates, notices, maps, and other documents necessary in performing the duties of
6977 Subsections (2) through (7).

6978 (b) The lieutenant governor shall furnish a certified copy of documents to any person
6979 who requests a certified copy.

6980 (c) The lieutenant governor may charge a reasonable fee for copies of documents or
6981 certified copies of documents.

6982 Section 160. Section **67-3-1** is amended to read:

6983 **67-3-1. Functions and duties.**

6984 (1) (a) The state auditor is the auditor of public accounts and is independent of any
6985 executive or administrative officers of the state.

6986 (b) The state auditor is not limited in the selection of personnel or in the determination
6987 of the reasonable and necessary expenses of his office.

6988 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
6989 financial statements showing:

6990 (a) the condition of the state's finances;

6991 (b) the revenues received or accrued;

6992 (c) expenditures paid or accrued;

6993 (d) the amount of unexpended or unencumbered balances of the appropriations to the
6994 agencies, departments, divisions, commissions, and institutions; and

6995 (e) the cash balances of the funds in the custody of the state treasurer.

6996 (3) (a) The state auditor shall:

6997 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
6998 any department of state government or any independent agency or public corporation as the law
6999 requires, as the auditor determines is necessary, or upon request of the governor or the
7000 Legislature;

7001 (ii) perform the audits in accordance with generally accepted auditing standards and
7002 other auditing procedures as promulgated by recognized authoritative bodies;

7003 (iii) as the auditor determines is necessary, conduct the audits to determine:

7004 (A) honesty and integrity in fiscal affairs;

7005 (B) accuracy and reliability of financial statements;

7006 (C) effectiveness and adequacy of financial controls; and

7007 (D) compliance with the law.

7008 (b) If any state entity receives federal funding, the state auditor shall ensure that the
7009 audit is performed in accordance with federal audit requirements.

7010 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
7011 appropriation to the state auditor from the General Fund.

7012 (ii) If an appropriation is not provided, or if the federal government does not
7013 specifically provide for payment of audit costs, the costs of the federal compliance portions of
7014 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
7015 bears to the total federal funds received by the state.

7016 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
7017 funds passed through the state to local governments and to reflect any reduction in audit time
7018 obtained through the use of internal auditors working under the direction of the state auditor.

7019 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
7020 financial audits, and as the auditor determines is necessary, conduct performance and special
7021 purpose audits, examinations, and reviews of any entity that receives public funds, including a
7022 determination of any or all of the following:

7023 (i) the honesty and integrity of all its fiscal affairs;

7024 (ii) whether or not its administrators have faithfully complied with legislative intent;

7025 (iii) whether or not its operations have been conducted in an efficient, effective, and
7026 cost-efficient manner;

7027 (iv) whether or not its programs have been effective in accomplishing the intended
7028 objectives; and

7029 (v) whether or not its management, control, and information systems are adequate and
7030 effective.

7031 (b) The auditor may not conduct performance and special purpose audits,

7032 examinations, and reviews of any entity that receives public funds if the entity:
7033 (i) has an elected auditor; and
7034 (ii) has, within the entity's last budget year, had its financial statements or performance
7035 formally reviewed by another outside auditor.

7036 (5) The state auditor shall administer any oath or affirmation necessary to the
7037 performance of the duties of the auditor's office, and may subpoena witnesses and documents,
7038 whether electronic or otherwise, and examine into any matter that the auditor considers
7039 necessary.

7040 (6) The state auditor may require all persons who have had the disposition or
7041 management of any property of this state or its political subdivisions to submit statements
7042 regarding it at the time and in the form that the auditor requires.

7043 (7) The state auditor shall:

7044 (a) except where otherwise provided by law, institute suits in Salt Lake County in
7045 relation to the assessment, collection, and payment of its revenues against:

7046 (i) persons who by any means have become entrusted with public monies or property
7047 and have failed to pay over or deliver those monies or property; and
7048 (ii) all debtors of the state;

7049 (b) collect and pay into the state treasury all fees received by the state auditor;

7050 (c) perform the duties of a member of all boards of which the state auditor is a member
7051 by the constitution or laws of the state, and any other duties that are prescribed by the
7052 constitution and by law;

7053 (d) stop the payment of the salary of any state official or state employee who:

7054 (i) refuses to settle accounts or provide required statements about the custody and
7055 disposition of public funds or other state property;

7056 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
7057 board or department head with respect to the manner of keeping prescribed accounts or funds;
7058 or

7059 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
7060 official's or employee's attention;

7061 (e) establish accounting systems, methods, and forms for public accounts in all taxing
7062 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

7063 (f) superintend the contractual auditing of all state accounts;
7064 (g) subject to Subsection (8), withhold state allocated funds or the disbursement of
7065 property taxes from any state taxing or fee-assessing unit, if necessary, to ensure that officials
7066 and employees in those taxing units of the state comply with state laws and procedures in the
7067 budgeting, expenditures, and financial reporting of public funds; and

7068 (h) subject to Subsection (9), withhold the disbursement of tax monies from any
7069 county, if necessary, to ensure that officials and employees in the county comply with Section
7070 59-2-303.1.

7071 (8) Except as otherwise provided by law, the state auditor may not withhold funds
7072 under Subsection (7)(g) until a taxing or fee-assessing unit has received formal written notice
7073 of noncompliance from the auditor and has been given 60 days to make the specified
7074 corrections.

7075 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
7076 received formal written notice of noncompliance from the auditor and has been given 60 days
7077 to make the specified corrections.

7078 (10) The state auditor shall:

7079 (a) establish audit guidelines and procedures for audits of local mental health and
7080 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
7081 Chapter 43, Parts 2, Local Substance Abuse Authorities and 3, Local Mental Health
7082 Authorities, Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
7083 Organizations, and Other Local Entities Act, and Title 62A, Chapter 15, Substance Abuse and
7084 Mental Health Act; and

7085 (b) ensure that those guidelines and procedures provide assurances to the state that:

7086 (i) state and federal funds appropriated to local mental health authorities are used for
7087 mental health purposes;

7088 (ii) a private provider under an annual or otherwise ongoing contract to provide
7089 comprehensive mental health programs or services for a local mental health authority is in
7090 compliance with state and local contract requirements, and state and federal law;

7091 (iii) state and federal funds appropriated to local substance abuse authorities are used
7092 for substance abuse programs and services; and

7093 (iv) a private provider under an annual or otherwise ongoing contract to provide

7094 comprehensive substance abuse programs or services for a local substance abuse authority is in
7095 compliance with state and local contract requirements, and state and federal law.

7096 (11) The state auditor may, in accordance with the auditor's responsibilities for political
7097 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political
7098 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
7099 investigations of any political subdivision that are necessary to determine honesty and integrity
7100 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
7101 financial controls and compliance with the law.

7102 (12) (a) The state auditor may not audit work that the state auditor performed before
7103 becoming state auditor.

7104 (b) If the state auditor has previously been a responsible official in state government
7105 whose work has not yet been audited, the Legislature shall:

- 7106 (i) designate how that work shall be audited; and
- 7107 (ii) provide additional funding for those audits, if necessary.

7108 (13) The state auditor shall:

7109 (a) with the assistance, advice, and recommendations of an advisory committee
7110 appointed by the state auditor from among local district boards of trustees, officers, and
7111 employees and special service district boards, officers, and employees:

7112 (i) prepare a Uniform Accounting Manual for Local Districts that:

7113 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
7114 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -
7115 Local Districts, and special service districts under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~]
7116 1, Special Service District Act;

7117 (B) conforms with generally accepted accounting principles; and

7118 (C) prescribes reasonable exceptions and modifications for smaller districts to the
7119 uniform system of accounting, budgeting, and reporting;

7120 (ii) maintain the manual under Subsection (13)(a) so that it continues to reflect
7121 generally accepted accounting principles;

7122 (iii) conduct a continuing review and modification of procedures in order to improve
7123 them;

7124 (iv) prepare and supply each district with suitable budget and reporting forms; and

7125 (v) prepare instructional materials, conduct training programs, and render other
7126 services considered necessary to assist local districts and special service districts in
7127 implementing the uniform accounting, budgeting, and reporting procedures; and

7128 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
7129 and experiences of specific local districts and special service districts selected by the state
7130 auditor and make the information available to all districts.

7131 (14) (a) The following records in the custody or control of the state auditor are
7132 protected records under Title 63, Chapter 2, Government Records Access and Management
7133 Act:

7134 (i) records that would disclose information relating to allegations of personal
7135 misconduct, gross mismanagement, or illegal activity of a past or present governmental
7136 employee if the information or allegation cannot be corroborated by the state auditor through
7137 other documents or evidence, and the records relating to the allegation are not relied upon by
7138 the state auditor in preparing a final audit report;

7139 (ii) records and audit workpapers to the extent they would disclose the identity of a
7140 person who during the course of an audit, communicated the existence of any waste of public
7141 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation
7142 adopted under the laws of this state, a political subdivision of the state, or any recognized entity
7143 of the United States, if the information was disclosed on the condition that the identity of the
7144 person be protected;

7145 (iii) before an audit is completed and the final audit report is released, records or drafts
7146 circulated to a person who is not an employee or head of a governmental entity for their
7147 response or information;

7148 (iv) records that would disclose an outline or part of any audit survey plans or audit
7149 program; and

7150 (v) requests for audits, if disclosure would risk circumvention of an audit.

7151 (b) The provisions of Subsections (14)(a)(i), (ii), and (iii) do not prohibit the disclosure
7152 of records or information that relate to a violation of the law by a governmental entity or
7153 employee to a government prosecutor or peace officer.

7154 (c) The provisions of this Subsection (14) do not limit the authority otherwise given to
7155 the state auditor to classify a document as public, private, controlled, or protected under Title

7156 63, Chapter 2, Government Records Access and Management Act.

7157 Section 161. Section **69-2-4** is amended to read:

7158 **69-2-4. Administration.**

7159 The administration of the 911 emergency telephone system shall be provided by the
7160 governing authority of the public agency establishing 911 emergency telephone service either
7161 directly or by the appointment of employees of the public agency as directed by the governing
7162 authority, except that any 911 emergency telephone service established by a special service
7163 district shall be administered as set forth in Title [~~17A~~] 17D, Chapter [~~2, Part 13~~] 1, Special
7164 Service District Act.

7165 Section 162. Section **69-2-5** is amended to read:

7166 **69-2-5. Funding for 911 emergency telephone service.**

7167 (1) In providing funding of 911 emergency telephone service, any public agency
7168 establishing a 911 emergency telephone service may:

7169 (a) seek assistance from the federal or state government, to the extent constitutionally
7170 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or
7171 indirectly;

7172 (b) seek funds appropriated by local governmental taxing authorities for the funding of
7173 public safety agencies; and

7174 (c) seek gifts, donations, or grants from individuals, corporations, or other private
7175 entities.

7176 (2) For purposes of providing funding of 911 emergency telephone service, special
7177 service districts may raise funds as provided in Section [~~17A-2-1322~~] 17D-1-105 and may
7178 borrow money and incur indebtedness as provided in Section [~~17A-2-1316~~] 17D-1-103.

7179 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of
7180 this Subsection (3) a county, city, or town within which 911 emergency telephone service is
7181 provided may levy monthly an emergency services telephone charge on:

7182 (i) each local exchange service switched access line within the boundaries of the
7183 county, city, or town;

7184 (ii) each revenue producing radio communications access line with a billing address
7185 within the boundaries of the county, city, or town; and

7186 (iii) any other service, including voice over Internet protocol, provided to a user within

7187 the boundaries of the county, city, or town that allows the user to make calls to and receive
7188 calls from the public switched telephone network, including commercial mobile radio service
7189 networks.

7190 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
7191 telephone service is exempt from emergency telephone charges.

7192 (c) The amount of the charge levied under this section may not exceed:

7193 (i) 61 cents per month for each local exchange service switched access line;

7194 (ii) 61 cents per month for each radio communications access line; and

7195 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

7196 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
7197 provided in Section 59-12-102:

7198 (A) "mobile telecommunications service";

7199 (B) "primary place of use";

7200 (C) "service address"; and

7201 (D) "telephone service."

7202 (ii) An access line described in Subsection (3)(a) is considered to be within the
7203 boundaries of a county, city, or town if the telephone services provided over the access line are
7204 located within the county, city, or town:

7205 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
7206 Act; and

7207 (B) determined in accordance with Section 59-12-207.4.

7208 (iii) The rate imposed on an access line under this section shall be determined in
7209 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
7210 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
7211 city, or town in which is located:

7212 (A) for telephone service other than mobile telecommunications service, the
7213 purchaser's service address; or

7214 (B) for mobile telecommunications service, the purchaser's primary place of use.

7215 (iv) The rate imposed on an access line under this section shall be the lower of:

7216 (A) the rate imposed by the county, city, or town in which the access line is located
7217 under Subsection (3)(d)(ii); or

7218 (B) the rate imposed by the county, city, or town in which it is located:
7219 (I) for telephone service other than mobile telecommunications service, the purchaser's
7220 service address; or
7221 (II) for mobile telecommunications service, the purchaser's primary place of use.
7222 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
7223 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
7224 charge being levied.
7225 (ii) For purposes of this Subsection (3)(e):
7226 (A) "Annexation" means an annexation to:
7227 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
7228 (II) a county under Title 17, Chapter 2, Annexation to County.
7229 (B) "Annexing area" means an area that is annexed into a county, city, or town.
7230 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if on or after July 1,
7231 2003, a county, city, or town enacts or repeals a charge or changes the amount of the charge
7232 under this section, the enactment, repeal, or change shall take effect:
7233 (I) on the first day of a calendar quarter; and
7234 (II) after a 90-day period beginning on the date the State Tax Commission receives
7235 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.
7236 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:
7237 (I) that the county, city, or town will enact or repeal a charge or change the amount of
7238 the charge under this section;
7239 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);
7240 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and
7241 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
7242 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.
7243 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge
7244 increase under this section shall take effect on the first day of the first billing period:
7245 (I) that begins after the effective date of the enactment of the charge or the charge
7246 increase; and
7247 (II) if the billing period for the charge begins before the effective date of the enactment
7248 of the charge or the charge increase imposed under this section.

7249 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
7250 decrease under this section shall take effect on the first day of the last billing period:

7251 (I) that began before the effective date of the repeal of the charge or the charge
7252 decrease; and

7253 (II) if the billing period for the charge begins before the effective date of the repeal of
7254 the charge or the charge decrease imposed under this section.

7255 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if for an annexation
7256 that occurs on or after July 1, 2003, the annexation will result in the enactment, repeal, or a
7257 change in the amount of a charge imposed under this section for an annexing area, the
7258 enactment, repeal, or change shall take effect:

7259 (I) on the first day of a calendar quarter; and

7260 (II) after a 90-day period beginning on the date the State Tax Commission receives
7261 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
7262 annexes the annexing area.

7263 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

7264 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
7265 enactment, repeal, or a change in the charge being imposed under this section for the annexing
7266 area;

7267 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

7268 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

7269 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
7270 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

7271 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
7272 increase under this section shall take effect on the first day of the first billing period:

7273 (I) that begins after the effective date of the enactment of the charge or the charge
7274 increase; and

7275 (II) if the billing period for the charge begins before the effective date of the enactment
7276 of the charge or the charge increase imposed under this section.

7277 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
7278 decrease under this section shall take effect on the first day of the last billing period:

7279 (I) that began before the effective date of the repeal of the charge or the charge

7280 decrease; and

7281 (II) if the billing period for the charge begins before the effective date of the repeal of
7282 the charge or the charge decrease imposed under this section.

7283 (f) Subject to Subsection (3)(g), an emergency services telephone charge levied under
7284 this section shall:

7285 (i) be billed and collected by the person that provides the:

7286 (A) local exchange service switched access line services; or

7287 (B) radio communications access line services; and

7288 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
7289 Commission.

7290 (g) An emergency services telephone charge on a mobile telecommunications service
7291 may be levied, billed, and collected only to the extent permitted by the Mobile
7292 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

7293 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

7294 (i) bill the charge imposed by this section in combination with the charge levied under
7295 Section 69-2-5.6 as one line item charge; and

7296 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
7297 reimbursement for the cost of billing, collecting, and remitting the levy.

7298 (i) The State Tax Commission shall:

7299 (i) collect, enforce, and administer the charge imposed under this Subsection (3) using
7300 the same procedures used in the administration, collection, and enforcement of the state sales
7301 and use taxes under:

7302 (A) Title 59, Chapter 1, General Taxation Policies; and

7303 (B) Title 59, Chapter 12, Part 1, Tax Collection, except for:

7304 (I) Section 59-12-104;

7305 (II) Section 59-12-104.1;

7306 (III) Section 59-12-104.2; and

7307 (IV) Section 59-12-107.1;

7308 (ii) transmit monies collected under this Subsection (3):

7309 (A) monthly; and

7310 (B) by electronic funds transfer by the commission to the county, city, or town that

7311 imposes the charge; and

7312 (iii) charge the county, city, or town for the State Tax Commission's services under this
7313 Subsection (3) in an amount:

7314 (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax
7315 Commission in rendering the services; and

7316 (B) that may not exceed an amount equal to 1.5% of the charges imposed under this
7317 Subsection (3).

7318 (4) (a) Any money received by a public agency for the provision of 911 emergency
7319 telephone service shall be deposited in a special emergency telephone service fund.

7320 (b) (i) Except as provided in Subsection (5), the money in the emergency telephone
7321 service fund shall be expended by the public agency to pay the costs of establishing, installing,
7322 maintaining, and operating a 911 emergency telephone system or integrating a 911 system into
7323 an established public safety dispatch center, including contracting with the providers of local
7324 exchange service, radio communications service, and vendors of appropriate terminal
7325 equipment as necessary to implement the 911 emergency telephone service.

7326 (ii) Revenues derived for the funding of 911 emergency telephone service may only be
7327 used for that portion of costs related to the operation of the 911 emergency telephone system
7328 when such a system is integrated with any public safety dispatch system.

7329 (c) Any unexpended money in the emergency telephone service fund at the end of a
7330 fiscal year does not lapse, and must be carried forward to be used for the purposes described in
7331 this section.

7332 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
7333 Subsection (3) after the 2004 Annual General Session, or from grants from the Utah 911
7334 Committee pursuant to Section 53-10-605:

7335 (i) shall be deposited into the special emergency telephone service fund described in
7336 Subsection (4)(a); and

7337 (ii) shall only be used for that portion of the costs related to the development and
7338 operation of wireless and land-based enhanced 911 emergency telephone service and the
7339 implementation of wireless E-911 Phase I and Phase II services as provided in Subsection
7340 (5)(b).

7341 (b) The costs allowed under Subsection (5)(a)(ii) shall include the public service

7342 answering point's or local entity's costs for:

7343 (i) acquisition, upgrade, modification, maintenance, and operation of public service

7344 answering point equipment capable of receiving E-911 information;

7345 (ii) database development, operation, and maintenance; and

7346 (iii) personnel costs associated with establishing, installing, maintaining, and operating

7347 wireless E-911 Phase I and Phase II services, including training emergency service personnel

7348 regarding receipt and use of E-911 wireless service information and educating consumers

7349 regarding the appropriate and responsible use of E-911 wireless service.

7350 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the

7351 2004 Annual General Session shall increase the levy to the maximum amount permitted by

7352 Subsection (3)(c).

7353 Section 163. Section **73-2-1** is amended to read:

7354 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

7355 (1) There shall be a state engineer.

7356 (2) The state engineer shall:

7357 (a) be appointed by the governor with the consent of the Senate;

7358 (b) hold office for the term of four years and until a successor is appointed; and

7359 (c) have five years experience as a practical engineer or the theoretical knowledge,

7360 practical experience, and skill necessary for the position.

7361 (3) (a) The state engineer shall be responsible for the general administrative

7362 supervision of the waters of the state and the measurement, appropriation, apportionment, and

7363 distribution of those waters.

7364 (b) The state engineer may secure the equitable apportionment and distribution of the

7365 water according to the respective rights of appropriators.

7366 (4) The state engineer shall make rules, in accordance with Title 63, Chapter 46a, Utah

7367 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,

7368 regarding:

7369 (a) reports of water right conveyances;

7370 (b) the construction of water wells and the licensing of water well drillers;

7371 (c) dam construction and safety;

7372 (d) the alteration of natural streams;

- 7373 (e) sewage effluent reuse;
- 7374 (f) geothermal resource conservation; and
- 7375 (g) enforcement orders and the imposition of fines and penalties.
- 7376 (5) The state engineer may make rules, in accordance with Title 63, Chapter 46a, Utah
- 7377 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
- 7378 governing:
- 7379 (a) water distribution systems and water commissioners;
- 7380 (b) water measurement and reporting;
- 7381 (c) ground-water recharge and recovery;
- 7382 (d) the determination of water rights; and
- 7383 (e) the form and content of applications and related documents, maps, and reports.
- 7384 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 7385 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 7386 water without first seeking redress through the administrative process;
- 7387 (b) prevent theft, waste, loss, or pollution of those waters;
- 7388 (c) enable him to carry out the duties of his office; and
- 7389 (d) enforce administrative orders and collect fines and penalties.
- 7390 (7) The state engineer may:
- 7391 (a) upon request from the board of trustees of an irrigation district under Title 17B,
- 7392 Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited
- 7393 Purpose Local Government Entities - Local Districts, or a special service district under Title
- 7394 ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act, that operates an
- 7395 irrigation water system, cause a water survey to be made of all lands proposed to be annexed to
- 7396 the district in order to determine and allot the maximum amount of water that could be
- 7397 beneficially used on the land, with a separate survey and allotment being made for each 40-acre
- 7398 or smaller tract in separate ownership; and
- 7399 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
- 7400 district board a return of the survey and report of the allotment.
- 7401 (8) (a) The state engineer may establish water distribution systems and define their
- 7402 boundaries.
- 7403 (b) The water distribution systems shall be formed in a manner that:

7404 (i) secures the best protection to the water claimants; and
7405 (ii) is the most economical for the state to supervise.

7406 Section 164. Section **73-5-15** is amended to read:

7407 **73-5-15. Groundwater management plan.**

7408 (1) As used in this section:

7409 (a) "Critical management area" means a groundwater basin in which the groundwater
7410 withdrawals consistently exceed the safe yield.

7411 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
7412 groundwater basin over a period of time without exceeding the long-term recharge of the basin
7413 or unreasonably affecting the basin's physical and chemical integrity.

7414 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
7415 groundwater basin by adopting a groundwater management plan in accordance with this section
7416 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
7417 basins or aquifers.

7418 (b) The objectives of a groundwater management plan are to:

7419 (i) limit groundwater withdrawals to safe yield;

7420 (ii) protect the physical integrity of the aquifer; and

7421 (iii) protect water quality.

7422 (c) The state engineer shall adopt a groundwater management plan for a groundwater
7423 basin if more than 1/3 of the water right owners in the groundwater basin request that the state
7424 engineer adopt a groundwater management plan.

7425 (3) (a) In developing a groundwater management plan, the state engineer may consider:

7426 (i) the hydrology of the groundwater basin;

7427 (ii) the physical characteristics of the groundwater basin;

7428 (iii) the relationship between surface water and groundwater, including whether the
7429 groundwater should be managed in conjunction with hydrologically connected surface waters;

7430 (iv) the geographic spacing and location of groundwater withdrawals;

7431 (v) water quality;

7432 (vi) local well interference; and

7433 (vii) other relevant factors.

7434 (b) The state engineer shall base the provisions of a groundwater management plan on

7435 the principles of prior appropriation.

7436 (c) (i) The state engineer shall use the best available scientific method to determine
7437 safe yield.

7438 (ii) As hydrologic conditions change or additional information becomes available, safe
7439 yield determinations made by the state engineer may be revised by following the procedures
7440 listed in Subsection (5).

7441 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
7442 groundwater basin shall be limited to the basin's safe yield.

7443 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
7444 shall:

7445 (A) determine the groundwater basin's safe yield; and

7446 (B) adopt a groundwater management plan for the groundwater basin.

7447 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
7448 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
7449 groundwater basin based on the priority date of the water rights under the groundwater
7450 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
7451 different distribution.

7452 (b) When adopting a groundwater management plan for a critical management area, the
7453 state engineer shall, based on economic and other impacts to an individual water user or a local
7454 community caused by the implementation of safe yield limits on withdrawals, allow gradual
7455 implementation of the groundwater management plan.

7456 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
7457 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
7458 before or after a determination that groundwater withdrawals exceed the groundwater basin's
7459 safe yield.

7460 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
7461 law.

7462 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
7463 all of the water users in a groundwater basin does not affect the rights of water users who do
7464 not agree to the voluntary arrangement.

7465 (5) To adopt a groundwater management plan, the state engineer shall:

- 7466 (a) give notice as specified in Subsection (7) at least 30 days before the first public
7467 meeting held in accordance with Subsection (5)(b):
- 7468 (i) that the state engineer proposes to adopt a groundwater management plan;
- 7469 (ii) describing generally the land area proposed to be included in the groundwater
7470 management plan; and
- 7471 (iii) stating the location, date, and time of each public meeting to be held in accordance
7472 with Subsection (5)(b);
- 7473 (b) hold one or more public meetings in the geographic area proposed to be included
7474 within the groundwater management plan to:
- 7475 (i) address the need for a groundwater management plan;
- 7476 (ii) present any data, studies, or reports that the state engineer intends to consider in
7477 preparing the groundwater management plan;
- 7478 (iii) address safe yield and any other subject that may be included in the groundwater
7479 management plan;
- 7480 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
7481 to incur if the plan is adopted; and
- 7482 (v) receive any public comments and other information presented at the public
7483 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);
- 7484 (c) receive and consider written comments concerning the proposed groundwater
7485 management plan from any person for a period determined by the state engineer of not less
7486 than 60 days after the day on which the notice required by Subsection (5)(a) is given;
- 7487 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
7488 publish notice:
- 7489 (A) that a draft of the groundwater management plan has been proposed; and
- 7490 (B) specifying where a copy of the draft plan may be reviewed; and
- 7491 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
7492 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and
- 7493 (e) provide notice of the adoption of the groundwater management plan.
- 7494 (6) A groundwater management plan shall become effective on the date notice of
7495 adoption is completed under Subsection (7), or on a later date if specified in the plan.
- 7496 (7) (a) A notice required by this section shall be:

7497 (i) published once a week for two successive weeks in a newspaper of general
7498 circulation in each county that encompasses a portion of the land area proposed to be included
7499 within the groundwater management plan;

7500 (ii) published conspicuously on the state engineer's Internet website; and

7501 (iii) mailed to each of the following that has within its boundaries a portion of the land
7502 area to be included within the proposed groundwater management plan:

7503 (A) county;

7504 (B) incorporated city or town;

7505 (C) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
7506 Act;

7507 (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;

7508 (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;

7509 (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;

7510 (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
7511 Water District Act;

7512 (H) special service district providing water, sewer, drainage, or flood control services,
7513 under Title [~~17A~~] 17D, Chapter [~~2, Part 13, Utah~~] 1, Special Service District Act;

7514 (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
7515 Conservancy District Act; and

7516 (J) conservation district, under Title [~~17A~~] 17D, Chapter 3, [~~Part 8~~] Conservation
7517 [~~Districts~~] District Act.

7518 (b) A notice required by this section is effective upon substantial compliance with
7519 Subsections (7)(a)(i) through (iii).

7520 (8) A groundwater management plan may be amended in the same manner as a
7521 groundwater management plan may be adopted under this section.

7522 (9) The existence of a groundwater management plan does not preclude any otherwise
7523 eligible person from filing any application or challenging any decision made by the state
7524 engineer within the affected groundwater basin.

7525 (10) (a) A person aggrieved by a groundwater management plan may challenge any
7526 aspect of the groundwater management plan by filing a complaint within 60 days after the
7527 adoption of the groundwater management plan in the district court for any county in which the

7528 groundwater basin is found.

7529 (b) Notwithstanding Subsection (9), a person may challenge the components of a
7530 groundwater management plan only in the manner provided by Subsection (10)(a).

7531 (c) An action brought under this Subsection (10) is reviewed de novo by the district
7532 court.

7533 (d) A person challenging a groundwater management plan under this Subsection (10)
7534 shall join the state engineer as a defendant in the action challenging the groundwater
7535 management plan.

7536 (e) (i) Within 30 days after the day on which a person files an action challenging any
7537 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
7538 shall publish notice of the action in a newspaper of general circulation in the county in which
7539 the district court is located.

7540 (ii) The notice required by Subsection (10)(e)(i) shall be published once a week for two
7541 consecutive weeks.

7542 (iii) The notice required by Subsection (10)(e)(i) shall:

7543 (A) identify the groundwater management plan the person is challenging;

7544 (B) identify the case number assigned by the district court;

7545 (C) state that a person affected by the groundwater management plan may petition the
7546 district court to intervene in the action challenging the groundwater management plan; and

7547 (D) list the address for the clerk of the district court in which the action is filed.

7548 (iv) (A) Any person affected by the groundwater management plan may petition to
7549 intervene in the action within 60 days after the day on which notice is last published under
7550 Subsections (10)(e)(i) and (ii).

7551 (B) The district court's treatment of a petition to intervene under this Subsection
7552 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

7553 (v) A district court in which an action is brought under Subsection (10)(a) shall
7554 consolidate all actions brought under that Subsection and include in the consolidated action any
7555 person whose petition to intervene is granted.

7556 (11) A groundwater management plan adopted or amended in accordance with this
7557 section is exempt from the requirements in Title 63, Chapter 46a, Utah Administrative
7558 Rulemaking Act.

7559 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater
7560 Recharge and Recovery Act, are exempted from this section.

7561 (13) Nothing in this section may be interpreted to require the development,
7562 implementation, or consideration of a groundwater management plan as a prerequisite or
7563 condition to the exercise of the state engineer's enforcement powers under other law, including
7564 powers granted under Section 73-2-25.

7565 (14) A groundwater management plan adopted in accordance with this section may not
7566 apply to the dewatering of a mine.

7567 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
7568 2006, remains in force and has the same legal effect as it had on the day on which it was
7569 adopted by the state engineer.

7570 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
7571 or after May 1, 2006, the amendment is subject to this section's provisions.

7572 Section 165. Section **73-10-21** is amended to read:

7573 **73-10-21. Loans for water systems -- Eligible projects.**

7574 This chapter shall apply to all eligible projects of incorporated cities and towns, local
7575 districts under Title 17B, Limited Purpose Local Government Entities - Local Districts,
7576 assessment areas under Title 11, Chapter 42, Assessment Area Act, and special service districts
7577 under Title ~~[17A]~~ 17D, Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act. Eligible
7578 projects are those for the acquisition, improvement, or construction of water systems used for
7579 the production, supply, transmission, storage, distribution, or treatment of water for cities,
7580 towns, metropolitan water districts, water conservancy districts, improvement districts, special
7581 improvement districts, or special service districts, or the improvement or extension of such
7582 systems.

7583 Section 166. Section **77-7-18** is amended to read:

7584 **77-7-18. Citation on misdemeanor or infraction charge.**

7585 A peace officer, in lieu of taking a person into custody, any public official of any county
7586 or municipality charged with the enforcement of the law, a port-of-entry agent as defined in
7587 Section 72-1-102, an animal control officer of a special service district under Title 17D,
7588 Chapter 1, Special Service District Act, that is authorized to provide animal control service,
7589 and a volunteer authorized to issue a citation under Section 41-6a-213 may issue and deliver a

7590 citation requiring any person subject to arrest or prosecution on a misdemeanor or infraction
7591 charge to appear at the court of the magistrate before whom the person should be taken
7592 pursuant to law if the person had been arrested.

7593 Section 167. Section **78-27-63** is amended to read:

7594 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**
7595 **county or municipality -- No effect on duty or liability of person participating in**
7596 **recreational activity or other person.**

7597 (1) As used in this section:

7598 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury
7599 or property damage that are an integral and natural part of participating in a recreational
7600 activity.

7601 (b) "Municipality" has the meaning as defined in Section 10-1-104.

7602 (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or
7603 experience, and a corporation, partnership, limited liability company, or any other form of
7604 business enterprise.

7605 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,
7606 skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking,
7607 running, jogging, bike riding, or in-line skating on property:

7608 (i) owned, leased, or rented by, or otherwise made available to:

7609 (A) with respect to a claim against a county, the county; and

7610 (B) with respect to a claim against a municipality, the municipality; and

7611 (ii) intended for the specific use in question.

7612 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,
7613 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or
7614 recover from any of the following entities for personal injury or property damage resulting
7615 from any of the inherent risks of participating in a recreational activity:

7616 (a) a county, municipality, local district under Title 17B, Limited Purpose Local
7617 Government Entities - Local Districts, or special service district under Title ~~[17A]~~ 17D,
7618 Chapter ~~[2, Part 13, Utah]~~ 1, Special Service District Act~~[-or dependent district under Title~~
7619 ~~17A, Chapter 3, Dependent Districts]~~; or

7620 (b) the owner of property that is leased, rented, or otherwise made available to a

7621 county, municipality, local district, special service district, or dependent district for the purpose
7622 of providing or operating a recreational activity.

7623 (3) (a) Nothing in this section may be construed to relieve a person participating in a
7624 recreational activity from an obligation that the person would have in the absence of this
7625 section to exercise due care or from the legal consequences of a failure to exercise due care.

7626 (b) Nothing in this section may be construed to relieve any other person from an
7627 obligation that the person would have in the absence of this section to exercise due care or
7628 from the legal consequences of a failure to exercise due care.

7629 Section 168. **Repealer.**

7630 This bill repeals:

7631 Section 17A-2-1301, **Short title.**

7632 Section 17A-2-1302, **Definitions.**

7633 Section 17A-2-1303, **Purpose.**

7634 Section 17A-2-1304, **Establishing special service districts -- Improvement districts**
7635 **within special service districts.**

7636 Section 17A-2-1305, **Establishment of district by resolution based on motion or**
7637 **petition.**

7638 Section 17A-2-1306, **Resolution proposing district to include part of another**
7639 **subdivision or district -- Action by governing body of other entity -- Jurisdiction on**
7640 **approval.**

7641 Section 17A-2-1307, **Notice of intention to establish district -- Hearing.**

7642 Section 17A-2-1308, **Publication of notice.**

7643 Section 17A-2-1309, **Protests -- Procedures -- Effect.**

7644 Section 17A-2-1310, **Petition or protest -- Corporation or property held by more**
7645 **than one person.**

7646 Section 17A-2-1311, **Adoption of resolution -- Notice to lieutenant governor --**
7647 **Judicial review.**

7648 Section 17A-2-1312, **General obligation bonds authorized by petition of property**
7649 **owners -- Contest.**

7650 Section 17A-2-1313, **Service district as separate body politic -- Supervision and**
7651 **control by governing authority.**

- 7652 Section 17A-2-1314, Rights, powers, and authority of special service district.
- 7653 Section 17A-2-1315, Designation of assessment area by special service district.
- 7654 Section 17A-2-1316, Borrowing power -- Issuance of bonds and notes -- Use of
7655 proceeds.
- 7656 Section 17A-2-1317, Bonds payable from taxes -- Limitations.
- 7657 Section 17A-2-1318, Guaranteed bonds.
- 7658 Section 17A-2-1319, Service district indebtedness not enforceable against state,
7659 county, municipality, school district, other public corporations.
- 7660 Section 17A-2-1320, Fees or charges -- Penalties for delinquencies.
- 7661 Section 17A-2-1321, Delinquent fees and charges.
- 7662 Section 17A-2-1322, Tax levy and bonds -- Approval by majority of electors voting
7663 in election -- Procedure for election.
- 7664 Section 17A-2-1323, Intent of Legislature regarding bond elections -- Validation of
7665 elections.
- 7666 Section 17A-2-1324, Effect of voter approval.
- 7667 Section 17A-2-1325, Exceptions to election requirements.
- 7668 Section 17A-2-1326, Administrative control board -- Powers -- Compensation.
- 7669 Section 17A-2-1327, Adding additional services -- Annexing additional area --
7670 Notice to lieutenant governor.
- 7671 Section 17A-2-1328, Discontinuance of service.
- 7672 Section 17A-2-1329, Dissolution of district -- Withdrawal of area from district --
7673 Notice to lieutenant governor.
- 7674 Section 17A-2-1330, Other districts not affected -- Election by other districts to
7675 become service districts.
- 7676 Section 17A-2-1331, Part controlling in conflict of laws.
- 7677 Section 17A-2-1332, Validation of creation and prior actions of districts.
- 7678 Section 17A-3-401, Short title.
- 7679 Section 17A-3-402, Purpose.
- 7680 Section 17A-3-403, Definitions.
- 7681 Section 17A-3-404, Establishment of improvement district -- Tax levy -- Parking
7682 and business improvement fund.

- 7683 Section 17A-3-405, Resolution -- Petition.
- 7684 Section 17A-3-406, Notice of intention to establish district -- Contents.
- 7685 Section 17A-3-407, Publication or posting of notice.
- 7686 Section 17A-3-408, Protests -- Hearing -- Abandonment.
- 7687 Section 17A-3-409, Signature of petition or protest on behalf of business.
- 7688 Section 17A-3-410, Resolution -- Contents -- Judicial review.
- 7689 Section 17A-3-411, Funds of district -- Budget -- Collection -- Investment --
- 7690 **Expenditures.**
- 7691 Section 17A-3-412, Control of district by governing authority -- Administrative
- 7692 **board of directors -- Powers.**
- 7693 Section 17A-3-413, Disestablishment of districts -- Hearing -- Resolution.
- 7694 Section 17A-3-414, Disestablishment of districts -- Disposition of assets and
- 7695 **liabilities.**
- 7696 Section 17A-3-801, Organization -- Petition.
- 7697 Section 17A-3-802, Hearing -- Factors considered -- Action on petition -- Denial.
- 7698 Section 17A-3-803, Consolidation, division, or termination of district -- Action on
- 7699 **petition.**
- 7700 Section 17A-3-804, Governing body of districts -- Candidates' qualifications --
- 7701 **Procedures -- Termination of office upon consolidation, division, or termination -- New**
- 7702 **elections.**
- 7703 Section 17A-3-805, District a political subdivision -- Functions, powers, and duties.
- 7704 Section 17A-3-806, Land use recommendations authorized.
- 7705 Section 17A-3-807, District courts have jurisdiction.
- 7706 Section 17A-3-1201, Districts for road improvements.
- 7707 Section 17A-3-1202, Abutting property to bear cost -- Taxation.
- 7708 Section 17A-3-1203, Notice of proposed tax -- Objections.
- 7709 Section 17A-3-1204, Hearings.
- 7710 Section 17A-3-1205, Tax becomes a lien.
- 7711 Section 17A-3-1206, Manner of collecting -- Delinquencies.
- 7712 Section 17A-3-1301, Short title.
- 7713 Section 17A-3-1302, Declaration of legislative intent.

- 7714 Section **17A-3-1303, Expenditure of public funds.**
- 7715 Section **17A-3-1304, Power of counties, cities, and towns.**
- 7716 Section **17A-3-1305, Existing powers to acquire private property not limited.**
- 7717 Section **17A-3-1306, Existing powers with respect to historic areas not limited.**

Fiscal Note

**S.B. 47 1st Sub. (Green) - Limited Purpose Local Government Entities
Revisions**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
