

LOCAL GOVERNMENT ENTITIES AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill amends provisions related to local government entities.

Highlighted Provisions:

This bill:

▶ authorizes a local district to provide services, nonmonetary assistance, or monetary assistance to a nonprofit entity;

▶ amends provisions related to the creation of a local district;

▶ amends provisions governing the term of an appointed water conservancy district board member;

▶ clarifies provisions that exempt an appointing authority from certain requirements if it appoints one of its own members to a board of trustees;

▶ authorizes a local district to designate and consolidate polling places and provide a local district election ballot in consultation with a county clerk;

▶ amends provisions related to the division of a local district for the purpose of electing or appointing the members of the board of trustees;

▶ amends provisions related to the authority of a local district to continue to tax an area withdrawn from the local district;

▶ requires a board of trustees to mail notice of a hearing to consider adoption of a budget to an owner of property or a registered voter within the local district;

▶ allows a local district to establish reasonable rules that require customers who sign



28 up for one service to receive multiple commodities, services, or facilities provided by the
29 district in certain circumstances;

30 ▶ prohibits in certain circumstances a county legislative body from adopting a
31 resolution for the appointment of a board of trustees member in a county
32 improvement district;

33 ▶ amends provisions related to a mosquito abatement district's power to establish a
34 reserve fund;

35 ▶ amends certain provisions related to the funding of a public transit district;

36 ▶ allows a member of a public transit district board of trustees who is appointed by a
37 county or municipality to be employed by the county or municipality in certain
38 circumstances;

39 ▶ amends criminal provisions related to riding in a transit vehicle without payment;

40 ▶ amends a public transit district's authority to use certain information obtained
41 through a background check;

42 ▶ requires a board of trustees for a water conservancy district to give written notice of
43 an upcoming vacancy in an appointed trustee's term within a certain period of time;

44 ▶ amends definitions;

45 ▶ amends provisions authorizing a municipality or improvement district to appoint
46 members to an administrative control board;

47 ▶ amends provisions related to the board of canvassers for a local district;

48 ▶ authorizes a public transit district to use an automatic license plate reader system to
49 assess parking needs and conduct travel pattern analyses;

50 ▶ authorizes the dissemination of a criminal history or warrant of arrest information to
51 a public transit district for certain purposes;

52 ▶ amends provisions relating to adverse possession to include a local district; and

53 ▶ makes technical and conforming amendments.

54 **Money Appropriated in this Bill:**

55 None

56 **Other Special Clauses:**

57 None

58 **Utah Code Sections Affected:**

59 AMENDS:

- 60 **17B-1-103**, as last amended by Laws of Utah 2011, Chapters 68 and 272
- 61 **17B-1-202**, as last amended by Laws of Utah 2013, Chapters 246 and 448
- 62 **17B-1-303**, as last amended by Laws of Utah 2013, Chapter 448
- 63 **17B-1-304**, as last amended by Laws of Utah 2013, Chapter 448
- 64 **17B-1-306**, as last amended by Laws of Utah 2013, Chapters 402 and 448
- 65 **17B-1-306.5**, as renumbered and amended by Laws of Utah 2008, Chapter 360
- 66 **17B-1-511**, as last amended by Laws of Utah 2012, Chapter 97
- 67 **17B-1-609**, as last amended by Laws of Utah 2012, Chapter 97
- 68 **17B-1-901**, as enacted by Laws of Utah 2007, Chapter 329
- 69 **17B-2a-404**, as last amended by Laws of Utah 2012, Chapter 97
- 70 **17B-2a-703**, as enacted by Laws of Utah 2007, Chapter 329
- 71 **17B-2a-804**, as last amended by Laws of Utah 2011, Chapter 223
- 72 **17B-2a-807**, as last amended by Laws of Utah 2013, Chapter 191
- 73 **17B-2a-821**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 74 **17B-2a-825**, as last amended by Laws of Utah 2010, Chapter 281
- 75 **17B-2a-1005**, as last amended by Laws of Utah 2010, Chapter 159
- 76 **17D-1-102**, as last amended by Laws of Utah 2013, Chapter 265
- 77 **17D-1-302**, as last amended by Laws of Utah 2012, Chapter 97
- 78 **17D-1-303**, as enacted by Laws of Utah 2008, Chapter 360
- 79 **17D-1-304**, as last amended by Laws of Utah 2012, Chapter 97
- 80 **20A-1-512**, as last amended by Laws of Utah 2013, Chapter 448
- 81 **20A-4-301**, as last amended by Laws of Utah 2010, Chapter 197
- 82 **41-6a-2003**, as enacted by Laws of Utah 2013, Chapter 447
- 83 **53-10-108**, as last amended by Laws of Utah 2012, Chapter 239
- 84 **78B-2-216**, as last amended by Laws of Utah 2010, Chapter 30

85 ENACTS:

86 **17B-1-122**, Utah Code Annotated 1953



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

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

90 **17B-1-103. Local district status and powers.**

91 (1) A local district:

92 (a) is:

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

94 (ii) a quasi-municipal corporation; and

95 (iii) a political subdivision of the state; and

96 (b) may sue and be sued.

97 (2) A local district may:

98 (a) acquire, by any lawful means, or lease any real property, personal property, or a
99 groundwater right necessary or convenient to the full exercise of the district's powers;

100 (b) acquire, by any lawful means, any interest in real property, personal property, or a
101 groundwater right necessary or convenient to the full exercise of the district's powers;

102 (c) transfer an interest in or dispose of any property or interest described in Subsections
103 (2)(a) and (b);

104 (d) acquire or construct works, facilities, and improvements necessary or convenient to
105 the full exercise of the district's powers, and operate, control, maintain, and use those works,
106 facilities, and improvements;

107 (e) borrow money and incur indebtedness for any lawful district purpose;

108 (f) issue bonds, including refunding bonds:

109 (i) for any lawful district purpose; and

110 (ii) as provided in and subject to Part 11, Local District Bonds;

111 (g) levy and collect property taxes:

112 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
113 from tax delinquencies in a preceding year; and

114 (ii) as provided in and subject to Part 10, Local District Property Tax Levy;

115 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
116 domain property necessary to the exercise of the district's powers;

117 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;

118 (j) (i) impose fees or other charges for commodities, services, or facilities provided by
119 the district, to pay some or all of the district's costs of providing the commodities, services, and
120 facilities, including the costs of:

- 121 (A) maintaining and operating the district;
- 122 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 123 (C) issuing bonds and paying debt service on district bonds; and
- 124 (D) providing a reserve established by the board of trustees; and
- 125 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 126 assure the collection of all fees and charges that the district imposes;
- 127 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
- 128 property to district facilities in order for the district to provide service to the property;
- 129 (l) enter into a contract that the local district board of trustees considers necessary,
- 130 convenient, or desirable to carry out the district's purposes, including a contract:
- 131 (i) with the United States or any department or agency of the United States;
- 132 (ii) to indemnify and save harmless; or
- 133 (iii) to do any act to exercise district powers;
- 134 (m) purchase supplies, equipment, and materials;
- 135 (n) encumber district property upon terms and conditions that the board of trustees
- 136 considers appropriate;
- 137 (o) exercise other powers and perform other functions that are provided by law;
- 138 (p) construct and maintain works and establish and maintain facilities, including works
- 139 or facilities:
- 140 (i) across or along any public street or highway, subject to Subsection (3) and if the
- 141 district:
- 142 (A) promptly restores the street or highway, as much as practicable, to its former state
- 143 of usefulness; and
- 144 (B) does not use the street or highway in a manner that completely or unnecessarily
- 145 impairs the usefulness of it;
- 146 (ii) in, upon, or over any vacant public lands that are or become the property of the
- 147 state, including school and institutional trust lands, as defined in Section 53C-1-103, if the
- 148 director of the School and Institutional Trust Lands Administration, acting under Sections
- 149 53C-1-102 and 53C-1-303, consents; or
- 150 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 151 (q) perform any act or exercise any power reasonably necessary for the efficient

152 operation of the local district in carrying out its purposes;

153 (r) (i) except for a local district described in Subsection (2)(r)(ii), designate an
154 assessment area and levy an assessment on land within the assessment area, as provided in
155 Title 11, Chapter 42, Assessment Area Act; or

156 (ii) for a local district created to assess a groundwater right in a critical management
157 area described in Subsection 17B-1-202(1), designate an assessment area and levy an
158 assessment, as provided in Title 11, Chapter 42, Assessment Area Act, on a groundwater right
159 to facilitate a groundwater management plan;

160 (s) contract with another political subdivision of the state to allow the other political
161 subdivision to use the district's surplus water or capacity or have an ownership interest in the
162 district's works or facilities, upon the terms and for the consideration, whether monetary or
163 nonmonetary consideration or no consideration, that the district's board of trustees considers to
164 be in the best interests of the district and the public; ~~and~~

165 (t) upon the terms and for the consideration, whether monetary or nonmonetary
166 consideration or no consideration, that the district's board of trustees considers to be in the best
167 interests of the district and the public, agree:

168 (i) with:

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

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

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

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

173 (ii) to allow the use of property:

174 (A) owned by the district; or

175 (B) on which the district has a right-of-way~~[-]; and~~

176 (u) if the local district receives, as determined by the local district board of trustees,
177 adequate monetary or nonmonetary consideration in return:

178 (i) provide services or nonmonetary assistance to a nonprofit entity;

179 (ii) waive fees required to be paid by a nonprofit entity; or

180 (iii) provide monetary assistance to a nonprofit entity, whether from the local district's
181 own funds or from funds the local district receives from the state or any other source.

182 (3) With respect to a local district's use of a street or highway, as provided in

183 Subsection (2)(p)(i):

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

- 187 (i) an excavation and the refilling of an excavation;
- 188 (ii) the relaying of pavement; and
- 189 (iii) the protection of the public during a construction period; and

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

- 192 (i) may not require the district to pay a license or permit fee or file a bond; and
- 193 (ii) may require the district to pay a reasonable inspection fee.

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

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

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

- 199 (I) operation of a project or facilities that the district is authorized to operate; or
- 200 (II) providing a service that the district is authorized to provide;

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

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

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

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

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

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

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

214 (6) (a) As used in this Subsection (6), "knife" means a cutting instrument that includes
215 a sharpened or pointed blade.

216 (b) The authority to regulate a knife is reserved to the state except where the
217 Legislature specifically delegates responsibility to a local district.

218 (c) Unless specifically authorized by the Legislature by statute, a local district may not
219 adopt or enforce a regulation or rule pertaining to a knife.

220 Section 2. Section 17B-1-122 is enacted to read:

221 **17B-1-122. Required multiple commodities, services, or facilities.**

222 A local district may establish reasonable rules requiring a customer who signs up for
223 one service to receive multiple commodities, services, or facilities provided by the district
224 under conditions or circumstances that are, as determined by the board of trustees, in the
225 general best interest of the district's customers if:

226 (1) the local district provides more than one commodity, service, or facility;

227 (2) one of the commodities, services, or facilities that the district provides is electric
228 service; and

229 (3) the district notifies the customer in writing of:

230 (a) the requirement to receive multiple commodities, services, or facilities;

231 (b) the specific additional commodity, service, or facility the customer will be required
232 to receive; and

233 (c) any fee or levy associated with the additional commodity, service, or facility.

234 Section 3. Section 17B-1-202 is amended to read:

235 **17B-1-202. Local district may be created -- Services that may be provided --**
236 **Limitations.**

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

239 (i) the operation of an airport;

240 (ii) the operation of a cemetery;

241 (iii) fire protection, paramedic, and emergency services, including consolidated 911
242 and emergency dispatch services;

243 (iv) garbage collection and disposal;

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

- 245 (vi) the operation of a library;
- 246 (vii) abatement or control of mosquitos and other insects;
- 247 (viii) the operation of parks or recreation facilities or services;
- 248 (ix) the operation of a sewage system;
- 249 (x) the construction and maintenance of a right-of-way, including:
- 250 (A) a curb;
- 251 (B) a gutter;
- 252 (C) a sidewalk;
- 253 (D) a street;
- 254 (E) a road;
- 255 (F) a water line;
- 256 (G) a sewage line;
- 257 (H) a storm drain;
- 258 (I) an electricity line;
- 259 (J) a communications line;
- 260 (K) a natural gas line; or
- 261 (L) street lighting;
- 262 (xi) transportation, including public transit and providing streets and roads;
- 263 (xii) the operation of a system, or one or more components of a system, for the
- 264 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
- 265 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
- 266 the system is operated on a wholesale or retail level or both;
- 267 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
- 268 groundwater right for the development and execution of a groundwater management plan in
- 269 cooperation with and approved by the state engineer in accordance with Section [73-5-15](#);
- 270 (xiv) law enforcement service;
- 271 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
- 272 or the conversion to underground of an existing electric utility line;
- 273 (xvi) the control or abatement of earth movement or a landslide;
- 274 (xvii) the operation of animal control services and facilities; or
- 275 (xviii) an energy efficiency upgrade or a renewable energy system, as defined in

276 Section 11-42-102, in accordance with Title 11, Chapter 42, Assessment Area Act.

277 (b) Each local district that provides the service of the underground installation of an
278 electric utility line or the conversion to underground of an existing electric utility line shall, in
279 installing or converting the line, provide advance notice to and coordinate with the utility that
280 owns the line.

281 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
282 the banking of groundwater rights by a local district in a critical management area as defined in
283 Section 73-5-15 following the adoption of a groundwater management plan by the state
284 engineer under Section 73-5-15.

285 (i) A local district may manage the groundwater rights it acquires under Subsection
286 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater management plan
287 described in this Subsection (1)(c).

288 (ii) A groundwater right held by a local district to satisfy the provisions of a
289 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

290 (iii) (A) A local district may divest itself of a groundwater right subject to a
291 determination that the groundwater right is not required to facilitate the groundwater
292 management plan described in this Subsection (1)(c).

293 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
294 73-1-4 beginning on the date of divestiture.

295 (iv) Upon a determination by the state engineer that an area is no longer a critical
296 management area as defined in Section 73-5-15, a groundwater right held by the local district is
297 subject to Section 73-1-4.

298 (v) A local district created in accordance with Subsection (1)(a)(xiii) to develop and
299 execute a groundwater management plan may hold or acquire a right to surface waters that are
300 naturally tributary to the groundwater basin subject to the groundwater management plan if the
301 surface waters are appropriated in accordance with Title 73, Water and Irrigation, and used in
302 accordance with Title 73, Chapter 3b, Groundwater Recharge and Recovery Act.

303 (2) For purposes of this section:

304 (a) "Operation" means all activities involved in providing the indicated service
305 including acquisition and ownership of property reasonably necessary to provide the indicated
306 service and acquisition, construction, and maintenance of facilities and equipment reasonably

307 necessary to provide the indicated service.

308 (b) "System" means the aggregate of interrelated components that combine together to
309 provide the indicated service including, for a sewage system, collection and treatment.

310 (3) (a) A local district may not be created to provide and may not after its creation
311 provide more than four of the services listed in Subsection (1).

312 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing
313 more than four services if, before April 30, 2007, the local district was authorized to provide
314 those services.

315 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
316 provide and may not after its creation provide to an area the same service that may already
317 [~~being~~] be provided to that area by another political subdivision, unless the other political
318 subdivision gives its written consent.

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

322 (i) sewage system; or

323 (ii) water system.

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

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

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

330 (a) paramedic service; and

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

332 (7) A local district created before May 11, 2010, authorized to provide the construction
333 and maintenance of curb, gutter, or sidewalk may provide a service described in Subsection
334 (1)(a)(x) on or after May 11, 2010.

335 (8) A local district created before May 10, 2011, authorized to provide culinary,
336 irrigation, sewage, or storm water services may provide a service described in Subsection
337 (1)(a)(xii) on or after May 10, 2011.

338 (9) A local district may not be created under this chapter for two years after the date on
339 which a local district is dissolved as provided in Section 17B-1-217 if the local district
340 proposed for creation:

341 (a) provides the same or a substantially similar service as the dissolved local district;

342 and

343 (b) is located in substantially the same area as the dissolved local district.

344 Section 4. Section 17B-1-303 is amended to read:

345 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond.**

346 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a
347 board of trustees shall begin at noon on the January 1 following the member's election or
348 appointment.

349 (b) The term of each member of the initial board of trustees of a newly created local
350 district shall begin:

351 (i) upon appointment, for an appointed member; and

352 (ii) upon the member taking the oath of office after the canvass of the election at which
353 the member is elected, for an elected member.

354 (c) The term of each water conservancy district board member appointed by the
355 governor as provided in Subsection 17B-2a-1005(2)(c) shall ~~[begin on the date on which the~~
356 ~~senate consents to the appointment.];~~

357 (i) begin on the later of the following:

358 (A) the date on which the Senate consents to the appointment; or

359 (B) the expiration date of the prior term; and

360 (ii) end on the February 1 that is approximately four years after the date described in
361 Subsection (1)(c)(i)(A) or (B).

362 (2) (a) (i) Subject to Subsection (2)(a)(ii), the term of each member of a board of
363 trustees shall be four years, except that approximately half the members of the initial board of
364 trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the
365 board members expires every two years.

366 (ii) (A) If the terms of members of the initial board of trustees of a newly created local
367 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
368 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in

369 the terms of their successors complying with:

370 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following
371 a member's election or appointment; and

372 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

373 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or
374 subtract more than a year from a member's term.

375 (b) Each board of trustees member shall serve until a successor is duly elected or
376 appointed and qualified, unless the member earlier is removed from office or resigns or
377 otherwise leaves office.

378 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
379 [17B-1-302](#)(1), or if the member's term expires without a duly elected or appointed successor:

380 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

381 (ii) the member may continue to serve until a successor is duly elected or appointed
382 and qualified.

383 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
384 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

385 (ii) An oath of office may be administered by a judge, county clerk, notary public, or
386 the local district clerk.

387 (b) Each oath of office shall be filed with the clerk of the local district.

388 (c) The failure of a board of trustees member to take the oath required by Subsection
389 (3)(a) does not invalidate any official act of that member.

390 (4) A board of trustees member is not limited in the number of terms the member may
391 serve.

392 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
393 position shall be filled as provided in Section [20A-1-512](#).

394 (6) (a) For purposes of this Subsection (6):

395 (i) "Appointed official" means a person who:

396 (A) is appointed as a member of a local district board of trustees by a county or
397 municipality entitled to appoint a member to the board; and

398 (B) holds an elected position with the appointing county or municipality.

399 (ii) "Appointing entity" means the county or municipality that appointed the appointed

400 official to the board of trustees.

401 (b) The board of trustees shall declare a midterm vacancy for the board position held
402 by an appointed official if:

403 (i) during the appointed official's term on the board of trustees, the appointed official
404 ceases to hold the elected position with the appointing entity; and

405 (ii) the appointing entity submits a written request to the board to declare the vacancy.

406 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
407 appointing entity shall appoint another person to fill the remaining unexpired term on the board
408 of trustees.

409 (7) (a) Each member of a board of trustees shall give a bond for the faithful
410 performance of the member's duties, in the amount and with the sureties prescribed by the
411 board of trustees.

412 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
413 Section 5. Section **17B-1-304** is amended to read:

414 **17B-1-304. Appointment procedures for appointed members.**

415 (1) The appointing authority may, by resolution, appoint persons to serve as members
416 of a local district board by following the procedures established by this section.

417 (2) (a) In any calendar year when appointment of a new local district board member is
418 required, the appointing authority shall prepare a notice of vacancy that contains:

419 (i) the positions that are vacant that shall be filled by appointment;

420 (ii) the qualifications required to be appointed to those positions;

421 (iii) the procedures for appointment that the governing body will follow in making
422 those appointments; and

423 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
424 to be considered for appointment to those positions.

425 (b) The appointing authority shall:

426 (i) post the notice of vacancy in four public places within the local district at least one
427 month before the deadline for accepting nominees for appointment; and

428 (ii) (A) publish the notice of vacancy:

429 (I) in a daily newspaper of general circulation within the local district for five
430 consecutive days before the deadline for accepting nominees for appointment; or

431 (II) in a local weekly newspaper circulated within the local district in the week before
432 the deadline for accepting nominees for appointment; and

433 (B) in accordance with Section 45-1-101 for five days before the deadline for accepting
434 nominees for appointment.

435 (c) The appointing authority may bill the local district for the cost of preparing,
436 printing, and publishing the notice.

437 (3) (a) Not sooner than two months after the appointing authority is notified of the
438 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
439 who meet the qualifications established by law.

440 (b) The appointing authority shall:

441 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
442 appointment;

443 (ii) allow any interested persons to be heard; and

444 (iii) adopt a resolution appointing a person to the local district board.

445 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
446 appointing authority, the appointing authority shall select the appointee from the two top
447 candidates by lot.

448 (4) Persons appointed to serve as members of the local district board serve four-year
449 terms, but may be removed for cause at any time after a hearing by two-thirds vote of the
450 appointing body.

451 (5) (a) At the end of each board member's term, the position is considered vacant and
452 the appointing authority may either reappoint the old board member or appoint a new member
453 after following the appointment procedures established in this section.

454 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
455 successor is duly elected or appointed and qualified in accordance with Subsection
456 17B-1-303(2)(b).

457 (6) Notwithstanding any other provision of this section, if the appointing authority
458 appoints one of its own members~~[, it]~~ and that member meets all applicable statutory board
459 member qualifications, the appointing authority need not comply with Subsection (2) or (3).

460 Section 6. Section 17B-1-306 is amended to read:

461 **17B-1-306. Local district board -- Election procedures.**

462 (1) Except as provided in Subsection (11), each elected board member shall be selected
463 as provided in this section.

464 (2) (a) Each election of a local district board member shall be held:

465 (i) at the same time as the municipal general election; and

466 (ii) at polling places designated by the ~~[county clerk]~~ local district board in
467 consultation with the ~~[local district]~~ county clerk for each county in which the local district is
468 located, which polling places shall coincide with municipal general election polling places
469 whenever feasible.

470 (b) The local district board, in consultation with the county clerk, may consolidate two
471 or more polling places to enable voters from more than one district to vote at one consolidated
472 polling place.

473 (c) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
474 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
475 polling place per division of the district, designated by the district board.

476 (ii) Each polling place designated by an irrigation district board under Subsection
477 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
478 (2)(a)(ii).

479 (3) (a) The clerk of each local district with a board member position to be filled at the
480 next municipal general election shall provide notice of:

481 (i) each elective position of the local district to be filled at the next municipal general
482 election;

483 (ii) the constitutional and statutory qualifications for each position; and

484 (iii) the dates and times for filing a declaration of candidacy.

485 (b) The notice required under Subsection (3)(a) shall be:

486 (i) posted in at least five public places within the local district at least 10 days before
487 the first day for filing a declaration of candidacy; or

488 (ii) (A) published in a newspaper of general circulation within the local district at least
489 three but no more than 10 days before the first day for filing a declaration of candidacy; and

490 (B) published, in accordance with Section [45-1-101](#), for 10 days before the first day for
491 filing a declaration of candidacy.

492 (4) (a) To become a candidate for an elective local district board position, the

493 prospective candidate shall file a declaration of candidacy in person with the local district,
494 during office hours and not later than the close of normal office hours between June 1 and June
495 7 of any odd-numbered year.

496 (b) When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended
497 until the close of normal office hours on the following regular business day.

498 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
499 officer shall:

500 (A) read to the prospective candidate the constitutional and statutory qualification
501 requirements for the office that the candidate is seeking; and

502 (B) require the candidate to state whether or not the candidate meets those
503 requirements.

504 (ii) If the prospective candidate does not meet the qualification requirements for the
505 office, the filing officer may not accept the declaration of candidacy.

506 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
507 the filing officer shall accept the declaration of candidacy.

508 (d) The declaration of candidacy shall substantially comply with the following form:

509 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
510 _____, City of _____, County of _____, State of Utah,
511 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
512 for the office of board of trustees member for _____ (state the name of
513 the local district); that I am a candidate for that office to be voted upon at the next election, and
514 I hereby request that my name be printed upon the official ballot for that election.

515 (Signed) _____

516 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
517 of _____, _____.

518 (Signed) _____

519 (Clerk or Notary Public)"

520 (e) Each person wishing to become a valid write-in candidate for an elective local
521 district board position is governed by Section [20A-9-601](#).

522 (f) If at least one person does not file a declaration of candidacy as required by this
523 section, a person shall be appointed to fill that board position by following the procedures and

524 requirements for appointment established in Section 20A-1-512.

525 (g) If only one candidate files a declaration of candidacy and there is no write-in
526 candidate who complies with Section 20A-9-601, the board, in accordance with Section
527 20A-1-206, may:

- 528 (i) consider the candidate to be elected to the position; and
- 529 (ii) cancel the election.

530 (5) (a) A primary election may be held if:

- 531 (i) the election is authorized by the local district board; and
- 532 (ii) the number of candidates for a particular local board position or office exceeds
533 twice the number of persons needed to fill that position or office.

534 (b) The primary election shall be conducted:

- 535 (i) on the same date as the municipal primary election, as provided for in Section
536 20A-1-201.5; and
- 537 (ii) according to the procedures for municipal primary elections provided under Title
538 20A, Election Code.

539 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
540 candidate names to the clerk of each county in which the local district is located no later than
541 June 12 of the municipal election year.

542 (b) (i) Except as provided in Subsection (6)(c) and in accordance with Section
543 20A-6-305, the clerk of each county in which the local district is located and the local district
544 clerk shall coordinate the placement of the name of each candidate for local district office in
545 the nonpartisan section of the municipal general election ballot with the municipal election
546 clerk.

547 (ii) If consolidation of the local district election ballot with the municipal general
548 election ballot is not feasible, the local district board of trustees, in consultation with the county
549 clerk, shall provide for a separate local district election ballot to be administered by poll
550 workers at polling locations designated under Subsection (2).

551 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
552 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

553 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
554 prescribe the form of the ballot for each board member election.

555 (B) Each ballot for an election of an irrigation district board member shall be in a
556 nonpartisan format.

557 (C) The name of each candidate shall be placed on the ballot in the order specified
558 under Section 20A-6-305.

559 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

560 (i) be a registered voter within the district, except for an election of:

561 (A) an irrigation district board of trustees member; or

562 (B) a basic local district board of trustees member who is elected by property owners;

563 and

564 (ii) meet the requirements to vote established by the district.

565 (b) Each voter may vote for as many candidates as there are offices to be filled.

566 (c) The candidates who receive the highest number of votes are elected.

567 (8) Except as otherwise provided by this section, the election of local district board
568 members is governed by Title 20A, Election Code.

569 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
570 beginning at noon on the January 1 after the person's election.

571 (b) A person elected shall be sworn in as soon as practical after January 1.

572 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
573 the county or municipality holding an election under this section for the costs of the election
574 attributable to that local district.

575 (b) Each irrigation district shall bear its own costs of each election it holds under this
576 section.

577 (11) This section does not apply to an improvement district that provides electric or gas
578 service.

579 (12) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title 20A,
580 Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

581 Section 7. Section 17B-1-306.5 is amended to read:

582 **17B-1-306.5. Dividing a local district into divisions.**

583 (1) Subject to Subsection [~~(2)~~] (3), the board of trustees of a local district that has
584 elected board members may, upon a vote of two-thirds of the members of the board, divide the
585 local district, or the portion of the local district represented by elected board of trustees

586 members, into divisions so that some or all of the elected members of the board of trustees may
587 be elected by division rather than at large.

588 (2) Subject to Subsection (3), the appointing authority of a local district that has
589 appointed board members may, upon a vote of two-thirds of the members of the appointing
590 authority, divide the local district, or the portion of the local district represented by appointed
591 board members, into divisions so that some or all of the appointed members of the board of
592 trustees may be appointed by division rather than at large.

593 [~~(2)~~] (3) Before dividing a local district into divisions [~~under Subsection (1)~~] or before
594 changing the boundaries of divisions already established, the board of trustees under
595 Subsection (1), or the appointing authority, under Subsection (2), shall:

596 (a) prepare a proposal that describes the boundaries of the proposed divisions; and
597 (b) hold a public hearing at which any interested person may appear and speak for or
598 against the proposal.

599 [~~(3)~~] (4) (a) The board of trustees or the appointing authority shall review the division
600 boundaries at least every 10 years.

601 (b) Except for changes in the divisions necessitated by annexations to or withdrawals
602 from the local district, the boundaries of divisions established under Subsection (1) or (2) may
603 not be changed more often than every five years.

604 (c) Changes to the boundaries of divisions already established under Subsection (1) or
605 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

606 Section 8. Section **17B-1-511** is amended to read:

607 **17B-1-511. Continuation of tax levy after withdrawal to pay for proportionate**
608 **share of district bonds.**

609 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is
610 established and funded pursuant to Subsection **17B-1-510(5)(j)**, property within the withdrawn
611 area shall continue after withdrawal to be taxable by the local district:

612 (a) for the purpose of paying the withdrawn area's just proportion of the local district's
613 general obligation bonds or lease obligations payable from property taxes with respect to lease
614 revenue bonds issued by a local building authority on behalf of the local district, other than
615 those bonds treated as revenue bonds under Subsection **17B-1-510(5)(i)**, until the bonded
616 indebtedness has been satisfied; and

617 (b) to the extent and for the years necessary to generate sufficient revenue that, when
 618 combined with the revenues from the district remaining after withdrawal, is sufficient to
 619 provide for the payment of principal and interest on the district's general obligation bonds that
 620 are treated as revenue bonds under Subsection 17B-1-510(5)(i).

621 (2) For a local district funded predominately by revenues other than property taxes,
 622 service charges, or assessments based upon an allotment of acre-feet of water, property within
 623 the withdrawn area shall continue to be taxable by the local district for purposes of paying the
 624 withdrawn area's proportionate share of bonded indebtedness or judgments against the local
 625 district incurred prior to the date the petition was filed.

626 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing
 627 area is relieved of all other taxes, assessments, and charges levied by the district, including
 628 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the
 629 local district.

630 Section 9. Section 17B-1-609 is amended to read:

631 **17B-1-609. Hearing to consider adoption -- Notice.**

632 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

633 (a) establish the time and place of a public hearing to consider its adoption; and

634 (b) except as provided in Subsection (5), order that notice of the hearing:

635 (i) (A) be published at least seven days before the hearing in at least one issue of a
 636 newspaper of general circulation published in the county or counties in which the district is
 637 located; or

638 (B) if no newspaper is published, be posted in three public places within the district;
 639 and

640 (ii) be published at least seven days before the hearing on the Utah Public Notice
 641 Website created in Section 63F-1-701.

642 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
 643 required in Subsection (1)(b):

644 (a) may be combined with the notice required under Section 59-2-919; and

645 (b) shall be published in accordance with the advertisement provisions of Section
 646 59-2-919.

647 (3) Proof that notice was given in accordance with Subsection (1)(b) [~~or~~], (2), or (5) is

648 prima face evidence that notice was properly given.

649 (4) If a notice required under Subsection (1)(b) [~~or~~], (2), or (5) is not challenged within
650 30 days after the day on which the hearing is held, the notice is adequate and proper.

651 (5) A board of trustees of a local district with an annual operating budget of less than
652 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

653 (a) mailing a written notice, postage prepaid, to each voter in the local district or
654 special service district; and

655 (b) posting the notice in three public places within the district.

656 Section 10. Section **17B-1-901** is amended to read:

657 **17B-1-901. Providing and billing for multiple commodities, services, or facilities**
658 **-- Suspending service to a delinquent customer.**

659 (1) If a local district provides more than one commodity, service, or facility, the district
660 may bill for the fees and charges for all commodities, services, and facilities in a single bill.

661 (2) [~~A~~] Regardless of the number of commodities, services, or facilities furnished by a
662 local district, the local district may suspend furnishing [~~a~~] any commodity, service, or facility to
663 a customer if the customer fails to pay all fees and charges when due.

664 Section 11. Section **17B-2a-404** is amended to read:

665 **17B-2a-404. Improvement district board of trustees.**

666 (1) As used in this section:

667 (a) "County district" means an improvement district that does not include within its
668 boundaries any territory of a municipality.

669 (b) "County member" means a member of a board of trustees of a county district.

670 (c) "Electric district" means an improvement district that was created for the purpose of
671 providing electric service.

672 (d) "Included municipality" means a municipality whose boundaries are entirely
673 contained within but do not coincide with the boundaries of an improvement district.

674 (e) "Municipal district" means an improvement district whose boundaries coincide
675 with the boundaries of a single municipality.

676 (f) "Regular district" means an improvement district that is not a county district,
677 electric district, or municipal district.

678 (g) "Remaining area" means the area of a regular district that:

679 (i) is outside the boundaries of an included municipality; and
680 (ii) includes the area of an included municipality whose legislative body elects, under
681 Subsection (4)(a)(ii), not to appoint a member to the board of trustees of the regular district.

682 (h) "Remaining area member" means a member of a board of trustees of a regular
683 district who is appointed, or, if applicable, elected to represent the remaining area of the
684 district.

685 (2) The legislative body of the municipality included within a municipal district may:

686 (a) elect, at the time of the creation of the district, to be the board of trustees of the
687 district; and

688 (b) adopt at any time a resolution providing for:

689 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

690 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

691 (3) The legislative body of a county whose unincorporated area is partly or completely
692 within a county district may:

693 (a) elect, at the time of the creation of the district, to be the board of trustees of the
694 district; and

695 (b) adopt at any time a resolution providing for:

696 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

697 (ii) except as provided in Subsection (4), the appointment of board of trustees
698 members, as provided in Section 17B-1-304.

699 (4) Subject to Subsection (6)(d), the legislative body of a county may not adopt a
700 resolution providing for the appointment of board of trustees members as provided in
701 Subsection (3)(b)(ii) at any time after the county district is governed by an elected board of
702 trustees unless:

703 (a) the elected board has ceased to function;

704 (b) the terms of all of the elected board members have expired without the board
705 having called an election; or

706 (c) the elected board of trustees unanimously adopts a resolution approving the change
707 from an elected to an appointed board.

708 [~~4~~] (5) (a) (i) Except as provided in Subsection [~~4~~] (5)(a)(ii), the legislative body of
709 each included municipality shall each appoint one member to the board of trustees of a regular

710 district.

711 (ii) The legislative body of an included municipality may elect not to appoint a member
712 to the board under Subsection [~~(4)~~] (5)(a)(i).

713 (b) Except as provided in Subsection [~~(5)~~] (6), the legislative body of each county
714 whose boundaries include a remaining area shall appoint all other members to the board of
715 trustees of a regular district.

716 [~~(5)~~] (6) Notwithstanding Subsection (3), each remaining area member of a regular
717 district and each county member of a county district shall be elected, as provided in Section
718 [17B-1-306](#), if:

719 (a) the petition or resolution initiating the creation of the district provides for remaining
720 area or county members to be elected;

721 (b) the district holds an election to approve the district's issuance of bonds;

722 (c) for a regular district, an included municipality elects, under Subsection [~~(4)~~]
723 (5)(a)(ii), not to appoint a member to the board of trustees; or

724 (d) (i) at least 90 days before the municipal general election, a petition is filed with the
725 district's board of trustees requesting remaining area members or county members, as the case
726 may be, to be elected; and

727 (ii) the petition is signed by registered voters within the remaining area or county
728 district, as the case may be, equal in number to at least 10% of the number of registered voters
729 within the remaining area or county district, respectively, who voted in the last gubernatorial
730 election.

731 [~~(6)~~] (7) Subject to Section [17B-1-302](#), the number of members of a board of trustees
732 of a regular district shall be:

733 (a) the number of included municipalities within the district, if:

734 (i) the number is an odd number; and

735 (ii) the district does not include a remaining area;

736 (b) the number of included municipalities plus one, if the number of included
737 municipalities within the district is even; and

738 (c) the number of included municipalities plus two, if:

739 (i) the number of included municipalities is odd; and

740 (ii) the district includes a remaining area.

741 ~~[(7)]~~ (8) (a) Except as provided in Subsection ~~[(7)]~~ (8)(b), each remaining area member
742 of the board of trustees of a regular district shall reside within the remaining area.

743 (b) Notwithstanding Subsection ~~[(7)]~~ (8)(a) and subject to Subsection ~~[(7)]~~ (8)(c), each
744 remaining area member shall be chosen from the district at large if:

745 (i) the population of the remaining area is less than 5% of the total district population;
746 or

747 (ii) (A) the population of the remaining area is less than 50% of the total district
748 population; and

749 (B) the majority of the members of the board of trustees are remaining area members.

750 (c) Application of Subsection ~~[(7)]~~ (8)(b) may not prematurely shorten the term of any
751 remaining area member serving the remaining area member's elected or appointed term on May
752 11, 2010.

753 ~~[(8)]~~ (9) If the election of remaining area or county members of the board of trustees is
754 required because of a bond election, as provided in Subsection ~~[(5)]~~ (9)(b):

755 (a) a person may file a declaration of candidacy if:

756 (i) the person resides within:

757 (A) the remaining area, for a regular district; or

758 (B) the county district, for a county district; and

759 (ii) otherwise qualifies as a candidate;

760 (b) the board of trustees shall, if required, provide a ballot separate from the bond
761 election ballot, containing the names of candidates and blanks in which a voter may write
762 additional names; and

763 (c) the election shall otherwise be governed by Title 20A, Election Code.

764 ~~[(9)]~~ (10) (a) (i) This Subsection ~~[(9)]~~ (10) applies to the board of trustees members of
765 an electric district.

766 (ii) Subsections (2) through ~~[(8)]~~ (9) do not apply to an electric district.

767 (b) The legislative body of the county in which an electric district is located may
768 appoint the initial board of trustees of the electric district as provided in Section [17B-1-304](#).

769 (c) After the initial board of trustees is appointed as provided in Subsection ~~[(9)]~~
770 (10)(b), each member of the board of trustees of an electric district shall be elected by persons
771 using electricity from and within the district.

772 (d) Each member of the board of trustees of an electric district shall be a user of
773 electricity from the district and, if applicable, the division of the district from which elected.

774 (e) The board of trustees of an electric district may be elected from geographic
775 divisions within the district.

776 (f) A municipality within an electric district is not entitled to automatic representation
777 on the board of trustees.

778 Section 12. Section **17B-2a-703** is amended to read:

779 **17B-2a-703. Additional mosquito abatement district powers.**

780 In addition to the powers conferred on a mosquito abatement district under Section
781 [17B-1-103](#), a mosquito abatement district may:

782 (1) take all necessary and proper steps for the extermination of mosquitos, flies,
783 crickets, grasshoppers, and other insects:

784 (a) within the district; or

785 (b) outside the district, if lands inside the district are benefitted;

786 (2) abate as nuisances all stagnant pools of water and other breeding places for
787 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state
788 from which mosquitos migrate into the district;

789 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and
790 examine the territory and to remove from the territory, without notice, stagnant water or other
791 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;

792 (4) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
793 to carry out the purposes of the district;

794 (5) make a contract to indemnify or compensate an owner of land or other property for
795 injury or damage necessarily caused by the exercise of district powers or arising out of the use,
796 taking, or damage of property for a district purpose; and

797 (6) establish a reserve fund, not to exceed the greater of 25% of the district's annual
798 operating budget ~~[and]~~ or \$50,000, to pay for extraordinary abatement measures, including a
799 vector-borne public health emergency.

800 Section 13. Section **17B-2a-804** is amended to read:

801 **17B-2a-804. Additional public transit district powers.**

802 (1) In addition to the powers conferred on a public transit district under Section

803 17B-1-103, a public transit district may:

804 (a) provide a public transit system for the transportation of passengers and their
805 incidental baggage;

806 (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,
807 levy and collect property taxes only for the purpose of paying:

808 (i) principal and interest of bonded indebtedness of the public transit district; or

809 (ii) a final judgment against the public transit district if:

810 (A) the amount of the judgment exceeds the amount of any collectable insurance or
811 indemnity policy; and

812 (B) the district is required by a final court order to levy a tax to pay the judgment;

813 (c) insure against:

814 (i) loss of revenues from damage to or destruction of some or all of a public transit
815 system from any cause;

816 (ii) public liability;

817 (iii) property damage; or

818 (iv) any other type of event, act, or omission;

819 (d) acquire, contract for, lease, construct, own, operate, control, or use:

820 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
821 parking lot, or any other facility necessary or convenient for public transit service; or

822 (ii) any structure necessary for access by persons and vehicles;

823 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
824 equipment, service, employee, or management staff of an operator; and

825 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
826 public interest;

827 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

828 (g) accept a grant, contribution, or loan, directly through the sale of securities or
829 equipment trust certificates or otherwise, from the United States, or from a department,
830 instrumentality, or agency of the United States, to:

831 (i) sell or lease property;

832 (ii) assist in or operate transit-oriented or transit-supportive developments;

833 [(†)] (iii) establish, finance, participate as a limited partner or member in a development

834 with limited liabilities in accordance with Subsection (1)(l), construct, improve, maintain, or
835 operate transit facilities, equipment, and transit-oriented developments or transit-supportive
836 developments; or

837 ~~[(ii)]~~ (iv) study and plan transit facilities in accordance with any legislation passed by
838 Congress;

839 (h) cooperate with and enter into an agreement with the state or an agency of the state
840 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
841 transit facilities;

842 (i) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
843 to carry out the purposes of the district;

844 (j) from bond proceeds or any other available funds, reimburse the state or an agency of
845 the state for an advance or contribution from the state or state agency;

846 (k) do anything necessary to avail itself of any aid, assistance, or cooperation available
847 under federal law, including complying with labor standards and making arrangements for
848 employees required by the United States or a department, instrumentality, or agency of the
849 United States; and

850 (l) subject to the restriction in Subsection (2), assist in a transit-oriented development
851 or a transit-supportive development in connection with ~~[the]~~ economic development ~~[of areas~~
852 ~~in proximity to a right-of-way, rail line, station, platform, switchyard, terminal, or parking lot,]~~
853 by:

- 854 (i) investing in a project as a limited partner or a member, with limited liabilities; or
- 855 (ii) subordinating an ownership interest in real property owned by the public transit
856 district.

857 (2) (a) A public transit district may only assist in the economic development of areas
858 under Subsection (1)(l):

859 (i) in the manner described in Subsection (1)(l)(i) or (ii); and

860 (ii) on ~~[no more than five]~~ transit-oriented developments or transit-supportive
861 developments selected by the board of trustees.

862 (b) A public transit district may not invest in a transit-oriented development or
863 transit-supportive development as a limited partner or other limited liability entity under the
864 provisions of Subsection (1)(l)(i), unless the partners, developer, or other investor in the entity,

865 makes an equity contribution equal to no less than 25% of the appraised value of the property
866 to be contributed by the public transit district.

867 (c) A current board member of a public transit district to which the board member is
868 appointed may not have any interest in the transactions engaged in by the public transit district
869 pursuant to Subsection (1)(l)(i) or (ii), except as may be required by the board member's
870 fiduciary duty as a board member.

871 (3) A public transit district may be funded from any combination of federal, state, [or]
872 local, or private funds.

873 (4) A public transit district may not acquire property by eminent domain.

874 Section 14. Section **17B-2a-807** is amended to read:

875 **17B-2a-807. Public transit district board of trustees -- Appointment --**
876 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

877 (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit
878 district, the board of trustees shall consist of members appointed by the legislative bodies of
879 each municipality, county, or unincorporated area within any county on the basis of one
880 member for each full unit of regularly scheduled passenger routes proposed to be served by the
881 district in each municipality or unincorporated area within any county in the following calendar
882 year.

883 (b) For purposes of determining membership under Subsection (1)(a), the number of
884 service miles comprising a unit shall be determined jointly by the legislative bodies of the
885 municipalities or counties comprising the district.

886 (c) The board of trustees of a public transit district under this Subsection (1) may
887 include a member that is a commissioner on the Transportation Commission created in Section
888 **72-1-301** and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex
889 officio member.

890 (d) Members appointed under this Subsection (1) shall be appointed and added to the
891 board or omitted from the board at the time scheduled routes are changed, or as municipalities,
892 counties, or unincorporated areas of counties annex to or withdraw from the district using the
893 same appointment procedures.

894 (e) For purposes of appointing members under this Subsection (1), municipalities,
895 counties, and unincorporated areas of counties in which regularly scheduled passenger routes

896 proposed to be served by the district in the following calendar year is less than a full unit, as
897 defined in Subsection (1)(b), may combine with any other similarly situated municipality or
898 unincorporated area to form a whole unit and may appoint one member for each whole unit
899 formed.

900 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the
901 boundaries of a public transit district, the board of trustees shall consist of:

902 (i) 11 members:

903 (A) appointed as described under this Subsection (2); or

904 (B) retained in accordance with Section 17B-2a-807.5;

905 (ii) three members appointed as described in Subsection (4);

906 (iii) one voting member appointed as provided in Subsection (11); and

907 (iv) one nonvoting member appointed as provided in Subsection (12).

908 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting
909 members to each county within the district using an average of:

910 (i) the proportion of population included in the district and residing within each county,
911 rounded to the nearest 1/11 of the total transit district population; and

912 (ii) the cumulative proportion of transit sales and use tax collected from areas included
913 in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit
914 sales and use tax collected for the transit district.

915 (c) The board shall join an entire or partial county not apportioned a voting member
916 under this Subsection (2) with an adjacent county for representation. The combined
917 apportionment basis included in the district of both counties shall be used for the
918 apportionment.

919 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment
920 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county
921 or combination of counties with the smallest additional fraction of a whole member proportion
922 shall have one less member apportioned to it.

923 (ii) If rounding to the nearest 1/11 of the total public transit district apportionment
924 basis under Subsection (2)(b) results in an apportionment of less than 11 members, the county
925 or combination of counties with the largest additional fraction of a whole member proportion
926 shall have one more member apportioned to it.

927 (e) If the population in the unincorporated area of a county is at least 140,000, the
928 county executive, with the advice and consent of the county legislative body, shall appoint one
929 voting member to represent the population within a county's unincorporated area.

930 (f) If a municipality's population is at least 160,000, the chief municipal executive,
931 with the advice and consent of the municipal legislative body, shall appoint one voting member
932 to represent the population within a municipality.

933 (g) (i) The number of voting members appointed from a county and municipalities
934 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total
935 voting member apportionment under this Subsection (2).

936 (ii) Notwithstanding Subsections (2)(l) and (10), no more than one voting member
937 appointed by an appointing entity may be a locally elected public official.

938 (h) If the entire county is within the district, the remaining voting members for the
939 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or
940 the municipalities within the county.

941 (i) If the entire county is not within the district, and the county is not joined with
942 another county under Subsection (2)(c), the remaining voting members for the county shall
943 represent a municipality or combination of municipalities.

944 (j) (i) Except as provided under Subsections (2)(e) and (f), voting members
945 representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities
946 within the county shall be designated and appointed by a simple majority of the chief
947 executives of the municipalities within the county or combinations of counties if Subsection
948 (2)(c) applies.

949 (ii) The appointments shall be made by joint written agreement of the appointing
950 municipalities, with the consent and approval of the county legislative body of the county that
951 has at least 1/11 of the district's apportionment basis.

952 (k) Voting members representing a municipality or combination of municipalities shall
953 be designated and appointed by the chief executive officer of the municipality or simple
954 majority of chief executive officers of municipalities with the consent of the legislative body of
955 the municipality or municipalities.

956 (l) The appointment of members shall be made without regard to partisan political
957 affiliation from among citizens in the community.

958 (m) Each member shall be a bona fide resident of the municipality, county, or
959 unincorporated area or areas which the member is to represent for at least six months before the
960 date of appointment, and shall continue in that residency to remain qualified to serve as a
961 member.

962 (n) (i) All population figures used under this section shall be derived from the most
963 recent official census or census estimate of the United States Bureau of the Census.

964 (ii) If population estimates are not available from the United States Bureau of Census,
965 population figures shall be derived from the estimate from the Utah Population Estimates
966 Committee.

967 (iii) All transit sales and use tax totals shall be obtained from the State Tax
968 Commission.

969 (o) (i) The board shall be apportioned as provided under this section in conjunction
970 with the decennial United States Census Bureau report every 10 years.

971 (ii) Within 120 days following the receipt of the population estimates under this
972 Subsection (2)(o), the district shall reapportion representation on the board of trustees in
973 accordance with this section.

974 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed
975 apportionment.

976 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to
977 each of its constituent entities as defined under Section 17B-1-701.

978 (v) The appointing entities gaining a new board member shall appoint a new member
979 within 30 days following receipt of the resolution.

980 (vi) The appointing entities losing a board member shall inform the board of which
981 member currently serving on the board will step down:

982 (A) upon appointment of a new member under Subsection (2)(o)(v); or

983 (B) in accordance with Section 17B-2a-807.5.

984 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
985 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the
986 same basis as if the area had been included in the district as originally organized.

987 (4) In addition to the voting members appointed in accordance with Subsection (2), the
988 board shall consist of three voting members appointed as follows:

989 (a) one member appointed by the speaker of the House of Representatives;

990 (b) one member appointed by the president of the Senate; and

991 (c) one member appointed by the governor.

992 (5) Except as provided in Section [17B-2a-807.5](#), the terms of office of the members of
993 the board shall be four years or until a successor is appointed, qualified, seated, and has taken
994 the oath of office.

995 (6) (a) Vacancies for members shall be filled by the official appointing the member
996 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within
997 90 days.

998 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90
999 days, the board of trustees of the authority shall fill the vacancy.

1000 (c) If the appointing official under Subsection (2) does not fill the vacancy within 90
1001 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

1002 (7) (a) Each voting member may cast one vote on all questions, orders, resolutions, and
1003 ordinances coming before the board of trustees.

1004 (b) A majority of all voting members of the board of trustees are a quorum for the
1005 transaction of business.

1006 (c) The affirmative vote of a majority of all voting members present at any meeting at
1007 which a quorum was initially present shall be necessary and, except as otherwise provided, is
1008 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

1009 (8) Each public transit district shall pay to each member:

1010 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed
1011 \$200 in any calendar month to any member; and

1012 (b) reasonable mileage and expenses necessarily incurred to attend board or committee
1013 meetings.

1014 (9) (a) Members of the initial board of trustees shall convene at the time and place
1015 fixed by the chief executive officer of the entity initiating the proceedings.

1016 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and
1017 secretary.

1018 (c) The members elected under Subsection (9)(b) shall serve for a period of two years
1019 or until their successors shall be elected and qualified.

1020 (d) On or after January 1, 2011, a locally elected public official is not eligible to serve
1021 as the chair, vice chair, or secretary of the board of trustees.

1022 (10) (a) Except as otherwise authorized under [~~Subsection~~] Subsections (2)(g) and
1023 (10)(b) and Section 17B-2a-807.5, at the time of a member's appointment or during a member's
1024 tenure in office, a member may not hold any employment, except as an independent contractor
1025 or locally elected public official, with a county or municipality within the district.

1026 (b) A member appointed by a county or municipality may hold employment with the
1027 county or municipality if the employment is disclosed in writing and the public transit district
1028 board of trustees ratifies the appointment.

1029 (11) The Transportation Commission created in Section 72-1-301:

1030 (a) for a public transit district serving a population of 200,000 people or fewer, may
1031 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
1032 a nonvoting, ex officio member; and

1033 (b) for a public transit district serving a population of more than 200,000 people, shall
1034 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
1035 a voting member.

1036 (12) (a) The board of trustees of a public transit district serving a population of more
1037 than 200,000 people shall include a nonvoting member who represents all municipalities and
1038 unincorporated areas within the district that are located within a county that is not annexed into
1039 the public transit district.

1040 (b) The nonvoting member representing the combination of municipalities and
1041 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a
1042 weighted vote of the majority of the chief executive officers of the municipalities described in
1043 Subsection (12)(a).

1044 (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the
1045 proportion of the public transit district population that resides within that municipality and the
1046 adjacent unincorporated areas within the same county.

1047 (13) (a) (i) Each member of the board of trustees of a public transit district is subject to
1048 recall at any time by the legislative body of the county or municipality from which the member
1049 is appointed.

1050 (ii) Each recall of a board of trustees member shall be made in the same manner as the

1051 original appointment.

1052 (iii) The legislative body recalling a board of trustees member shall provide written
1053 notice to the member being recalled.

1054 (b) Upon providing written notice to the board of trustees, a member of the board may
1055 resign from the board of trustees.

1056 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or
1057 resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

1058 Section 15. Section 17B-2a-821 is amended to read:

1059 **17B-2a-821. Failure to pay fare -- Multicounty district may establish and enforce**
1060 **parking ordinance.**

1061 (1) A person may not ride a transit vehicle without payment of the applicable fare
1062 established by the public transit district that operates the transit vehicle.

1063 [~~(2) A person who violates Subsection (1) is guilty of an infraction.~~]

1064 [(3)] (2) The board of trustees of a multicounty district may adopt an ordinance
1065 governing parking of vehicles at a transit facility, including the imposition of a fine or civil
1066 penalty for a violation of the ordinance.

1067 Section 16. Section 17B-2a-825 is amended to read:

1068 **17B-2a-825. Criminal background checks authorized -- Employment eligibility.**

1069 (1) A public transit district may require an individual described in Subsection (2) to:

1070 (a) submit a fingerprint card in a form acceptable to the public transit district; and

1071 (b) consent to a fingerprint background check by:

1072 (i) the Utah Bureau of Criminal Identification; and

1073 (ii) the Federal Bureau of Investigation.

1074 (2) A person shall comply with the requirements of Subsection (1) if the person:

1075 (a) is applying for or continuing employment with the public transit district:

1076 (i) working in a safety-sensitive position or other position that may affect:

1077 (A) the safety or well-being of patrons of the public transit district; or

1078 (B) the safety or security of the transit buildings, stations, platforms, railways, bus
1079 systems, and transit vehicles;

1080 (ii) handling personally identifiable information, financial information, or other

1081 sensitive information including personal health information;

- 1082 (iii) working in security-sensitive areas; or
- 1083 (iv) handling security-sensitive information, including information system
- 1084 technologies; or
- 1085 (b) is seeking access to designated security-sensitive areas.
- 1086 (3) A public transit district may use the information obtained in accordance with this
- 1087 section only for one or more of the following purposes:
- 1088 (a) to determine whether or not an individual is convicted of:
- 1089 (i) a felony under federal or state law within the last 10 years;
- 1090 (ii) a violation within the last 10 years of a federal law, state law, or local ordinance
- 1091 concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of
- 1092 an alcoholic beverage;
- 1093 (iii) a crime involving moral turpitude; or
- 1094 (iv) two or more convictions within the last 10 years for a violation of driving under
- 1095 the influence of alcohol, any drug, or the combined influence of alcohol and any drug;
- 1096 (b) to determine whether or not an individual has accurately disclosed the person's
- 1097 criminal history on an application or document filed with the public transit district;
- 1098 (c) to approve or deny an application for employment with the public transit district; or
- 1099 (d) to take disciplinary action against an employee of the public transit district,
- 1100 including possible termination of employment.
- 1101 (4) A person is not eligible for employment with a public transit district in a capacity
- 1102 described in Subsection (2) if the person has been convicted of any of the offenses described in
- 1103 Subsection (3).

1104 Section 17. Section **17B-2a-1005** is amended to read:

1105 **17B-2a-1005. Water conservancy district board of trustees -- Selection of**
1106 **members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

- 1107 (1) Members of the board of trustees for a water conservancy district shall be:
- 1108 (a) elected in accordance with:
- 1109 (i) the petition or resolution that initiated the process of creating the water conservancy
- 1110 district; and
- 1111 (ii) Section [17B-1-306](#);
- 1112 (b) appointed in accordance with Subsection (2); or

1113 (c) elected under Subsection (4)(a).

1114 (2) (a) If the members of the board of trustees are appointed, within 45 days after the
1115 day on which a water conservancy district is created as provided in Section 17B-1-215, the
1116 board of trustees shall be appointed as provided in this Subsection (2).

1117 (b) For a district located entirely within the boundaries of a single county, the county
1118 legislative body of that county shall appoint each trustee.

1119 (c) (i) For a district located in more than a single county, the governor, with the consent
1120 of the Senate, shall appoint each trustee from nominees submitted as provided in this
1121 Subsection (2)(c).

1122 (ii) (A) Except as provided in Subsection (2)(c)(ii)(B), in a division composed solely of
1123 municipalities, the legislative body of each municipality within the division shall submit two
1124 nominees per trustee.

1125 (B) The legislative body of a municipality may submit fewer than two nominees per
1126 trustee if the legislative body certifies in writing to the governor that the legislative body is
1127 unable, after reasonably diligent effort, to identify two nominees who are willing and qualified
1128 to serve as trustee.

1129 (iii) (A) Except as provided in Subsection (2)(c)(iii)(B), in all other divisions, the
1130 county legislative body of the county in which the division is located shall submit three
1131 nominees per trustee.

1132 (B) The county legislative body may submit fewer than three nominees per trustee if the
1133 county legislative body certifies in writing to the governor that the county legislative body is
1134 unable, after reasonably diligent effort, to identify three nominees who are willing and qualified
1135 to serve as trustee.

1136 (iv) If a trustee represents a division located in more than one county, the county
1137 legislative bodies of those counties shall collectively compile the list of three nominees.

1138 (v) For purposes of this Subsection (2)(c), a municipality that is located in more than
1139 one county shall be considered to be located in only the county in which more of the municipal
1140 area is located than in any other county.

1141 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee
1142 appointed in that district shall be a person who owns irrigation rights and uses those rights as
1143 part of that person's livelihood.

1144 (3) (a) [~~At least 90 days before expiration of an appointed trustee's term, the~~] The board
1145 shall give written notice of the upcoming vacancy in an appointed trustee's term and the date
1146 when the trustee's term expires to the county legislative body in single county districts and to
1147 the nominating entities and the governor in all other districts[-];

1148 (i) if the upcoming vacancy is in a single county district, at least 90 days before the
1149 expiration of the trustee's term; and

1150 (ii) for all other districts, on or before October 1 before the expiration of the appointed
1151 trustee's term.

1152 (b) (i) Upon receipt of the notice of the expiration of an appointed trustee's term or
1153 notice of a vacancy in the office of an appointed trustee, the county or municipal legislative
1154 body, as the case may be, shall nominate candidates to fill the unexpired term of office
1155 pursuant to Subsection (2).

1156 (ii) If a trustee is to be appointed by the governor and the entity charged with
1157 nominating candidates has not submitted the list of nominees within 90 days after service of
1158 the notice, the governor shall make the appointment from qualified candidates without
1159 consultation with the county or municipal legislative body.

1160 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a
1161 successor is appointed and qualified.

1162 (iv) Appointment by the governor vests in the appointee, upon qualification, the
1163 authority to discharge the duties of trustee, subject only to the consent of the Senate.

1164 (c) Each trustee shall hold office during the term for which appointed and until a
1165 successor is duly appointed and has qualified.

1166 (4) (a) Members of the board of trustees of a water conservancy district shall be
1167 elected, if, subject to Subsection (4)(b):

1168 (i) two-thirds of all members of the board of trustees of the water conservancy district
1169 vote in favor of changing to an elected board; and

1170 (ii) the legislative body of each municipality or county that appoints a member to the
1171 board of trustees adopts a resolution approving the change to an elected board.

1172 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
1173 the term of any member of the board of trustees serving at the time of the change.

1174 (5) The board of trustees of a water conservancy district shall consist of:

1175 (a) except as provided in Subsection (5)(b), not more than 11 persons who are residents
1176 of the district; or

1177 (b) if the district consists of five or more counties, not more than 21 persons who are
1178 residents of the district.

1179 (6) If an elected trustee's office is vacated, the vacated office shall be filled in
1180 accordance with Section [17B-1-303](#).

1181 (7) Each trustee shall furnish a corporate surety bond at the expense of the district,
1182 conditioned for the faithful performance of duties as a trustee.

1183 (8) (a) The board of trustees of a water conservancy district may:

1184 (i) make and enforce all reasonable rules and regulations for the management, control,
1185 delivery, use, and distribution of water;

1186 (ii) withhold the delivery of water with respect to which there is a default or
1187 delinquency of payment;

1188 (iii) provide for and declare a forfeiture of the right to the use of water upon the default
1189 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of
1190 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has
1191 been declared;

1192 (iv) allocate and reallocate the use of water to lands within the district;

1193 (v) provide for and grant the right, upon terms, to transfer water from lands to which
1194 water has been allocated to other lands within the district;

1195 (vi) create a lien, as provided in this part, upon land to which the use of water is
1196 transferred;

1197 (vii) discharge a lien from land to which a lien has attached; and

1198 (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or
1199 other disposition of the use of water.

1200 (b) (i) A contract under Subsection (8)(a)(viii) may provide for the use of water
1201 perpetually or for a specified term.

1202 (ii) (A) If a contract under Subsection (8)(a)(viii) makes water available to the
1203 purchasing party without regard to actual taking or use, the board may require that the
1204 purchasing party give security for the payment to be made under the contract, unless the
1205 contract requires the purchasing party to pay for certain specified annual minimums.

1206 (B) The security requirement under Subsection (8)(b)(ii)(A) in a contract with a public
1207 entity may be met by including in the contract a provision for the public entity's levy of a
1208 special assessment to make annual payments to the district.

1209 Section 18. Section **17D-1-102** is amended to read:

1210 **17D-1-102. Definitions.**

1211 As used in this chapter:

1212 (1) "Adequate protests" means written protests timely filed by:

1213 (a) the owners of private real property that:

1214 (i) is located within the applicable area;

1215 (ii) covers at least 25% of the total private land area within the applicable area; and

1216 (iii) is equal in value to at least 15% of the value of all private real property within the
1217 applicable area; or

1218 (b) registered voters residing within the applicable area equal in number to at least 25%
1219 of the number of votes cast in the applicable area for the office of president of the United States
1220 at the most recent election prior to the adoption of the resolution or filing of the petition.

1221 (2) "Applicable area" means:

1222 (a) for a proposal to create a special service district, the area included within the
1223 proposed special service district;

1224 (b) for a proposal to annex an area to an existing special service district, the area
1225 proposed to be annexed;

1226 (c) for a proposal to add a service to the service or services provided by a special
1227 service district, the area included within the special service district; and

1228 (d) for a proposal to consolidate special service districts, the area included within each
1229 special service district proposed to be consolidated.

1230 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,
1231 water, or other real or personal property required to provide a service that a special service
1232 district is authorized to provide, including any related or appurtenant easement or right-of-way,
1233 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

1234 (4) "General obligation bond":

1235 (a) means a bond that is directly payable from and secured by ad valorem property
1236 taxes that are:

- 1237 (i) levied:
- 1238 (A) by the county or municipality that created the special service district that issues the
- 1239 bond; and
- 1240 (B) on taxable property within the special service district; and
- 1241 (ii) in excess of the ad valorem property taxes for the current fiscal year; and
- 1242 (b) does not include:
- 1243 (i) a short-term bond;
- 1244 (ii) a tax and revenue anticipation bond; or
- 1245 (iii) a special assessment bond.
- 1246 (5) "Governing body" means:
- 1247 (a) the legislative body of the county or municipality that creates the special service
- 1248 district, to the extent that the county or municipal legislative body has not delegated authority
- 1249 to an administrative control board [~~appointed~~] created under Section 17D-1-301; or
- 1250 (b) the administrative control board of the special service district, to the extent that the
- 1251 county or municipal legislative body has delegated authority to an administrative control board
- 1252 [~~appointed~~] created under Section 17D-1-301.
- 1253 (6) "Guaranteed bonds" means bonds:
- 1254 (a) issued by a special service district; and
- 1255 (b) the debt service of which is guaranteed by one or more taxpayers owning property
- 1256 within the special service district.
- 1257 (7) "Local district" has the same meaning as defined in Section 17B-1-102.
- 1258 (8) "Revenue bond":
- 1259 (a) means a bond payable from designated taxes or other revenues other than the ad
- 1260 valorem property taxes of the county or municipality that created the special service district;
- 1261 and
- 1262 (b) does not include:
- 1263 (i) an obligation constituting an indebtedness within the meaning of an applicable
- 1264 constitutional or statutory debt limit;
- 1265 (ii) a tax and revenue anticipation bond; or
- 1266 (iii) a special assessment bond.
- 1267 (9) "Special assessment" means an assessment levied against property to pay all or a

1268 portion of the costs of making improvements that benefit the property.

1269 (10) "Special assessment bond" means a bond payable from special assessments.

1270 (11) "Special service district" means a limited purpose local government entity, as
1271 described in Section 17D-1-103, that:

1272 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

1273 (b) operates under, is subject to, and has the powers set forth in this chapter.

1274 (12) "Tax and revenue anticipation bond" means a bond:

1275 (a) issued in anticipation of the collection of taxes or other revenues or a combination
1276 of taxes and other revenues; and

1277 (b) that matures within the same fiscal year as the fiscal year in which the bond is
1278 issued.

1279 Section 19. Section 17D-1-302 is amended to read:

1280 **17D-1-302. Number of members of an administrative control board.**

1281 (1) An administrative control board shall consist of at least three members in addition
1282 to a member appointed in accordance with Subsections 17D-1-303~~[(2)(b)(i) and (ii)]~~ (3) and
1283 (4).

1284 (2) The number of administrative control board members for a special service district
1285 established by a county of the first class to provide jail service as provided in Subsection
1286 17D-1-201(10) is nine.

1287 Section 20. Section 17D-1-303 is amended to read:

1288 **17D-1-303. Election or appointment of administrative control board members.**

1289 (1) Except as provided in Subsection ~~[(2)(b)(iii)]~~ (5), a county or municipal legislative
1290 body that creates an administrative control board may provide for board members to be elected
1291 or appointed, or for some members to be elected and some appointed.

1292 (2) ~~[(a)]~~ Except as provided in Subsection ~~[(2)(b)]~~ (3), each member of an
1293 administrative control board shall be elected or appointed as provided for the election or
1294 appointment, respectively, of a member of a board of trustees of a local district under Title
1295 17B, Chapter 1, Part 3, Board of Trustees.

1296 ~~[(b)(i)]~~ (3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4,
1297 Improvement District Act, may appoint one member to represent it on an administrative control
1298 board created ~~[by]~~ for a special service district if:

1299 ~~[(A)]~~ (a) the special service district was created by a county;
 1300 ~~[(B)]~~ the special service district provides the same service as the municipality or
 1301 improvement district; and]
 1302 (b) the municipality or improvement district:
 1303 (i) provides the same service as the special service district; or
 1304 (ii) provided the same service as the special service district:
 1305 (A) prior to the creation of the special service district, if all or part of the municipality
 1306 or improvement district was then included in the special service district; or
 1307 (B) prior to all or part of the municipality or improvement district being annexed into
 1308 the special service district; and

1309 ~~[(C)]~~ (c) the special service district includes some or all of the area included within the
 1310 municipality or improvement district.

1311 ~~[(ii)]~~ (4) An institution of higher education for which a special service district provides
 1312 commodities, services, or facilities may appoint the number of members of an administrative
 1313 control board of that special service district that are equal in number to at least 1/3 of the total
 1314 number of board members.

1315 ~~[(iii)]~~ (5) With respect to an administrative control board created for a special service
 1316 district created by a county of the first class to provide jail service as provided in Subsection
 1317 17D-1-201(10), the county legislative body shall appoint:

- 1318 ~~[(A)]~~ (a) three members from a list of at least six recommendations from the county
 1319 sheriff;
- 1320 ~~[(B)]~~ (b) three members from a list of at least six recommendations from municipalities
 1321 within the county; and
- 1322 ~~[(C)]~~ (c) three members from a list of at least six recommendations from the county
 1323 executive.

1324 Section 21. Section 17D-1-304 is amended to read:
 1325 **17D-1-304. Qualifications of administrative control board members -- Term of**
 1326 **office.**

- 1327 (1) (a) Except as provided in Subsection (1)(b), each member of an administrative
 1328 control board shall be:
- 1329 (i) a registered voter within the special service district;

1330 (ii) an officer or employee of the county or municipality that created the special service
1331 district; or

1332 (iii) if over 50% of the residences within a special service district are seasonally
1333 occupied homes, as defined in Section 17B-1-302, an owner of land, or an agent or officer of
1334 an owner of land, that receives services from the special service district and is located within
1335 the special service district, provided that the number of members appointed under this
1336 Subsection (1)(a)(iii) comprises less than a quorum of the board.

1337 (b) Subsection (1)(a) does not apply if:

1338 (i) at least 90% of the owners of real property within the special service district are not
1339 registered voters within the special service district; or

1340 (ii) the member is appointed under Subsection 17D-1-303~~[(2)(b)(i) or (ii)]~~ (3) or (4).

1341 (2) (a) Except as provided in Subsection (2)(b), the term of each member of an
1342 administrative control board is four years.

1343 (b) The term of as close as possible to half of the initial members of an administrative
1344 control board, chosen by lot, is two years.

1345 Section 22. Section 20A-1-512 is amended to read:

1346 **20A-1-512. Midterm vacancies on local district boards.**

1347 (1) (a) Whenever a vacancy occurs on any local district board for any reason, a
1348 replacement to serve out the unexpired term shall be appointed as provided in this section by:

1349 (i) the local district board, if the person vacating the position was elected; or

1350 (ii) the appointing authority, as defined in Section 17B-1-102, if the person vacating
1351 the position was appointed.

1352 (b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local
1353 district board or appointing authority shall:

1354 (i) give public notice of the vacancy at least two weeks before the local district board
1355 or appointing authority meets to fill the vacancy; and

1356 (ii) identify, in the notice:

1357 (A) the date, time, and place of the meeting where the vacancy will be filled; and

1358 (B) the person to whom a person interested in being appointed to fill the vacancy may
1359 submit his name for consideration and any deadline for submitting it.

1360 (c) An appointing authority is not subject to Subsection (1)(b) if the appointing

1361 authority appoints one of its own members and that member meets all applicable statutory
1362 board member qualifications.

1363 (2) If the local district board fails to appoint a person to complete an elected board
1364 member's term within 90 days, the legislative body of the county or municipality that created
1365 the local district shall fill the vacancy following the procedure set forth for a local district in
1366 Subsection (1)(b).

1367 Section 23. Section **20A-4-301** is amended to read:

1368 **20A-4-301. Board of canvassers.**

1369 (1) (a) Each county legislative body is the board of county canvassers for:

1370 (i) the county; and

1371 (ii) each local district whose election is conducted by the county[-] if:

1372 (A) the election relates to the creation of the local district;

1373 (B) the county legislative body serves as the governing body of the local district; or

1374 (C) there is no duly constituted governing body of the local district.

1375 (b) The board of county canvassers shall meet to canvass the returns at the usual place
1376 of meeting of the county legislative body, at a date and time determined by the county clerk
1377 that is no sooner than seven days after the election and no later than 14 days after the election.

1378 (c) If one or more of the county legislative body fails to attend the meeting of the board
1379 of county canvassers, the remaining members shall replace the absent member by appointing in
1380 the order named:

1381 (i) the county treasurer;

1382 (ii) the county assessor; or

1383 (iii) the county sheriff.

1384 (d) Attendance of the number of persons equal to a simple majority of the county
1385 legislative body, but not less than three persons, shall constitute a quorum for conducting the
1386 canvass.

1387 (e) The county clerk is the clerk of the board of county canvassers.

1388 (2) (a) The mayor and the municipal legislative body are the board of municipal
1389 canvassers for the municipality.

1390 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
1391 place of meeting of the municipal legislative body:

1392 (i) for canvassing of returns from a municipal general election, no sooner than seven
1393 days after the election and no later than 14 days after the election; or

1394 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
1395 days after the election and no later than 14 days after the election.

1396 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
1397 quorum for conducting the canvass.

1398 (3) (a) The legislative body of the entity authorizing a bond election is the board of
1399 canvassers for each bond election.

1400 (b) The board of canvassers for the bond election shall comply with the canvassing
1401 procedures and requirements of Section 11-14-207.

1402 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
1403 bond election shall constitute a quorum for conducting the canvass.

1404 Section 24. Section 41-6a-2003 is amended to read:

1405 **41-6a-2003. Automatic license plate reader systems -- Restrictions.**

1406 (1) Except as provided in Subsection (2), a person or governmental entity may not use
1407 an automatic license plate reader system.

1408 (2) An automatic license plate reader system may be used:

1409 (a) by a law enforcement agency for the purpose of protecting public safety, conducting
1410 criminal investigations, or ensuring compliance with local, state, and federal laws;

1411 (b) by a governmental parking enforcement entity for the purpose of enforcing state
1412 and local parking laws;

1413 (c) by a parking enforcement entity for regulating the use of a parking facility;

1414 (d) for the purpose of controlling access to a secured area;

1415 (e) for the purpose of collecting an electronic toll; ~~or~~

1416 (f) for the purpose of enforcing motor carrier laws~~[-];~~ or

1417 (g) by a public transit district for the purpose of assessing parking needs and
1418 conducting a travel pattern analysis.

1419 Section 25. Section 53-10-108 is amended to read:

1420 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
1421 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
1422 **-- Missing children records -- Penalty for misuse of records.**

- 1423 (1) Dissemination of information from a criminal history record or warrant of arrest
1424 information from division files is limited to:
- 1425 (a) criminal justice agencies for purposes of administration of criminal justice and for
1426 employment screening by criminal justice agencies;
- 1427 (b) noncriminal justice agencies or individuals for any purpose authorized by statute,
1428 executive order, court rule, court order, or local ordinance;
- 1429 (c) agencies or individuals for the purpose of obtaining required clearances connected
1430 with foreign travel or obtaining citizenship;
- 1431 (d) (i) agencies or individuals pursuant to a specific agreement with a criminal justice
1432 agency to provide services required for the administration of criminal justice; and
- 1433 (ii) the agreement shall specifically authorize access to data, limit the use of the data to
1434 purposes for which given, and ensure the security and confidentiality of the data;
- 1435 (e) agencies or individuals for the purpose of a preplacement adoptive study, in
1436 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);
- 1437 (f) (i) agencies and individuals as the commissioner authorizes for the express purpose
1438 of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
1439 agency; and
- 1440 (ii) private security agencies through guidelines established by the commissioner for
1441 employment background checks for their own employees and prospective employees;
- 1442 (g) a qualifying entity for employment background checks for their own employees and
1443 persons who have applied for employment with the qualifying entity; ~~and~~
- 1444 (h) a public transit district for purposes of complying with background check
1445 provisions in Subsection [62A-5-103.5\(7\)](#); and
- 1446 ~~(h)~~ (i) other agencies and individuals as the commissioner authorizes and finds
1447 necessary for protection of life and property and for offender identification, apprehension, and
1448 prosecution pursuant to an agreement.
- 1449 (2) An agreement under Subsection (1)(f) or (1)(h) shall specifically authorize access
1450 to data, limit the use of data to research, evaluative, or statistical purposes, preserve the
1451 anonymity of individuals to whom the information relates, and ensure the confidentiality and
1452 security of the data.
- 1453 (3) (a) Before requesting information under Subsection (1)(g), a qualifying entity must

1454 obtain a signed waiver from the person whose information is requested.

1455 (b) The waiver must notify the signee:

1456 (i) that a criminal history background check will be conducted;

1457 (ii) who will see the information; and

1458 (iii) how the information will be used.

1459 (c) Information received by a qualifying entity under Subsection (1)(g) may only be:

1460 (i) available to persons involved in the hiring or background investigation of the
1461 employee; and

1462 (ii) used for the purpose of assisting in making an employment or promotion decision.

1463 (d) A person who disseminates or uses information obtained from the division under
1464 Subsection (1)(g) for purposes other than those specified under Subsection (3)(c), in addition to
1465 any penalties provided under this section, is subject to civil liability.

1466 (e) A qualifying entity that obtains information under Subsection (1)(g) shall provide
1467 the employee or employment applicant an opportunity to:

1468 (i) review the information received as provided under Subsection (8); and

1469 (ii) respond to any information received.

1470 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1471 division may make rules to implement this Subsection (3).

1472 (g) (i) The applicant fingerprint card fee under Subsection (1)(g) is \$20.

1473 (ii) The name check fee under Subsection (1)(g) is \$15.

1474 (iii) These fees remain in effect until changed by the division through the process under
1475 Section [63J-1-504](#).

1476 (iv) Funds generated under Subsections (3)(g)(i), (3)(g)(ii), and (8)(b) shall be
1477 deposited in the General Fund as a dedicated credit by the department to cover the costs
1478 incurred in providing the information.

1479 (h) The division or its employees are not liable for defamation, invasion of privacy,
1480 negligence, or any other claim in connection with the contents of information disseminated
1481 under Subsection (1)(g).

1482 (4) (a) Any criminal history record information obtained from division files may be
1483 used only for the purposes for which it was provided and may not be further disseminated,
1484 except under Subsections (4)(b) and (c).

1485 (b) A criminal history provided to an agency pursuant to Subsection (1)(e) may be
1486 provided by the agency to the person who is the subject of the history, another licensed
1487 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
1488 adoption.

1489 (c) A criminal history of a defendant provided to a criminal justice agency under
1490 Subsection (1)(a) may also be provided by the prosecutor to a defendant's defense counsel,
1491 upon request during the discovery process, for the purpose of establishing a defense in a
1492 criminal case.

1493 (5) If an individual has no prior criminal convictions, criminal history record
1494 information contained in the division's computerized criminal history files may not include
1495 arrest or disposition data concerning an individual who has been acquitted, the person's charges
1496 dismissed, or when no complaint against the person has been filed.

1497 (6) (a) This section does not preclude the use of the division's central computing
1498 facilities for the storage and retrieval of criminal history record information.

1499 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by
1500 unauthorized agencies or individuals.

1501 (7) Direct access through remote computer terminals to criminal history record
1502 information in the division's files is limited to those agencies authorized by the commissioner
1503 under procedures designed to prevent unauthorized access to this information.

1504 (8) (a) The commissioner shall establish procedures to allow an individual right of
1505 access to review and receive a copy of the individual's criminal history report.

1506 (b) A processing fee for the right of access service, including obtaining a copy of the
1507 individual's criminal history report under Subsection (8)(a) is \$15. This fee remains in effect
1508 until changed by the commissioner through the process under Section [63J-1-504](#).

1509 (c) (i) The commissioner shall establish procedures for an individual to challenge the
1510 completeness and accuracy of criminal history record information contained in the division's
1511 computerized criminal history files regarding that individual.

1512 (ii) These procedures shall include provisions for amending any information found to
1513 be inaccurate or incomplete.

1514 (9) The private security agencies as provided in Subsection (1)(f)(ii):

1515 (a) shall be charged for access; and

1516 (b) shall be registered with the division according to rules made by the division under
1517 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1518 (10) Before providing information requested under this section, the division shall give
1519 priority to criminal justice agencies needs.

1520 (11) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
1521 use, disclose, or disseminate a record created, maintained, or to which access is granted by the
1522 division or any information contained in a record created, maintained, or to which access is
1523 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or
1524 policy of a governmental entity.

1525 (b) A person who discovers or becomes aware of any unauthorized use of records
1526 created or maintained, or to which access is granted by the division shall inform the
1527 commissioner and the director of the Utah Bureau of Criminal Identification of the
1528 unauthorized use.

1529 Section 26. Section **78B-2-216** is amended to read:

1530 **78B-2-216. Adverse possession of certain real property.**

1531 (1) As used in this section:

1532 (a) "Government entity" means a town, city, county, [or] metropolitan water district, or
1533 local district.

1534 (b) "Water facility" means any improvement or structure used, or intended to be used,
1535 to divert, convey, store, measure, or treat water.

1536 (2) Except as provided in Subsection (3), a person may not acquire by adverse
1537 possession, prescriptive use, or acquiescence any right in or title to any real property:

1538 (a) held by a government entity; and

1539 (b) designated for any present or future public use, including:

1540 (i) a street;

1541 (ii) a lane;

1542 (iii) an avenue;

1543 (iv) an alley;

1544 (v) a park;

1545 (vi) a public square;

1546 (vii) a water facility; or

- 1547 (viii) a water conveyance right-of-way or water conveyance corridor.
- 1548 (3) Notwithstanding Subsection (2) and subject to Subsection (4), a person may acquire
- 1549 title if:
- 1550 (a) a government entity sold, disposed of, or conveyed the right in, or title to, the real
- 1551 property to a purchaser for valuable consideration; and
- 1552 (b) the purchaser or the purchaser's grantees or successors in interest have been in
- 1553 exclusive, continuous, and adverse possession of the real property for at least seven
- 1554 consecutive years after the day on which the real property was sold, disposed of, or conveyed
- 1555 as described in Subsection (3)(a).
- 1556 (4) A person who acquires title under Subsection (3) is subject to all other applicable
- 1557 provisions of law.

Legislative Review Note
as of 1-29-14 4:14 PM

Office of Legislative Research and General Counsel