

**POLITICAL SUBDIVISIONS PROPERTY AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts language prohibiting a political subdivision or educational entity from disposing of property unless the political subdivision or educational entity receives

~~Ⓢ~~ → [consideration in the form of] ← ~~Ⓢ~~ fair market value for the property.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits, with certain exceptions, a political subdivision or educational entity from

disposing of property unless the political subdivision or educational entity receives

~~Ⓢ~~ → [consideration in the form of] ← ~~Ⓢ~~ fair market value for the property; and

- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-8-2**, as last amended by Laws of Utah 2010, Chapter 90

**17-50-302**, as last amended by Laws of Utah 2010, Chapter 385

**17-50-312**, as last amended by Laws of Utah 2007, Chapter 291

S.B. 181



152 previously provided notice under Section 10-9a-203 identifying the general location within the  
153 municipality or unincorporated part of the county where the property to be acquired is located.

154 (ii) If a municipality is not required to comply with the notice requirement of  
155 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide  
156 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real  
157 property.

158 Section 2. Section 11-50-101 is enacted to read:

159 **CHAPTER 50. PROPERTY OF POLITICAL SUBDIVISIONS**

160 **Part 1. General Provisions**

161 **11-50-101. Title.**

162 This chapter is known as "Property of Political Subdivisions."

163 Section 3. Section 11-50-102 is enacted to read:

164 **11-50-102. Definitions.**

165 (1) "Consideration" means something ~~§~~ → :

165a (a) ~~←§~~ of value given or done in exchange for  
166 something given or done by another, including money, a service, or labor ~~§~~ → [;] ; or

166a (b) **provided in the public interest supporting health, safety, and welfare of the**  
166b **citizens of a political subdivision.** ~~←§~~

167 (2) "Educational entity" means ~~§~~ → [;]

168 ~~—— (a) ~~←§~~ a school district or charter school~~ ~~§~~ → [; and

169 ~~—— (b) ~~an institution of higher education as described in Section 53B-2-101]~~ ~~←§~~ .~~

170 (3) "Fair market value" means the ~~§~~ → [amount] consideration ~~←§~~ at which property  
170a would change hands  
171 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell  
172 and both having reasonable knowledge of the relevant facts.

173 (4) "Political subdivision" means:

174 (a) a county;

175 (b) a municipality;

176 (c) a local district;

177 (d) a special service district;

178 (e) an entity created by an interlocal agreement adopted in accordance with Title 11,  
179 Chapter 13, Interlocal Cooperation Act; or

180 (f) an agency as defined in Section 17C-1-102.

181 (5) "Property" means anything of value, whether real or personal, tangible or  
182 intangible, including:

- 183 (a) an interest in property;  
 184 (b) a benefit, privilege, right, or other interest with respect to anything of value;  
 185 (c) proprietary software;  
 186 (d) a computer program that is developed or purchased by or for a political subdivision  
 187 or educational entity for its own use; or  
 188 (e) data collected or compiled by a political subdivision, whether stored electronically  
 189 or otherwise.  
 190 (6) "Record" has the same meaning as defined in Section 63G-2-103.

191 Section 4. Section **11-50-201** is enacted to read:

192 **Part 2. Certain Prohibitions on Disposal of Political Subdivision Property**

193 **11-50-201. Consideration for political subdivision property.**

- 194 (1) A political subdivision or educational entity:  
 195 (a) shall hold property in trust for the public's interest; and  
 196 (b) except as provided in Subsection (2), may not sell, alienate, give away, or otherwise  
 197 dispose of property without receiving ~~§~~→ [consideration in the form of] ←~~§~~ fair market value for  
 197a the  
 198 property.  
 199 (2) Subsection (1) does not apply to:  
 200 (a) property conveyed in accordance with Section 11-13-214;  
 201 (b) property described in Section 11-13-215;  
 202 (c) a service or assistance provided by a county in accordance with Section 17-50-303;  
 203 (d) property that is:  
 204 (i) ~~§~~→ **subject to Subsection (3),** ←~~§~~ a record requested in accordance with Title 63G,  
 204a Chapter 2, Government Records  
 205 Access and Management Act; and  
 206 (ii) is requested for a purpose, including media purposes, other than commercial use;  
 206a ~~§~~→ [-or] ←~~§~~  
 207 (e) property requested by, conveyed to, or otherwise disposed to the state, another  
 208 political subdivision, or the federal government ~~§~~→ [;] **(f) the acquisition or disposal of property**  
 208a **in accordance with Section 10-8-2; or**  
 208b **(g) any transfer of property specifically authorized by law.**  
 208c **(3)(a) If a records request has apparent significant commercial value, the custodian**

208d of the property may require the requestor to attest in writing, under penalty of perjury,  
208e whether the material is to be used for commercial resale purposes.

208f (b) If the request is for commercial resale purposes, the requestor shall pay fair market  
208g value for the property as provided in Subsection (1). ←§

209 Section 5. Section 17-50-302 is amended to read:

210 **17-50-302. General county powers.**

211 (1) (a) Except as provided in Subsection (1)(b), a county may:

212 (i) as prescribed by statute:

213 (A) levy a tax;