

1 **METRO TOWNSHIP MODIFICATIONS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

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4  
5 **LONG TITLE**

6 **General Description:**

7 This bill modifies and enacts provisions relating to metro townships.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ converts metro townships into municipalities;
- 11 ▶ provides for the classification and governance of the converted municipalities;
- 12 ▶ enacts language governing the transition from a metro township to a municipality;
- 13 and
- 14 ▶ makes conforming changes and repeals obsolete language due to the elimination of
- 15 metro townships.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

- 22 **10-1-104**, as last amended by Laws of Utah 2015, Chapter 352
- 23 **10-1-303**, as last amended by Laws of Utah 2021, Chapter 210
- 24 **10-1-402**, as last amended by Laws of Utah 2021, Chapter 210
- 25 **10-2-302**, as last amended by Laws of Utah 2015, Chapter 352
- 26 **10-2-405**, as last amended by Laws of Utah 2023, Chapter 478
- 27 **10-2-425 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,
- 28 327
- 29 **10-2-425 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,
- 30 310 and 327
- 31 **10-3-205**, as last amended by Laws of Utah 2017, Chapter 158
- 32 **10-3-205.5**, as last amended by Laws of Utah 2016, Chapter 14

- 33           **10-3-1302**, as last amended by Laws of Utah 2015, Chapter 352
- 34           **10-3b-102**, as last amended by Laws of Utah 2015, Chapter 352
- 35           **10-3b-103**, as last amended by Laws of Utah 2015, Chapter 352
- 36           **10-3b-601**, as enacted by Laws of Utah 2015, Chapter 352
- 37           **10-5-102**, as last amended by Laws of Utah 2015, Chapter 352
- 38           **10-5-108**, as last amended by Laws of Utah 2023, Chapter 435
- 39           **10-6-103**, as last amended by Laws of Utah 2015, Chapter 352
- 40           **10-6-113**, as last amended by Laws of Utah 2023, Chapter 435
- 41           **10-6-137**, as enacted by Laws of Utah 1979, Chapter 26
- 42           **10-6-152**, as last amended by Laws of Utah 2023, Chapter 435
- 43           **10-9a-302**, as last amended by Laws of Utah 2021, Chapter 385
- 44           **10-9a-408**, as last amended by Laws of Utah 2023, Chapters 88, 501 and 529 and last
- 45           amended by Coordination Clause, Laws of Utah 2023, Chapter 88
- 46           **11-3-8**, as last amended by Laws of Utah 2018, Chapter 189
- 47           **11-13a-102**, as last amended by Laws of Utah 2023, Chapter 16
- 48           **11-14-102**, as last amended by Laws of Utah 2023, Chapter 16
- 49           **11-14-301**, as last amended by Laws of Utah 2022, Chapter 325
- 50           **11-17-2**, as last amended by Laws of Utah 2020, Chapter 354
- 51           **11-26-401**, as enacted by Laws of Utah 2023, Chapter 361
- 52           **11-39-101**, as last amended by Laws of Utah 2023, Chapter 16
- 53           **11-41-102**, as last amended by Laws of Utah 2023, Chapters 16, 34
- 54           **11-42a-102**, as last amended by Laws of Utah 2023, Chapter 16
- 55           **11-42b-101**, as enacted by Laws of Utah 2022, Chapter 376
- 56           **11-46a-101**, as enacted by Laws of Utah 2023, Chapter 245
- 57           **11-48-101.5**, as last amended by Laws of Utah 2023, Chapters 16, 327
- 58           **11-54-102**, as last amended by Laws of Utah 2023, Chapter 16
- 59           **11-56-102**, as last amended by Laws of Utah 2023, Chapter 450
- 60           **11-58-102**, as last amended by Laws of Utah 2023, Chapters 16, 259
- 61           **11-58-205**, as last amended by Laws of Utah 2023, Chapters 16, 259
- 62           **11-59-102**, as last amended by Laws of Utah 2023, Chapters 16, 263
- 63           **11-61-102**, as last amended by Laws of Utah 2023, Chapter 16

- 64 **11-63-102**, as enacted by Laws of Utah 2019, Chapter 50
- 65 **11-65-101**, as last amended by Laws of Utah 2023, Chapter 16
- 66 **11-66-101**, as enacted by Laws of Utah 2022, Chapter 306
- 67 **15A-5-202.5**, as last amended by Laws of Utah 2023, Chapter 95
- 68 **17-2-209**, as last amended by Laws of Utah 2023, Chapter 15
- 69 **17-23-17**, as last amended by Laws of Utah 2023, Chapter 15
- 70 **17-23-17.5**, as last amended by Laws of Utah 2015, Chapter 352
- 71 **17-36-29**, as last amended by Laws of Utah 2017, Chapter 453
- 72 **17B-1-102**, as last amended by Laws of Utah 2023, Chapter 15
- 73 **17B-1-502**, as last amended by Laws of Utah 2023, Chapter 15
- 74 **17B-2a-1102**, as last amended by Laws of Utah 2023, Chapter 15
- 75 **17B-2a-1104**, as last amended by Laws of Utah 2023, Chapter 15
- 76 **17B-2a-1106**, as last amended by Laws of Utah 2023, Chapter 15
- 77 **17B-2a-1110**, as last amended by Laws of Utah 2023, Chapter 435
- 78 **17B-2a-1111**, as last amended by Laws of Utah 2016, Chapter 176
- 79 **17C-1-102**, as last amended by Laws of Utah 2023, Chapter 15
- 80 **18-1-1**, as last amended by Laws of Utah 2021, Chapters 201, 257
- 81 **19-5-108.5**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 82 **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297
- 83 **20A-1-201.5**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 84 **20A-1-203**, as last amended by Laws of Utah 2020, Chapter 47
- 85 **20A-1-306**, as last amended by Laws of Utah 2022, Chapter 325
- 86 **20A-1-510**, as last amended by Laws of Utah 2023, Chapter 46
- 87 **20A-5-301**, as last amended by Laws of Utah 2016, Chapter 176
- 88 **20A-6-401**, as last amended by Laws of Utah 2023, Chapter 45
- 89 **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31
- 90 **20A-7-101**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 91 **20A-7-401.3**, as enacted by Laws of Utah 2019, Chapter 203
- 92 **20A-7-501**, as last amended by Laws of Utah 2023, Chapter 107
- 93 **20A-7-502.7**, as last amended by Laws of Utah 2023, Chapter 107

94           **20A-7-504**, as last amended by Laws of Utah 2023, Chapter 107  
95           **20A-7-601**, as last amended by Laws of Utah 2023, Chapters 107, 219  
96           **20A-7-602.7**, as last amended by Laws of Utah 2023, Chapter 107  
97           **20A-7-602.8**, as last amended by Laws of Utah 2023, Chapters 107, 504  
98           **20A-7-604**, as last amended by Laws of Utah 2023, Chapter 107  
99           **20A-11-101**, as last amended by Laws of Utah 2023, Chapter 15  
100          **26B-2-101**, as last amended by Laws of Utah 2023, Chapter 305  
101          **32B-1-102**, as last amended by Laws of Utah 2023, Chapters 328, 371 and 400  
102          **32B-1-702**, as renumbered and amended by Laws of Utah 2019, Chapter 403  
103          **32B-1-704**, as last amended by Laws of Utah 2022, Chapter 447  
104          **32B-2-402**, as last amended by Laws of Utah 2022, Chapter 255  
105          **32B-4-202**, as last amended by Laws of Utah 2023, Chapter 371  
106          **35A-8-805**, as enacted by Laws of Utah 2018, Chapter 251  
107          **35A-16-401**, as last amended by Laws of Utah 2023, Chapter 302  
108          **35A-16-501**, as last amended by Laws of Utah 2023, Chapter 302  
109          **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302  
110          **36-11-102**, as last amended by Laws of Utah 2023, Chapter 16  
111          **41-1a-1222**, as last amended by Laws of Utah 2023, Chapter 33  
112          **41-6a-1115.1**, as enacted by Laws of Utah 2019, Chapter 428  
113          **52-1-1**, as last amended by Laws of Utah 2016, Chapter 176  
114          **52-4-203**, as last amended by Laws of Utah 2023, Chapter 16  
115          **53-2a-208**, as last amended by Laws of Utah 2023, Chapter 34  
116          **53-2a-802**, as last amended by Laws of Utah 2022, Chapter 447  
117          **53-2a-1403**, as enacted by Laws of Utah 2021, Chapter 106  
118          **53-2d-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,  
119                327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last  
120                amended by Coordination Clause, Laws of Utah 2023, Chapter 327  
121          **53-5a-202**, as enacted by Laws of Utah 2023, Chapter 395  
122          **53-7-225**, as last amended by Laws of Utah 2023, Chapter 341  
123          **53B-21-107**, as last amended by Laws of Utah 2015, Chapter 352  
124          **56-1-39**, as enacted by Laws of Utah 2023, Chapter 41 and last amended by

125           Coordination Clause, Laws of Utah 2023, Chapter 41  
126           **59-1-403**, as last amended by Laws of Utah 2023, Chapters 21, 52, 86, 259, and 329  
127           **59-12-203**, as last amended by Laws of Utah 2017, Chapter 13  
128           **59-12-2220**, as last amended by Laws of Utah 2023, Chapter 529  
129           **63A-5b-901**, as last amended by Laws of Utah 2023, Chapter 16  
130           **63G-6a-103**, as last amended by Laws of Utah 2023, Chapter 16  
131           **63G-26-102**, as last amended by Laws of Utah 2023, Chapter 16  
132           **63G-29-101**, as enacted by Laws of Utah 2023, Chapter 76  
133           **63J-4-801**, as last amended by Laws of Utah 2023, Chapter 16  
134           **63N-2-103**, as last amended by Laws of Utah 2022, Chapter 200  
135           **63N-4-801**, as last amended by Laws of Utah 2023, Chapter 499  
136           **65A-1-1**, as last amended by Laws of Utah 2016, Chapter 174  
137           **65A-8-212**, as last amended by Laws of Utah 2018, Chapter 189  
138           **67-1a-2**, as last amended by Laws of Utah 2023, Chapter 297  
139           **68-3-12.5**, as last amended by Laws of Utah 2021, Chapter 93  
140           **72-2-108**, as last amended by Laws of Utah 2020, Chapter 377  
141           **72-2-121**, as last amended by Laws of Utah 2023, Chapter 529  
142           **73-10-34**, as last amended by Laws of Utah 2023, Chapter 260  
143           **78A-7-202**, as last amended by Laws of Utah 2023, Chapters 139, 435  
144           **78B-6-2301**, as last amended by Laws of Utah 2023, Chapter 16  
145 ENACTS:  
146           **10-1-201.5**, Utah Code Annotated 1953  
147 REPEALS:  
148           **10-2-301.5**, as enacted by Laws of Utah 2015, Chapter 352  
149           **10-2a-401**, as enacted by Laws of Utah 2015, Chapter 352  
150           **10-2a-402**, as last amended by Laws of Utah 2019, Chapter 165  
151           **10-2a-403**, as enacted by Laws of Utah 2015, Chapter 352 and further amended by  
152           Revisor Instructions, Laws of Utah 2015, Chapter 352  
153           **10-2a-404**, as last amended by Laws of Utah 2023, Chapters 16, 435  
154           **10-2a-405**, as last amended by Laws of Utah 2023, Chapter 435

155           **10-2a-406**, as enacted by Laws of Utah 2015, Chapter 352  
 156           **10-2a-407**, as enacted by Laws of Utah 2015, Chapter 352  
 157           **10-2a-408**, as enacted by Laws of Utah 2015, Chapter 352  
 158           **10-2a-409**, as enacted by Laws of Utah 2015, Chapter 352  
 159           **10-2a-410**, as last amended by Laws of Utah 2023, Chapter 435  
 160           **10-2a-411**, as last amended by Laws of Utah 2016, Chapter 14  
 161           **10-2a-412**, as enacted by Laws of Utah 2015, Chapter 352  
 162           **10-2a-413**, as last amended by Laws of Utah 2019, Chapter 165  
 163           **10-2a-414**, as enacted by Laws of Utah 2016, Chapter 176  
 164           **10-3b-501**, as last amended by Laws of Utah 2018, Chapter 174  
 165           **10-3b-502**, as last amended by Laws of Utah 2018, Chapter 174  
 166           **10-3b-503**, as last amended by Laws of Utah 2019, Chapter 24  
 167           **10-3b-504**, as last amended by Laws of Utah 2018, Chapter 174  
 168           **10-3c-101**, as enacted by Laws of Utah 2015, Chapter 352  
 169           **10-3c-102**, as last amended by Laws of Utah 2023, Chapter 16  
 170           **10-3c-103**, as last amended by Laws of Utah 2016, Chapter 176  
 171           **10-3c-201**, as enacted by Laws of Utah 2015, Chapter 352  
 172           **10-3c-202**, as last amended by Laws of Utah 2017, Chapter 13  
 173           **10-3c-203**, as last amended by Laws of Utah 2022, Chapter 288  
 174           **10-3c-204**, as last amended by Laws of Utah 2023, Chapter 435  
 175           **10-3c-205**, as enacted by Laws of Utah 2015, Chapter 352  
 176           **52-1-5.1**, as enacted by Laws of Utah 2016, Chapter 176

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

179           Section 1. Section **10-1-104** is amended to read:

180           **10-1-104. Definitions.**

181           As used in this title:

182           (1) "City" means a municipality that is classified by population as a city of the first  
 183 class, a city of the second class, a city of the third class, a city of the fourth class, or a city of  
 184 the fifth class, under Section 10-2-301.

185           (2) "Contiguous" means:

186 (a) if used to described an area, continuous, uninterrupted, and without an island of  
187 territory not included as part of the area; and

188 (b) if used to describe an area's relationship to another area, sharing a common  
189 boundary.

190 (3) "Governing body" means collectively the legislative body and the executive of any  
191 municipality. Unless otherwise provided:

192 (a) in a city of the first or second class, the governing body is the city commission;

193 (b) in a city of the third, fourth, or fifth class, the governing body is the city council;

194 and

195 (c) in a town, the governing body is the town council[~~;~~ and].

196 [~~(d) in a metro township, the governing body is the metro township council.~~]

197 (4) "Municipal" means of or relating to a municipality.

198 (5) "Municipality" means:

199 (a) a city of the first class, city of the second class, city of the third class, city of the  
200 fourth class, city of the fifth class; or

201 (b) a town, as classified in Section 10-2-301[~~;~~ or].

202 [~~(c) a metro township as that term is defined in Section 10-2a-403 unless the term is~~  
203 ~~used in the context of authorizing, governing, or otherwise regulating the provision of~~  
204 ~~municipal services.~~]

205 (6) "Peninsula," when used to describe an unincorporated area, means an area  
206 surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated  
207 territory and situated so that the length of a line drawn across the unincorporated area from an  
208 incorporated area to an incorporated area on the opposite side shall be less than 25% of the  
209 total aggregate boundaries of the unincorporated area.

210 (7) "Person" means an individual, corporation, partnership, organization, association,  
211 trust, governmental agency, or any other legal entity.

212 (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances,  
213 rules, and regulations properly adopted by any municipality unless the construction is clearly  
214 contrary to the intent of state law.

215 (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.

216 (10) "Town" means a municipality classified by population as a town under Section

217 10-2-301.

218 (11) "Unincorporated" means not within a municipality.

219 Section 2. Section **10-1-201.5** is enacted to read:

220 **10-1-201.5. Metro townships converted to municipalities -- Classification -- Form**  
221 **of government -- Continuity of operations.**

222 (1) As used in this section:

223 (a) "Converted municipality" means a municipality that is converted from an  
224 incorporated township into a municipality under Subsection (2).

225 (b) "Incorporated township" means a metro township incorporated under Laws of Utah  
226 2015, Chapter 352, Sections 50 through 62.

227 (2) As of May 1, 2024, an incorporated township is automatically converted into a  
228 municipality.

229 (3) The classification of a converted municipality is governed by Section 10-2-301,  
230 based on the converted municipality's population on May 1, 2024.

231 (4) (a) The powers of municipal government of a converted municipality are vested in  
232 a five-member council, as provided in Chapter 3b, Part 4, Five-Member Council Form of  
233 Municipal Government.

234 (b) Subsection (4)(a) does not limit a converted municipality's ability to change the  
235 converted municipality's form of government, as provided in Chapter 3b, Part 6, Changing to  
236 Another Form of Municipal Government.

237 (5) (a) The members of a converted municipality's council on May 1, 2024 consist of  
238 the individuals serving as council members for the incorporated township immediately before  
239 the incorporated township was converted into a municipality under Subsection (2), with the  
240 mayor of the incorporated township becoming the mayor of the converted municipality.

241 (b) (i) Subject to Subsection (5)(b)(ii), the term of office of a member of the converted  
242 municipality's council on May 1, 2024 is the same as the term of office that would have applied  
243 to the council member if the incorporated township had not converted to a municipality under  
244 Subsection (2).

245 (ii) (A) The office of mayor of a converted municipality is subject to election beginning  
246 the first municipal election after the incorporated township converts to a municipality under  
247 Subsection (2).



248 (B) The term of office of the mayor of a converted municipality continues from May 1,  
249 2024 until a successor to the office of mayor is elected and qualified.

250 (6) (a) Upon an incorporated township's conversion to a municipality under Subsection  
251 (2):

252 (i) each ordinance, resolution, or policy of the incorporated township becomes the  
253 ordinance, resolution, or policy of the converted municipality;

254 (ii) the converted municipality may continue to:

255 (A) operate and function as the incorporated township had been operating and  
256 functioning before the conversion; and

257 (B) provide services the incorporated township had been providing before the  
258 conversion;

259 (iii) a converted municipality may, after the conversion, continue to impose and collect  
260 a tax, fee, fine, or other charge that the incorporated township was authorized to impose and  
261 collect before the conversion;

262 (iv) a proceeding pending before the incorporated township at the time of conversion  
263 continues without change before the converted municipality;

264 (v) a right or privilege of the incorporated township becomes the right or privilege of  
265 the converted municipality; and

266 (vi) a contractual or other obligation of the incorporated township, including a  
267 contractual or other obligation with another governmental entity, becomes the contractual or  
268 other obligation of the converted municipality.

269 (b) An ordinance that under Subsection (6)(a)(i) becomes an ordinance of the  
270 converted municipality includes a county ordinance that became an ordinance of the  
271 incorporated township under Laws of Utah 2016, Chapter 176, Section 2 and has not been  
272 repealed, subject to any amendment of that ordinance that the incorporated township enacted  
273 before the incorporated township's conversion to a municipality under Subsection (2).

274 (7) A converted municipality succeeds to the position of the incorporated township  
275 with respect to the incorporated township's participation or inclusion in a special district or  
276 special service district, including a municipal services district.

277 Section 3. Section **10-1-303** is amended to read:

278 **10-1-303. Definitions.**

279 As used in this part:

280 (1) "Commission" means the State Tax Commission.

281 (2) "Contractual franchise fee" means:

282 (a) a fee:

283 (i) provided for in a franchise agreement; and

284 (ii) that is consideration for the franchise agreement; or

285 (b) (i) a fee similar to Subsection (2)(a); or

286 (ii) any combination of Subsections (2)(a) and (b).

287 (3) (a) "Delivered value" means the fair market value of the taxable energy delivered

288 for sale or use in the municipality and includes:

289 (i) the value of the energy itself; and

290 (ii) any transportation, freight, customer demand charges, services charges, or other

291 costs typically incurred in providing taxable energy in usable form to each class of customer in

292 the municipality.

293 (b) "Delivered value" does not include the amount of a tax paid under:

294 (i) Title 59, Chapter 12, Sales and Use Tax Act; or

295 (ii) this part.

296 (4) "De minimis amount" means an amount of taxable energy that does not exceed the

297 greater of:

298 (a) 5% of the energy supplier's estimated total Utah gross receipts from sales of

299 property or services; or

300 (b) \$10,000.

301 (5) "Energy supplier" means a person supplying taxable energy, except that the

302 commission may by rule exclude from this definition a person supplying a de minimis amount

303 of taxable energy.

304 (6) "Franchise agreement" means a franchise or an ordinance, contract, or agreement

305 granting a franchise.

306 (7) "Franchise tax" means:

307 (a) a franchise tax;

308 (b) a tax similar to a franchise tax; or

309 (c) any combination of Subsections (7)(a) and (b).

310 (8) "Municipality" means a city[;] or town[; ~~or metro township~~].

311 (9) "Person" is as defined in Section 59-12-102.

312 (10) "Taxable energy" means gas and electricity.

313 Section 4. Section **10-1-402** is amended to read:

314 **10-1-402. Definitions.**

315 As used in this part:

316 (1) "Commission" means the State Tax Commission.

317 (2) (a) Subject to Subsections (2)(b) and (c), "customer" means the person who is  
318 obligated under a contract with a telecommunications provider to pay for telecommunications  
319 service received under the contract.

320 (b) For purposes of this section and Section 10-1-407, "customer" means:

321 (i) the person who is obligated under a contract with a telecommunications provider to  
322 pay for telecommunications service received under the contract; or

323 (ii) if the end user is not the person described in Subsection (2)(b)(i), the end user of  
324 telecommunications service.

325 (c) "Customer" does not include a reseller:

326 (i) of telecommunications service; or

327 (ii) for mobile telecommunications service, of a serving carrier under an agreement to  
328 serve the customer outside the telecommunications provider's licensed service area.

329 (3) (a) "End user" means the person who uses a telecommunications service.

330 (b) For purposes of telecommunications service provided to a person who is not an  
331 individual, "end user" means the individual who uses the telecommunications service on behalf  
332 of the person who is provided the telecommunications service.

333 (4) (a) "Gross receipts from telecommunications service" means the revenue that a  
334 telecommunications provider receives for telecommunications service rendered except for  
335 amounts collected or paid as:

336 (i) a tax, fee, or charge:

337 (A) imposed by a governmental entity;

338 (B) separately identified as a tax, fee, or charge in the transaction with the customer for  
339 the telecommunications service; and

340 (C) imposed only on a telecommunications provider;

341 (ii) sales and use taxes collected by the telecommunications provider from a customer  
342 under Title 59, Chapter 12, Sales and Use Tax Act; or

343 (iii) interest, a fee, or a charge that is charged by a telecommunications provider on a  
344 customer for failure to pay for telecommunications service when payment is due.

345 (b) "Gross receipts from telecommunications service" includes a charge necessary to  
346 complete a sale of a telecommunications service.

347 (5) "Mobile telecommunications service" is as defined in the Mobile  
348 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

349 (6) "Municipality" means a city[;] or town[; ~~or metro township~~].

350 (7) "Place of primary use":

351 (a) for telecommunications service other than mobile telecommunications service,  
352 means the street address representative of where the customer's use of the telecommunications  
353 service primarily occurs, which shall be:

354 (i) the residential street address of the customer; or

355 (ii) the primary business street address of the customer; or

356 (b) for mobile telecommunications service, is as defined in the Mobile  
357 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

358 (8) Notwithstanding where a call is billed or paid, "service address" means:

359 (a) if the location described in this Subsection (8)(a) is known, the location of the  
360 telecommunications equipment:

361 (i) to which a call is charged; and

362 (ii) from which the call originates or terminates;

363 (b) if the location described in Subsection (8)(a) is not known but the location  
364 described in this Subsection (8)(b) is known, the location of the origination point of the signal  
365 of the telecommunications service first identified by:

366 (i) the telecommunications system of the telecommunications provider; or

367 (ii) if the system used to transport the signal is not a system of the telecommunications  
368 provider, information received by the telecommunications provider from its service provider;  
369 or

370 (c) if the locations described in Subsection (8)(a) or (b) are not known, the location of a  
371 customer's place of primary use.

372 (9) (a) Subject to Subsections (9)(b) and (9)(c), "telecommunications provider" means  
373 a person that:

374 (i) owns, controls, operates, or manages a telecommunications service; or

375 (ii) engages in an activity described in Subsection (9)(a)(i) for the shared use with or  
376 resale to any person of the telecommunications service.

377 (b) A person described in Subsection (9)(a) is a telecommunications provider whether  
378 or not the Public Service Commission of Utah regulates:

379 (i) that person; or

380 (ii) the telecommunications service that the person owns, controls, operates, or  
381 manages.

382 (c) "Telecommunications provider" does not include an aggregator as defined in  
383 Section 54-8b-2.

384 (10) "Telecommunications service" means:

385 (a) telecommunications service, as defined in Section 59-12-102, other than mobile  
386 telecommunications service, that originates and terminates within the boundaries of this state;

387 (b) mobile telecommunications service, as defined in Section 59-12-102:

388 (i) that originates and terminates within the boundaries of one state; and

389 (ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4  
390 U.S.C. Sec. 116 et seq.; or

391 (c) an ancillary service as defined in Section 59-12-102.

392 (11) (a) Except as provided in Subsection (11)(b), "telecommunications tax or fee"  
393 means any of the following imposed by a municipality on a telecommunications provider:

394 (i) a tax;

395 (ii) a license;

396 (iii) a fee;

397 (iv) a license fee;

398 (v) a license tax;

399 (vi) a franchise fee; or

400 (vii) a charge similar to a tax, license, or fee described in Subsections (11)(a)(i)  
401 through (vi).

402 (b) "Telecommunications tax or fee" does not include:

403 (i) the municipal telecommunication's license tax authorized by this part; or  
 404 (ii) a tax, fee, or charge, including a tax imposed under Title 59, Revenue and  
 405 Taxation, that is imposed:

406 (A) on telecommunications providers; and  
 407 (B) on persons who are not telecommunications providers.

408 Section 5. Section **10-2-302** is amended to read:

409 **10-2-302. Change of class of municipality.**

410 (1) Each municipality shall retain its classification under Section 10-2-301 until  
 411 changed as provided in this section or Subsection 67-1a-2(3).

412 (2) ~~[(a)]~~ If a municipality's population, as determined by the lieutenant governor under  
 413 Subsection 67-1a-2(3), indicates that the municipality's population has decreased below the  
 414 limit for its current class, the legislative body of the municipality may petition the lieutenant  
 415 governor to prepare a certificate indicating the class in which the municipality belongs based  
 416 on the decreased population figure.

417 ~~[(b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may~~  
 418 ~~not petition under this section to change from a metro township to a city or town.]~~

419 (3) A municipality's change in class is effective on the date of the lieutenant governor's  
 420 certificate under Subsection 67-1a-2(3).

421 Section 6. Section **10-2-405** is amended to read:

422 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**  
 423 **process -- Modified petition.**

424 (1) (a) (i) A municipal legislative body may:

425 (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or  
 426 (B) accept the petition for further consideration under this part.

427 (ii) A petition shall be considered to have been accepted for further consideration under  
 428 this part if a municipal legislative body fails to act to deny or accept the petition under  
 429 Subsection (1)(a)(i):

430 (A) in the case of a city of the first or second class, within 14 days after the filing of the  
 431 petition; or

432 (B) in the case of a city of the third, fourth, or fifth class[;] or a town~~[; or a metro~~  
 433 ~~township]~~, at the next regularly scheduled meeting of the municipal legislative body that is at

434 least 14 days after the date the petition was filed.

435 (b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall,  
436 within five days after the denial, mail written notice of the denial to:

437 (i) the contact sponsor; and

438 (ii) the clerk of the county in which the area proposed for annexation is located.

439 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is  
440 considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town  
441 clerk, as the case may be, shall, within 30 days after that acceptance:

442 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the  
443 area proposed for annexation is located the records the city recorder or town clerk needs to  
444 determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4);

445 (b) with the assistance of the municipal attorney, determine whether the petition meets  
446 the requirements of Subsections 10-2-403(3) and (4); and

447 (c) (i) if the city recorder or town clerk determines that the petition meets those  
448 requirements, certify the petition and mail or deliver written notification of the certification to  
449 the municipal legislative body, the contact sponsor, and the county legislative body; or

450 (ii) if the city recorder or town clerk determines that the petition fails to meet any of  
451 those requirements, reject the petition and mail or deliver written notification of the rejection  
452 and the reasons for the rejection to the municipal legislative body, the contact sponsor, and the  
453 county legislative body.

454 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii),  
455 the petition may be modified to correct the deficiencies for which it was rejected and then  
456 refiled with the city recorder or town clerk, as the case may be.

457 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used  
458 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as  
459 modified under Subsection (3)(a)(i).

460 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city  
461 recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a  
462 newly filed petition under Subsection 10-2-403(1).

463 (4) Any vote by a municipal legislative body to deny a petition under this part may be  
464 recalled and set for reconsideration by a majority of the voting members of the municipal

465 legislative body.

466 (5) Each county assessor, clerk, surveyor, and recorder shall provide copies of records  
467 that a city recorder or town clerk requests under Subsection (2)(a).

468 Section 7. Section **10-2-425 (Superseded 07/01/24)** is amended to read:

469 **10-2-425 (Superseded 07/01/24). Filing of notice and plat -- Recording and notice**  
470 **requirements -- Effective date of annexation or boundary adjustment.**

471 (1) The legislative body of each municipality that enacts an ordinance under this part  
472 approving the annexation of an unincorporated area or the adjustment of a boundary[, or the  
473 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an  
474 unincorporated island upon the results of an election held in accordance with Section  
475 10-2a-404,] shall:

476 (a) within 60 days after enacting the ordinance or the day of the election or, in the case  
477 of a boundary adjustment, within 60 days after each of the municipalities involved in the  
478 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

479 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
480 meets the requirements of Subsection 67-1a-6.5(3); and

481 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5;

482 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
483 adjustment, as the case may be, under Section 67-1a-6.5:

484 (i) if the annexed area or area subject to the boundary adjustment is located within the  
485 boundary of a single county, submit to the recorder of that county the original notice of an  
486 impending boundary action, the original certificate of annexation or boundary adjustment, the  
487 original approved final local entity plat, and a certified copy of the ordinance approving the  
488 annexation or boundary adjustment; or

489 (ii) if the annexed area or area subject to the boundary adjustment is located within the  
490 boundaries of more than a single county:

491 (A) submit to the recorder of one of those counties the original notice of impending  
492 boundary action, the original certificate of annexation or boundary adjustment, and the original  
493 approved final local entity plat;

494 (B) submit to the recorder of each other county a certified copy of the documents listed  
495 in Subsection (1)(b)(ii)(A); and



496 (C) submit a certified copy of the ordinance approving the annexation or boundary  
497 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and

498 (c) concurrently with Subsection (1)(b):

499 (i) send notice of the annexation or boundary adjustment to each affected entity; and

500 (ii) in accordance with Section 26B-4-168, file with the Department of Health and  
501 Human Services:

502 (A) a certified copy of the ordinance approving the annexation of an unincorporated  
503 area or the adjustment of a boundary; and

504 (B) a copy of the approved final local entity plat.

505 (2) If an annexation or boundary adjustment under this part [~~or Chapter 2a, Part 4,~~  
506 ~~Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class~~  
507 ~~on and after May 12, 2015;~~] also causes an automatic annexation to a special district under  
508 Section 17B-1-416 or an automatic withdrawal from a special district under Subsection  
509 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant  
510 governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5,  
511 send notice of the annexation or boundary adjustment to the special district to which the  
512 annexed area is automatically annexed or from which the annexed area is automatically  
513 withdrawn.

514 (3) Each notice required under Subsection (1) relating to an annexation or boundary  
515 adjustment shall state the effective date of the annexation or boundary adjustment, as  
516 determined under Subsection (4).

517 (4) An annexation or boundary adjustment under this part is completed and takes  
518 effect:

519 (a) for the annexation of or boundary adjustment affecting an area located in a county  
520 of the first class, except for an annexation under Section 10-2-418:

521 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
522 certificate of annexation or boundary adjustment if:

523 (A) the certificate is issued during the preceding November 1 through April 30; and

524 (B) the requirements of Subsection (1) are met before that July 1; or

525 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
526 certificate of annexation or boundary adjustment if:

527 (A) the certificate is issued during the preceding May 1 through October 31; and

528 (B) the requirements of Subsection (1) are met before that January 1; and

529 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the  
530 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of  
531 annexation or boundary adjustment.

532 ~~[(5) If an annexation of an unincorporated island is based upon the results of an~~  
533 ~~election held in accordance with Section 10-2a-404.]~~

534 ~~[(a) the county and the annexing municipality may agree to a date on which the~~  
535 ~~annexation is complete and takes effect; and]~~

536 ~~[(b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of~~  
537 ~~annexation on the date agreed to under Subsection (5)(a).]~~

538 ~~[(6)]~~ (5) (a) As used in this Subsection ~~[(6)]~~ (5):

539 (i) "Affected area" means:

540 (A) in the case of an annexation, the annexed area; and

541 (B) in the case of a boundary adjustment, any area that, as a result of the boundary  
542 adjustment, is moved from within the boundary of one municipality to within the boundary of  
543 another municipality.

544 (ii) "Annexing municipality" means:

545 (A) in the case of an annexation, the municipality that annexes an unincorporated area;  
546 and

547 (B) in the case of a boundary adjustment, a municipality whose boundary includes an  
548 affected area as a result of a boundary adjustment.

549 (b) The effective date of an annexation or boundary adjustment for purposes of  
550 assessing property within an affected area is governed by Section 59-2-305.5.

551 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
552 recorder of each county in which the property is located, a municipality may not:

553 (i) levy or collect a property tax on property within an affected area;

554 (ii) levy or collect an assessment on property within an affected area; or

555 (iii) charge or collect a fee for service provided to property within an affected area,  
556 unless the municipality was charging and collecting the fee within that area immediately before  
557 annexation.

558 Section 8. Section **10-2-425 (Effective 07/01/24)** is amended to read:

559 **10-2-425 (Effective 07/01/24). Filing of notice and plat -- Recording and notice**  
560 **requirements -- Effective date of annexation or boundary adjustment.**

561 (1) The legislative body of each municipality that enacts an ordinance under this part  
562 approving the annexation of an unincorporated area or the adjustment of a boundary[, or the  
563 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an  
564 unincorporated island upon the results of an election held in accordance with Section  
565 10-2a-404,] shall:

566 (a) within 60 days after enacting the ordinance or the day of the election or, in the case  
567 of a boundary adjustment, within 60 days after each of the municipalities involved in the  
568 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

569 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
570 meets the requirements of Subsection 67-1a-6.5(3); and

571 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5;

572 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
573 adjustment, as the case may be, under Section 67-1a-6.5:

574 (i) if the annexed area or area subject to the boundary adjustment is located within the  
575 boundary of a single county, submit to the recorder of that county the original notice of an  
576 impending boundary action, the original certificate of annexation or boundary adjustment, the  
577 original approved final local entity plat, and a certified copy of the ordinance approving the  
578 annexation or boundary adjustment; or

579 (ii) if the annexed area or area subject to the boundary adjustment is located within the  
580 boundaries of more than a single county:

581 (A) submit to the recorder of one of those counties the original notice of impending  
582 boundary action, the original certificate of annexation or boundary adjustment, and the original  
583 approved final local entity plat;

584 (B) submit to the recorder of each other county a certified copy of the documents listed  
585 in Subsection (1)(b)(ii)(A); and

586 (C) submit a certified copy of the ordinance approving the annexation or boundary  
587 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and

588 (c) concurrently with Subsection (1)(b):

589 (i) send notice of the annexation or boundary adjustment to each affected entity; and  
590 (ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency Medical  
591 Services:

592 (A) a certified copy of the ordinance approving the annexation of an unincorporated  
593 area or the adjustment of a boundary; and

594 (B) a copy of the approved final local entity plat.

595 (2) If an annexation or boundary adjustment under this part [~~or Chapter 2a, Part 4,~~  
596 ~~Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class~~  
597 ~~on and after May 12, 2015;~~] also causes an automatic annexation to a special district under  
598 Section 17B-1-416 or an automatic withdrawal from a special district under Subsection  
599 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant  
600 governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5,  
601 send notice of the annexation or boundary adjustment to the special district to which the  
602 annexed area is automatically annexed or from which the annexed area is automatically  
603 withdrawn.

604 (3) Each notice required under Subsection (1) relating to an annexation or boundary  
605 adjustment shall state the effective date of the annexation or boundary adjustment, as  
606 determined under Subsection (4).

607 (4) An annexation or boundary adjustment under this part is completed and takes  
608 effect:

609 (a) for the annexation of or boundary adjustment affecting an area located in a county  
610 of the first class, except for an annexation under Section 10-2-418:

611 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
612 certificate of annexation or boundary adjustment if:

613 (A) the certificate is issued during the preceding November 1 through April 30; and

614 (B) the requirements of Subsection (1) are met before that July 1; or

615 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a  
616 certificate of annexation or boundary adjustment if:

617 (A) the certificate is issued during the preceding May 1 through October 31; and

618 (B) the requirements of Subsection (1) are met before that January 1; and

619 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the

620 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of  
621 annexation or boundary adjustment.

622 ~~[(5) If an annexation of an unincorporated island is based upon the results of an~~  
623 ~~election held in accordance with Section 10-2a-404.]~~

624 ~~[(a) the county and the annexing municipality may agree to a date on which the~~  
625 ~~annexation is complete and takes effect; and]~~

626 ~~[(b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of~~  
627 ~~annexation on the date agreed to under Subsection (5)(a).]~~

628 ~~[(6)]~~ (5) (a) As used in this Subsection ~~[(6)]~~ (5):

629 (i) "Affected area" means:

630 (A) in the case of an annexation, the annexed area; and

631 (B) in the case of a boundary adjustment, any area that, as a result of the boundary  
632 adjustment, is moved from within the boundary of one municipality to within the boundary of  
633 another municipality.

634 (ii) "Annexing municipality" means:

635 (A) in the case of an annexation, the municipality that annexes an unincorporated area;  
636 and

637 (B) in the case of a boundary adjustment, a municipality whose boundary includes an  
638 affected area as a result of a boundary adjustment.

639 (b) The effective date of an annexation or boundary adjustment for purposes of  
640 assessing property within an affected area is governed by Section 59-2-305.5.

641 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
642 recorder of each county in which the property is located, a municipality may not:

643 (i) levy or collect a property tax on property within an affected area;

644 (ii) levy or collect an assessment on property within an affected area; or

645 (iii) charge or collect a fee for service provided to property within an affected area,  
646 unless the municipality was charging and collecting the fee within that area immediately before  
647 annexation.

648 Section 9. Section **10-3-205** is amended to read:

649 **10-3-205. Election of officers in municipalities operating under a city council**  
650 **form of government.**

651 Each municipality operating under a five-member or six-member city council form of  
 652 government shall hold municipal elections to fill, for a term of four years, the following  
 653 offices in the following years:

- 654 (1) in the year following a year in which a presidential election is held, the offices of:  
 655 (a) approximately half the council members; and  
 656 (b) except as provided in Subsection (2)(b) [~~or 10-2a-410(2)(a)(ii)~~], mayor; and  
 657 (2) in the year preceding a year in which a presidential election is held, the offices of:  
 658 (a) the remaining council members; and  
 659 (b) for a municipality that elected a mayor in 2015 for a term of four years, mayor.

660 Section 10. Section **10-3-205.5** is amended to read:

661 **10-3-205.5. At-large election of officers -- Election of commissioners or council**  
 662 **members.**

663 (1) Except as provided in Subsection (2), (3), or (4), the officers of each city shall be  
 664 elected in an at-large election held at the time and in the manner provided for electing  
 665 municipal officers.

666 (2) (a) The governing body of a city may by ordinance provide for the election of some  
 667 or all commissioners or council members, as the case may be, by district equal in number to the  
 668 number of commissioners or council members elected by district.

669 (b) (i) Each district shall be of substantially equal population as the other districts.

670 (ii) Within six months after the Legislature completes its redistricting process, the  
 671 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make  
 672 any adjustments in the boundaries of the districts as may be required to maintain districts of  
 673 substantially equal population.

674 [~~(3)(a) The municipal council members of a metro township, as defined in Section~~  
 675 ~~10-2a-403, are elected:]~~

676 [~~(i) for a metro township with a population of 10,000 or more, by district in accordance~~  
 677 ~~with Subsection 10-2a-410(1)(a); or]~~

678 [~~(ii) for a metro township with a population of less than 10,000, at-large in accordance~~  
 679 ~~with Subsection 10-2a-410(1)(b):]~~

680 [~~(b) The council districts in a metro township with a population of 10,000 or more~~  
 681 ~~shall comply with the requirements of Subsections (2)(b)(i) and (ii):]~~

682 ~~[(4)(a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of~~  
 683 ~~Metro Townships and Unincorporated Islands in a County of the First Class on and after May~~  
 684 ~~12, 2015:]~~

685 ~~[(i) the council members are elected by district in accordance with Section 10-2a-410;~~  
 686 ~~and]~~

687 ~~[(ii) the mayor is elected at-large in accordance with Section 10-2a-410.]~~

688 ~~[(b) The council districts in a city described in Subsection (4)(a) shall comply with the~~  
 689 ~~requirements of Subsections (2)(b)(i) and (ii).]~~

690 Section 11. Section **10-3-1302** is amended to read:

691 **10-3-1302. Purpose.**

692 ~~[(1)]~~ The purposes of this part are to establish standards of conduct for municipal  
 693 officers and employees and to require these persons to disclose actual or potential conflicts of  
 694 interest between their public duties and their personal interests.

695 ~~[(2) In a metro township, as defined in Section 10-2a-403, the provisions of this part~~  
 696 ~~may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a~~  
 697 ~~county employee who is required by law to provide services to the metro township.]~~

698 Section 12. Section **10-3b-102** is amended to read:

699 **10-3b-102. Definitions.**

700 As used in this chapter:

701 (1) "Council-mayor form of government" means the form of municipal government  
 702 that:

703 (a) (i) is provided for in Laws of Utah 1977, Chapter 48;

704 (ii) may not be adopted without voter approval; and

705 (iii) consists of two separate, independent, and equal branches of municipal  
 706 government; and

707 (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal  
 708 Government.

709 (2) "Five-member council form of government" means the form of municipal  
 710 government described in Part 4, Five-Member Council Form of Municipal Government.

711 ~~[(3) "Metro township" means the same as that term is defined in Section 10-2a-403.]~~

712 ~~[(4) "Metro township council form of government" means the form of metro township~~

713 ~~government described in Part 5, Metro Township Council Form of Municipal Government.]~~

714 ~~(5)~~ (3) "Six-member council form of government" means the form of municipal

715 government described in Part 3, Six-Member Council Form of Municipal Government.

716 Section 13. Section **10-3b-103** is amended to read:

717 **10-3b-103. Forms of municipal government -- Form of government for towns --**

718 **Former council-manager form.**

719 (1) A municipality operating on May 4, 2008, under the council-mayor form of  
720 government:

721 (a) shall, on and after May 5, 2008:

722 (i) operate under a council-mayor form of government, as defined in Section  
723 10-3b-102; and

724 (ii) be subject to:

725 (A) this part;

726 (B) Part 2, Council-Mayor Form of Municipal Government;

727 (C) Part 6, Changing to Another Form of Municipal Government; and

728 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

729 and

730 (b) is not subject to:

731 (i) Part 3, Six-Member Council Form of Municipal Government; or

732 (ii) Part 4, Five-Member Council Form of Municipal Government~~;~~ or.

733 ~~[(iii) Part 5, Metro Township Council Form of Municipal Government.]~~

734 (2) A municipality operating on May 4, 2008 under a form of government known under  
735 the law then in effect as the six-member council form:

736 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an  
737 ordinance appointing a manager for the municipality:

738 (i) operate under a six-member council form of government, as defined in Section  
739 10-3b-102;

740 (ii) be subject to:

741 (A) this part;

742 (B) Part 3, Six-Member Council Form of Municipal Government;

743 (C) Part 6, Changing to Another Form of Municipal Government; and



744 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

745 and

746 (b) is not subject to:

747 (i) Part 2, Council-Mayor Form of Municipal Government; or

748 (ii) Part 4, Five-Member Council Form of Municipal Government[~~;~~~~or~~].

749 [~~(iii) Part 5, Metro Township Council Form of Municipal Government.~~]

750 (3) A municipality operating on May 4, 2008, under a form of government known

751 under the law then in effect as the five-member council form:

752 (a) shall, on and after May 5, 2008:

753 (i) operate under a five-member council form of government, as defined in Section

754 10-3b-102;

755 (ii) be subject to:

756 (A) this part;

757 (B) Part 4, Five-Member Council Form of Municipal Government;

758 (C) Part 6, Changing to Another Form of Municipal Government; and

759 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

760 and

761 (b) is not subject to:

762 (i) Part 2, Council-Mayor Form of Municipal Government; or

763 (ii) Part 3, Six-Member Council Form of Municipal Government[~~;~~~~or~~].

764 [~~(iii) Part 5, Metro Township Council Form of Municipal Government.~~]

765 (4) Subject to Subsection (5), each municipality [~~other than a metro township~~]

766 incorporated on or after May 5, 2008, shall operate under:

767 (a) the council-mayor form of government, with a five-member council;

768 (b) the council-mayor form of government, with a seven-member council;

769 (c) the six-member council form of government; or

770 (d) the five-member council form of government.

771 (5) Each town shall operate under a five-member council form of government unless:

772 (a) before May 5, 2008, the town has changed to another form of municipal

773 government; or

774 (b) on or after May 5, 2008, the town changes its form of government as provided in

775 Part 6, Changing to Another Form of Municipal Government.

776 ~~[(6) Each metro township:]~~

777 ~~[(a) shall operate under a metro township council form of government;]~~

778 ~~[(b) is subject to:]~~

779 ~~[(i) this part;]~~

780 ~~[(ii) Part 5, Metro Township Council Form of Municipal Government; and]~~

781 ~~[(iii) except as provided in Subsection (6)(c), other applicable provisions of this title;~~

782 ~~and]~~

783 ~~[(c) is not subject to:]~~

784 ~~[(i) Part 2, Council-Mayor Form of Municipal Government;]~~

785 ~~[(ii) Part 3, Six-Member Council Form of Municipal Government; or]~~

786 ~~[(iii) Part 4, Five-Member Council Form of Municipal Government;]~~

787 ~~[(7)]~~ (6) (a) As used in this Subsection ~~[(7)]~~ (6), "council-manager form of

788 government" means the form of municipal government:

789 (i) provided for in Laws of Utah 1977, Chapter 48;

790 (ii) that cannot be adopted without voter approval; and

791 (iii) that provides for, subject to Subsections (7) and (8) ~~and (9)~~, an appointed

792 manager with duties and responsibilities established in Laws of Utah 1977,

793 Chapter 48.

794 (b) A municipality operating on May 4, 2008, under the council-manager form of

795 government:

796 (i) shall:

797 (A) continue to operate, on and after May 5, 2008, under the council-manager form of

798 government according to the applicable provisions of Laws of Utah

799 1977, Chapter 48; and

800 (B) be subject to:

801 (I) this Subsection ~~[(7)]~~ (6) and other applicable provisions of this part;

802 (II) Part 6, Changing to Another Form of Municipal Government; and

803 (III) except as provided in Subsection (7)(b)(ii), other applicable provisions of this

804 title; and

805 (ii) is not subject to:

806 (A) Part 2, Council-Mayor Form of Municipal Government;  
807 (B) Part 3, Six-Member Council Form of Municipal Government; or  
808 (C) Part 4, Five-Member Council Form of Municipal Government~~;~~or.  
809 ~~[(D) Part 5, Metro Township Council Form of Municipal Government.]~~  
810 ~~[(8)]~~ (7) (a) As used in this Subsection ~~[(8)]~~ (7), "interim vacancy period" means the  
811 period of time that:  
812 (i) begins on the day on which a municipal general election described in Section  
813 10-3-201 is held to elect a council member; and  
814 (ii) ends on the day on which the council member-elect begins the council member's  
815 term.  
816 (b) (i) The council may not appoint a manager during an interim vacancy period.  
817 (ii) Notwithstanding Subsection ~~[(8)(b)(i)]~~ (7)(b)(i):  
818 (A) the council may appoint an interim manager during an interim vacancy period; and  
819 (B) the interim manager's term shall expire once a new manager is appointed by the  
820 new administration after the interim vacancy period has ended.  
821 (c) Subsection ~~[(8)(b)]~~ (7)(b) does not apply if all the council members who held office  
822 on the day of the municipal general election whose term of office was vacant for the election  
823 are re-elected to the council for the following term.  
824 ~~[(9)]~~ (8) A council that appoints a manager in accordance with this section may not, on  
825 or after May 10, 2011, enter into an employment contract that contains an automatic renewal  
826 provision with the manager.  
827 ~~[(10)]~~ (9) Nothing in this section may be construed to prevent or limit a municipality  
828 operating under any form of municipal government from changing to another form of  
829 government as provided in Part 6, Changing to Another Form of Municipal Government.  
830 Section 14. Section **10-3b-601** is amended to read:  
831 **10-3b-601. Authority to change to another form of municipal government.**  
832 ~~[(1)]~~ As provided in this part, a municipality may change from the form of government  
833 under which it operates to:  
834 ~~[(a)]~~ (1) the council-mayor form of government with a five-member council;  
835 ~~[(b)]~~ (2) the council-mayor form of government with a seven-member council;  
836 ~~[(c)]~~ (3) the six-member council form of government; or

837 ~~[(d)]~~ (4) the five-member council form of government.

838 ~~[(2)(a) A metro township that changes from the metro township council form of~~  
839 ~~government to a form described in Subsection (1):]~~

840 ~~[(i) is no longer a metro township; and]~~

841 ~~[(ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority~~  
842 ~~of a city or town.]~~

843 ~~[(b) If a metro township with a population that qualifies as a town in accordance with~~  
844 ~~Section 10-2-301 changes the metro township's form of government in accordance with this~~  
845 ~~part, the metro township may only change to the five-member council form of government.]~~

846 ~~[(3) A municipality other than a metro township may not operate under the metro~~  
847 ~~township council form of government.]~~

848 Section 15. Section **10-5-102** is amended to read:

849 **10-5-102. Applicability.**

850 This chapter ~~[shall apply]~~ applies to all[:] towns.

851 ~~[(1) towns; and]~~

852 ~~[(2) metro townships of the second class to the same extent as a town.]~~

853 Section 16. Section **10-5-108** is amended to read:

854 **10-5-108. Budget hearing -- Notice -- Adjustments.**

855 (1) Prior to the adoption of the final budget or an amendment to a budget, a town  
856 council shall hold a public hearing to receive public comment.

857 (2) The town council shall provide notice of the place, purpose, and time of the public  
858 hearing by providing notice for the town ~~[or metro township]~~, as a class A notice under Section  
859 63G-30-102, for at least seven days before the hearing.

860 (3) After the hearing, the town council, subject to Section 10-5-110, may adjust  
861 expenditures and revenues in conformity with this chapter.

862 Section 17. Section **10-6-103** is amended to read:

863 **10-6-103. Applicability.**

864 This chapter ~~[shall apply]~~ applies to all[:]

865 ~~[(1)]~~ cities, including charter cities~~;~~ and.

866 ~~[(2) metro townships of the first class to the same extent as a city.]~~

867 Section 18. Section **10-6-113** is amended to read:

868 **10-6-113. Budget -- Notice of hearing to consider adoption.**

869 At the meeting at which each tentative budget is adopted, the governing body shall  
870 establish the time and place of a public hearing to consider its adoption and shall order that  
871 notice of the public hearing be published for the city [~~or metro township~~], as a class A notice  
872 under Section 63G-30-102, for at least seven days before the day of the hearing.

873 Section 19. Section **10-6-137** is amended to read:

874 **10-6-137. City recorder -- Office -- Meetings and records -- Certified records as**  
875 **evidence.**

876 (1) The office of the city recorder shall be located at the place of the governing  
877 body or at some other place convenient [~~thereto~~] to the place of the governing body, as the  
878 governing body [~~may direct~~] directs. [~~The~~]

879 (2) (a) Except as provided in Subsection (2)(b), the city recorder or a deputy city  
880 recorder shall attend the meetings and keep the record of the proceedings of the governing  
881 body.

882 (b) An individual designated by a municipal services district to provide recorder or  
883 clerk services to a city is not required to attend a meeting of the city governing body if the  
884 individual ensures compliance with the meeting minutes and recording requirements of Section  
885 52-4-203.

886 (c) Copies of all papers filed in the recorder's office and transcripts from all records of  
887 the governing body, if certified by the recorder under the corporate seal, are admissible in all  
888 courts as originals.

889 Section 20. Section **10-6-152** is amended to read:

890 **10-6-152. Notice that audit completed and available for inspection.**

891 Within 10 days following the receipt of the audit report furnished by the independent  
892 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

893 (1) prepare a notice to the public that the audit of the city has been completed;

894 (2) provide the notice for the city [~~or metro township~~], as a class A notice under  
895 Section 63G-30-102, for at least 10 days; and

896 (3) make a copy of the notice described in Subsection (1) available for inspection at the  
897 office of the city auditor or recorder.

898 Section 21. Section **10-9a-302** is amended to read:

899 **10-9a-302. Planning commission powers and duties -- Training requirements.**

900 (1) The planning commission shall review and make a recommendation to the  
901 legislative body for:

902 (a) a general plan and amendments to the general plan;

903 (b) land use regulations, including:

904 (i) ordinances regarding the subdivision of land within the municipality; and

905 (ii) amendments to existing land use regulations;

906 (c) an appropriate delegation of power to at least one designated land use authority to  
907 hear and act on a land use application;

908 (d) an appropriate delegation of power to at least one appeal authority to hear and act  
909 on an appeal from a decision of the land use authority; and

910 (e) application processes that:

911 (i) may include a designation of routine land use matters that, upon application and  
912 proper notice, will receive informal streamlined review and action if the application is  
913 uncontested; and

914 (ii) shall protect the right of each:

915 (A) land use applicant and adversely affected party to require formal consideration of  
916 any application by a land use authority;

917 (B) land use applicant or adversely affected party to appeal a land use authority's  
918 decision to a separate appeal authority; and

919 (C) participant to be heard in each public hearing on a contested application.

920 (2) Before making a recommendation to a legislative body on an item described in  
921 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance  
922 with Section 10-9a-404.

923 (3) A legislative body may adopt, modify, or reject a planning commission's  
924 recommendation to the legislative body under this section.

925 (4) A legislative body may consider a planning commission's failure to make a timely  
926 recommendation as a negative recommendation.

927 (5) Nothing in this section limits the right of a municipality to initiate or propose the  
928 actions described in this section.

929 (6) (a) (i) This Subsection (6) applies to:

- 930 (A) a city of the first, second, third, or fourth class; and  
931 (B) a city of the fifth class with a population of 5,000 or more, if the city is located  
932 within a county of the first, second, or third class~~;~~ and.  
933 [~~(C) a metro township with a population of 5,000 or more.~~]  
934 (ii) The population figures described in Subsection (6)(a)(i) shall be derived from:  
935 (A) the most recent official census or census estimate of the United States Census  
936 Bureau; or  
937 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of  
938 the Utah Population Committee.
- 939 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of  
940 the municipality's planning commission completes four hours of annual land use training as  
941 follows:
- 942 (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a,  
943 Municipal Land Use, Development, and Management Act; and
- 944 (ii) three hours of annual training on land use, which may include:
- 945 (A) appeals and variances;  
946 (B) conditional use permits;  
947 (C) exactions;  
948 (D) impact fees;  
949 (E) vested rights;  
950 (F) subdivision regulations and improvement guarantees;  
951 (G) land use referenda;  
952 (H) property rights;  
953 (I) real estate procedures and financing;  
954 (J) zoning, including use-based and form-based; and  
955 (K) drafting ordinances and code that complies with statute.
- 956 (c) A newly appointed planning commission member may not participate in a public  
957 meeting as an appointed member until the member completes the training described in  
958 Subsection (6)(b)(i).
- 959 (d) A planning commission member may qualify for one completed hour of training  
960 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public

961 meetings of the planning commission within a calendar year.

962 (e) A municipality shall provide the training described in Subsection (6)(b) through:

963 (i) municipal staff;

964 (ii) the Utah League of Cities and Towns; or

965 (iii) a list of training courses selected by:

966 (A) the Utah League of Cities and Towns; or

967 (B) the Division of Real Estate created in Section 61-2-201.

968 (f) A municipality shall, for each planning commission member:

969 (i) monitor compliance with the training requirements in Subsection (6)(b); and

970 (ii) maintain a record of training completion at the end of each calendar year.

971 Section 22. Section **10-9a-408** is amended to read:

972 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**  
 973 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

974 (1) As used in this section:

975 (a) "Division" means the Housing and Community Development Division within the  
 976 Department of Workforce Services.

977 (b) "Implementation plan" means the implementation plan adopted as part of the  
 978 moderate income housing element of a specified municipality's general plan as provided in  
 979 Subsection 10-9a-403(2)(c).

980 (c) "Initial report" or "initial moderate income housing report" means the one-time  
 981 report described in Subsection (2).

982 (d) "Moderate income housing strategy" means a strategy described in Subsection  
 983 10-9a-403(2)(b)(iii).

984 (e) "Report" means an initial report or a subsequent progress report.

985 (f) "Specified municipality" means:

986 (i) a city of the first, second, third, or fourth class; or

987 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
 988 within a county of the first, second, or third class~~[-or]~~.

989 ~~[(iii) a metro township with a population of 5,000 or more.]~~

990 (g) "Subsequent progress report" means the annual report described in Subsection (3).

991 (2) (a) The legislative body of a specified municipality shall submit an initial report to



992 the division.

993 (b) (i) This Subsection (2)(b) applies to a municipality that is not a specified  
994 municipality as of January 1, 2023.

995 (ii) As of January 1, if a municipality described in Subsection (2)(b)(i) changes from  
996 one class to another or grows in population to qualify as a specified municipality, the  
997 municipality shall submit an initial plan to the division on or before August 1 of the first  
998 calendar year beginning on January 1 in which the municipality qualifies as a specified  
999 municipality.

1000 (c) The initial report shall:

1001 (i) identify each moderate income housing strategy selected by the specified  
1002 municipality for continued, ongoing, or one-time implementation, restating the exact language  
1003 used to describe the moderate income housing strategy in Subsection 10-9a-403(2)(b)(iii); and

1004 (ii) include an implementation plan.

1005 (3) (a) After the division approves a specified municipality's initial report under this  
1006 section, the specified municipality shall, as an administrative act, annually submit to the  
1007 division a subsequent progress report on or before August 1 of each year after the year in which  
1008 the specified municipality is required to submit the initial report.

1009 (b) The subsequent progress report shall include:

1010 (i) subject to Subsection (3)(c), a description of each action, whether one-time or  
1011 ongoing, taken by the specified municipality during the previous 12-month period to  
1012 implement the moderate income housing strategies identified in the initial report for  
1013 implementation;

1014 (ii) a description of each land use regulation or land use decision made by the specified  
1015 municipality during the previous 12-month period to implement the moderate income housing  
1016 strategies, including an explanation of how the land use regulation or land use decision  
1017 supports the specified municipality's efforts to implement the moderate income housing  
1018 strategies;

1019 (iii) a description of any barriers encountered by the specified municipality in the  
1020 previous 12-month period in implementing the moderate income housing strategies;

1021 (iv) information regarding the number of internal and external or detached accessory  
1022 dwelling units located within the specified municipality for which the specified municipality:

- 1023 (A) issued a building permit to construct; or  
1024 (B) issued a business license or comparable license or permit to rent;  
1025 (v) a description of how the market has responded to the selected moderate income  
1026 housing strategies, including the number of entitled moderate income housing units or other  
1027 relevant data; and  
1028 (vi) any recommendations on how the state can support the specified municipality in  
1029 implementing the moderate income housing strategies.
- 1030 (c) For purposes of describing actions taken by a specified municipality under  
1031 Subsection (3)(b)(i), the specified municipality may include an ongoing action taken by the  
1032 specified municipality prior to the 12-month reporting period applicable to the subsequent  
1033 progress report if the specified municipality:
- 1034 (i) has already adopted an ordinance, approved a land use application, made an  
1035 investment, or approved an agreement or financing that substantially promotes the  
1036 implementation of a moderate income housing strategy identified in the initial report; and  
1037 (ii) demonstrates in the subsequent progress report that the action taken under  
1038 Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified  
1039 municipality's implementation plan.
- 1040 (d) A specified municipality's report shall be in a form:
- 1041 (i) approved by the division; and  
1042 (ii) made available by the division on or before May 1 of the year in which the report is  
1043 required.
- 1044 (4) Within 90 days after the day on which the division receives a specified  
1045 municipality's report, the division shall:
- 1046 (a) post the report on the division's website;  
1047 (b) send a copy of the report to the Department of Transportation, the Governor's  
1048 Office of Planning and Budget, the association of governments in which the specified  
1049 municipality is located, and, if the specified municipality is located within the boundaries of a  
1050 metropolitan planning organization, the appropriate metropolitan planning organization; and  
1051 (c) subject to Subsection (5), review the report to determine compliance with this  
1052 section.
- 1053 (5) (a) An initial report does not comply with this section unless the report:

- 1054 (i) includes the information required under Subsection (2)(c);
- 1055 (ii) demonstrates to the division that the specified municipality made plans to
- 1056 implement:
- 1057 (A) three or more moderate income housing strategies if the specified municipality
- 1058 does not have a fixed guideway public transit station; or
- 1059 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing
- 1060 strategies if the specified municipality has a fixed guideway public transit station; and
- 1061 (iii) is in a form approved by the division.
- 1062 (b) A subsequent progress report does not comply with this section unless the report:
- 1063 (i) demonstrates to the division that the specified municipality made plans to
- 1064 implement:
- 1065 (A) three or more moderate income housing strategies if the specified municipality
- 1066 does not have a fixed guideway public transit station; or
- 1067 (B) subject to the requirements of Subsection 10-9a-403(2)(a)(iii)(D), five or more
- 1068 moderate income housing strategies if the specified municipality has a fixed guideway public
- 1069 transit station;
- 1070 (ii) is in a form approved by the division; and
- 1071 (iii) provides sufficient information for the division to:
- 1072 (A) assess the specified municipality's progress in implementing the moderate income
- 1073 housing strategies;
- 1074 (B) monitor compliance with the specified municipality's implementation plan;
- 1075 (C) identify a clear correlation between the specified municipality's land use
- 1076 regulations and land use decisions and the specified municipality's efforts to implement the
- 1077 moderate income housing strategies;
- 1078 (D) identify how the market has responded to the specified municipality's selected
- 1079 moderate income housing strategies; and
- 1080 (E) identify any barriers encountered by the specified municipality in implementing the
- 1081 selected moderate income housing strategies.
- 1082 (6) (a) A specified municipality qualifies for priority consideration under this
- 1083 Subsection (6) if the specified municipality's report:
- 1084 (i) complies with this section; and

1085 (ii) demonstrates to the division that the specified municipality made plans to  
1086 implement:

1087 (A) five or more moderate income housing strategies if the specified municipality does  
1088 not have a fixed guideway public transit station; or

1089 (B) six or more moderate income housing strategies if the specified municipality has a  
1090 fixed guideway public transit station.

1091 (b) The Transportation Commission may, in accordance with Subsection  
1092 72-1-304(3)(c), give priority consideration to transportation projects located within the  
1093 boundaries of a specified municipality described in Subsection (6)(a) until the Department of  
1094 Transportation receives notice from the division under Subsection (6)(e).

1095 (c) Upon determining that a specified municipality qualifies for priority consideration  
1096 under this Subsection (6), the division shall send a notice of prioritization to the legislative  
1097 body of the specified municipality and the Department of Transportation.

1098 (d) The notice described in Subsection (6)(c) shall:

1099 (i) name the specified municipality that qualifies for priority consideration;

1100 (ii) describe the funds or projects for which the specified municipality qualifies to  
1101 receive priority consideration; and

1102 (iii) state the basis for the division's determination that the specified municipality  
1103 qualifies for priority consideration.

1104 (e) The division shall notify the legislative body of a specified municipality and the  
1105 Department of Transportation in writing if the division determines that the specified  
1106 municipality no longer qualifies for priority consideration under this Subsection (6).

1107 (7) (a) If the division, after reviewing a specified municipality's report, determines that  
1108 the report does not comply with this section, the division shall send a notice of noncompliance  
1109 to the legislative body of the specified municipality.

1110 (b) A specified municipality that receives a notice of noncompliance may:

1111 (i) cure each deficiency in the report within 90 days after the day on which the notice of  
1112 noncompliance is sent; or

1113 (ii) request an appeal of the division's determination of noncompliance within 10 days  
1114 after the day on which the notice of noncompliance is sent.

1115 (c) The notice described in Subsection (7)(a) shall:

- 1116 (i) describe each deficiency in the report and the actions needed to cure each  
1117 deficiency;
- 1118 (ii) state that the specified municipality has an opportunity to:
- 1119 (A) submit to the division a corrected report that cures each deficiency in the report  
1120 within 90 days after the day on which the notice of compliance is sent; or
- 1121 (B) submit to the division a request for an appeal of the division's determination of  
1122 noncompliance within 10 days after the day on which the notice of noncompliance is sent; and
- 1123 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the  
1124 specified municipality's ineligibility for funds under Subsection (9).
- 1125 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the  
1126 action needed to cure the deficiency as described by the division requires the specified  
1127 municipality to make a legislative change, the specified municipality may cure the deficiency  
1128 by making that legislative change within the 90-day cure period.
- 1129 (e) (i) If a specified municipality submits to the division a corrected report in  
1130 accordance with Subsection (7)(b)(i) and the division determines that the corrected report does  
1131 not comply with this section, the division shall send a second notice of noncompliance to the  
1132 legislative body of the specified municipality within 30 days after the day on which the  
1133 corrected report is submitted.
- 1134 (ii) A specified municipality that receives a second notice of noncompliance may  
1135 submit to the division a request for an appeal of the division's determination of noncompliance  
1136 within 10 days after the day on which the second notice of noncompliance is sent.
- 1137 (iii) The notice described in Subsection (7)(e)(i) shall:
- 1138 (A) state that the specified municipality has an opportunity to submit to the division a  
1139 request for an appeal of the division's determination of noncompliance within 10 days after the  
1140 day on which the second notice of noncompliance is sent; and
- 1141 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the  
1142 specified municipality's ineligibility for funds under Subsection (9).
- 1143 (8) (a) A specified municipality that receives a notice of noncompliance under  
1144 Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of  
1145 noncompliance within 10 days after the day on which the notice of noncompliance is sent.
- 1146 (b) Within 90 days after the day on which the division receives a request for an appeal,

1147 an appeal board consisting of the following three members shall review and issue a written  
1148 decision on the appeal:

1149 (i) one individual appointed by the Utah League of Cities and Towns;

1150 (ii) one individual appointed by the Utah Homebuilders Association; and

1151 (iii) one individual appointed by the presiding member of the association of  
1152 governments, established pursuant to an interlocal agreement under Title 11, Chapter 13,  
1153 Interlocal Cooperation Act, of which the specified municipality is a member.

1154 (c) The written decision of the appeal board shall either uphold or reverse the division's  
1155 determination of noncompliance.

1156 (d) The appeal board's written decision on the appeal is final.

1157 (9) (a) A specified municipality is ineligible for funds under this Subsection (9) if:

1158 (i) the specified municipality fails to submit a report to the division;

1159 (ii) after submitting a report to the division, the division determines that the report does  
1160 not comply with this section and the specified municipality fails to:

1161 (A) cure each deficiency in the report within 90 days after the day on which the notice  
1162 of noncompliance is sent; or

1163 (B) request an appeal of the division's determination of noncompliance within 10 days  
1164 after the day on which the notice of noncompliance is sent;

1165 (iii) after submitting to the division a corrected report to cure the deficiencies in a  
1166 previously-submitted report, the division determines that the corrected report does not comply  
1167 with this section and the specified municipality fails to request an appeal of the division's  
1168 determination of noncompliance within 10 days after the day on which the second notice of  
1169 noncompliance is sent; or

1170 (iv) after submitting a request for an appeal under Subsection (8), the appeal board  
1171 issues a written decision upholding the division's determination of noncompliance.

1172 (b) The following apply to a specified municipality described in Subsection (9)(a) until  
1173 the division provides notice under Subsection (9)(e):

1174 (i) the executive director of the Department of Transportation may not program funds  
1175 from the Transportation Investment Fund of 2005, including the Transit Transportation  
1176 Investment Fund, to projects located within the boundaries of the specified municipality in  
1177 accordance with Subsection 72-2-124(5);

1178 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a  
1179 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified  
1180 municipality:

1181 (A) fails to submit the report to the division in accordance with this section, beginning  
1182 the day after the day on which the report was due; or

1183 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
1184 the cure was required to occur as described in the notice of noncompliance under Subsection  
1185 (7); and

1186 (iii) beginning with the report submitted in 2025, the specified municipality shall pay a  
1187 fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified  
1188 municipality, in a consecutive year:

1189 (A) fails to submit the report to the division in accordance with this section, beginning  
1190 the day after the day on which the report was due; or

1191 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
1192 the cure was required to occur as described in the notice of noncompliance under Subsection  
1193 (6).

1194 (c) Upon determining that a specified municipality is ineligible for funds under this  
1195 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division  
1196 shall send a notice of ineligibility to the legislative body of the specified municipality, the  
1197 Department of Transportation, the State Tax Commission and the Governor's Office of  
1198 Planning and Budget.

1199 (d) The notice described in Subsection (9)(c) shall:

1200 (i) name the specified municipality that is ineligible for funds;

1201 (ii) describe the funds for which the specified municipality is ineligible to receive;

1202 (iii) describe the fee the specified municipality is required to pay under Subsection  
1203 (9)(b), if applicable[;]; and

1204 (iv) state the basis for the division's determination that the specified municipality is  
1205 ineligible for funds.

1206 (e) The division shall notify the legislative body of a specified municipality and the  
1207 Department of Transportation in writing if the division determines that the provisions of this  
1208 Subsection (9) no longer apply to the specified municipality.

1209 (f) The division may not determine that a specified municipality that is required to pay  
1210 a fee under Subsection (9)(b) is in compliance with the reporting requirements of this section  
1211 until the specified municipality pays all outstanding fees required under Subsection (9)(b) to  
1212 the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene  
1213 Walker Housing Loan Fund.

1214 (10) In a civil action seeking enforcement or claiming a violation of this section or of  
1215 Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only  
1216 injunctive or other equitable relief.

1217 Section 23. Section **11-3-8** is amended to read:

1218 **11-3-8. Conflicting local ordinances prohibited.**

1219 A county, city, or town~~[-or metro township]~~ may not adopt an ordinance or regulation  
1220 in conflict with Sections 53-7-220 through 53-7-225.

1221 Section 24. Section **11-13a-102** is amended to read:

1222 **11-13a-102. Definitions.**

1223 As used in this chapter:

1224 (1) "Controlling interest" means that one or more governmental entities collectively  
1225 represent a majority of the board's voting power as outlined in the nonprofit corporation's  
1226 governing documents.

1227 (2) (a) "Governing board" means the body that governs a governmental nonprofit  
1228 corporation.

1229 (b) "Governing board" includes a board of directors.

1230 (3) "Governmental entity" means the state, a county, a municipality, a special district, a  
1231 special service district, a school district, a state institution of higher education, or any other  
1232 political subdivision or administrative unit of the state.

1233 (4) (a) "Governmental nonprofit corporation" means:

1234 (i) a nonprofit corporation that is wholly owned or wholly controlled by one or more  
1235 governmental entities, unless the nonprofit corporation receives no operating funding or other  
1236 financial support from any governmental entity; or

1237 (ii) a nonprofit corporation in which one or more governmental entities exercise a  
1238 controlling interest and:

1239 (A) that exercises taxing authority;



1240 (B) that imposes a mandatory fee for association or participation with the nonprofit  
1241 corporation where that association or participation is mandated by law; or

1242 (C) that receives a majority of the nonprofit corporation's operating funding from one  
1243 or more governmental entities under the nonprofit corporation's governing documents, except  
1244 where voluntary membership fees, dues, or assessments compose the operating funding.

1245 (b) "Governmental nonprofit corporation" does not include a water company, as that  
1246 term is defined in Section 16-4-102, unless the water company is wholly owned by one or more  
1247 governmental entities.

1248 (5) "Municipality" means a city[;] or town[; ~~or metro township~~].

1249 Section 25. Section **11-14-102** is amended to read:

1250 **11-14-102. Definitions.**

1251 For the purpose of this chapter:

1252 (1) "Bond" means any bond authorized to be issued under this chapter, including  
1253 municipal bonds.

1254 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

1255 (3) "Governing body" means:

1256 (a) for a county, city, or town, [~~or metro township~~], the legislative body of the county,  
1257 city, or town;

1258 (b) for a special district, the board of trustees of the special district;

1259 (c) for a school district, the local board of education; or

1260 (d) for a special service district under Title 17D, Chapter 1, Special Service District

1261 Act:

1262 (i) the governing body of the county or municipality that created the special service  
1263 district, if no administrative control board has been established under Section 17D-1-301; or

1264 (ii) the administrative control board, if one has been established under Section  
1265 17D-1-301 and the power to issue bonds not payable from taxes has been delegated to the  
1266 administrative control board.

1267 (4) (a) "Local political subdivision" means a county, city, town, [~~metro township~~],  
1268 school district, special district, or special service district.

1269 (b) "Local political subdivision" does not include the state and its institutions.

1270 (5) "Special district" means a district operating under Title 17B, Limited Purpose Local

1271 Government Entities - Special Districts.

1272 Section 26. Section **11-14-301** is amended to read:

1273 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**  
1274 **under constitutional and statutory limitations.**

1275 (1) If the governing body has declared the bond proposition to have carried and no  
1276 contest has been filed, or if a contest has been filed and favorably terminated, the governing  
1277 body may proceed to issue the bonds voted at the election.

1278 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as  
1279 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued  
1280 more than 10 years after the day on which the election is held.

1281 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the  
1282 10-year period:

1283 (i) an application for a referendum petition is filed with a local clerk, in accordance  
1284 with Section 20A-7-602, with respect to the local obligation law relating to the bonds; or

1285 (ii) the bonds are challenged in a court of law or an administrative proceeding in  
1286 relation to:

1287 (A) the legality or validity of the bonds, or the election or proceedings authorizing the  
1288 bonds;

1289 (B) the authority of the local political subdivision to issue the bonds;

1290 (C) the provisions made for the security or payment of the bonds; or

1291 (D) any other issue that materially and adversely affects the marketability of the bonds,  
1292 as determined by the individual or body that holds the executive powers of the local political  
1293 subdivision.

1294 (c) For a bond described in this section that is approved by voters on or after May 8,  
1295 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the  
1296 later of the day on which:

1297 (i) the local clerk determines that the petition is insufficient, in accordance with  
1298 Subsection 20A-7-607(3), unless an application, described in Subsection 20A-7-607(4)(a), is  
1299 made to a court;

1300 (ii) a court determines, under Subsection 20A-7-607(4)(c), that the petition for the  
1301 referendum is not legally sufficient; or

1302 (iii) for a referendum petition that is sufficient, the governing body declares, as  
1303 provided by law, the results of the referendum election on the local obligation law.

1304 (d) For a bond described in this section that was approved by voters on or after May  
1305 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

1306 (i) if a county, city, town, [~~metro township~~] or court determines, under Section  
1307 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

1308 (A) the day on which the county, city, or town[~~, or metro township~~] provides the notice  
1309 described in Subsection 20A-7-602.7(1)(b)(ii); or

1310 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court  
1311 decision that the proposed referendum is not legally referable to voters becomes final; or

1312 (ii) if a county, city, town, [~~metro township~~] or court determines, under Section  
1313 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

1314 (A) the day on which the local clerk determines, under Section 20A-7-607, that the  
1315 number of certified names is insufficient for the proposed referendum to appear on the ballot;  
1316 or

1317 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified  
1318 names is sufficient for the proposed referendum to appear on the ballot, the day on which the  
1319 governing body declares, as provided by law, the results of the referendum election on the local  
1320 obligation law.

1321 (e) A tolling period described in Subsection (2)(b)(ii) ends after:

1322 (i) there is a final settlement, a final adjudication, or another type of final resolution of  
1323 all challenges described in Subsection (2)(b)(ii); and

1324 (ii) the individual or body that holds the executive powers of the local political  
1325 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)  
1326 are resolved and final.

1327 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection  
1328 (2) and, when the tolling ends and after giving effect to the tolling, the period of time  
1329 remaining to issue the bonds is less than one year, the period of time remaining to issue the  
1330 bonds shall be extended to one year.

1331 (g) The tolling provisions described in this Subsection (2) apply to all bonds described  
1332 in this section that were approved by voters on or after May 8, 2002.

1333 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause  
1334 the indebtedness of the local political subdivision to exceed that permitted by the Utah  
1335 Constitution or statutes.

1336 (b) In computing the amount of indebtedness that may be incurred pursuant to  
1337 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,  
1338 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,  
1339 of the taxable property in the local political subdivision, as computed from the last applicable  
1340 equalized assessment roll before the incurring of the additional indebtedness.

1341 (c) In determining the fair market value of the taxable property in the local political  
1342 subdivision as provided in this section, the value of all tax equivalent property, as defined in  
1343 Section 59-3-102, shall be included as a part of the total fair market value of taxable property  
1344 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property  
1345 Act.

1346 (4) Bonds of improvement districts issued in a manner that they are payable solely  
1347 from the revenues to be derived from the operation of the facilities of the district may not be  
1348 included as bonded indebtedness for the purposes of the computation.

1349 (5) Where bonds are issued by a city, town, or county payable solely from revenues  
1350 derived from the operation of revenue-producing facilities of the city, town, or county, or  
1351 payable solely from a special fund into which are deposited excise taxes levied and collected by  
1352 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the  
1353 city, town, or county, or any combination of those excise taxes, the bonds shall be included as  
1354 bonded indebtedness of the city, town, or county only to the extent required by the Utah  
1355 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,  
1356 town, or county need not be authorized at an election, except as otherwise provided by the Utah  
1357 Constitution, the bonds being hereby expressly excluded from the election requirement of  
1358 Section 11-14-201.

1359 (6) A bond election is not void when the amount of bonds authorized at the election  
1360 exceeded the limitation applicable to the local political subdivision at the time of holding the  
1361 election, but the bonds may be issued from time to time in an amount within the applicable  
1362 limitation at the time the bonds are issued.

1363 (7) (a) A local political subdivision may not receive, from the issuance of bonds

1364 approved by the voters at an election, an aggregate amount that exceeds by more than 2% the  
1365 maximum principal amount stated in the bond proposition.

1366 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election  
1367 held after January 1, 2019.

1368 Section 27. Section **11-17-2** is amended to read:

1369 **11-17-2. Definitions.**

1370 As used in this chapter:

1371 (1) "Bonds" means bonds, notes, or other evidences of indebtedness.

1372 (2) "Energy efficiency upgrade" means an improvement that is permanently affixed to  
1373 real property and that is designed to reduce energy consumption, including:

1374 (a) insulation in:

1375 (i) a wall, ceiling, roof, floor, or foundation; or

1376 (ii) a heating or cooling distribution system;

1377 (b) an insulated window or door, including:

1378 (i) a storm window or door;

1379 (ii) a multiglazed window or door;

1380 (iii) a heat-absorbing window or door;

1381 (iv) a heat-reflective glazed and coated window or door;

1382 (v) additional window or door glazing;

1383 (vi) a window or door with reduced glass area; or

1384 (vii) other window or door modifications that reduce energy loss;

1385 (c) an automatic energy control system;

1386 (d) in a building or a central plant, a heating, ventilation, or air conditioning and  
1387 distribution system;

1388 (e) caulking or weatherstripping;

1389 (f) a light fixture that does not increase the overall illumination of a building unless an  
1390 increase is necessary to conform with the applicable building code;

1391 (g) an energy recovery system;

1392 (h) a daylighting system;

1393 (i) measures to reduce the consumption of water, through conservation or more  
1394 efficient use of water, including:

1395 (i) installation of a low-flow toilet or showerhead;  
1396 (ii) installation of a timer or timing system for a hot water heater; or  
1397 (iii) installation of a rain catchment system; or  
1398 (j) any other modified, installed, or remodeled fixture that is approved as a utility  
1399 cost-savings measure by the governing body.

1400 (3) "Finance" or "financing" includes the issuing of bonds by a municipality, county, or  
1401 state university for the purpose of using a portion, or all or substantially all of the proceeds to  
1402 pay for or to reimburse the user, lender, or the user or lender's designee for the costs of the  
1403 acquisition of facilities of a project, or to create funds for the project itself where appropriate,  
1404 whether these costs are incurred by the municipality, the county, the state university, the user,  
1405 or a designee of the user. If title to or in these facilities at all times remains in the user, the  
1406 bonds of the municipality or county shall be secured by a pledge of one or more notes,  
1407 debentures, bonds, other secured or unsecured debt obligations of the user or lender, or the  
1408 sinking fund or other arrangement as in the judgment of the governing body is appropriate for  
1409 the purpose of assuring repayment of the bond obligations to investors in accordance with their  
1410 terms.

1411 (4) "Governing body" means:

1412 (a) for a county, city, or town, [~~or metro township,~~] the legislative body of the county,  
1413 city, or town[~~, or metro township~~];

1414 (b) for the military installation development authority created in Section 63H-1-201,  
1415 the board, as defined in Section 63H-1-102;

1416 (c) for a state university except as provided in Subsection (4)(d), the board or body  
1417 having the control and supervision of the state university; and

1418 (d) for a nonprofit corporation or foundation created by and operating under the  
1419 auspices of a state university, the board of directors or board of trustees of that corporation or  
1420 foundation.

1421 (5) (a) "Industrial park" means land, including all necessary rights, appurtenances,  
1422 easements, and franchises relating to it, acquired and developed by a municipality, county, or  
1423 state university for the establishment and location of a series of sites for plants and other  
1424 buildings for industrial, distribution, and wholesale use.

1425 (b) "Industrial park" includes the development of the land for an industrial park under

1426 this chapter or the acquisition and provision of water, sewerage, drainage, street, road,  
1427 sidewalk, curb, gutter, street lighting, electrical distribution, railroad, or docking facilities, or  
1428 any combination of them, but only to the extent that these facilities are incidental to the use of  
1429 the land as an industrial park.

1430 (6) "Lender" means a trust company, savings bank, savings and loan association, bank,  
1431 credit union, or any other lending institution that lends, loans, or leases proceeds of a financing  
1432 to the user or a user's designee.

1433 (7) "Mortgage" means a mortgage, trust deed, or other security device.

1434 (8) "Municipality" means any incorporated city[;] or town[; ~~or metro township~~] in the  
1435 state, including cities or towns operating under home rule charters.

1436 (9) "Pollution" means any form of environmental pollution including water pollution,  
1437 air pollution, pollution caused by solid waste disposal, thermal pollution, radiation  
1438 contamination, or noise pollution.

1439 (10) (a) "Project" means:

1440 (i) an industrial park, land, interest in land, building, structure, facility, system, fixture,  
1441 improvement, appurtenance, machinery, equipment, or any combination of them, whether or  
1442 not in existence or under construction:

1443 (A) that is suitable for industrial, manufacturing, warehousing, research, business, and  
1444 professional office building facilities, commercial, shopping services, food, lodging, low  
1445 income rental housing, recreational, or any other business purposes;

1446 (B) that is suitable to provide services to the general public;

1447 (C) that is suitable for use by any corporation, person, or entity engaged in health care  
1448 services, including hospitals, nursing homes, extended care facilities, facilities for the care of  
1449 persons with a physical or mental disability, and administrative and support facilities; or

1450 (D) that is suitable for use by a state university for the purpose of aiding in the  
1451 accomplishment of its authorized academic, scientific, engineering, technical, and economic  
1452 development functions;

1453 (ii) any land, interest in land, building, structure, facility, system, fixture, improvement,  
1454 appurtenance, machinery, equipment, or any combination of them, used by any individual,  
1455 partnership, firm, company, corporation, public utility, association, trust, estate, political  
1456 subdivision, state agency, or any other legal entity, or its legal representative, agent, or assigns,

1457 for the reduction, abatement, or prevention of pollution, including the removal or treatment of  
1458 any substance in process material, if that material would cause pollution if used without the  
1459 removal or treatment;

1460 (iii) an energy efficiency upgrade;

1461 (iv) a renewable energy system;

1462 (v) facilities, machinery, or equipment, the manufacturing and financing of which will  
1463 maintain or enlarge domestic or foreign markets for Utah industrial products; or

1464 (vi) any economic development or new venture investment fund to be raised other than  
1465 from:

1466 (A) municipal or county general fund money;

1467 (B) money raised under the taxing power of any county or municipality; or

1468 (C) money raised against the general credit of any county or municipality.

1469 (b) "Project" does not include any property, real, personal, or mixed, for the purpose of  
1470 the construction, reconstruction, improvement, or maintenance of a public utility as defined in  
1471 Section 54-2-1.

1472 (11) "Renewable energy system" means a product, system, device, or interacting group  
1473 of devices that is permanently affixed to real property and that produces energy from renewable  
1474 resources, including:

1475 (a) a photovoltaic system;

1476 (b) a solar thermal system;

1477 (c) a wind system;

1478 (d) a geothermal system, including:

1479 (i) a direct-use system; or

1480 (ii) a ground source heat pump system;

1481 (e) a micro-hydro system; or

1482 (f) another renewable energy system approved by the governing body.

1483 (12) "State university" means an institution of higher education as described in Section  
1484 53B-2-101 and includes any nonprofit corporation or foundation created by and operating  
1485 under their authority.

1486 (13) "User" means the person, whether natural or corporate, who will occupy, operate,  
1487 maintain, and employ the facilities of, or manage and administer a project after the financing,



1488 acquisition, or construction of it, whether as owner, manager, purchaser, lessee, or otherwise.

1489 Section 28. Section **11-26-401** is amended to read:

1490 **11-26-401. Definitions -- Prohibition on car sharing program taxes, fees, and**  
 1491 **other charges.**

1492 (1) As used in this part:

1493 (a) "Car sharing" means the same as that term is defined in Section 13-48a-101.

1494 (b) "County" means the same as that term is defined in Section 17-50-101.

1495 (c) "Local political subdivision" means the same as that term is defined in Section  
 1496 11-14-102.

1497 [~~(c)~~] (d) "Municipality" means a city or a town.

1498 [~~(d)~~] "~~Political subdivision~~" means the same as that term is defined in Section  
 1499 ~~11-14-102.~~]

1500 (e) "Rental" means the same as the terms "lease" or "rental" are defined in Section  
 1501 59-12-102.

1502 (2) A [~~county, municipality, or other~~] local political subdivision may not impose a tax,  
 1503 fee, or charge on the gross proceeds or gross income of a car sharing transaction that the  
 1504 jurisdiction does not impose on other transactions involving the rental of a motor vehicle  
 1505 without a driver.

1506 Section 29. Section **11-39-101** is amended to read:

1507 **11-39-101. Definitions.**

1508 As used in this chapter:

1509 (1) "Bid limit" means:

1510 (a) for a building improvement:

1511 (i) for the year 2003, \$40,000; and

1512 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an  
 1513 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
 1514 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
 1515 year; and

1516 (b) for a public works project:

1517 (i) for the year 2003, \$125,000; and

1518 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an

1519 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
1520 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
1521 year.

1522 (2) "Building improvement":

1523 (a) means the construction or repair of a public building or structure; and

1524 (b) does not include construction or repair at an international airport.

1525 (3) "Consumer Price Index" means the Consumer Price Index for All Urban

1526 Consumers as published by the Bureau of Labor Statistics of the United States Department of

1527 Labor.

1528 (4) (a) "Design-build project" means a building improvement or public works project

1529 for which both the design and construction are provided for in a single contract with a

1530 contractor or combination of contractors capable of providing design-build services.

1531 (b) "Design-build project" does not include a building improvement or public works  
1532 project:

1533 (i) that a local entity undertakes under contract with a construction manager that

1534 guarantees the contract price and is at risk for any amount over the contract price; and

1535 (ii) each component of which is competitively bid.

1536 (5) "Design-build services" means the engineering, architectural, and other services

1537 necessary to formulate and implement a design-build project, including the actual construction

1538 of the project.

1539 (6) "Emergency repairs" means a building improvement or public works project

1540 undertaken on an expedited basis to:

1541 (a) eliminate an imminent risk of damage to or loss of public or private property;

1542 (b) remedy a condition that poses an immediate physical danger; or

1543 (c) reduce a substantial, imminent risk of interruption of an essential public service.

1544 (7) "Governing body" means:

1545 (a) for a county, city, or town, [~~or metro township,~~] the legislative body of the county,  
1546 city, or town[~~;~~ ~~or metro township~~];

1547 (b) for a special district, the board of trustees of the special district; and

1548 (c) for a special service district:

1549 (i) the legislative body of the county, city, or town that established the special service

1550 district, if no administrative control board has been appointed under Section 17D-1-301; or  
1551 (ii) the administrative control board of the special service district, if an administrative  
1552 control board has been appointed under Section 17D-1-301.

1553 (8) "Local entity" means a county, city, town, [~~metro township~~] special district, or  
1554 special service district.

1555 (9) "Lowest responsive responsible bidder" means a prime contractor who:  
1556 (a) has submitted a bid in compliance with the invitation to bid and within the  
1557 requirements of the plans and specifications for the building improvement or public works  
1558 project;

1559 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial  
1560 strength, past performance, integrity, reliability, and other factors that the local entity uses to  
1561 assess the ability of a bidder to perform fully and in good faith the contract requirements;

1562 (c) has furnished a bid bond or equivalent in money as a condition to the award of a  
1563 prime contract; and

1564 (d) furnishes a payment and performance bond as required by law.

1565 (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah  
1566 Procurement Code.

1567 (11) "Public works project":  
1568 (a) means the construction of:  
1569 (i) a park or recreational facility; or  
1570 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or  
1571 flood control; and

1572 (b) does not include:  
1573 (i) the replacement or repair of existing infrastructure on private property;  
1574 (ii) construction commenced before June 1, 2003; and  
1575 (iii) construction or repair at an international airport.

1576 (12) "Special district" means the same as that term is defined in Section 17B-1-102.  
1577 (13) "Special service district" has the same meaning as defined in Section 17D-1-102.  
1578 Section 30. Section **11-41-102** is amended to read:  
1579 **11-41-102. Definitions.**  
1580 As used in this chapter:

- 1581 (1) "Agreement" means an oral or written agreement between a public entity and a  
1582 person.
- 1583 (2) "Business entity" means a sole proprietorship, partnership, limited partnership,  
1584 limited liability company, corporation, or other entity or association used to carry on a business  
1585 for profit.
- 1586 (3) "Determination of violation" means a determination by the Governor's Office of  
1587 Economic Opportunity of substantial likelihood that a retail facility incentive payment has been  
1588 made in violation of Section 11-41-103, in accordance with Section 11-41-104.
- 1589 (4) "Environmental mitigation" means an action or activity intended to remedy known  
1590 negative impacts to the environment.
- 1591 (5) "Executive director" means the executive director of the Governor's Office of  
1592 Economic Opportunity.
- 1593 (6) "General plan" means the same as that term is defined in Section 23A-6-101.
- 1594 (7) "Mixed-use development" means development with mixed land uses, including  
1595 housing.
- 1596 (8) "Moderate income housing plan" means the moderate income housing plan element  
1597 of a general plan.
- 1598 (9) "Office" means the Governor's Office of Economic Opportunity.
- 1599 (10) "Political subdivision" means any county, city, town, [~~metro township~~] school  
1600 district, special district, special service district, community reinvestment agency, or entity  
1601 created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation  
1602 Act.
- 1603 (11) "Public entity" means:
- 1604 (a) a political subdivision;
- 1605 (b) a state agency as defined in Section 63J-1-220;
- 1606 (c) a higher education institution as defined in Section 53B-1-201;
- 1607 (d) the Military Installation Development Authority created in Section 63H-1-201;
- 1608 (e) the Utah Inland Port Authority created in Section 11-58-201; or
- 1609 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.
- 1610 (12) "Public funds" means any money received by a public entity that is derived from:
- 1611 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act;

- 1612 or
- 1613 (b) a property tax levy.
- 1614 (13) "Public infrastructure" means:
- 1615 (a) a public facility as defined in Section 11-36a-102; or
- 1616 (b) public infrastructure included as part of an infrastructure master plan related to a
- 1617 general plan.
- 1618 (14) "Retail facility" means any facility operated by a business entity for the primary
- 1619 purpose of making retail transactions.
- 1620 (15) (a) "Retail facility incentive payment" means a payment of public funds:
- 1621 (i) to a person by a public entity;
- 1622 (ii) for the development, construction, renovation, or operation of a retail facility
- 1623 within an area of the state; and
- 1624 (iii) in the form of:
- 1625 (A) a payment;
- 1626 (B) a rebate;
- 1627 (C) a refund;
- 1628 (D) a subsidy; or
- 1629 (E) any other similar incentive, award, or offset.
- 1630 (b) "Retail facility incentive payment" does not include a payment of public funds for:
- 1631 (i) the development, construction, renovation, or operation of:
- 1632 (A) public infrastructure; or
- 1633 (B) a structured parking facility;
- 1634 (ii) the demolition of an existing facility;
- 1635 (iii) assistance under a state or local:
- 1636 (A) main street program; or
- 1637 (B) historic preservation program;
- 1638 (iv) environmental mitigation or sanitation, if determined by a state or federal agency
- 1639 under applicable state or federal law;
- 1640 (v) assistance under a water conservation program or energy efficiency program, if any
- 1641 business entity located within the public entity's boundaries or subject to the public entity's
- 1642 jurisdiction is eligible to participate in the program;

1643 (vi) emergency aid or assistance, if any business entity located within the public entity's  
1644 boundaries or subject to the public entity's jurisdiction is eligible to receive the emergency aid  
1645 or assistance; or

1646 (vii) assistance under a public safety or security program, if any business entity located  
1647 within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to  
1648 participate in the program.

1649 (16) "Retail transaction" means any transaction subject to a sales and use tax under  
1650 Title 59, Chapter 12, Sales and Use Tax Act.

1651 (17) (a) "Small business" means a business entity that:

1652 (i) has fewer than 30 full-time equivalent employees; and

1653 (ii) maintains the business entity's principal office in the state.

1654 (b) "Small business" does not include:

1655 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;

1656 (ii) a dealer, as defined in Section 41-1a-102; or

1657 (iii) a subsidiary or affiliate of another business entity that is not a small business.

1658 Section 31. Section **11-42a-102** is amended to read:

1659 **11-42a-102. Definitions.**

1660 (1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than  
1661 the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

1662 (2) (a) "Assessment" means the assessment that a local entity or the C-PACE district  
1663 levies on private property under this chapter to cover the costs of an energy efficiency upgrade,  
1664 a renewable energy system, or an electric vehicle charging infrastructure.

1665 (b) "Assessment" does not constitute a property tax but shares the same priority lien as  
1666 a property tax.

1667 (3) "Assessment fund" means a special fund that a local entity establishes under  
1668 Section 11-42a-206.

1669 (4) "Benefitted property" means private property within an energy assessment area that  
1670 directly benefits from improvements.

1671 (5) "Bond" means an assessment bond and a refunding assessment bond.

1672 (6) (a) "Commercial or industrial real property" means private real property used  
1673 directly or indirectly or held for one of the following purposes or activities, regardless of

1674 whether the purpose or activity is for profit:

1675 (i) commercial;

1676 (ii) mining;

1677 (iii) agricultural;

1678 (iv) industrial;

1679 (v) manufacturing;

1680 (vi) trade;

1681 (vii) professional;

1682 (viii) a private or public club;

1683 (ix) a lodge;

1684 (x) a business; or

1685 (xi) a similar purpose.

1686 (b) "Commercial or industrial real property" includes:

1687 (i) private real property that is used as or held for dwelling purposes and contains:

1688 (A) more than four rental units; or

1689 (B) one or more owner-occupied or rental condominium units affiliated with a hotel;

1690 and

1691 (ii) real property owned by:

1692 (A) the military installation development authority, created in Section 63H-1-201; or

1693 (B) the Utah Inland Port Authority, created in Section 11-58-201.

1694 (7) "Contract price" means:

1695 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an

1696 improvement, as determined by the owner of the property benefitting from the improvement; or

1697 (b) the amount payable to one or more contractors for the assessment, design,

1698 engineering, inspection, and construction of an improvement.

1699 (8) "C-PACE" means commercial property assessed clean energy.

1700 (9) "C-PACE district" means the statewide authority established in Section 11-42a-106

1701 to implement the C-PACE Act in collaboration with governing bodies, under the direction of

1702 OED.

1703 (10) "Electric vehicle charging infrastructure" means equipment that is:

1704 (a) permanently affixed to commercial or industrial real property; and

1705 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying  
1706 plug-in hybrid vehicle.

1707 (11) "Energy assessment area" means an area:

1708 (a) within the jurisdictional boundaries of a local entity that approves an energy  
1709 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the  
1710 C-PACE district or the state interlocal entity;

1711 (b) containing only the commercial or industrial real property of owners who have  
1712 voluntarily consented to an assessment under this chapter for the purpose of financing the costs  
1713 of improvements that benefit property within the energy assessment area; and

1714 (c) in which the proposed benefitted properties in the area are:

1715 (i) contiguous; or

1716 (ii) located on one or more contiguous or adjacent tracts of land that would be  
1717 contiguous or adjacent property but for an intervening right-of-way, including a sidewalk,  
1718 street, road, fixed guideway, or waterway.

1719 (12) "Energy assessment bond" means a bond:

1720 (a) issued under Section 11-42a-401; and

1721 (b) payable in part or in whole from assessments levied in an energy assessment area.

1722 (13) "Energy assessment lien" means a lien on property within an energy assessment  
1723 area that arises from the levy of an assessment in accordance with Section 11-42a-301.

1724 (14) "Energy assessment ordinance" means an ordinance that a local entity adopts  
1725 under Section 11-42a-201 that:

1726 (a) designates an energy assessment area;

1727 (b) levies an assessment on benefitted property within the energy assessment area; and

1728 (c) if applicable, authorizes the issuance of energy assessment bonds.

1729 (15) "Energy assessment resolution" means one or more resolutions adopted by a local  
1730 entity under Section 11-42a-201 that:

1731 (a) designates an energy assessment area;

1732 (b) levies an assessment on benefitted property within the energy assessment area; and

1733 (c) if applicable, authorizes the issuance of energy assessment bonds.

1734 (16) "Energy efficiency upgrade" means an improvement that is:

1735 (a) permanently affixed to commercial or industrial real property; and



- 1736 (b) designed to reduce energy or water consumption, including:
- 1737 (i) insulation in:
- 1738 (A) a wall, roof, floor, or foundation; or
- 1739 (B) a heating and cooling distribution system;
- 1740 (ii) a window or door, including:
- 1741 (A) a storm window or door;
- 1742 (B) a multiglazed window or door;
- 1743 (C) a heat-absorbing window or door;
- 1744 (D) a heat-reflective glazed and coated window or door;
- 1745 (E) additional window or door glazing;
- 1746 (F) a window or door with reduced glass area; or
- 1747 (G) other window or door modifications;
- 1748 (iii) an automatic energy control system;
- 1749 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 1750 distribution system;
- 1751 (v) caulk or weatherstripping;
- 1752 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 1753 an increase is necessary to conform with the applicable building code;
- 1754 (vii) an energy recovery system;
- 1755 (viii) a daylighting system;
- 1756 (ix) measures to reduce the consumption of water, through conservation or more
- 1757 efficient use of water, including installation of:
- 1758 (A) low-flow toilets and showerheads;
- 1759 (B) timer or timing systems for a hot water heater; or
- 1760 (C) rain catchment systems;
- 1761 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
- 1762 measure by the governing body or executive of a local entity;
- 1763 (xi) measures or other improvements to effect seismic upgrades;
- 1764 (xii) structures, measures, or other improvements to provide automated parking or
- 1765 parking that reduces land use;
- 1766 (xiii) the extension of an existing natural gas distribution company line;

- 1767 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
- 1768 (xv) any other improvement that the governing body or executive of a local entity
- 1769 approves as an energy efficiency upgrade; or
- 1770 (xvi) any improvement that relates physically or functionally to any of the
- 1771 improvements listed in Subsections (16)(b)(i) through (xv).
- 1772 (17) "Governing body" means:
- 1773 (a) for a county, city, or town, [~~or metro township~~], the legislative body of the county,
- 1774 city, or town[~~or metro township~~];
- 1775 (b) for a special district, the board of trustees of the special district;
- 1776 (c) for a special service district:
- 1777 (i) if no administrative control board has been appointed under Section 17D-1-301, the
- 1778 legislative body of the county, city, town, or metro township that established the special service
- 1779 district; or
- 1780 (ii) if an administrative control board has been appointed under Section 17D-1-301, the
- 1781 administrative control board of the special service district;
- 1782 (d) for the military installation development authority created in Section 63H-1-201,
- 1783 the board, as that term is defined in Section 63H-1-102; and
- 1784 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
- 1785 defined in Section 11-58-102.
- 1786 (18) "Improvement" means a publicly or privately owned energy efficiency upgrade,
- 1787 renewable energy system, or electric vehicle charging infrastructure that:
- 1788 (a) a property owner has requested; or
- 1789 (b) has been or is being installed on a property for the benefit of the property owner.
- 1790 (19) "Incidental refunding costs" means any costs of issuing a refunding assessment
- 1791 bond and calling, retiring, or paying prior bonds, including:
- 1792 (a) legal and accounting fees;
- 1793 (b) charges of financial advisors, escrow agents, certified public accountant verification
- 1794 entities, and trustees;
- 1795 (c) underwriting discount costs, printing costs, and the costs of giving notice;
- 1796 (d) any premium necessary in the calling or retiring of prior bonds;
- 1797 (e) fees to be paid to the local entity to issue the refunding assessment bond and to

- 1798 refund the outstanding prior bonds;
- 1799 (f) any other costs that the governing body determines are necessary and proper to incur
- 1800 in connection with the issuance of a refunding assessment bond; and
- 1801 (g) any interest on the prior bonds that is required to be paid in connection with the
- 1802 issuance of the refunding assessment bond.
- 1803 (20) "Installment payment date" means the date on which an installment payment of an
- 1804 assessment is payable.
- 1805 (21) "Jurisdictional boundaries" means:
- 1806 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state;
- 1807 and
- 1808 (b) for each local entity, the boundaries of the local entity.
- 1809 (22) (a) "Local entity" means:
- 1810 (i) a county, city, or town~~[-or metro township]~~;
- 1811 (ii) a special service district, a special district, or an interlocal entity as that term is
- 1812 defined in Section 11-13-103;
- 1813 (iii) a state interlocal entity;
- 1814 (iv) the military installation development authority, created in Section 63H-1-201;
- 1815 (v) the Utah Inland Port Authority, created in Section 11-58-201; or
- 1816 (vi) any political subdivision of the state.
- 1817 (b) "Local entity" includes the C-PACE district solely in connection with:
- 1818 (i) the designation of an energy assessment area;
- 1819 (ii) the levying of an assessment; and
- 1820 (iii) the assignment of an energy assessment lien to a third-party lender under Section
- 1821 11-42a-302.
- 1822 (23) "Local entity obligations" means energy assessment bonds and refunding
- 1823 assessment bonds that a local entity issues.
- 1824 (24) "OED" means the Office of Energy Development created in Section 79-6-401.
- 1825 (25) "OEM vehicle" means the same as that term is defined in Section 19-1-402.
- 1826 (26) "Overhead costs" means the actual costs incurred or the estimated costs to be
- 1827 incurred in connection with an energy assessment area, including:
- 1828 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;

- 1829 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;  
1830 (c) publishing and mailing costs;  
1831 (d) costs of levying an assessment;  
1832 (e) recording costs; and  
1833 (f) all other incidental costs.

1834 (27) "Parameters resolution" means a resolution or ordinance that a local entity adopts  
1835 in accordance with Section 11-42a-201.

1836 (28) "Prior bonds" means the energy assessment bonds refunded in part or in whole by  
1837 a refunding assessment bond.

1838 (29) "Prior energy assessment ordinance" means the ordinance levying the assessments  
1839 from which the prior bonds are payable.

1840 (30) "Prior energy assessment resolution" means the resolution levying the assessments  
1841 from which the prior bonds are payable.

1842 (31) "Property" includes real property and any interest in real property, including water  
1843 rights and leasehold rights.

1844 (32) "Public electrical utility" means a large-scale electric utility as that term is defined  
1845 in Section 54-2-1.

1846 (33) "Qualifying electric vehicle" means a vehicle that:

- 1847 (a) meets air quality standards;  
1848 (b) is not fueled by natural gas;  
1849 (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;  
1850 and  
1851 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in

1852 Subsection (33)(c).

1853 (34) "Qualifying plug-in hybrid vehicle" means a vehicle that:

- 1854 (a) meets air quality standards;  
1855 (b) is not fueled by natural gas or propane;  
1856 (c) has a battery capacity that meets or exceeds the battery capacity described in  
1857 Subsection 30D(b)(3), Internal Revenue Code; and  
1858 (d) is fueled by a combination of electricity and:  
1859 (i) diesel fuel;

1860 (ii) gasoline; or

1861 (iii) a mixture of gasoline and ethanol.

1862 (35) "Reduced payment obligation" means the full obligation of an owner of property  
1863 within an energy assessment area to pay an assessment levied on the property after the local  
1864 entity has reduced the assessment because of the issuance of a refunding assessment bond, in  
1865 accordance with Section 11-42a-403.

1866 (36) "Refunding assessment bond" means an assessment bond that a local entity issues  
1867 under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

1868 (37) (a) "Renewable energy system" means a product, system, device, or interacting  
1869 group of devices that is permanently affixed to commercial or industrial real property not  
1870 located in the certified service area of a distribution electrical cooperative, as that term is  
1871 defined in Section 54-2-1, and:

1872 (i) produces energy from renewable resources, including:

1873 (A) a photovoltaic system;

1874 (B) a solar thermal system;

1875 (C) a wind system;

1876 (D) a geothermal system, including a generation system, a direct-use system, or a  
1877 ground source heat pump system;

1878 (E) a microhydro system;

1879 (F) a biofuel system; or

1880 (G) any other renewable source system that the governing body of the local entity  
1881 approves;

1882 (ii) stores energy, including:

1883 (A) a battery storage system; or

1884 (B) any other energy storing system that the governing body or chief executive officer  
1885 of a local entity approves; or

1886 (iii) any improvement that relates physically or functionally to any of the products,  
1887 systems, or devices listed in Subsection (37)(a)(i) or (ii).

1888 (b) "Renewable energy system" does not include a system described in Subsection  
1889 (37)(a)(i) if the system provides energy to property outside the energy assessment area, unless  
1890 the system:

- 1891 (i) (A) existed before the creation of the energy assessment area; and  
1892 (B) beginning before January 1, 2017, provides energy to property outside of the area  
1893 that became the energy assessment area; or
- 1894 (ii) provides energy to property outside the energy assessment area under an agreement  
1895 with a public electrical utility that is substantially similar to agreements for other renewable  
1896 energy systems that are not funded under this chapter.
- 1897 (38) "Special district" means a special district under Title 17B, Limited Purpose Local  
1898 Government Entities - Special Districts.
- 1899 (39) "Special service district" means the same as that term is defined in Section  
1900 17D-1-102.
- 1901 (40) "State interlocal entity" means:
- 1902 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or  
1903 more counties, cities, or towns~~[, or metro townships]~~ that collectively represent at least a  
1904 majority of the state's population; or
- 1905 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,  
1906 notes, or other obligations or refunding obligations to finance or refinance projects in the state.
- 1907 (41) "Third-party lender" means a trust company, savings bank, savings and loan  
1908 association, bank, credit union, or any other entity that provides loans directly to property  
1909 owners for improvements authorized under this chapter.
- 1910 Section 32. Section **11-42b-101** is amended to read:
- 1911 **11-42b-101. Definitions.**
- 1912 As used in this chapter:
- 1913 (1) "Assessment" means the assessment that a specified county levies on benefitted  
1914 properties under this chapter to pay for beneficial activities.
- 1915 (2) "Assessment area" means a convention and tourism business assessment area  
1916 designated under this chapter.
- 1917 (3) (a) "Beneficial activity" means any activity or service that increases hotel room  
1918 rates or occupancy levels at lodging establishments.
- 1919 (b) "Beneficial activity" includes an activity to:
- 1920 (i) promote tourism;
- 1921 (ii) sponsor or incentivize a cultural or sports event, festival, conference, or

1922 convention;

1923 (iii) facilitate economic or workforce development for the lodging industry, including  
1924 workforce recruitment or retention; or

1925 (iv) promote placemaking, visitor management, or destination enhancement.

1926 (4) "Benefitted property" means a lodging establishment that directly or indirectly  
1927 benefits from a beneficial activity.

1928 (5) "Guest" means an individual for whom a lodging establishment provides lodging  
1929 accommodations for compensation.

1930 (6) "Lodging establishment" means the same as that term is defined in Section  
1931 29-2-102.

1932 (7) "Municipality" means a city[;] or town[; ~~or metro township~~].

1933 (8) "Owner" means the owner of a benefitted property, or the authorized agent or  
1934 employee of the owner.

1935 (9) "Qualified number of owners" means a number of owners of benefitted properties  
1936 that represents 60% or more of the total assessment amount levied against all benefitted  
1937 properties within a proposed or existing assessment area, provided that if an owner of one or  
1938 more benefitted properties represents 40% or more of the total assessment amount levied  
1939 against all benefitted properties within a proposed or existing assessment area, no more than  
1940 40% of the total assessment amount shall be attributed to that owner.

1941 (10) "Specified county" means a county of the first or second class.

1942 (11) "Third party administrator" means a private nonprofit organization, primarily  
1943 engaged in destination marketing and promotion, that enters into a contract with a specified  
1944 county to provide beneficial activities within an assessment area in accordance with the  
1945 management plan.

1946 Section 33. Section **11-46a-101** is amended to read:

1947 **11-46a-101. Definitions.**

1948 As used in this chapter:

1949 (1) (a) "Animal" means any nonhuman vertebrate life form.

1950 (b) "Animal" does not include domestic cats, domestic dogs, exotic animals, or  
1951 reptiles.

1952 (2) (a) "Animal enterprise" means a commercial enterprise, an academic enterprise, or

1953 a competition that uses or sells animals or animal products for profit, food or fiber production,  
 1954 agriculture, education, research, sport, or testing.

1955 (b) "Animal enterprise" includes an animal competition, exposition, fair, rodeo, farm,  
 1956 feedlot, furrier, ranch, or event intended to exhibit or advance agricultural arts and sciences.

1957 (c) "Animal enterprise" does not include an aquarium, circus, horse and carriage  
 1958 operation, retail pet store, or zoo.

1959 (3) "Exotic animal" means a:

1960 (a) member of the family Felidae not indigenous to Utah, except the species *Felis catus*  
 1961 (*domestic cat*);

1962 (b) nonhuman primate;

1963 (c) nonwolf member of the family Canidae not indigenous to Utah, except the species  
 1964 *Canis familiaris* (*domestic dog*);

1965 (d) bear; and

1966 (e) member of the order Crocodylia.

1967 (4) "Political subdivision" means:

1968 (a) a city[;] or town[; ~~or metro township~~]; or

1969 (b) a county, as it relates to the licensing and regulation of an animal enterprise or  
 1970 working animal in the unincorporated area of the county.

1971 (5) (a) "Working animal" means an animal used for performing a specific duty or  
 1972 function in commerce, including an animal used for entertainment, herding, transportation,  
 1973 education, or exhibition.

1974 (b) "Working animal" does not include a horse and carriage operation.

1975 Section 34. Section **11-48-101.5** is amended to read:

1976 **11-48-101.5. Definitions.**

1977 As used in this chapter:

1978 (1) (a) "911 ambulance services" means ambulance services rendered in response to a  
 1979 911 call received by a designated dispatch center that receives 911 or E911 calls.

1980 (b) "911 ambulance services" does not mean a seven or ten digit telephone call  
 1981 received directly by an ambulance provider licensed under Title 26B, Chapter 4, Part 1, Utah  
 1982 Emergency Medical Services System.

1983 (2) "Municipality" means a city[;] or town[; ~~or metro township~~].



1984 (3) "Political subdivision" means a county, city, town, special district, or special  
1985 service district.

1986 Section 35. Section **11-54-102** is amended to read:

1987 **11-54-102. Definitions.**

1988 As used in this chapter:

1989 (1) "Buyback purchaser" means a person who buys a procurement item from the local  
1990 government entity to which the person previously sold the procurement item.

1991 (2) "Excess repurchase amount" means the difference between:

1992 (a) the amount a buyback purchaser pays to a local government entity to purchase a  
1993 procurement item that the buyback purchaser previously sold to the local government entity;  
1994 and

1995 (b) the amount the local government entity paid to the buyback purchaser to purchase  
1996 the procurement item.

1997 (3) "Local government entity" means a county, city, town, [~~metro township,~~] special  
1998 district, special service district, community reinvestment agency, conservation district, or  
1999 school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

2000 (4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.

2001 Section 36. Section **11-56-102** is amended to read:

2002 **11-56-102. Definitions.**

2003 As used in this chapter:

2004 (1) (a) "Enclosed mobile business" means a business that maintains ongoing mobility  
2005 and of which the receipt of goods or services offered and point of sales occurs within an  
2006 enclosed vehicle, an enclosed trailer, or an enclosed mobile structure.

2007 (b) An enclosed mobile business's goods or services include those offered in the  
2008 following industries:

2009 (i) barber;

2010 (ii) beauty and cosmetic, including nail, eyelash, and waxing;

2011 (iii) cycling;

2012 (iv) cell phone;

2013 (v) computer;

2014 (vi) footwear;

- 2015 (vii) media archive and transfer;
- 2016 (viii) pet grooming;
- 2017 (ix) sewing and tailoring;
- 2018 (x) small engine; and
- 2019 (xi) tool.
- 2020 (c) "Enclosed mobile business" does not include a food cart, a food truck, or an ice
- 2021 cream truck.
- 2022 (2) "Event permit" means a permit that a political subdivision issues to the organizer of
- 2023 a mobile business event located on public property.
- 2024 (3) (a) "Food cart" means a cart:
- 2025 (i) that is not motorized; and
- 2026 (ii) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve
- 2027 food or beverages for immediate human consumption.
- 2028 (b) "Food cart" does not include an enclosed mobile business, a food truck, or an ice
- 2029 cream truck.
- 2030 (4) (a) "Food truck" means a fully encased food service establishment:
- 2031 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- 2032 (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares,
- 2033 cooks, sells, or serves food or beverages for immediate human consumption.
- 2034 (b) "Food truck" does not include an enclosed mobile business, a food cart, or an ice
- 2035 cream truck.
- 2036 (5) "Health department permit" means a document that a local health department issues
- 2037 to authorize a mobile business to operate within the jurisdiction of the local health department.
- 2038 (6) (a) "Ice cream truck" means a fully encased food service establishment:
- 2039 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
- 2040 (ii) from which a vendor, from within the frame of the vehicle, serves ice cream;
- 2041 (iii) that attracts patrons by traveling through a residential area and signaling the truck's
- 2042 presence in the area, including by playing music; and
- 2043 (iv) that may stop to serve ice cream at the signal of a patron.
- 2044 (b) "Ice cream truck" does not include an enclosed mobile business, a food cart, or a
- 2045 food truck.

2046 (7) "Local health department" means the same as that term is defined in Section  
2047 26A-1-102.

2048 (8) "Mobile business" means an enclosed mobile business, a food cart, a food truck, or  
2049 an ice cream truck.

2050 (9) "Mobile business event" means an event at which a mobile business has been  
2051 invited by the event organizer to offer the mobile business's goods or services at a private or  
2052 public gathering.

2053 (10) "Operator" means a person, including a vendor, who owns, manages, controls, or  
2054 operates a mobile business.

2055 (11) "Political subdivision" means:

2056 (a) a city[;] or town[~~;~~ ~~or metro township~~]; or

2057 (b) a county, as it relates to the licensing and regulation of businesses in the  
2058 unincorporated area of the county.

2059 (12) (a) "Temporary mass gathering" means:

2060 (i) an actual or reasonably anticipated assembly of 500 or more people that continues,  
2061 or reasonably can be expected to continue, for two or more hours per day; or

2062 (ii) an event that requires a more extensive review to protect public health and safety  
2063 because the event's nature or conditions have the potential of generating environmental or  
2064 health risks.

2065 (b) "Temporary mass gathering" does not include an assembly of people at a location  
2066 with permanent facilities designed for that specific assembly, unless the assembly is a  
2067 temporary mass gathering described in Subsection (15)(a)(i).

2068 Section 37. Section **11-58-102** is amended to read:

2069 **11-58-102. Definitions.**

2070 As used in this chapter:

2071 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.

2072 (2) "Authority jurisdictional land" means land within the authority boundary  
2073 delineated:

2074 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah  
2075 Inland Port Authority Amendments, 2018 Second Special Session; and

2076 (b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).

- 2077 (3) "Base taxable value" means:
- 2078 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the
- 2079 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year
- 2080 2018; and
- 2081 (ii) for an area described in Section 11-58-600.7, the taxable value of that area in
- 2082 calendar year 2017; or
- 2083 (b) for a project area that consists of land outside the authority jurisdictional land, the
- 2084 taxable value of property within any portion of a project area, as designated by board
- 2085 resolution, from which the property tax differential will be collected, as shown upon the
- 2086 assessment roll last equalized before the year in which the authority adopts a project area plan
- 2087 for that area.
- 2088 (4) "Board" means the authority's governing body, created in Section 11-58-301.
- 2089 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about
- 2090 development of the authority jurisdictional land to achieve the goals and objectives described
- 2091 in Subsection 11-58-203(1), including the development and establishment of an inland port.
- 2092 (6) "Contaminated land" means land:
- 2093 (a) within a project area; and
- 2094 (b) that contains hazardous materials, as defined in Section 19-6-302, hazardous
- 2095 substances, as defined in Section 19-6-302, or landfill material on, in, or under the land.
- 2096 (7) "Development" means:
- 2097 (a) the demolition, construction, reconstruction, modification, expansion, or
- 2098 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
- 2099 recreational amenity, or other facility, including public infrastructure and improvements; and
- 2100 (b) the planning of, arranging for, or participation in any of the activities listed in
- 2101 Subsection (7)(a).
- 2102 (8) "Development project" means a project for the development of land within a
- 2103 project area.
- 2104 (9) "Inland port" means one or more sites that:
- 2105 (a) contain multimodal facilities, intermodal facilities, or other facilities that:
- 2106 (i) are related but may be separately owned and managed; and
- 2107 (ii) together are intended to:

- 2108 (A) allow global trade to be processed and altered by value-added services as goods  
2109 move through the supply chain;
- 2110 (B) provide a regional merging point for transportation modes for the distribution of  
2111 goods to and from ports and other locations in other regions;
- 2112 (C) provide cargo-handling services to allow freight consolidation and distribution,  
2113 temporary storage, customs clearance, and connection between transport modes; and
- 2114 (D) provide international logistics and distribution services, including freight  
2115 forwarding, customs brokerage, integrated logistics, and information systems; and
- 2116 (b) may include a satellite customs clearance terminal, an intermodal facility, a  
2117 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and  
2118 enhance regional, national, and international trade.
- 2119 (10) "Inland port use" means a use of land:
- 2120 (a) for an inland port;
- 2121 (b) that directly implements or furthers the purposes of an inland port, as stated in  
2122 Subsection (9);
- 2123 (c) that complements or supports the purposes of an inland port, as stated in Subsection  
2124 (9); or
- 2125 (d) that depends upon the presence of the inland port for the viability of the use.
- 2126 (11) "Intermodal facility" means a facility for transferring containerized cargo between  
2127 rail, truck, air, or other transportation modes.
- 2128 (12) "Landfill material" means garbage, waste, debris, or other materials disposed of or  
2129 placed in a landfill.
- 2130 (13) "Multimodal facility" means a hub or other facility for trade combining any  
2131 combination of rail, trucking, air cargo, and other transportation services.
- 2132 (14) "Nonvoting member" means an individual appointed as a member of the board  
2133 under Subsection 11-58-302(3) who does not have the power to vote on matters of authority  
2134 business.
- 2135 (15) "Project area" means:
- 2136 (a) the authority jurisdictional land, subject to Section 11-58-605; or
- 2137 (b) land outside the authority jurisdictional land, whether consisting of a single  
2138 contiguous area or multiple noncontiguous areas, described in a project area plan or draft

2139 project area plan, where the development project set forth in the project area plan or draft  
2140 project area plan takes place or is proposed to take place.

2141 (16) "Project area budget" means a multiyear projection of annual or cumulative  
2142 revenues and expenses and other fiscal matters pertaining to the project area.

2143 (17) "Project area plan" means a written plan that, after its effective date, guides and  
2144 controls the development within a project area.

2145 (18) "Property tax" includes a privilege tax and each levy on an ad valorem basis on  
2146 tangible or intangible personal or real property.

2147 (19) "Property tax differential":

2148 (a) means the difference between:

2149 (i) the amount of property tax revenues generated each tax year by all taxing entities  
2150 from a project area, using the current assessed value of the property; and

2151 (ii) the amount of property tax revenues that would be generated from that same area  
2152 using the base taxable value of the property; and

2153 (b) does not include property tax revenue from:

2154 (i) a county additional property tax or multicounty assessing and collecting levy  
2155 imposed in accordance with Section 59-2-1602;

2156 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;  
2157 or

2158 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general  
2159 obligation bond.

2160 (20) "Public entity" means:

2161 (a) the state, including each department, division, or other agency of the state; or

2162 (b) a county, city, town, [~~metro township,~~] school district, special district, special  
2163 service district, interlocal cooperation entity, community reinvestment agency, or other political  
2164 subdivision of the state, including the authority.

2165 (21) (a) "Public infrastructure and improvements" means infrastructure, improvements,  
2166 facilities, or buildings that:

2167 (i) (A) benefit the public and are owned by a public entity or a utility; or

2168 (B) benefit the public and are publicly maintained or operated by a public entity; or

2169 (ii) (A) are privately owned;

- 2170 (B) benefit the public;
- 2171 (C) as determined by the board, provide a substantial benefit to the development and  
2172 operation of a project area; and
- 2173 (D) are built according to applicable county or municipal design and safety standards.
- 2174 (b) "Public infrastructure and improvements" includes:
- 2175 (i) facilities, lines, or systems that provide:
- 2176 (A) water, chilled water, or steam; or
- 2177 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
2178 microgrids, or telecommunications service;
- 2179 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
2180 facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation  
2181 facilities;
- 2182 (iii) an inland port; and
- 2183 (iv) infrastructure, improvements, facilities, or buildings that are developed as part of a  
2184 remediation project.
- 2185 (22) "Remediation" includes:
- 2186 (a) activities for the cleanup, rehabilitation, and development of contaminated land;  
2187 and
- 2188 (b) acquiring an interest in land within a remediation project area.
- 2189 (23) "Remediation differential" means property tax differential generated from a  
2190 remediation project area.
- 2191 (24) "Remediation project" means a project for the remediation of contaminated land  
2192 that:
- 2193 (a) is owned by:
- 2194 (i) the state or a department, division, or other instrumentality of the state;
- 2195 (ii) an independent entity, as defined in Section 63E-1-102; or
- 2196 (iii) a political subdivision of the state; and
- 2197 (b) became contaminated land before the owner described in Subsection (24)(a)  
2198 obtained ownership of the land.
- 2199 (25) "Remediation project area" means a project area consisting of contaminated land  
2200 that is or is expected to become the subject of a remediation project.

2201 (26) "Shapefile" means the digital vector storage format for storing geometric location  
2202 and associated attribute information.

2203 (27) "Taxable value" means the value of property as shown on the last equalized  
2204 assessment roll.

2205 (28) "Taxing entity":

2206 (a) means a public entity that levies a tax on property within a project area; and

2207 (b) does not include a public infrastructure district that the authority creates under Title  
2208 17D, Chapter 4, Public Infrastructure District Act.

2209 (29) "Voting member" means an individual appointed or designated as a member of the  
2210 board under Subsection 11-58-302(2).

2211 Section 38. Section **11-58-205** is amended to read:

2212 **11-58-205. Applicability of other law -- Cooperation of state and local**  
2213 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
2214 **resources -- Inland port as permitted or conditional use -- Municipal services --**  
2215 **Disclosure by nonauthority governing body member -- Services from state agencies --**  
2216 **Procurement policy.**

2217 (1) Except as otherwise provided in this chapter, the authority does not have and may  
2218 not exercise any powers relating to the regulation of land uses on the authority jurisdictional  
2219 land.

2220 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
2221 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
2222 by Title 63E, Independent Entities Code.

2223 (3) A department, division, or other agency of the state and a political subdivision of  
2224 the state shall cooperate with the authority to the fullest extent possible to provide whatever  
2225 support, information, or other assistance the board requests that is reasonably necessary to help  
2226 the authority fulfill its duties and responsibilities under this chapter.

2227 (4) In making decisions affecting the authority jurisdictional land, the legislative body  
2228 of a municipality in which the authority jurisdictional land is located shall consider input from  
2229 the authority board.

2230 (5) (a) No later than December 31, 2018, the ordinances of a municipality with  
2231 authority jurisdictional land within its boundary shall allow an inland port as a permitted or



2232 conditional use, subject to standards that are:

2233 (i) determined by the municipality; and

2234 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

2235 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the  
2236 time prescribed in that subsection shall allow an inland port as a permitted use without regard  
2237 to any contrary provision in the municipality's land use ordinances.

2238 (6) The transporting, unloading, loading, transfer, or temporary storage of natural  
2239 resources may not be prohibited on the authority jurisdictional land.

2240 (7) (a) A municipality whose boundary includes authority jurisdictional land shall  
2241 provide the same municipal services to the area of the municipality that is within the authority  
2242 jurisdictional land as the municipality provides to other areas of the municipality with similar  
2243 zoning and a similar development level.

2244 (b) The level and quality of municipal services that a municipality provides within  
2245 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality  
2246 of municipal services that the municipality provides to other areas of the municipality with  
2247 similar zoning and a similar development level.

2248 (8) (a) As used in this Subsection (8):

2249 (i) "Direct financial benefit" means the same as that term is defined in Section  
2250 11-58-304.

2251 (ii) "Nonauthority governing body member" means a member of the board or other  
2252 body that has authority to make decisions for a nonauthority government owner.

2253 (iii) "Nonauthority government owner" mean a state agency or nonauthority local  
2254 government entity that owns land that is part of the authority jurisdictional land.

2255 (iv) "Nonauthority local government entity":

2256 (A) means a county, city, town, [~~metro township,~~] special district, special service  
2257 district, community reinvestment agency, or other political subdivision of the state; and

2258 (B) excludes the authority.

2259 (v) "State agency" means a department, division, or other agency or instrumentality of  
2260 the state, including an independent state agency.

2261 (b) A nonauthority governing body member who owns or has a financial interest in  
2262 land that is part of the authority jurisdictional land or who reasonably expects to receive a

2263 direct financial benefit from development of authority jurisdictional land shall submit a written  
2264 disclosure to the authority board and the nonauthority government owner.

2265 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

2266 (i) the nonauthority governing body member's ownership or financial interest in  
2267 property that is part of the authority jurisdictional land; and

2268 (ii) the direct financial benefit the nonauthority governing body member expects to  
2269 receive from development of authority jurisdictional land.

2270 (d) A nonauthority governing body member required under Subsection (8)(b) to submit  
2271 a written disclosure shall submit the disclosure no later than 30 days after:

2272 (i) the nonauthority governing body member:

2273 (A) acquires an ownership or financial interest in property that is part of the authority  
2274 jurisdictional land; or

2275 (B) first knows that the nonauthority governing body member expects to receive a  
2276 direct financial benefit from the development of authority jurisdictional land; or

2277 (ii) the effective date of this Subsection (8), if that date is later than the period  
2278 described in Subsection (8)(d)(i).

2279 (e) A written disclosure submitted under this Subsection (8) is a public record.

2280 (9) (a) The authority may request and, upon request, shall receive:

2281 (i) fuel dispensing and motor pool services provided by the Division of Fleet  
2282 Operations;

2283 (ii) surplus property services provided by the Division of Purchasing and General  
2284 Services;

2285 (iii) information technology services provided by the Division of Technology Services;

2286 (iv) archive services provided by the Division of Archives and Records Service;

2287 (v) financial services provided by the Division of Finance;

2288 (vi) human resources services provided by the Division of Human Resource  
2289 Management;

2290 (vii) legal services provided by the Office of the Attorney General; and

2291 (viii) banking services provided by the Office of the State Treasurer.

2292 (b) Nothing in Subsection (9)(a) may be construed to relieve the authority of the  
2293 obligation to pay the applicable fee for the service provided.

2294 (10) (a) To govern authority procurements, the board shall adopt a procurement policy  
2295 that the board determines to be substantially consistent with applicable provisions of Title 63G,  
2296 Chapter 6a, Utah Procurement Code.

2297 (b) The board may delegate to the executive director the responsibility to adopt a  
2298 procurement policy.

2299 (c) The board's determination under Subsection (10)(a) of substantial consistency is  
2300 final and conclusive.

2301 Section 39. Section **11-59-102** is amended to read:

2302 **11-59-102. Definitions.**

2303 As used in this chapter:

2304 (1) "Authority" means the Point of the Mountain State Land Authority, created in  
2305 Section 11-59-201.

2306 (2) "Board" means the authority's board, created in Section 11-59-301.

2307 (3) "Development":

2308 (a) means the construction, reconstruction, modification, expansion, or improvement of  
2309 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or  
2310 other facility, including:

2311 (i) the demolition or preservation or repurposing of a building, infrastructure, or other  
2312 facility;

2313 (ii) surveying, testing, locating existing utilities and other infrastructure, and other  
2314 preliminary site work; and

2315 (iii) any associated planning, design, engineering, and related activities; and

2316 (b) includes all activities associated with:

2317 (i) marketing and business recruiting activities and efforts;

2318 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the  
2319 mountain state land; and

2320 (iii) planning and funding for mass transit infrastructure to service the point of the  
2321 mountain state land.

2322 (4) "Facilities division" means the Division of Facilities Construction and  
2323 Management, created in Section 63A-5b-301.

2324 (5) "New correctional facility" means the state correctional facility being developed in

2325 Salt Lake City to replace the state correctional facility in Draper.

2326 (6) "Point of the mountain state land" means the approximately 700 acres of  
2327 state-owned land in Draper, including land used for the operation of a state correctional facility  
2328 until completion of the new correctional facility and state-owned land in the vicinity of the  
2329 current state correctional facility.

2330 (7) "Public entity" means:

2331 (a) the state, including each department, division, or other agency of the state; or

2332 (b) a county, city, town, [~~metro township,~~] school district, special district, special  
2333 service district, interlocal cooperation entity, community reinvestment agency, or other political  
2334 subdivision of the state, including the authority.

2335 (8) "Publicly owned infrastructure and improvements":

2336 (a) means infrastructure, improvements, facilities, or buildings that:

2337 (i) benefit the public; and

2338 (ii) (A) are owned by a public entity or a utility; or

2339 (B) are publicly maintained or operated by a public entity; and

2340 (b) includes:

2341 (i) facilities, lines, or systems that provide:

2342 (A) water, chilled water, or steam; or

2343 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
2344 microgrids, or telecommunications service;

2345 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
2346 facilities, and public transportation facilities; and

2347 (iii) greenspace, parks, trails, recreational amenities, or other similar facilities.

2348 (9) "Taxing entity" means the same as that term is defined in Section 59-2-102.

2349 Section 40. Section **11-61-102** is amended to read:

2350 **11-61-102. Definitions.**

2351 As used in this chapter:

2352 (1) "Expressive activity" means:

2353 (a) peacefully assembling, protesting, or speaking;

2354 (b) distributing literature;

2355 (c) carrying a sign; or

- 2356 (d) signature gathering or circulating a petition.
- 2357 (2) "Generally applicable time, place, and manner restriction" means a content-neutral  
2358 ordinance, policy, practice, or other action that:
- 2359 (a) by its clear language and intent, restricts or infringes on expressive activity;
- 2360 (b) applies generally to any person; and
- 2361 (c) is not an individually applicable time, place, and manner restriction.
- 2362 (3) (a) "Individually applicable time, place, and manner restriction" means a  
2363 content-neutral policy, practice, or other action:
- 2364 (i) that restricts or infringes on expressive activity; and
- 2365 (ii) that a political subdivision applies:
- 2366 (A) on a case-by-case basis;
- 2367 (B) to a specifically identified person or group of persons; and
- 2368 (C) regarding a specifically identified place and time.
- 2369 (b) "Individually applicable time, place, and manner restriction" includes a restriction  
2370 placed on expressive activity as a condition to obtain a permit.
- 2371 (4) (a) "Political subdivision" means a county, city, or town~~[, or metro township]~~.
- 2372 (b) "Political subdivision" does not mean:
- 2373 (i) a special district under Title 17B, Limited Purpose Local Government Entities -  
2374 Special Districts;
- 2375 (ii) a special service district under Title 17D, Chapter 1, Special Service District Act;  
2376 or
- 2377 (iii) a school district under Title 53G, Chapter 3, School District Creation and Change.
- 2378 (5) (a) "Public building" means a building or permanent structure that is:
- 2379 (i) owned, leased, or occupied by a political subdivision or a subunit of a political  
2380 subdivision;
- 2381 (ii) open to public access in whole or in part; and
- 2382 (iii) used for public education or political subdivision activities.
- 2383 (b) "Public building" does not mean:
- 2384 (i) a building owned or leased by a political subdivision or a subunit of a political  
2385 subdivision:
- 2386 (A) that is closed to public access;

- 2387 (B) where state or federal law restricts expressive activity; or  
2388 (C) when the building is used by a person, in whole or in part, for a private function; or  
2389 (ii) a public school.

2390 (6) (a) "Public grounds" means the area outside a public building that is a traditional  
2391 public forum where members of the public may safely gather to engage in expressive activity.

2392 (b) "Public grounds" includes sidewalks, streets, and parks.

2393 (c) "Public grounds" does not include the interior of a public building.

2394 Section 41. Section **11-63-102** is amended to read:

2395 **11-63-102. Definitions.**

2396 As used in this chapter:

2397 (1) "Commercial trampoline" means a device that:

2398 (a) incorporates a trampoline bed; and

2399 (b) is used for recreational jumping, springing, bouncing, acrobatics, or gymnastics in a  
2400 trampoline park.

2401 (2) "Emergency response plan" means a written plan of action for the reasonable and  
2402 appropriate contact, deployment, and coordination of services, agencies, and personnel to  
2403 provide the earliest possible response to an injury or emergency.

2404 (3) "Inherent risk" means a danger or condition that is an integral part of an activity  
2405 occurring at a trampoline park.

2406 (4) "Inspection" means a procedure that an inspector conducts to:

2407 (a) determine whether a trampoline park facility, including any device or material, is  
2408 constructed, assembled, maintained, tested, and operated in accordance with this chapter and  
2409 the manufacturer's recommendations;

2410 (b) determine the operational safety of a trampoline park facility, including any device  
2411 or material; and

2412 (c) determine whether the trampoline park's policies and procedures comply with this  
2413 chapter.

2414 (5) "Inspector" means an individual who:

2415 (a) conducts an inspection of a trampoline park to certify compliance with this chapter  
2416 and industry safety standards; and

2417 (b) (i) is certified by:

2418 (A) an organization that develops and publishes consensus standards for a wide range  
2419 of materials, products, systems, and services that are used for trampolines; or

2420 (B) an organization that promotes trampoline park safety and adopts the standards  
2421 described in Subsection (5)(b)(i)(A);

2422 (ii) represents the insurer of the trampoline park;

2423 (iii) represents or is certified by a department or agency, regardless of whether the  
2424 agency is located within the state, that:

2425 (A) inspects amusement and recreational facilities and equipment; and

2426 (B) certifies and trains professional private industry inspectors through written testing  
2427 and continuing education requirements; or

2428 (iv) represents an organization that the United States Olympic Committee designates as  
2429 the national governing body for gymnastics.

2430 (6) "Local regulating authority" means the business licensing division of:

2431 (a) the city[;] or town[~~, or metro township~~] in which the trampoline park is located; or

2432 (b) if the trampoline park is located in an unincorporated area, the county.

2433 (7) "Operator" means a person who owns, manages, or controls or who has the duty to  
2434 manage or control the operation of a trampoline park.

2435 (8) "Participant" means an individual that uses trampoline park equipment.

2436 (9) "Trampoline bed" means the flexible surface of a trampoline on which a user jumps  
2437 or bounces.

2438 (10) "Trampoline court" means an area of a trampoline park comprising:

2439 (a) multiple commercial trampolines; or

2440 (b) at least one commercial trampoline and at least one associated foam or inflatable  
2441 bag pit.

2442 (11) "Trampoline park" means a place of business that offers the recreational use of a  
2443 trampoline court for a fee.

2444 Section 42. Section **11-65-101** is amended to read:

2445 **11-65-101. Definitions.**

2446 As used in this chapter:

2447 (1) "Adjacent political subdivision" means a political subdivision of the state with a  
2448 boundary that abuts the lake authority boundary or includes lake authority land.

2449 (2) "Board" means the lake authority's governing body, created in Section 11-65-301.

2450 (3) "Lake authority" means the Utah Lake Authority, created in Section 11-65-201.

2451 (4) "Lake authority boundary" means the boundary:

2452 (a) defined by recorded boundary settlement agreements between private landowners

2453 and the Division of Forestry, Fire, and State Lands; and

2454 (b) that separates privately owned land from Utah Lake sovereign land.

2455 (5) "Lake authority land" means land on the lake side of the lake authority boundary.

2456 (6) "Management" means work to coordinate and facilitate the improvement of Utah

2457 Lake, including work to enhance the long-term viability and health of Utah Lake and to

2458 produce economic, aesthetic, recreational, environmental, and other benefits for the state,

2459 consistent with the strategies, policies, and objectives described in this chapter.

2460 (7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate,

2461 encourage, and bring about the management of the lake authority land to achieve the policies

2462 and objectives described in Section 11-65-203.

2463 (8) "Nonvoting member" means an individual appointed as a member of the board

2464 under Subsection 11-65-302(6) who does not have the power to vote on matters of lake

2465 authority business.

2466 (9) "Project area" means an area that is identified in a project area plan as the area

2467 where the management described in the project area plan will occur.

2468 (10) "Project area budget" means a multiyear projection of annual or cumulative

2469 revenues and expenses and other fiscal matters pertaining to a project area.

2470 (11) "Project area plan" means a written plan that, after the plan's effective date,

2471 manages activity within a project area within the scope of a management plan.

2472 (12) "Public entity" means:

2473 (a) the state, including each department, division, or other agency of the state; or

2474 (b) a county, city, town, [~~metro township,~~] school district, special district, special

2475 service district, interlocal cooperation entity, community reinvestment agency, or other political

2476 subdivision of the state.

2477 (13) "Publicly owned infrastructure and improvements":

2478 (a) means infrastructure, improvements, facilities, or buildings that:

2479 (i) benefit the public; and



- 2480 (ii) (A) are owned by a public entity or a utility; or  
2481 (B) are publicly maintained or operated by a public entity;  
2482 (b) includes:  
2483 (i) facilities, lines, or systems that provide:  
2484 (A) water, chilled water, or steam; or  
2485 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
2486 microgrids, or telecommunications service; and  
2487 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking  
2488 facilities, and public transportation facilities.
- 2489 (14) "Sovereign land" means land:  
2490 (a) lying below the ordinary high water mark of a navigable body of water at the date  
2491 of statehood; and  
2492 (b) owned by the state by virtue of the state's sovereignty.
- 2493 (15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not  
2494 submerged under water, within the lake authority boundary.
- 2495 (16) "Voting member" means an individual appointed as a member of the board under  
2496 Subsection 11-65-302(2).
- 2497 Section 43. Section **11-66-101** is amended to read:  
2498 **11-66-101. Limits on regulation of all-terrain vehicles.**
- 2499 (1) As used in this chapter:  
2500 (a) "Political subdivision" means:  
2501 (i) a city[;] or town[; ~~or metro township~~]; or  
2502 (ii) a county, as it relates to the licensing and regulation of businesses in the  
2503 unincorporated area of the county.
- 2504 (b) "Street-legal ATV" means any all-terrain type vehicle that meets the requirements,  
2505 including the registration, inspection, and license plate requirements, of being a street-legal  
2506 ATV as described in Section 41-6a-1509.
- 2507 (2) For any business, including a business that rents one or more street-legal ATVs, a  
2508 political subdivision may not as a condition of the business obtaining or maintaining a business  
2509 license or permit:  
2510 (a) require any additional inspection, registration, or license plate requirements,

2511 including requiring any additional sticker or other identifying mark, for any street-legal ATV  
2512 owned or rented by the business;

2513 (b) require any equipment modifications of a street-legal ATV owned or rented by the  
2514 business; or

2515 (c) limit the amount of street-legal ATVs owned or rented by the business.

2516 (3) A political subdivision may not revoke or fail to renew a business license or permit  
2517 of a business based on the violation of a traffic ordinance or other local ordinance by any  
2518 customer of the business operating a street-legal ATV.

2519 (4) A political subdivision may not enact or enforce an unreasonable noise ordinance  
2520 that imposes a fine or other penalty for the operation of a street-legal ATV.

2521 Section 44. Section **15A-5-202.5** is amended to read:

2522 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

2523 (1) For IFC, Chapter 3, General Requirements:

2524 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six  
2525 and replace it with: "Utah Administrative Code, R652-122-1300, Minimum Standards for  
2526 County Wildland Fire Ordinance".

2527 (b) IFC, Chapter 3, Section 310.8, Hazardous environmental conditions, is deleted and  
2528 rewritten as follows: "1. When the fire code official determines that existing or historical  
2529 hazardous environmental conditions necessitate controlled use of any ignition source, including  
2530 fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may  
2531 occur:

2532 1.1. If the existing or historical hazardous environmental conditions exist in a  
2533 municipality, the legislative body of the municipality may prohibit the ignition or use of an  
2534 ignition source in:

2535 1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;

2536 1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;

2537 1.1.3. the wildland urban interface area, which means the line, area, or zone where  
2538 structures or other human development meet or intermingle with undeveloped wildland or land  
2539 being used for an agricultural purpose; or

2540 1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to  
2541 facilitate a readily identifiable closed area, in accordance with paragraph 2.

2542 1.2. If the existing or historical hazardous environmental conditions exist in an  
2543 unincorporated area, the state forester may prohibit the ignition or use of an ignition source in  
2544 all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after  
2545 consulting with the county fire code official who has jurisdiction over that area.

2546 ~~[1.3. If the existing or historical hazardous environmental conditions exist in a metro~~  
2547 ~~township created under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and~~  
2548 ~~Unincorporated Islands in a County of the First Class on and after May 12, 2015, the metro~~  
2549 ~~township legislative body may prohibit the ignition or use of an ignition source in all or part of~~  
2550 ~~the areas described in paragraph 1.1 that are within the township.]~~

2551 2. If a municipal legislative body[;] or the state forester[; ~~or a metro township~~  
2552 ~~legislative body~~] closes an area to the discharge of fireworks under paragraph 1, the legislative  
2553 body or state forester shall:

2554 2.1. designate the closed area along readily identifiable features like major roadways,  
2555 waterways, or geographic features;

2556 2.2. ensure that the boundary of the designated closed area is as close as is practical to  
2557 the defined hazardous area, provided that the closed area may include areas outside of the  
2558 hazardous area to facilitate a readily identifiable line; and

2559 2.3. identify the closed area through a written description or map that is readily  
2560 available to the public.

2561 3. A municipal legislative body[;] or the state forester[; ~~or a metro township legislative~~  
2562 ~~body~~] may close a defined area to the discharge of fireworks due to a historical hazardous  
2563 environmental condition under paragraph 1 if the legislative body or state forester:

2564 3.1. makes a finding that the historical hazardous environmental condition has existed  
2565 in the defined area before July 1 of at least two of the preceding five years;

2566 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the  
2567 defined area described; and

2568 3.3. before May 1 of each year the defined area is closed, provides the map described  
2569 in paragraph 3.2 to the county in which the defined area is located.

2570 4. A municipal legislative body[;] or the state forester[; ~~or a metro township legislative~~  
2571 ~~body~~] may not close an area to the discharge of fireworks due to a historical hazardous  
2572 environmental condition unless the legislative body or state forester provides a map, in

2573 accordance with paragraph 3."

2574 (c) IFC, Chapter 3, Section 311.1.1, Abandoned premises, is amended as follows: On  
2575 line 10 delete the words "International Property Maintenance Code and the".

2576 (d) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete  
2577 the word "shall" and replace it with the word "may".

2578 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

2579 (a) In IFC, Chapter 4, the following new Sections are added:

2580 "401.3.1.1 Special Education Classrooms. Special education classrooms may shelter in  
2581 place, or delay evacuation when all of the following conditions are met:

2582 401.3.1.1.1 There is no visible flame or evidence of products of combustion (smoke).

2583 401.3.1.1.2 The building is completely protected by an approved fire sprinkler system.

2584 401.3.1.1.3 The building is completely protected by an approved fire alarm system.

2585 401.3.1.1.4 The classroom has a minimum of one approved exit that discharges  
2586 directly to the exterior.

2587 401.3.1.1.5 The classroom has been approved to shelter in place by the fire code  
2588 official."

2589 (b) In IFC, Chapter 4, Section 401.3.3, Delayed notification, a new exception is added:

2590 "Exception: Group E Occupancies. Teachers may delay evacuation upon fire alarm  
2591 activation for up to 60 seconds when all of the following conditions are met:

2592 A. There is no visible flame or evidence of products of combustion (smoke).

2593 B. The building is protected throughout by an approved fire sprinkler system.

2594 C. The building is protected throughout by an approved fire alarm system.

2595 D. Students are in the safe zone of the room lined up and prepared for immediate  
2596 evacuation."

2597 (c) IFC, Chapter 4, Section 403.9.2.1, College and university buildings, is deleted and  
2598 replaced with the following:

2599 "403.9.2.1 College and university buildings and fraternity and sorority houses.

2600 (i) College and university buildings, including fraternity and sorority houses, shall  
2601 prepare an approved fire safety and evacuation plan, in accordance with Section 404.

2602 (ii) Group R-2 college and university buildings, including fraternity and sorority  
2603 houses, shall comply with Sections 403.9.2.1.1 and 403.9.2.1.2."

2604 (d) IFC, Chapter 4, Section 405.3, Table 405.3, is amended to add the following  
2605 footnotes:

2606 (i) "c. Secondary schools in Group E occupancies shall have an emergency evacuation  
2607 drill conducted at least every two months, to a total of four emergency evacuation drills during  
2608 the nine-month school year. The first emergency evacuation drill shall be conducted within 10  
2609 school days after the beginning of classes. The third emergency evacuation drill, weather  
2610 permitting, shall be conducted 10 school days after the beginning of the next calendar year. The  
2611 second and fourth emergency evacuation drills may be substituted by a security or safety drill  
2612 to include shelter in place, earthquake drill, or lock down for violence. If inclement weather  
2613 causes a secondary school to miss the 10-day deadline for the third emergency evacuation drill,  
2614 the secondary school shall perform the third emergency evacuation drill as soon as practicable  
2615 after the missed deadline."

2616 (ii) "d. In Group E occupancies, excluding secondary schools, if the AHJ approves, the  
2617 monthly required emergency evacuation drill can be substituted by a security or safety drill to  
2618 include shelter in place, earthquake drill, or lock down for violence. The routine emergency  
2619 evacuation drill must be conducted at least every other drill."

2620 (iii) "e. A-3 occupancies in academic buildings of institutions of higher learning are  
2621 required to have one emergency evacuation drill per year, provided the following conditions are  
2622 met:

2623 (A) The building has a fire alarm system in accordance with Section 907.2.

2624 (B) The rooms classified as assembly shall have fire safety floor plans as required in  
2625 Subsection 404.2.2(4) posted.

2626 (C) The building is not classified a high-rise building.

2627 (D) The building does not contain hazardous materials over the allowable quantities by  
2628 code."

2629 Section 45. Section **17-2-209** is amended to read:

2630 **17-2-209. Minor adjustments to county boundaries authorized -- Public hearing**  
2631 **-- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor --**  
2632 **Recording requirements -- Effective date.**

2633 (1) (a) Counties sharing a common boundary may, in accordance with the provisions of  
2634 Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real

2635 property tax assessment and county record keeping, adjust all or part of the common boundary  
 2636 to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with,  
 2637 the closest existing property boundary of record.

2638 (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that  
 2639 divides or splits:

2640 (i) an existing parcel;

2641 (ii) an interest in the property; or

2642 (iii) a claim of record in the office of recorder of either county sharing the common  
 2643 boundary.

2644 (2) The legislative bodies of both counties desiring to adjust a common boundary in  
 2645 accordance with Subsection (1) shall:

2646 (a) hold a joint public hearing on the proposed boundary adjustment;

2647 (b) at least seven days before the public hearing described in Subsection (2)(a), provide  
 2648 written notice of the proposed adjustment to:

2649 (i) each owner of real property whose property, or a portion of whose property, may  
 2650 change counties as the result of the proposed adjustment; and

2651 (ii) any of the following whose territory, or a portion of whose territory, may change  
 2652 counties as the result of the proposed boundary adjustment, or whose boundary is aligned with  
 2653 any portion of the existing county boundary that is being proposed for adjustment:

2654 (A) a city;

2655 (B) a town;

2656 [~~(C)~~] a metro township;

2657 [~~(D)~~] (C) a school district;

2658 [~~(E)~~] (D) a special district governed by Title 17B, Limited Purpose Local Government  
 2659 Entities - Special Districts;

2660 [~~(F)~~] (E) a special service district governed by Title 17D, Chapter 1, Special Service  
 2661 District Act;

2662 [~~(G)~~] (F) an interlocal entity governed by Title 11, Chapter 13, Interlocal Cooperation  
 2663 Act;

2664 [~~(H)~~] (G) a community reinvestment agency governed by Title 17C, Limited Purpose  
 2665 Local Government Entities - Community Reinvestment Agency Act;

2666           ~~(F)~~ (H) a local building authority governed by Title 17D, Chapter 2, Local Building  
2667 Authority Act; and

2668           ~~(F)~~ (I) a conservation district governed by Title 17D, Chapter 3, Conservation District  
2669 Act; and

2670           (c) adopt a joint resolution approved by both county legislative bodies approving the  
2671 proposed boundary adjustment.

2672           (3) The legislative bodies of both counties adopting a joint resolution under Subsection  
2673 (2)(c) shall:

2674           (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant  
2675 governor:

2676           (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
2677 that meets the requirements of Subsection 67-1a-6.5(3); and

2678           (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2679           (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment  
2680 under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is  
2681 located after the boundary adjustment:

2682           (i) the original notice of an impending boundary action;

2683           (ii) the original certificate of boundary adjustment;

2684           (iii) the original approved final local entity plat; and

2685           (iv) a certified copy of the joint resolution approving the boundary adjustment.

2686           (4) (a) As used in this Subsection (4):

2687           (i) "Affected area" means an area that, as a result of a boundary adjustment under this  
2688 section, is moved from within the boundary of one county to within the boundary of another  
2689 county.

2690           (ii) "Receiving county" means a county whose boundary includes an affected area as a  
2691 result of a boundary adjustment under this section.

2692           (b) A boundary adjustment under this section takes effect on the date the lieutenant  
2693 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.

2694           (c) (i) The effective date of a boundary adjustment for purposes of assessing property  
2695 within an affected area is governed by Section 59-2-305.5.

2696           (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the

- 2697 recorder of the county in which the property is located, a receiving county may not:
- 2698 (A) levy or collect a property tax on property within an affected area;
- 2699 (B) levy or collect an assessment on property within an affected area; or
- 2700 (C) charge or collect a fee for service provided to property within an affected area.
- 2701 (5) Upon the effective date of a boundary adjustment under this section:
- 2702 (a) all territory designated to be adjusted into another county becomes the territory of
- 2703 the other county; and
- 2704 (b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with
- 2705 an annexation under this part.
- 2706 Section 46. Section **17-23-17** is amended to read:
- 2707 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**
- 2708 **of monuments -- Record of corner changes -- Penalties.**
- 2709 (1) As used in this section:
- 2710 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
- 2711 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land
- 2712 Surveyors Licensing Act.
- 2713 (b) ~~(†)~~ "Township" means a term used in the context of identifying a geographic area
- 2714 in common surveyor practice.
- 2715 ~~[(ii) "Township" does not mean a metro township as that term is defined in Section~~
- 2716 ~~10-2a-403.]~~
- 2717 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to
- 2718 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing
- 2719 a boundary line shall file a map of the survey that meets the requirements of this section with
- 2720 the county surveyor or designated office within 90 days of the establishment or reestablishment
- 2721 of a boundary.
- 2722 (ii) A land surveyor who fails to file a map of the survey as required by Subsection
- 2723 (2)(a)(i) is guilty of an infraction.
- 2724 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a
- 2725 separate violation.
- 2726 (b) The county surveyor or designated office shall file and index the map of the survey.
- 2727 (c) The map shall be a public record in the office of the county surveyor or designated



- 2728 office.
- 2729 (3) This type of map shall show:
- 2730 (a) the location of survey by quarter section and township and range;
- 2731 (b) the date of survey;
- 2732 (c) the scale of drawing and north point;
- 2733 (d) the distance and course of all lines traced or established, giving the basis of bearing
- 2734 and the distance and course to two or more section corners or quarter corners, including
- 2735 township and range, or to identified monuments within a recorded subdivision;
- 2736 (e) all measured bearings, angles, and distances separately indicated from those of
- 2737 record;
- 2738 (f) a written boundary description of property surveyed;
- 2739 (g) all monuments set and their relation to older monuments found;
- 2740 (h) a detailed description of monuments found and monuments set, indicated
- 2741 separately;
- 2742 (i) the surveyor's seal or stamp; and
- 2743 (j) the surveyor's business name and address.
- 2744 (4) (a) The map shall contain a written narrative that explains and identifies:
- 2745 (i) the purpose of the survey;
- 2746 (ii) the basis on which the lines were established; and
- 2747 (iii) the found monuments and deed elements that controlled the established or
- 2748 reestablished lines.
- 2749 (b) If the narrative is a separate document, it shall contain:
- 2750 (i) the location of the survey by quarter section and by township and range;
- 2751 (ii) the date of the survey;
- 2752 (iii) the surveyor's stamp or seal; and
- 2753 (iv) the surveyor's business name and address.
- 2754 (c) The map and narrative shall be referenced to each other if they are separate
- 2755 documents.
- 2756 (5) The map and narrative shall be created on material of a permanent nature on stable
- 2757 base reproducible material in the sizes required by the county surveyor.
- 2758 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference

2759 a point on a property or land line shall be durably and visibly marked or tagged with the  
2760 registered business name or the letters "L.S." followed by the registration number of the  
2761 surveyor in charge.

2762 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall  
2763 be marked with the official title of the office.

2764 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the  
2765 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
2766 submit to the county surveyor or designated office a record of the changes made.

2767 (b) The record shall be submitted within 45 days of the corner visits and shall include  
2768 the surveyor's seal, business name, and address.

2769 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
2770 license of any land surveyor who fails to comply with the requirements of this section,  
2771 according to the procedures set forth in Title 58, Chapter 1, Division of Professional Licensing  
2772 Act.

2773 (9) Each federal or state agency, board, or commission, special district, special service  
2774 district, or municipal corporation that makes a boundary survey of lands within this state shall  
2775 comply with this section.

2776 Section 47. Section **17-23-17.5** is amended to read:

2777 **17-23-17.5. Corner perpetuation and filing -- Definitions -- Establishment of**  
2778 **corner file -- Preservation of map records -- Filing fees -- Exemptions.**

2779 (1) As used in this section:

2780 (a) "Accessory to a corner" means any exclusively identifiable physical object whose  
2781 spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing  
2782 objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles,  
2783 steel or wooden stakes, or other objects.

2784 (b) "Corner," unless otherwise qualified, means a property corner, a property  
2785 controlling corner, a public land survey corner, or any combination of these.

2786 (c) "Geographic coordinates" means mathematical values that designate a position on  
2787 the earth relative to a given reference system. Coordinates shall be established pursuant to  
2788 Title 57, Chapter 10, Utah Coordinate System.

2789 (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this

2790 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land  
2791 Surveyors Licensing Act.

2792 (e) "Monument" means an accessory that is presumed to occupy the exact position of a  
2793 corner.

2794 (f) "Property controlling corner" means a public land survey corner or any property  
2795 corner which does not lie on a property line of the property in question, but which controls the  
2796 location of one or more of the property corners of the property in question.

2797 (g) "Property corner" means a geographic point of known geographic coordinates on  
2798 the surface of the earth, and is on, a part of, and controls a property line.

2799 (h) "Public land survey corner" means any corner actually established and monumented  
2800 in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the  
2801 land to a private person from the United States government.

2802 (i) "Reference monument" means a special monument that does not occupy the same  
2803 geographical position as the corner itself, but whose spatial relationship to the corner is  
2804 recorded and which serves to witness the corner.

2805 (j) [(†)] "Township" means a term used in the context of identifying a geographic area  
2806 in common surveyor practice.

2807 [~~(ii) "Township" does not mean a metro township as that term is defined in Section~~  
2808 ~~10-2a-403.~~]

2809 (2) (a) Any land surveyor making a boundary survey of lands within this state and  
2810 utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the  
2811 county where the corner is situated, a written record to be known as a corner file for every  
2812 public land survey corner and accessory to the corner which is used as control in any survey by  
2813 the surveyor, unless the corner and its accessories are already a matter of record in the county.

2814 (b) Where reasonably possible, the corner file shall include the geographic coordinates  
2815 of the corner.

2816 (c) A surveyor may file a corner record as to any property corner, reference monument,  
2817 or accessory to a corner.

2818 (d) Corner records may be filed concerning corners used before the effective date of  
2819 this section.

2820 (3) The county surveyor of the county containing the corners shall have on record as

2821 part of the official files maps of each township within the county, the bearings and lengths of  
2822 the connecting lines to government corners, and government corners looked for and not found.

2823 (4) The county surveyor shall make these records available for public inspection at the  
2824 county facilities during normal business hours.

2825 (5) Filing fees for corner records shall be established by the county legislative body  
2826 consistent with existing fees for similar services. All corners, monuments, and their  
2827 accessories used prior to the effective date of this section shall be accepted and filed with the  
2828 county surveyor without requiring the payment of the fees.

2829 (6) When a corner record of a public land survey corner is required to be filed under  
2830 the provisions of this section and the monument needs to be reconstructed or rehabilitated, the  
2831 land surveyor shall contact the county surveyor in accordance with Section 17-23-14.

2832 (7) A corner record may not be filed unless it is signed by a land surveyor.

2833 (8) All filings relative to official cadastral surveys of the Bureau of Land Management  
2834 of the United States of America performed by authorized personnel shall be exempt from filing  
2835 fees.

2836 Section 48. Section **17-36-29** is amended to read:

2837 **17-36-29. Special fund ceases -- Transfer.**

2838 (1) (a) Except as provided in Subsection (1)(b), if a county legislative body determines  
2839 that the purpose no longer exists for which the legislative body created a special fund or any  
2840 portion of the special fund, the legislative body may authorize the transfer of the remaining  
2841 balance or a portion of the remaining balance to the fund balance account in the county general  
2842 fund.

2843 (b) The legislative body may redistribute the remaining balance or a portion of the  
2844 remaining balance described in Subsection (1)(a) in accordance with Subsection (1)(c) if:

2845 (i) the county levied the fund primarily on property in the unincorporated areas of the  
2846 county;

2847 (ii) the county established a municipal services fund to provide municipal services  
2848 under Sections 17-34-1 and 17-36-9; and

2849 (iii) the area from which the county levied the fund has since incorporated as a city[;]  
2850 or town[; ~~or metro township~~].

2851 (c) The legislative body of a county described in Subsection (1)(b) may set aside the

2852 remaining balance or a portion of the remaining balance described in Subsection (1)(a) in a  
2853 fund from which the county may make disbursements to support and benefit the area and the  
2854 residents in the area from which the county originally derived the special fund.

2855 (2) Any balance which remains in a special assessment fund and any unrequired  
2856 balance in a special improvement guaranty fund shall be treated as provided in Subsection  
2857 11-42-701(5).

2858 (3) Any balance which remains in a capital projects fund shall be transferred to the  
2859 appropriate debt service fund or such other fund as the bond ordinance requires or to the county  
2860 general fund balance account.

2861 Section 49. Section **17B-1-102** is amended to read:

2862 **17B-1-102. Definitions.**

2863 As used in this title:

2864 (1) "Appointing authority" means the person or body authorized to make an  
2865 appointment to the board of trustees.

2866 (2) "Basic special district":

2867 (a) means a special district that is not a specialized special district; and

2868 (b) includes an entity that was, under the law in effect before April 30, 2007, created  
2869 and operated as a special district, as defined under the law in effect before April 30, 2007.

2870 (3) "Bond" means:

2871 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
2872 warrant, certificate of indebtedness, or otherwise; and

2873 (b) a lease agreement, installment purchase agreement, or other agreement that:

2874 (i) includes an obligation by the district to pay money; and

2875 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
2876 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
2877 Act.

2878 (4) "Cemetery maintenance district" means a special district that operates under and is  
2879 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District  
2880 Act, including an entity that was created and operated as a cemetery maintenance district under  
2881 the law in effect before April 30, 2007.

2882 (5) "Drainage district" means a special district that operates under and is subject to the

2883 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that  
2884 was created and operated as a drainage district under the law in effect before April 30, 2007.

2885 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
2886 water, or other real or personal property required to provide a service that a special district is  
2887 authorized to provide, including any related or appurtenant easement or right-of-way,  
2888 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

2889 (7) "Fire protection district" means a special district that operates under and is subject  
2890 to the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including  
2891 an entity that was created and operated as a fire protection district under the law in effect before  
2892 April 30, 2007.

2893 (8) "General obligation bond":

2894 (a) means a bond that is directly payable from and secured by ad valorem property  
2895 taxes that are:

2896 (i) levied:

2897 (A) by the district that issues the bond; and

2898 (B) on taxable property within the district; and

2899 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

2900 and

2901 (b) does not include:

2902 (i) a short-term bond;

2903 (ii) a tax and revenue anticipation bond; or

2904 (iii) a special assessment bond.

2905 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
2906 security:

2907 (a) to guarantee the proper completion of an improvement;

2908 (b) that is required before a special district may provide a service requested by a  
2909 service applicant; and

2910 (c) that is offered to a special district to induce the special district before construction  
2911 of an improvement begins to:

2912 (i) provide the requested service; or

2913 (ii) commit to provide the requested service.

2914 (10) "Improvement assurance warranty" means a promise that the materials and  
2915 workmanship of an improvement:

2916 (a) comply with standards adopted by a special district; and

2917 (b) will not fail in any material respect within an agreed warranty period.

2918 (11) "Improvement district" means a special district that operates under and is subject  
2919 to the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
2920 entity that was created and operated as a county improvement district under the law in effect  
2921 before April 30, 2007.

2922 (12) "Irrigation district" means a special district that operates under and is subject to  
2923 the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity  
2924 that was created and operated as an irrigation district under the law in effect before April 30,  
2925 2007.

2926 (13) "Metropolitan water district" means a special district that operates under and is  
2927 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District Act,  
2928 including an entity that was created and operated as a metropolitan water district under the law  
2929 in effect before April 30, 2007.

2930 (14) "Mosquito abatement district" means a special district that operates under and is  
2931 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District  
2932 Act, including an entity that was created and operated as a mosquito abatement district under  
2933 the law in effect before April 30, 2007.

2934 (15) "Municipal" means of or relating to a municipality.

2935 (16) "Municipality" means a city[;] or town[~~;-or metro-township~~].

2936 (17) "Municipal services district" means a special district that operates under and is  
2937 subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District  
2938 Act.

2939 (18) "Person" means an individual, corporation, partnership, organization, association,  
2940 trust, governmental agency, or other legal entity.

2941 (19) "Political subdivision" means a county, city, town, [~~metro-township~~] special  
2942 district under this title, special service district under Title 17D, Chapter 1, Special Service  
2943 District Act, an entity created by interlocal cooperation agreement under Title 11, Chapter 13,  
2944 Interlocal Cooperation Act, or any other governmental entity designated in statute as a political

2945 subdivision of the state.

2946 (20) "Private," with respect to real property, means not owned by the United States or  
2947 any agency of the federal government, the state, a county, or a political subdivision.

2948 (21) "Public entity" means:

2949 (a) the United States or an agency of the United States;

2950 (b) the state or an agency of the state;

2951 (c) a political subdivision of the state or an agency of a political subdivision of the  
2952 state;

2953 (d) another state or an agency of that state; or

2954 (e) a political subdivision of another state or an agency of that political subdivision.

2955 (22) "Public transit district" means a special district that operates under and is subject  
2956 to the provisions of this chapter and Chapter 2a, Part8, Public Transit District Act, including an  
2957 entity that was created and operated as a public transit district under the law in effect before  
2958 April 30, 2007.

2959 (23) "Revenue bond":

2960 (a) means a bond payable from designated taxes or other revenues other than the  
2961 special district's ad valorem property taxes; and

2962 (b) does not include:

2963 (i) an obligation constituting an indebtedness within the meaning of an applicable  
2964 constitutional or statutory debt limit;

2965 (ii) a tax and revenue anticipation bond; or

2966 (iii) a special assessment bond.

2967 (24) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
2968 public meeting:

2969 (a) parliamentary order and procedure;

2970 (b) ethical behavior; and

2971 (c) civil discourse.

2972 (25) "Service applicant" means a person who requests that a special district provide a  
2973 service that the special district is authorized to provide.

2974 (26) "Service area" means a special district that operates under and is subject to the  
2975 provisions of this chapter and Chapter 2a, Part9, Service Area Act, including an entity that was



2976 created and operated as a county service area or a regional service area under the law in effect  
2977 before April 30, 2007.

2978 (27) "Short-term bond" means a bond that is required to be repaid during the fiscal year  
2979 in which the bond is issued.

2980 (28) "Special assessment" means an assessment levied against property to pay all or a  
2981 portion of the costs of making improvements that benefit the property.

2982 (29) "Special assessment bond" means a bond payable from special assessments.

2983 (30) "Special district" means a limited purpose local government entity, as described in  
2984 Section 17B-1-103, that operates under, is subject to, and has the powers described in:

2985 (a) this chapter; or

2986 (b) (i) this chapter; and

2987 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

2988 (B) Chapter 2a, Part 2, Drainage District Act;

2989 (C) Chapter 2a, Part 3, Fire Protection District Act;

2990 (D) Chapter 2a, Part 4, Improvement District Act;

2991 (E) Chapter 2a, Part 5, Irrigation District Act;

2992 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

2993 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

2994 (H) Chapter 2a, Part 8, Public Transit District Act;

2995 (I) Chapter 2a, Part 9, Service Area Act;

2996 (J) Chapter 2a, Part 10, Water Conservancy District Act; or

2997 (K) Chapter 2a, Part 11, Municipal Services District Act.

2998 (31) "Specialized special district" means a special district that is a cemetery  
2999 maintenance district, a drainage district, a fire protection district, an improvement district, an  
3000 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit  
3001 district, a service area, a water conservancy district, a municipal services district, or a public  
3002 infrastructure district.

3003 (32) "Taxable value" means the taxable value of property as computed from the most  
3004 recent equalized assessment roll for county purposes.

3005 (33) "Tax and revenue anticipation bond" means a bond:

3006 (a) issued in anticipation of the collection of taxes or other revenues or a combination

3007 of taxes and other revenues; and

3008 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
3009 issued.

3010 (34) "Unincorporated" means not included within a municipality.

3011 (35) "Water conservancy district" means a special district that operates under and is  
3012 subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District  
3013 Act, including an entity that was created and operated as a water conservancy district under the  
3014 law in effect before April 30, 2007.

3015 (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,  
3016 power plant, and any facility, improvement, or property necessary or convenient for supplying  
3017 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a  
3018 special district.

3019 Section 50. Section **17B-1-502** is amended to read:

3020 **17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in**  
3021 **certain circumstances.**

3022 (1) (a) An area within the boundaries of a special district may be withdrawn from the  
3023 special district only as provided in this part or, if applicable, as provided in Chapter 2a, Part 11,  
3024 Municipal Services District Act.

3025 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a special  
3026 district within a municipality because of a municipal incorporation under Title 10, Chapter 2a,  
3027 Municipal Incorporation, or a municipal annexation or boundary adjustment under Title 10,  
3028 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process  
3029 of withdrawing that area from the special district.

3030 (2) (a) An area within the boundaries of a special district is automatically withdrawn  
3031 from the special district by the annexation of the area to a municipality or the adding of the area  
3032 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

3033 (i) the special district provides:

3034 (A) fire protection, paramedic, and emergency services; or

3035 (B) law enforcement service;

3036 (ii) an election for the creation of the special district was not required because of

3037 Subsection 17B-1-214(3)(d) or (g); and

3038 (iii) before annexation or boundary adjustment, the boundaries of the special district do  
3039 not include any of the annexing municipality.

3040 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
3041 Subsection 17B-1-512(2)(b).

3042 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of  
3043 a special district located in a county of the first class is automatically withdrawn from the  
3044 special district by the incorporation of a municipality whose boundaries include the area if:

3045 (i) the special district provides municipal services, as defined in Section 17B-2a-1102,  
3046 excluding fire protection, paramedic, emergency, and law enforcement services;

3047 (ii) an election for the creation of the special district was not required because of  
3048 Subsection 17B-1-214(3) (g); and

3049 (iii) the legislative body of the newly incorporated municipality:

3050 [~~(A)~~ for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of  
3051 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
3052 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;]

3053 [~~(B)~~] (A) adopts a resolution no later than 180 days after the effective date of  
3054 incorporation approving the withdrawal that includes the legal description of the area to be  
3055 withdrawn; and

3056 [~~(C)~~] (B) delivers a copy of the resolution to the board of trustees of the special district.

3057 (b) The effective date of a withdrawal under this Subsection (3) is governed by  
3058 Subsection 17B-1-512(2)(a).

3059 (c) Section 17B-1-505 [~~shall govern~~] governs the withdrawal of an incorporated area  
3060 within a county of the first class if:

3061 (i) the special district from which the area is withdrawn provides:

3062 (A) fire protection, paramedic, and emergency services;

3063 (B) law enforcement service; or

3064 (C) municipal services, as defined in Section 17B-2a-1102;

3065 (ii) an election for the creation of the special district was not required under Subsection  
3066 17B-1-214(3)(d) or (g); and

3067 (iii) for a special district that provides municipal services, as defined in Section  
3068 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,

3069 the 180-day period described in Subsection ~~[(3)(a)(iii)(B)]~~ (3)(a)(iii)(A) is expired.

3070 (d) An area may not be withdrawn from a special district that provides municipal  
3071 services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency,  
3072 and law enforcement services, if[:]

3073 ~~[(i) the area is [incorporated as a metro township, and]~~ within a converted  
3074 municipality, as defined in Section 10-1-201.5.

3075 ~~[(ii) at the election to incorporate as a metro township, the residents of the area chose~~  
3076 ~~to be included in a municipal services district.]~~

3077 Section 51. Section **17B-2a-1102** is amended to read:

3078 **17B-2a-1102. Definitions.**

3079 As used in this part[:]

3080 ~~[(1) "Municipal,"~~ "municipal services" means one or more of the services identified in  
3081 Section 17-34-1, 17-36-3, or 17B-1-202.

3082 ~~[(2) "Metro township" means:]~~

3083 ~~[(a) a metro township for which the electors at an election under Section 10-2a-404~~  
3084 ~~chose a metro township that is included in a municipal services district; or]~~

3085 ~~[(b) a metro township that subsequently joins a municipal services district.]~~

3086 Section 52. Section **17B-2a-1104** is amended to read:

3087 **17B-2a-1104. Additional municipal services district powers.**

3088 (1) In addition to the powers conferred on a municipal services district under Section  
3089 17B-1-103, a municipal services district may:

3090 ~~[(1)]~~ (a) notwithstanding Subsection 17B-1-202(3), provide no more than six  
3091 municipal services;

3092 ~~[(2)]~~ (b) assist a municipality or a county located within a municipal services district by  
3093 providing staffing and administrative services, including:

3094 ~~[(a)]~~ (i) human resources staffing and services;

3095 ~~[(b)]~~ (ii) finance and budgeting staffing and services; ~~[and]~~

3096 ~~[(c)]~~ (iii) information technology staffing and services; and

3097 (iv) treasurer, recorder or clerk, surveyor, engineer, or auditor services; and

3098 ~~[(3)]~~ (c) issue bonds as provided in and subject to Chapter 1, Part 11, Special District  
3099 Bonds, to carry out the purposes of the district.

3100 (2) A municipal services district that includes a converted municipality, as defined in  
3101 Section 10-1-201.5, shall, upon request by the converted municipality, collect on behalf of the  
3102 converted municipality all fines, fees, charges, levies, and other payments imposed by the  
3103 converted municipality.

3104 Section 53. Section **17B-2a-1106** is amended to read:

3105 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

3106 (1) Notwithstanding any other provision of law regarding the membership of a special  
3107 district board of trustees, the initial board of trustees of a municipal services district shall  
3108 consist of the county legislative body.

3109 (2) (a) If, after the initial creation of a municipal services district, an area within the  
3110 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not  
3111 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area  
3112 within the municipality is annexed into the municipal services district in accordance with  
3113 Section 17B-2a-1103, the district's board of trustees shall be as follows:

3114 (i) subject to Subsection (2)(b), a member of that municipality's governing body;

3115 (ii) one member of the county council of the county in which the municipal services  
3116 district is located; and

3117 (iii) the total number of board members is not required to be an odd number.

3118 (b) A member described in Subsection (2)(a)(i) shall be[;]

3119 [~~(i) for a municipality other than a metro township;~~] designated by the municipal  
3120 legislative body[; and].

3121 [~~(ii) for a metro township, the mayor of the metro township or, during any period of~~  
3122 ~~time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro~~  
3123 ~~township council elects in accordance with Subsection 10-3b-503(4).]~~

3124 (3) For a board of trustees described in Subsection (2), each board member's vote is  
3125 weighted using the proportion of the municipal services district population that resides:

3126 (a) for each member described in Subsection (2)(a)(i), within that member's  
3127 municipality; and

3128 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated  
3129 county.

3130 (4) The board may adopt a resolution providing for future board members to be

3131 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

3132 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees  
3133 may adopt a resolution to determine the internal governance of the board.

3134 (6) The municipal services district and the county may enter into an agreement for the  
3135 provision of legal services to the municipal services district.

3136 Section 54. Section **17B-2a-1110** is amended to read:

3137 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
3138 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Notice --**  
3139 **Revenues transferred to municipal services district.**

3140 (1) (a) A municipality may withdraw from a municipal services district in accordance  
3141 with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this section.

3142 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
3143 under Subsection (2)(a), the 180 days described in Subsection [~~17B-1-502(3)(a)(iii)(B)~~]  
3144 17B-1-502(3)(a)(iii)(A) is tolled from the day that the municipality engages the feasibility  
3145 consultant to the day on which the municipality holds the final public hearing under Subsection  
3146 (5).

3147 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
3148 municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or  
3149 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

3150 (b) The feasibility consultant shall be chosen:

3151 (i) by the municipal legislative body; and

3152 (ii) in accordance with applicable municipal procurement procedures.

3153 (3) The municipal legislative body shall require the feasibility consultant to:

3154 (a) complete the feasibility study and submit the written results to the municipal  
3155 legislative body before the council adopts a resolution under Section 17B-1-502;

3156 (b) submit with the full written results of the feasibility study a summary of the results  
3157 no longer than one page in length; and

3158 (c) attend the public hearings under Subsection (5).

3159 (4) (a) The feasibility study shall consider:

3160 (i) population and population density within the withdrawing municipality;

3161 (ii) current and five-year projections of demographics and economic base in the

3162 withdrawing municipality, including household size and income, commercial and industrial  
3163 development, and public facilities;

3164 (iii) projected growth in the withdrawing municipality during the next five years;

3165 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
3166 including overhead, of municipal services in the withdrawing municipality;

3167 (v) assuming the same tax categories and tax rates as currently imposed by the  
3168 municipal services district and all other current service providers, the present and five-year  
3169 projected revenue for the withdrawing municipality;

3170 (vi) a projection of any new taxes per household that may be levied within the  
3171 withdrawing municipality within five years of the withdrawal; and

3172 (vii) the fiscal impact on other municipalities serviced by the municipal services  
3173 district.

3174 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
3175 level and quality of municipal services to be provided to the withdrawing municipality in the  
3176 future that fairly and reasonably approximates the level and quality of municipal services being  
3177 provided to the withdrawing municipality at the time of the feasibility study.

3178 (ii) In determining the present cost of a municipal service, the feasibility consultant  
3179 shall consider:

3180 (A) the amount it would cost the withdrawing municipality to provide municipal  
3181 services for the first five years after withdrawing; and

3182 (B) the municipal services district's present and five-year projected cost of providing  
3183 municipal services.

3184 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
3185 and anticipated growth.

3186 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
3187 municipal legislative body shall, at its next regular meeting after receipt of the results of the  
3188 feasibility study, schedule at least one public hearing to be held:

3189 (a) within the following 60 days; and

3190 (b) for the purpose of allowing:

3191 (i) the feasibility consultant to present the results of the study; and

3192 (ii) the public to become informed about the feasibility study results, including the

3193 requirement that if the municipality withdraws from the municipal services district, the  
3194 municipality must comply with Subsection (9), and to ask questions about those results of the  
3195 feasibility consultant.

3196 (6) At a public hearing described in Subsection (5), the municipal legislative body  
3197 shall:

3198 (a) provide a copy of the feasibility study for public review; and

3199 (b) allow the public to express its views about the proposed withdrawal from the  
3200 municipal services district.

3201 (7) (a) The municipal clerk or recorder shall publish notice of the public hearings  
3202 required under Subsection (5) for the municipality, as a class A notice under Section  
3203 63G-30-102, for at least three weeks before the day of the first hearing described in Subsection  
3204 (5).

3205 (b) The notice under Subsection (7)(a) shall include the feasibility study summary and  
3206 shall indicate that a full copy of the study is available for inspection and copying at the office  
3207 of the municipal clerk or recorder.

3208 (8) At a public meeting held after the public hearing required under Subsection (5), the  
3209 municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as  
3210 applicable, if the municipality is in compliance with the other requirements of that section.

3211 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
3212 district for 10 years beginning on the next fiscal year immediately following the municipal  
3213 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502  
3214 or 17B-1-505 if the results of the feasibility study show that the average annual amount of  
3215 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
3216 (4)(a)(iv) by more than 5%.

3217 Section 55. Section **17B-2a-1111** is amended to read:

3218 **17B-2a-1111. Withdrawal of a municipality that changes form of government.**

3219 If a municipality after the 180-day period described in Subsection  
3220 [~~17B-1-502(3)(a)(iii)(B)~~] 17B-1-502(3)(a)(iii)(A) changes form of government in accordance  
3221 with Title 10, Chapter 3b, Part 6, Changing to Another Form of Municipal Government, the  
3222 municipality under the new form of government may withdraw from a municipal services  
3223 district only in accordance with the provisions of Section 17B-1-505.



3224 Section 56. Section **17C-1-102** is amended to read:

3225 **17C-1-102. Definitions.**

3226 As used in this title:

3227 (1) "Active project area" means a project area that has not been dissolved in accordance  
3228 with Section 17C-1-702.

3229 (2) "Adjusted tax increment" means the percentage of tax increment, if less than  
3230 100%, that an agency is authorized to receive:

3231 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax  
3232 increment under Subsection 17C-1-403(3);

3233 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax  
3234 increment under Section 17C-1-406;

3235 (c) under a project area budget approved by a taxing entity committee; or

3236 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's  
3237 tax increment.

3238 (3) "Affordable housing" means housing owned or occupied by a low or moderate  
3239 income family, as determined by resolution of the agency.

3240 (4) "Agency" or "community reinvestment agency" means a separate body corporate  
3241 and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community  
3242 development and renewal agency under previous law:

3243 (a) that is a political subdivision of the state;

3244 (b) that is created to undertake or promote project area development as provided in this  
3245 title; and

3246 (c) whose geographic boundaries are coterminous with:

3247 (i) for an agency created by a county, the unincorporated area of the county; and

3248 (ii) for an agency created by a municipality, the boundaries of the municipality.

3249 (5) "Agency funds" means money that an agency collects or receives for agency  
3250 operations, implementing a project area plan or an implementation plan as defined in Section  
3251 17C-1-1001, or other agency purposes, including:

3252 (a) project area funds;

3253 (b) income, proceeds, revenue, or property derived from or held in connection with the  
3254 agency's undertaking and implementation of project area development or agency-wide project

3255 development as defined in Section 17C-1-1001;

3256 (c) a contribution, loan, grant, or other financial assistance from any public or private  
3257 source;

3258 (d) project area incremental revenue as defined in Section 17C-1-1001; or

3259 (e) property tax revenue as defined in Section 17C-1-1001.

3260 (6) "Annual income" means the same as that term is defined in regulations of the  
3261 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as  
3262 amended or as superseded by replacement regulations.

3263 (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.

3264 (8) "Base taxable value" means, unless otherwise adjusted in accordance with  
3265 provisions of this title, a property's taxable value as shown upon the assessment roll last  
3266 equalized during the base year.

3267 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year  
3268 during which the assessment roll is last equalized:

3269 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,  
3270 before the project area plan's effective date;

3271 (b) for a post-June 30, 1993, urban renewal or economic development project area  
3272 plan, or a community reinvestment project area plan that is subject to a taxing entity  
3273 committee:

3274 (i) before the date on which the taxing entity committee approves the project area  
3275 budget; or

3276 (ii) if taxing entity committee approval is not required for the project area budget,  
3277 before the date on which the community legislative body adopts the project area plan;

3278 (c) for a project on an inactive airport site, after the later of:

3279 (i) the date on which the inactive airport site is sold for remediation and development;  
3280 or

3281 (ii) the date on which the airport that operated on the inactive airport site ceased  
3282 operations; or

3283 (d) for a community development project area plan or a community reinvestment  
3284 project area plan that is subject to an interlocal agreement, as described in the interlocal  
3285 agreement.

3286 (10) "Basic levy" means the portion of a school district's tax levy constituting the  
3287 minimum basic levy under Section 59-2-902.

3288 (11) "Board" means the governing body of an agency, as described in Section  
3289 17C-1-203.

3290 (12) "Budget hearing" means the public hearing on a proposed project area budget  
3291 required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,  
3292 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection  
3293 17C-5-302(2)(e) for a community reinvestment project area budget.

3294 (13) "Closed military base" means land within a former military base that the Defense  
3295 Base Closure and Realignment Commission has voted to close or realign when that action has  
3296 been sustained by the president of the United States and Congress.

3297 (14) "Combined incremental value" means the combined total of all incremental values  
3298 from all project areas, except project areas that contain some or all of a military installation or  
3299 inactive industrial site, within the agency's boundaries under project area plans and project area  
3300 budgets at the time that a project area budget for a new project area is being considered.

3301 (15) "Community" means a county or municipality.

3302 (16) "Community development project area plan" means a project area plan adopted  
3303 under Chapter 4, Part 1, Community Development Project Area Plan.

3304 (17) "Community legislative body" means the legislative body of the community that  
3305 created the agency.

3306 (18) "Community reinvestment project area plan" means a project area plan adopted  
3307 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

3308 (19) "Contest" means to file a written complaint in the district court of the county in  
3309 which the agency is located.

3310 (20) "Development impediment" means a condition of an area that meets the  
3311 requirements described in Section 17C-2-303 for an urban renewal project area or Section  
3312 17C-5-405 for a community reinvestment project area.

3313 (21) "Development impediment hearing" means a public hearing regarding whether a  
3314 development impediment exists within a proposed:

3315 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section  
3316 17C-2-302; or

3317 (b) community reinvestment project area under Section 17C-5-404.

3318 (22) "Development impediment study" means a study to determine whether a  
3319 development impediment exists within a survey area as described in Section 17C-2-301 for an  
3320 urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

3321 (23) "Economic development project area plan" means a project area plan adopted  
3322 under Chapter 3, Part 1, Economic Development Project Area Plan.

3323 (24) "Fair share ratio" means the ratio derived by:

3324 (a) for a municipality, comparing the percentage of all housing units within the  
3325 municipality that are publicly subsidized income targeted housing units to the percentage of all  
3326 housing units within the county in which the municipality is located that are publicly  
3327 subsidized income targeted housing units; or

3328 (b) for the unincorporated part of a county, comparing the percentage of all housing  
3329 units within the unincorporated county that are publicly subsidized income targeted housing  
3330 units to the percentage of all housing units within the whole county that are publicly subsidized  
3331 income targeted housing units.

3332 (25) "Family" means the same as that term is defined in regulations of the United  
3333 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended  
3334 or as superseded by replacement regulations.

3335 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

3336 (27) "Hazardous waste" means any substance defined, regulated, or listed as a  
3337 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,  
3338 or toxic substance, or identified as hazardous to human health or the environment, under state  
3339 or federal law or regulation.

3340 (28) "Housing allocation" means project area funds allocated for housing under Section  
3341 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

3342 (29) "Housing fund" means a fund created by an agency for purposes described in  
3343 Section 17C-1-411 or 17C-1-412 that is comprised of:

3344 (a) project area funds, project area incremental revenue as defined in Section  
3345 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the  
3346 purposes described in Section 17C-1-411; or

3347 (b) an agency's housing allocation.

- 3348 (30) (a) "Inactive airport site" means land that:
- 3349 (i) consists of at least 100 acres;
- 3350 (ii) is occupied by an airport:
- 3351 (A) (I) that is no longer in operation as an airport; or
- 3352 (II) (Aa) that is scheduled to be decommissioned; and
- 3353 (Bb) for which a replacement commercial service airport is under construction; and
- 3354 (B) that is owned or was formerly owned and operated by a public entity; and
- 3355 (iii) requires remediation because:
- 3356 (A) of the presence of hazardous waste or solid waste; or
- 3357 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
- 3358 electric service, water system, and sewer system, needed to support development of the site.
- 3359 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
- 3360 described in Subsection (30)(a).
- 3361 (31) (a) "Inactive industrial site" means land that:
- 3362 (i) consists of at least 1,000 acres;
- 3363 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
- 3364 facility; and
- 3365 (iii) requires remediation because of the presence of hazardous waste or solid waste.
- 3366 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
- 3367 described in Subsection (31)(a).
- 3368 (32) "Income targeted housing" means housing that is owned or occupied by a family
- 3369 whose annual income is at or below 80% of the median annual income for a family within the
- 3370 county in which the housing is located.
- 3371 (33) "Incremental value" means a figure derived by multiplying the marginal value of
- 3372 the property located within a project area on which tax increment is collected by a number that
- 3373 represents the adjusted tax increment from that project area that is paid to the agency.
- 3374 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
- 3375 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- 3376 (35) (a) " Local government building" means a building owned and operated by a
- 3377 community for the primary purpose of providing one or more primary community functions,
- 3378 including:

- 3379 (i) a fire station;
- 3380 (ii) a police station;
- 3381 (iii) a city hall; or
- 3382 (iv) a court or other judicial building.
- 3383 (b) " Local government building" does not include a building the primary purpose of
- 3384 which is cultural or recreational in nature.
- 3385 (36) "Major transit investment corridor" means the same as that term is defined in
- 3386 Section 10-9a-103.
- 3387 (37) "Marginal value" means the difference between actual taxable value and base
- 3388 taxable value.
- 3389 (38) "Military installation project area" means a project area or a portion of a project
- 3390 area located within a federal military installation ordered closed by the federal Defense Base
- 3391 Realignment and Closure Commission.
- 3392 (39) "Municipality" means a city[;] or town[;] ~~or metro township as defined in Section~~
- 3393 ~~10-2a-403~~].
- 3394 (40) "Participant" means one or more persons that enter into a participation agreement
- 3395 with an agency.
- 3396 (41) "Participation agreement" means a written agreement between a person and an
- 3397 agency that:
- 3398 (a) includes a description of:
- 3399 (i) the project area development that the person will undertake;
- 3400 (ii) the amount of project area funds the person may receive; and
- 3401 (iii) the terms and conditions under which the person may receive project area funds;
- 3402 and
- 3403 (b) is approved by resolution of the board.
- 3404 (42) "Plan hearing" means the public hearing on a proposed project area plan required
- 3405 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
- 3406 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d)
- 3407 for a community development project area plan, or Subsection 17C-5-104(3)(e) for a
- 3408 community reinvestment project area plan.
- 3409 (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or

3410 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project  
3411 area plan's adoption.

3412 (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July  
3413 1, 1993, whether or not amended subsequent to the project area plan's adoption.

3414 (45) "Private," with respect to real property, means property not owned by a public  
3415 entity or any other governmental entity.

3416 (46) "Project area" means the geographic area described in a project area plan within  
3417 which the project area development described in the project area plan takes place or is  
3418 proposed to take place.

3419 (47) "Project area budget" means a multiyear projection of annual or cumulative  
3420 revenues and expenses and other fiscal matters pertaining to a project area prepared in  
3421 accordance with:

3422 (a) for an urban renewal project area, Section 17C-2-201;

3423 (b) for an economic development project area, Section 17C-3-201;

3424 (c) for a community development project area, Section 17C-4-204; or

3425 (d) for a community reinvestment project area, Section 17C-5-302.

3426 (48) "Project area development" means activity within a project area that, as  
3427 determined by the board, encourages, promotes, or provides development or redevelopment for  
3428 the purpose of implementing a project area plan, including:

3429 (a) promoting, creating, or retaining public or private jobs within the state or a  
3430 community;

3431 (b) providing office, manufacturing, warehousing, distribution, parking, or other  
3432 facilities or improvements;

3433 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or  
3434 remediating environmental issues;

3435 (d) providing residential, commercial, industrial, public, or other structures or spaces,  
3436 including recreational and other facilities incidental or appurtenant to the structures or spaces;

3437 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating  
3438 existing structures;

3439 (f) providing open space, including streets or other public grounds or space around  
3440 buildings;

3441 (g) providing public or private buildings, infrastructure, structures, or improvements;  
3442 (h) relocating a business;  
3443 (i) improving public or private recreation areas or other public grounds;  
3444 (j) eliminating a development impediment or the causes of a development impediment;  
3445 (k) redevelopment as defined under the law in effect before May 1, 2006; or  
3446 (l) any activity described in this Subsection (48) outside of a project area that the board  
3447 determines to be a benefit to the project area.

3448 (49) "Project area funds" means tax increment or sales and use tax revenue that an  
3449 agency receives under a project area budget adopted by a taxing entity committee or an  
3450 interlocal agreement.

3451 (50) "Project area funds collection period" means the period of time that:

3452 (a) begins the day on which the first payment of project area funds is distributed to an  
3453 agency under a project area budget approved by a taxing entity committee or an interlocal  
3454 agreement; and

3455 (b) ends the day on which the last payment of project area funds is distributed to an  
3456 agency under a project area budget approved by a taxing entity committee or an interlocal  
3457 agreement.

3458 (51) "Project area plan" means an urban renewal project area plan, an economic  
3459 development project area plan, a community development project area plan, or a community  
3460 reinvestment project area plan that, after the project area plan's effective date, guides and  
3461 controls the project area development.

3462 (52) (a) "Property tax" means each levy on an ad valorem basis on tangible or  
3463 intangible personal or real property.

3464 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege  
3465 Tax.

3466 (53) "Public entity" means:

3467 (a) the United States, including an agency of the United States;

3468 (b) the state, including any of the state's departments or agencies; or

3469 (c) a political subdivision of the state, including a county, municipality, school district,  
3470 special district, special service district, community reinvestment agency, or interlocal  
3471 cooperation entity.



3472 (54) "Publicly owned infrastructure and improvements" means water, sewer, storm  
3473 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,  
3474 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or  
3475 other facilities, infrastructure, and improvements benefitting the public and to be publicly  
3476 owned or publicly maintained or operated.

3477 (55) "Record property owner" or "record owner of property" means the owner of real  
3478 property, as shown on the records of the county in which the property is located, to whom the  
3479 property's tax notice is sent.

3480 (56) "Sales and use tax revenue" means revenue that is:

3481 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;  
3482 and

3483 (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.

3484 (57) "Superfund site":

3485 (a) means an area included in the National Priorities List under the Comprehensive  
3486 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

3487 (b) includes an area formerly included in the National Priorities List, as described in  
3488 Subsection (57)(a), but removed from the list following remediation that leaves on site the  
3489 waste that caused the area to be included in the National Priorities List.

3490 (58) "Survey area" means a geographic area designated for study by a survey area  
3491 resolution to determine whether:

3492 (a) one or more project areas within the survey area are feasible; or

3493 (b) a development impediment exists within the survey area.

3494 (59) "Survey area resolution" means a resolution adopted by a board that designates a  
3495 survey area.

3496 (60) "Taxable value" means:

3497 (a) the taxable value of all real property a county assessor assesses in accordance with  
3498 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

3499 (b) the taxable value of all real and personal property the commission assesses in  
3500 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

3501 (c) the year end taxable value of all personal property a county assessor assesses in  
3502 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's

3503 tax rolls of the taxing entity.

3504 (61) (a) "Tax increment" means the difference between:

3505 (i) the amount of property tax revenue generated each tax year by a taxing entity from  
3506 the area within a project area designated in the project area plan as the area from which tax  
3507 increment is to be collected, using the current assessed value of the property and each taxing  
3508 entity's current certified tax rate as defined in Section 59-2-924; and

3509 (ii) the amount of property tax revenue that would be generated from that same area  
3510 using the base taxable value of the property and each taxing entity's current certified tax rate as  
3511 defined in Section 59-2-924.

3512 (b) "Tax increment" does not include taxes levied and collected under Section  
3513 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

3514 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
3515 area plan was subsequently amended; and

3516 (ii) the taxes were pledged to support bond indebtedness or other contractual  
3517 obligations of the agency.

3518 (62) "Taxing entity" means a public entity that:

3519 (a) levies a tax on property located within a project area; or

3520 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

3521 (63) "Taxing entity committee" means a committee representing the interests of taxing  
3522 entities, created in accordance with Section 17C-1-402.

3523 (64) "Unincorporated" means not within a municipality.

3524 (65) "Urban renewal project area plan" means a project area plan adopted under  
3525 Chapter 2, Part 1, Urban Renewal Project Area Plan.

3526 Section 57. Section **18-1-1** is amended to read:

3527 **18-1-1. Liability and damages for dog injury -- Exceptions.**

3528 (1) (a) Except as provided in Subsections (2) and (3), a person who owns or keeps a  
3529 dog is liable for an injury caused by the dog, regardless of whether:

3530 (i) the dog is vicious or mischievous; or

3531 (ii) the owner knows the dog is vicious or mischievous.

3532 (b) Damages for an injury described in Subsection (1)(a) shall be determined in  
3533 accordance with Section 78B-5-818.

3534 (2) Neither the state nor any county, city, [~~metro township,~~] or town in the state nor any  
3535 peace officer employed by the state, a county, a city, [~~a metro township,~~] or a town [~~shall be~~] is  
3536 liable in damages for an injury caused by a dog, if:

3537 (a) the dog and the dog's law enforcement handler are trained to assist in law  
3538 enforcement and are certified according to the standards adopted in Title 53, Chapter 6, Part 4,  
3539 Law Enforcement Canine Team Certification Act;

3540 (b) the governmental agency has adopted a written policy on the necessary and  
3541 appropriate use of dogs in official law enforcement duties;

3542 (c) the actions of the dog's handler do not violate the agency's written policy; and

3543 (d) the injury occurs while the dog is reasonably and carefully being used in the  
3544 apprehension, arrest, or location of a suspected offender or in maintaining or controlling the  
3545 public order.

3546 (3) A person who owns or keeps a dog is not liable for an injury or death caused by the  
3547 dog if:

3548 (a) the injury or death is to another animal;

3549 (b) the injury or death occurs:

3550 (i) on the person's private property; and

3551 (ii) while the dog is reasonably secured within a fence or other enclosure; and

3552 (c) the animal described in Subsection (3)(a) entered the person's private property  
3553 without consent.

3554 Section 58. Section **19-5-108.5** is amended to read:

3555 **19-5-108.5. Storm water permits.**

3556 (1) As used in this section:

3557 (a) "Applicant" means a person who is conducting or proposing to conduct a use of  
3558 land and who a permittee requires or allows to use low impact development.

3559 (b) "Independent review" is a review conducted:

3560 (i) in accordance with this section; and

3561 (ii) by an engineer, or engineering firm, designated by the division as having technical  
3562 expertise in the area of storm water calculations.

3563 (c) "Low impact development" means structural or natural engineered systems located  
3564 close to the source of storm water that use or mimic natural processes to encourage infiltration,

3565 evapotranspiration, or reuse of the storm water.

3566 (d) "Permittee" means a municipality~~[-metro township,]~~ or county with a storm water  
3567 permit under the Utah Pollutant Discharge Elimination System.

3568 (e) "Storm water" means storm water runoff, snow melt runoff, and surface runoff and  
3569 drainage.

3570 (f) "Storm water permit" means a permit issued to a permittee by the division for the  
3571 permittee's municipal separate storm sewer system.

3572 (g) "Utah Pollutant Discharge Elimination System" means the state-wide program for  
3573 issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits  
3574 under this chapter.

3575 (2) A permittee shall reduce any requirement for an applicant to manage or control  
3576 storm water runoff rates or storm water runoff volumes for flood control purposes to account  
3577 for the reduction in storm water associated with approved low impact development practices.

3578 (3) The director shall create and maintain a list of engineers, including engineering  
3579 firms, capable of providing independent review of low impact development designs and storm  
3580 water calculations for use by an applicant and a permittee pursuant to an appeal described in  
3581 Subsection (4).

3582 (4) (a) An applicant who appeals a permittee's determination regarding  
3583 post-construction retention requirements under the permittee's storm water permit may request  
3584 the permittee to refer the appeal to independent review for purposes of determining the  
3585 technical aspects of the appeal, including:

3586 (i) the required size of any low impact development system;

3587 (ii) the calculations of reductions in storm water runoff rates or storm water runoff  
3588 volumes for flood control due to the use of low impact development; and

3589 (iii) the feasibility of constructing low impact development practices required by the  
3590 permittee.

3591 (b) If an applicant makes a request under Subsection (4)(a):

3592 (i) the permittee shall:

3593 (A) select an engineer or engineering firm from the list described in Subsection (3);

3594 and

3595 (B) pay one-half of the cost of the independent review.

3596 (ii) An engineer or engineering firm selected by the permittee under Subsection  
3597 (4)(b)(i) may not be:

3598 (A) associated with the application that is the subject of the appeal; or

3599 (B) employed by the permittee.

3600 (iii) The applicant shall pay:

3601 (A) one-half of the cost of the independent review; and

3602 (B) the municipality's published appeal fee.

3603 Section 59. Section **20A-1-102** is amended to read:

3604 **20A-1-102. Definitions.**

3605 As used in this title:

3606 (1) "Active voter" means a registered voter who has not been classified as an inactive  
3607 voter by the county clerk.

3608 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
3609 and counts votes recorded on ballots and tabulates the results.

3610 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
3611 storage medium, that records an individual voter's vote.

3612 (b) "Ballot" does not include a record to tally multiple votes.

3613 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
3614 on the ballot for their approval or rejection including:

3615 (a) an opinion question specifically authorized by the Legislature;

3616 (b) a constitutional amendment;

3617 (c) an initiative;

3618 (d) a referendum;

3619 (e) a bond proposition;

3620 (f) a judicial retention question;

3621 (g) an incorporation of a city or town; or

3622 (h) any other ballot question specifically authorized by the Legislature.

3623 (5) "Bind," "binding," or "bound" means securing more than one piece of paper  
3624 together using staples or another means in at least three places across the top of the paper in the  
3625 blank space reserved for securing the paper.

3626 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and

3627 20A-4-306 to canvass election returns.

3628 (7) "Bond election" means an election held for the purpose of approving or rejecting  
3629 the proposed issuance of bonds by a government entity.

3630 (8) "Business reply mail envelope" means an envelope that may be mailed free of  
3631 charge by the sender.

3632 (9) "Canvass" means the review of election returns and the official declaration of  
3633 election results by the board of canvassers.

3634 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
3635 the canvass.

3636 (11) "Contracting election officer" means an election officer who enters into a contract  
3637 or interlocal agreement with a provider election officer.

3638 (12) "Convention" means the political party convention at which party officers and  
3639 delegates are selected.

3640 (13) "Counting center" means one or more locations selected by the election officer in  
3641 charge of the election for the automatic counting of ballots.

3642 (14) "Counting judge" means a poll worker designated to count the ballots during  
3643 election day.

3644 (15) "Counting room" means a suitable and convenient private place or room for use  
3645 by the poll workers and counting judges to count ballots.

3646 (16) "County officers" means those county officers that are required by law to be  
3647 elected.

3648 (17) "Date of the election" or "election day" or "day of the election":

3649 (a) means the day that is specified in the calendar year as the day that the election  
3650 occurs; and

3651 (b) does not include:

3652 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
3653 voting; or

3654 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early  
3655 Voting.

3656 (18) "Elected official" means:

3657 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,

3658 Municipal Alternate Voting Methods Pilot Project;

3659 (b) a person who is considered to be elected to a municipal office in accordance with  
3660 Subsection 20A-1-206(1)(c)(ii); or

3661 (c) a person who is considered to be elected to a special district office in accordance  
3662 with Subsection 20A-1-206(3)(b)(ii).

3663 (19) "Election" means a regular general election, a municipal general election, a  
3664 statewide special election, a local special election, a regular primary election, a municipal  
3665 primary election, and a special district election.

3666 (20) "Election Assistance Commission" means the commission established by the Help  
3667 America Vote Act of 2002, Pub. L. No. 107-252.

3668 (21) "Election cycle" means the period beginning on the first day persons are eligible to  
3669 file declarations of candidacy and ending when the canvass is completed.

3670 (22) "Election judge" means a poll worker that is assigned to:

3671 (a) preside over other poll workers at a polling place;

3672 (b) act as the presiding election judge; or

3673 (c) serve as a canvassing judge, counting judge, or receiving judge.

3674 (23) "Election officer" means:

3675 (a) the lieutenant governor, for all statewide ballots and elections;

3676 (b) the county clerk for:

3677 (i) a county ballot and election; and

3678 (ii) a ballot and election as a provider election officer as provided in Section  
3679 20A-5-400.1 or 20A-5-400.5;

3680 (c) the municipal clerk for:

3681 (i) a municipal ballot and election; and

3682 (ii) a ballot and election as a provider election officer as provided in Section  
3683 20A-5-400.1 or 20A-5-400.5;

3684 (d) the special district clerk or chief executive officer for:

3685 (i) a special district ballot and election; and

3686 (ii) a ballot and election as a provider election officer as provided in Section  
3687 20A-5-400.1 or 20A-5-400.5; or

3688 (e) the business administrator or superintendent of a school district for:

- 3689 (i) a school district ballot and election; and  
3690 (ii) a ballot and election as a provider election officer as provided in Section  
3691 20A-5-400.1 or 20A-5-400.5.
- 3692 (24) "Election official" means any election officer, election judge, or poll worker.
- 3693 (25) "Election results" means:
- 3694 (a) for an election other than a bond election, the count of votes cast in the election and  
3695 the election returns requested by the board of canvassers; or
- 3696 (b) for bond elections, the count of those votes cast for and against the bond  
3697 proposition plus any or all of the election returns that the board of canvassers may request.
- 3698 (26) "Election returns" includes:
- 3699 (a) the pollbook, the military and overseas absentee voter registration and voting  
3700 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess  
3701 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes  
3702 cast form; and
- 3703 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a  
3704 ballot.
- 3705 (27) "Electronic signature" means an electronic sound, symbol, or process attached to  
3706 or logically associated with a record and executed or adopted by a person with the intent to sign  
3707 the record.
- 3708 (28) "Inactive voter" means a registered voter who is listed as inactive by a county  
3709 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- 3710 (29) "Judicial office" means the office filled by any judicial officer.
- 3711 (30) "Judicial officer" means any justice or judge of a court of record or any county  
3712 court judge.
- 3713 (31) "Local election" means a regular county election, a regular municipal election, a  
3714 municipal primary election, a local special election, a special district election, and a bond  
3715 election.
- 3716 (32) "Local political subdivision" means a county, a municipality, a special district, or  
3717 a local school district.
- 3718 (33) "Local special election" means a special election called by the governing body of a  
3719 local political subdivision in which all registered voters of the local political subdivision may



3720 vote.

3721 (34) "Manual ballot" means a paper document produced by an election officer on  
3722 which an individual records an individual's vote by directly placing a mark on the paper  
3723 document using a pen or other marking instrument.

3724 (35) "Mechanical ballot" means a record, including a paper record, electronic record, or  
3725 mechanical record, that:

3726 (a) is created via electronic or mechanical means; and

3727 (b) records an individual voter's vote cast via a method other than an individual directly  
3728 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

3729 (36) "Municipal executive" means:

3730 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

3731 or

3732 (b) the mayor in the council-manager form of government defined in Subsection

3733 [~~10-3b-103(7); or~~] 10-3b-103(6).

3734 [~~(c) the mayor of a metro township form of government defined in Section 10-3b-102.~~]

3735 (37) "Municipal general election" means the election held in municipalities and, as  
3736 applicable, special districts on the first Tuesday after the first Monday in November of each  
3737 odd-numbered year for the purposes established in Section 20A-1-202.

3738 (38) "Municipal legislative body" means[;]

3739 [~~(a)~~] the council of the city or town in any form of municipal government[; ~~or~~].

3740 [~~(b) the council of a metro township.~~]

3741 (39) "Municipal office" means an elective office in a municipality.

3742 (40) "Municipal officers" means those municipal officers that are required by law to be  
3743 elected.

3744 (41) "Municipal primary election" means an election held to nominate candidates for  
3745 municipal office.

3746 (42) "Municipality" means a city[;] or town[; ~~or metro township~~].

3747 (43) "Official ballot" means the ballots distributed by the election officer for voters to  
3748 record their votes.

3749 (44) "Official endorsement" means the information on the ballot that identifies:

3750 (a) the ballot as an official ballot;

- 3751 (b) the date of the election; and
- 3752 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
- 3753 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 3754 (ii) for a ballot prepared by a county clerk, the words required by Subsection
- 3755 20A-6-301(1)(b)(iii).
- 3756 (45) "Official register" means the official record furnished to election officials by the
- 3757 election officer that contains the information required by Section 20A-5-401.
- 3758 (46) "Political party" means an organization of registered voters that has qualified to
- 3759 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 3760 and Procedures.
- 3761 (47) (a) "Poll worker" means a person assigned by an election official to assist with an
- 3762 election, voting, or counting votes.
- 3763 (b) "Poll worker" includes election judges.
- 3764 (c) "Poll worker" does not include a watcher.
- 3765 (48) "Pollbook" means a record of the names of voters in the order that they appear to
- 3766 cast votes.
- 3767 (49) "Polling place" means a building where voting is conducted.
- 3768 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 3769 in which the voter marks the voter's choice.
- 3770 (51) "Presidential Primary Election" means the election established in Chapter 9, Part
- 3771 8, Presidential Primary Election.
- 3772 (52) "Primary convention" means the political party conventions held during the year
- 3773 of the regular general election.
- 3774 (53) "Protective counter" means a separate counter, which cannot be reset, that:
- 3775 (a) is built into a voting machine; and
- 3776 (b) records the total number of movements of the operating lever.
- 3777 (54) "Provider election officer" means an election officer who enters into a contract or
- 3778 interlocal agreement with a contracting election officer to conduct an election for the
- 3779 contracting election officer's local political subdivision in accordance with Section
- 3780 20A-5-400.1.
- 3781 (55) "Provisional ballot" means a ballot voted provisionally by a person:

- 3782 (a) whose name is not listed on the official register at the polling place;
- 3783 (b) whose legal right to vote is challenged as provided in this title; or
- 3784 (c) whose identity was not sufficiently established by a poll worker.
- 3785 (56) "Provisional ballot envelope" means an envelope printed in the form required by
- 3786 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
- 3787 verify a person's legal right to vote.
- 3788 (57) (a) "Public figure" means an individual who, due to the individual being
- 3789 considered for, holding, or having held a position of prominence in a public or private capacity,
- 3790 or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 3791 (b) "Public figure" does not include an individual:
- 3792 (i) elected to public office; or
- 3793 (ii) appointed to fill a vacancy in an elected public office.
- 3794 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
- 3795 duties of the position for which the individual was elected.
- 3796 (59) "Receiving judge" means the poll worker that checks the voter's name in the
- 3797 official register at a polling place and provides the voter with a ballot.
- 3798 (60) "Registration form" means a form by which an individual may register to vote
- 3799 under this title.
- 3800 (61) "Regular ballot" means a ballot that is not a provisional ballot.
- 3801 (62) "Regular general election" means the election held throughout the state on the first
- 3802 Tuesday after the first Monday in November of each even-numbered year for the purposes
- 3803 established in Section 20A-1-201.
- 3804 (63) "Regular primary election" means the election, held on the date specified in
- 3805 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
- 3806 local school board positions to advance to the regular general election.
- 3807 (64) "Resident" means a person who resides within a specific voting precinct in Utah.
- 3808 (65) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
- 3809 provided to a voter with a manual ballot:
- 3810 (a) into which the voter places the manual ballot after the voter has voted the manual
- 3811 ballot in order to preserve the secrecy of the voter's vote; and
- 3812 (b) that includes the voter affidavit and a place for the voter's signature.

3813 (66) "Sample ballot" means a mock ballot similar in form to the official ballot,  
3814 published as provided in Section 20A-5-405.

3815 (67) "Special district" means a local government entity under Title 17B, Limited  
3816 Purpose Local Government Entities - Special Districts, and includes a special service district  
3817 under Title 17D, Chapter 1, Special Service District Act.

3818 (68) "Special district officers" means those special district board members who are  
3819 required by law to be elected.

3820 (69) "Special election" means an election held as authorized by Section 20A-1-203.

3821 (70) "Spoiled ballot" means each ballot that:

3822 (a) is spoiled by the voter;

3823 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

3824 (c) lacks the official endorsement.

3825 (71) "Statewide special election" means a special election called by the governor or the  
3826 Legislature in which all registered voters in Utah may vote.

3827 (72) "Tabulation system" means a device or system designed for the sole purpose of  
3828 tabulating votes cast by voters at an election.

3829 (73) "Ticket" means a list of:

3830 (a) political parties;

3831 (b) candidates for an office; or

3832 (c) ballot propositions.

3833 (74) "Transfer case" means the sealed box used to transport voted ballots to the  
3834 counting center.

3835 (75) "Vacancy" means:

3836 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a  
3837 position created by state constitution or state statute, whether that absence occurs because of  
3838 death, disability, disqualification, resignation, or other cause; or

3839 (b) in relation to a candidate for a position created by state constitution or state statute,  
3840 the removal of a candidate due to the candidate's death, resignation, or disqualification.

3841 (76) "Valid voter identification" means:

3842 (a) a form of identification that bears the name and photograph of the voter which may  
3843 include:

- 3844 (i) a currently valid Utah driver license;
- 3845 (ii) a currently valid identification card that is issued by:
- 3846 (A) the state; or
- 3847 (B) a branch, department, or agency of the United States;
- 3848 (iii) a currently valid Utah permit to carry a concealed weapon;
- 3849 (iv) a currently valid United States passport; or
- 3850 (v) a currently valid United States military identification card;
- 3851 (b) one of the following identification cards, whether or not the card includes a
- 3852 photograph of the voter:
- 3853 (i) a valid tribal identification card;
- 3854 (ii) a Bureau of Indian Affairs card; or
- 3855 (iii) a tribal treaty card; or
- 3856 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 3857 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 3858 may include:
- 3859 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 3860 election;
- 3861 (ii) a bank or other financial account statement, or a legible copy thereof;
- 3862 (iii) a certified birth certificate;
- 3863 (iv) a valid social security card;
- 3864 (v) a check issued by the state or the federal government or a legible copy thereof;
- 3865 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 3866 (vii) a currently valid Utah hunting or fishing license;
- 3867 (viii) certified naturalization documentation;
- 3868 (ix) a currently valid license issued by an authorized agency of the United States;
- 3869 (x) a certified copy of court records showing the voter's adoption or name change;
- 3870 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 3871 (xii) a currently valid identification card issued by:
- 3872 (A) a local government within the state;
- 3873 (B) an employer for an employee; or
- 3874 (C) a college, university, technical school, or professional school located within the

3875 state; or

3876 (xiii) a current Utah vehicle registration.

3877 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in

3878 candidate by following the procedures and requirements of this title.

3879 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

3880 (a) mailing the ballot to the location designated in the mailing; or

3881 (b) depositing the ballot in a ballot drop box designated by the election officer.

3882 (79) "Voter" means an individual who:

3883 (a) meets the requirements for voting in an election;

3884 (b) meets the requirements of election registration;

3885 (c) is registered to vote; and

3886 (d) is listed in the official register book.

3887 (80) "Voter registration deadline" means the registration deadline provided in Section

3888 20A-2-102.5.

3889 (81) "Voting area" means the area within six feet of the voting booths, voting

3890 machines, and ballot box.

3891 (82) "Voting booth" means:

3892 (a) the space or compartment within a polling place that is provided for the preparation

3893 of ballots, including the voting enclosure or curtain; or

3894 (b) a voting device that is free standing.

3895 (83) "Voting device" means any device provided by an election officer for a voter to

3896 vote a mechanical ballot.

3897 (84) "Voting precinct" means the smallest geographical voting unit, established under

3898 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

3899 (85) "Watcher" means an individual who complies with the requirements described in

3900 Section 20A-3a-801 to become a watcher for an election.

3901 (86) "Write-in ballot" means a ballot containing any write-in votes.

3902 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on

3903 the ballot, in accordance with the procedures established in this title.

3904 Section 60. Section **20A-1-201.5** is amended to read:

3905 **20A-1-201.5. Primary election dates.**

3906 (1) The regular primary election shall be held throughout the state on the fourth  
3907 Tuesday of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or  
3908 20A-9-408, as applicable, to nominate persons for[:]

3909 [~~(a)~~] national, state, school board, and county offices[~~;~~ and].

3910 [~~(b)~~] offices for a metro township, city, or town incorporated under Section 10-2a-404.]

3911 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
3912 following the first Monday in August before the regular municipal election to nominate persons  
3913 for municipal offices.

3914 (3) A presidential primary election shall be held throughout the state on the first  
3915 Tuesday in March in the year in which a presidential election will be held.

3916 Section 61. Section **20A-1-203** is amended to read:

3917 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
3918 **limitations.**

3919 (1) Statewide and local special elections may be held for any purpose authorized by  
3920 law.

3921 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
3922 general elections.

3923 (b) Except as otherwise provided in this title, local special elections shall be conducted  
3924 using the procedures for regular municipal elections.

3925 (3) The governor may call a statewide special election by issuing an executive order  
3926 that designates:

3927 (a) the date for the statewide special election; and

3928 (b) the purpose for the statewide special election.

3929 (4) The Legislature may call a statewide special election by passing a joint or  
3930 concurrent resolution that designates:

3931 (a) the date for the statewide special election; and

3932 (b) the purpose for the statewide special election.

3933 (5) (a) The legislative body of a local political subdivision may call a local special  
3934 election only for:

3935 (i) a vote on a bond or debt issue;

3936 (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;

- 3937 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
- 3938 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- 3939 (v) if required or authorized by federal law, a vote to determine whether Utah's legal  
3940 boundaries should be changed;
- 3941 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- 3942 (vii) a vote to elect members to school district boards for a new school district and a  
3943 remaining school district, as defined in Section 53G-3-102, following the creation of a new  
3944 school district under Section 53G-3-302;
- 3945 (viii) a vote on a municipality providing cable television services or public  
3946 telecommunications services under Section 10-18-204;
- 3947 (ix) a vote to create a new county under Section 17-3-1;
- 3948 (x) a vote on a special property tax under Section 53F-8-402; or
- 3949 (xi) a vote on the incorporation of a municipality in accordance with Section  
3950 10-2a-210[~~;~~or].
- 3951 [~~(xii) a vote on incorporation or annexation as described in Section 10-2a-404.~~]
- 3952 (b) The legislative body of a local political subdivision may call a local special election  
3953 by adopting an ordinance or resolution that designates:
- 3954 (i) the date for the local special election as authorized by Section 20A-1-204; and
- 3955 (ii) the purpose for the local special election.
- 3956 (c) A local political subdivision may not call a local special election unless the  
3957 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
3958 two-thirds majority of all members of the legislative body, if the local special election is for:
- 3959 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 3960 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 3961 (iii) a vote authorized or required for a sales tax issue as described in Subsection  
3962 (5)(a)(vi).
- 3963 Section 62. Section **20A-1-306** is amended to read:
- 3964 **20A-1-306. Electronic signatures prohibited.**
- 3965 Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and  
3966 Subsections 68-3-12(1)(e) and [~~68-3-12.5(28) and (40)~~] 68-3-12.5(27) and (38), an electronic  
3967 signature may not be used to sign a petition to:



- 3968 (1) except as provided in Section 20A-21-201, qualify a ballot proposition for the  
3969 ballot under Chapter 7, Issues Submitted to the Voters;
- 3970 (2) organize and register a political party under Chapter 8, Political Party Formation  
3971 and Procedures; or
- 3972 (3) except as provided in Section 20A-21-201, qualify a candidate for the ballot under  
3973 Chapter 9, Candidate Qualifications and Nominating Procedures.
- 3974 Section 63. Section **20A-1-510** is amended to read:
- 3975 **20A-1-510. Midterm vacancies in municipal offices.**
- 3976 (1) (a) As used in this section:
- 3977 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined  
3978 in Section 20A-1-102.
- 3979 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 3980 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of  
3981 municipal executive or member of a municipal legislative body, the municipal legislative body  
3982 shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered  
3983 voter in the municipality who meets the qualifications for office described in Section 10-3-301  
3984 to fill the unexpired term of the vacated office.
- 3985 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 3986 (i) give public notice of the vacancy at least 14 calendar days before the day on which  
3987 the municipal legislative body meets to fill the vacancy;
- 3988 (ii) identify, in the notice:
- 3989 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 3990 (B) the person to whom an individual interested in being appointed to fill the vacancy  
3991 may submit the interested individual's name for consideration; and
- 3992 (C) the deadline for submitting an interested individual's name; and
- 3993 (iii) in an open meeting, interview each individual whose name is submitted for  
3994 consideration, and who meets the qualifications for office, regarding the individual's  
3995 qualifications.
- 3996 (d) (i) The municipal legislative body shall take an initial vote to fill the vacancy from  
3997 among the names of the candidates interviewed under Subsection (1)(c)(iii).
- 3998 (ii) (A) If no candidate receives a majority vote of the municipal legislative body in the

3999 initial vote described in Subsection (1)(d)(i), the two candidates that received the most votes in  
4000 the initial vote, as determined by the tie-breaking procedures described in Subsections  
4001 (1)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for  
4002 a second vote to fill the vacancy.

4003 (B) If the initial vote results in a tie for second place, the candidates tied for second  
4004 place shall be reduced to one by a coin toss conducted in accordance with Subsection  
4005 (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the  
4006 candidate that received the most votes in the initial vote and the candidate that wins the coin  
4007 toss described in this Subsection (1)(d)(ii)(B).

4008 (C) If the initial vote results in a tie among three or more candidates for first place, the  
4009 candidates tied for first place shall be reduced to two by a coin toss conducted in accordance  
4010 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall  
4011 be between the two candidates that remain after the coin toss described in this Subsection  
4012 (1)(d)(ii)(C).

4013 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the  
4014 municipal clerk or recorder in the presence of the municipal legislative body.

4015 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate  
4016 receives a majority vote of the municipal legislative body, the vacancy shall be determined by a  
4017 coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).

4018 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)  
4019 through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.

4020 (f) After receiving notice that a municipal legislative body has failed to timely comply  
4021 with Subsections (1)(b) through (d), the lieutenant governor shall:

4022 (i) notify the municipal legislative body of the violation; and

4023 (ii) direct the municipal legislative body to, within 30 calendar days after the day on  
4024 which the lieutenant governor provides the notice described in this Subsection (1)(f), appoint  
4025 an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).

4026 (g) If the municipality fails to timely comply with a directive described in Subsection  
4027 (1)(f):

4028 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill  
4029 the vacancy; and

4030 (ii) the governor shall, within 45 days after the day on which the governor receives the  
4031 notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the  
4032 vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.

4033 (2) (a) A vacancy in the office of municipal executive or member of a municipal  
4034 legislative body shall be filled by an interim appointment, followed by an election to fill a  
4035 two-year term, if:

4036 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive  
4037 at least 14 days before the deadline for filing for election in an odd-numbered year; and

4038 (ii) two years of the vacated term will remain after the first Monday of January  
4039 following the next municipal election.

4040 (b) In appointing an interim replacement, the municipal legislative body shall:

4041 (i) comply with the notice requirements of this section; and

4042 (ii) in an open meeting, interview each individual whose name is submitted for  
4043 consideration, and who meets the qualifications for office, regarding the individual's  
4044 qualifications.

4045 (3) (a) In a municipality operating under the council-mayor form of government, as  
4046 defined in Section 10-3b-102:

4047 (i) the council may appoint an individual to fill a vacancy in the office of mayor before  
4048 the effective date of the mayor's resignation by making the effective date of the appointment  
4049 the same as the effective date of the mayor's resignation; and

4050 (ii) if a vacancy in the office of mayor occurs before the effective date of an  
4051 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council members, by  
4052 majority vote, shall appoint a council member to serve as acting mayor during the time between  
4053 the creation of the vacancy and the effective date of the appointment to fill the vacancy.

4054 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:

4055 (i) act as a council member; and

4056 (ii) vote at council meetings.

4057 (4) (a) (i) For a vacancy of a member of a municipal legislative body as described in  
4058 this section, the municipal legislative body member whose resignation creates the vacancy on  
4059 the municipal legislative body may:

4060 (A) interview an individual whose name is submitted for consideration under

4061 Subsection (1)(c)(iii) or (2)(b)(ii); and

4062 (B) vote on the appointment of an individual to fill the vacancy.

4063 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is  
4064 removed from office in accordance with state law may not cast a vote under Subsection  
4065 (4)(a)(i).

4066 (b) A member of a municipal legislative body who submits his or her resignation to the  
4067 municipal legislative body may not rescind the resignation.

4068 (c) A member of a municipal legislative body may not vote on an appointment under  
4069 this section for himself or herself to fill a vacancy in the municipal legislative body.

4070 (5) In a municipality operating under the six-member council form of government or  
4071 the council-manager form of government, defined in Subsection [~~10-3b-103(7)~~] 10-3b-103(6),  
4072 if the voting members of the city council reach a tie vote on a matter of filling a vacancy, the  
4073 mayor may vote to break the tie.

4074 (6) In a municipality operating under the council-mayor form of government, the  
4075 mayor may not:

4076 (a) participate in the vote to fill a vacancy;

4077 (b) veto a decision of the council to fill a vacancy; or

4078 (c) vote in the case of a tie.

4079 (7) A mayor whose resignation from the municipal legislative body is due to election  
4080 or appointment as mayor may, in the case of a tie, participate in the vote under this section.

4081 (8) A municipal legislative body may, consistent with the provisions of state law, adopt  
4082 procedures governing the appointment, interview, and voting process for filling vacancies in  
4083 municipal offices.

4084 Section 64. Section **20A-5-301** is amended to read:

4085 **20A-5-301. Combined voting precincts -- Municipalities.**

4086 (1) (a) The municipal legislative body of a city of the first or second class may combine  
4087 up to four regular county voting precincts into one municipal voting precinct for purposes of a  
4088 municipal election if they designate the location and address of each of those combined voting  
4089 precincts.

4090 (b) The polling place shall be within the combined voting precinct or within 1/2 mile  
4091 of the boundaries of the voting precinct.

4092 (2) (a) The municipal legislative body of a city of the third, fourth, or fifth class[;] or a  
4093 town[; ~~or a metro township~~] may combine two or more regular county voting precincts into one  
4094 municipal voting precinct for purposes of an election if it designates the location and address of  
4095 that combined voting precinct.

4096 (b) If only two precincts are combined, the polling place shall be within the combined  
4097 precinct or within 1/2 mile of the boundaries of the combined voting precinct.

4098 (c) If more than two precincts are combined, the polling place should be as near as  
4099 practical to the middle of the combined precinct.

4100 Section 65. Section **20A-6-401** is amended to read:

4101 **20A-6-401. Ballots for municipal primary elections.**

4102 (1) Each election officer shall ensure that:

4103 (a) the following endorsements are printed in 18 point bold type:

4104 (i) "Official Primary Ballot for \_\_\_\_ (City[;] or Town[; ~~or Metro Township~~]), Utah";

4105 (ii) the date of the election; and

4106 (iii) a facsimile of the signature of the election officer and the election officer's title in  
4107 eight point type;

4108 (b) immediately below the election officer's title, two one-point parallel horizontal  
4109 rules separate endorsements from the rest of the ballot;

4110 (c) immediately below the horizontal rules, an "Instructions to Voters" section is  
4111 printed in 10 point bold type that states: "To vote for a candidate, mark the space following the  
4112 name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by  
4113 two one-point parallel rules;

4114 (d) after the rules, the designation of the office for which the candidates seek  
4115 nomination is printed and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
4116 candidates for which the voter may vote)" are printed in 10-point bold type, followed by a  
4117 hair-line rule;

4118 (e) after the hair-line rule, the names of the candidates are printed in heavy face type  
4119 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305  
4120 with surnames last and grouped according to the office that they seek;

4121 (f) a square with sides not less than one-fourth inch long is printed immediately  
4122 adjacent to the names of the candidates; and

4123 (g) the candidate groups are separated from each other by one light and one heavy line  
4124 or rule.

4125 (2) A municipal primary ballot may not contain any space for write-in votes.

4126 Section 66. Section **20A-6-402** is amended to read:

4127 **20A-6-402. Ballots for municipal general elections.**

4128 (1) Except as otherwise required for a race conducted by instant runoff voting under  
4129 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual  
4130 ballot at a municipal general election, an election officer shall ensure that:

4131 (a) the names of the two candidates who received the highest number of votes for  
4132 mayor in the municipal primary are placed upon the ballot;

4133 (b) if no municipal primary election was held, the names of the candidates who filed  
4134 declarations of candidacy for municipal offices are placed upon the ballot;

4135 (c) for other offices:

4136 (i) twice the number of candidates as there are positions to be filled are certified as  
4137 eligible for election in the municipal general election from those candidates who received the  
4138 greater number of votes in the primary election; and

4139 (ii) the names of those candidates are placed upon the municipal general election  
4140 ballot;

4141 (d) the names of the candidates are placed on the ballot in the order specified under  
4142 Section 20A-6-305;

4143 (e) in an election in which a voter is authorized to cast a write-in vote and where a  
4144 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the  
4145 ballot that contains, for each office in which there is a qualified write-in candidate:

4146 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

4147 (ii) a square or other conforming area that is adjacent to or opposite the blank  
4148 horizontal line to enable the voter to indicate the voter's vote;

4149 (f) ballot propositions that have qualified for the ballot, including propositions  
4150 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are  
4151 listed on the ballot in accordance with Section 20A-6-107; and

4152 (g) bond propositions that have qualified for the ballot are listed on the ballot under the  
4153 title assigned to each bond proposition under Section 11-14-206.

4154 (2) Except as otherwise required for a race conducted by instant runoff voting under  
4155 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a  
4156 mechanical ballot at municipal general elections, each election officer shall ensure that:

4157 (a) the following endorsements are displayed on the first portion of the ballot:

4158 (i) "Official Ballot for \_\_\_\_ (City[;] or Town[; ~~or Metro-Township~~]), Utah";

4159 (ii) the date of the election; and

4160 (iii) a facsimile of the signature of the election officer and the election officer's title;

4161 (b) immediately below the election officer's title, a distinct border or line separates the  
4162 endorsements from the rest of the ballot;

4163 (c) immediately below the border or line, an "Instructions to Voters" section is  
4164 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
4165 the candidate(s) for each respective office." followed by another border or line;

4166 (d) after the border or line, the designation of the office for which the candidates seek  
4167 election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
4168 candidates for which the voter may vote)" are displayed, followed by a line or border;

4169 (e) after the line or border, the names of the candidates are displayed in the order  
4170 specified under Section 20A-6-305 with surnames last and grouped according to the office that  
4171 they seek;

4172 (f) a voting square or position is located adjacent to the name of each candidate;

4173 (g) following the name of the last candidate for each office in which a write-in  
4174 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the  
4175 voter may enter the name of and vote for a valid write-in candidate for the office; and

4176 (h) the candidate groups are separated from each other by a line or border.

4177 (3) When a municipality has chosen to nominate candidates by convention or  
4178 committee, the election officer shall ensure that the party name is included with the candidate's  
4179 name on the ballot.

4180 Section 67. Section **20A-7-101** is amended to read:

4181 **20A-7-101. Definitions.**

4182 As used in this chapter:

4183 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to  
4184 gather signatures for the electronic initiative process, the electronic referendum process, or the

4185 electronic candidate qualification process.

4186 (2) "Budget officer" means:

4187 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;

4188 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); or

4189 (c) for a town, the town council~~[; or]~~.

4190 [~~(d) for a metro township, the person described in Subsection (2)(a) for the county in~~  
4191 ~~which the metro township is located.]~~

4192 (3) "Certified" means that the county clerk has acknowledged a signature as being the  
4193 signature of a registered voter.

4194 (4) "Circulation" means the process of submitting an initiative petition or a referendum  
4195 petition to legal voters for their signature.

4196 (5) "Electronic initiative process" means:

4197 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215  
4198 and 20A-21-201, for gathering signatures; or

4199 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and  
4200 20A-21-201, for gathering signatures.

4201 (6) "Electronic referendum process" means:

4202 (a) as it relates to a statewide referendum, the process, described in Sections  
4203 20A-7-313 and 20A-21-201, for gathering signatures; or

4204 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and  
4205 20A-21-201, for gathering signatures.

4206 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
4207 city, or town that is holding an election on a ballot proposition.

4208 (8) "Final fiscal impact statement" means a financial statement prepared after voters  
4209 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or  
4210 20A-7-502.5(2).

4211 (9) "Initial fiscal impact statement" means

4212 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide  
4213 initiative application.

4214 (10) "Initial fiscal impact and legal statement" means a financial and legal statement  
4215 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local



4216 referendum.

4217 (11) "Initiative" means a new law proposed for adoption by the public as provided in  
4218 this chapter.

4219 (12) "Initiative application" means:

4220 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that  
4221 includes all the information, statements, documents, and notarized signatures required under  
4222 Subsection 20A-7-202(2); or

4223 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that  
4224 includes all the information, statements, documents, and notarized signatures required under  
4225 Subsection 20A-7-502(2).

4226 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
4227 law, and the signature sheets, all of which have been bound together as a unit.

4228 (14) "Initiative petition":

4229 (a) as it relates to a statewide initiative, using the manual initiative process:

4230 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for  
4231 submission of the initiative to the Legislature or the legal voters; and

4232 (ii) if the initiative proposes a tax increase, includes the statement described in  
4233 Subsection 20A-7-203(2)(b);

4234 (b) as it relates to a statewide initiative, using the electronic initiative process:

4235 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for  
4236 submission of the initiative to the Legislature or the legal voters; and

4237 (ii) if the initiative proposes a tax increase, includes the statement described in  
4238 Subsection 20A-7-215(5)(b);

4239 (c) as it relates to a local initiative, using the manual initiative process:

4240 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for  
4241 submission of the initiative to the legislative body or the legal voters; and

4242 (ii) if the initiative proposes a tax increase, includes the statement described in  
4243 Subsection 20A-7-503(2)(b); or

4244 (d) as it relates to a local initiative, using the electronic initiative process:

4245 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for  
4246 submission of the initiative to the legislative body or the legal voters; and

4247 (ii) if the initiative proposes a tax increase, includes the statement described in  
4248 Subsection 20A-7-514(4)(a).

4249 (15) (a) "Land use law" means a law of general applicability, enacted based on the  
4250 weighing of broad, competing policy considerations, that relates to the use of land, including  
4251 land use regulation, a general plan, a land use development code, an annexation ordinance, the  
4252 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or  
4253 resolution.

4254 (b) "Land use law" does not include a land use decision, as defined in Section  
4255 10-9a-103 or 17-27a-103.

4256 (16) "Legal signatures" means the number of signatures of legal voters that:

4257 (a) meet the numerical requirements of this chapter; and

4258 (b) have been obtained, certified, and verified as provided in this chapter.

4259 (17) "Legal voter" means an individual who is registered to vote in Utah.

4260 (18) "Legally referable to voters" means:

4261 (a) for a proposed local initiative, that the proposed local initiative is legally referable  
4262 to voters under Section 20A-7-502.7; or

4263 (b) for a proposed local referendum, that the proposed local referendum is legally  
4264 referable to voters under Section 20A-7-602.7.

4265 (19) "Local attorney" means the county attorney, city attorney, or town attorney in  
4266 whose jurisdiction a local initiative or referendum petition is circulated.

4267 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
4268 jurisdiction a local initiative or referendum petition is circulated.

4269 (21) (a) "Local law" includes:

4270 (i) an ordinance;

4271 (ii) a resolution;

4272 (iii) a land use law;

4273 (iv) a land use regulation, as defined in Section 10-9a-103; or

4274 (v) other legislative action of a local legislative body.

4275 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

4276 (22) "Local legislative body" means the legislative body of a county, city, or town ~~or~~  
4277 ~~metro township~~].

4278 (23) "Local obligation law" means a local law passed by the local legislative body  
4279 regarding a bond that was approved by a majority of qualified voters in an election.

4280 (24) "Local tax law" means a law, passed by a political subdivision with an annual or  
4281 biannual calendar fiscal year, that increases a tax or imposes a new tax.

4282 (25) "Manual initiative process" means the process for gathering signatures for an  
4283 initiative using paper signature packets that a signer physically signs.

4284 (26) "Manual referendum process" means the process for gathering signatures for a  
4285 referendum using paper signature packets that a signer physically signs.

4286 (27) "Measure" means a proposed constitutional amendment, an initiative, or  
4287 referendum.

4288 (28) "Referendum" means a process by which a law passed by the Legislature or by a  
4289 local legislative body is submitted or referred to the voters for their approval or rejection.

4290 (29) "Referendum application" means:

4291 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)  
4292 that includes all the information, statements, documents, and notarized signatures required  
4293 under Subsection 20A-7-302(2); or

4294 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that  
4295 includes all the information, statements, documents, and notarized signatures required under  
4296 Subsection 20A-7-602(2).

4297 (30) "Referendum packet" means a copy of the referendum petition, a copy of the law  
4298 being submitted or referred to the voters for their approval or rejection, and the signature  
4299 sheets, all of which have been bound together as a unit.

4300 (31) "Referendum petition" means:

4301 (a) as it relates to a statewide referendum, using the manual referendum process, the  
4302 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by  
4303 the Legislature to legal voters for their approval or rejection;

4304 (b) as it relates to a statewide referendum, using the electronic referendum process, the  
4305 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the  
4306 Legislature to legal voters for their approval or rejection;

4307 (c) as it relates to a local referendum, using the manual referendum process, the form  
4308 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal

4309 voters for their approval or rejection; or  
4310 (d) as it relates to a local referendum, using the electronic referendum process, the form  
4311 described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters  
4312 for their approval or rejection.

4313 (32) "Signature":  
4314 (a) for a statewide initiative:  
4315 (i) as it relates to the electronic initiative process, means an electronic signature  
4316 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or  
4317 (ii) as it relates to the manual initiative process:  
4318 (A) means a holographic signature collected physically on a signature sheet described  
4319 in Section 20A-7-203; and  
4320 (B) does not include an electronic signature;  
4321 (b) for a statewide referendum:  
4322 (i) as it relates to the electronic referendum process, means an electronic signature  
4323 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or  
4324 (ii) as it relates to the manual referendum process:  
4325 (A) means a holographic signature collected physically on a signature sheet described  
4326 in Section 20A-7-303; and  
4327 (B) does not include an electronic signature;  
4328 (c) for a local initiative:  
4329 (i) as it relates to the electronic initiative process, means an electronic signature  
4330 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or  
4331 (ii) as it relates to the manual initiative process:  
4332 (A) means a holographic signature collected physically on a signature sheet described  
4333 in Section 20A-7-503; and  
4334 (B) does not include an electronic signature; or  
4335 (d) for a local referendum:  
4336 (i) as it relates to the electronic referendum process, means an electronic signature  
4337 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or  
4338 (ii) as it relates to the manual referendum process:  
4339 (A) means a holographic signature collected physically on a signature sheet described

4340 in Section 20A-7-603; and

4341 (B) does not include an electronic signature.

4342 (33) "Signature sheets" means sheets in the form required by this chapter that are used  
4343 under the manual initiative process or the manual referendum process to collect signatures in  
4344 support of an initiative or referendum.

4345 (34) "Special local ballot proposition" means a local ballot proposition that is not a  
4346 standard local ballot proposition.

4347 (35) "Sponsors" means the legal voters who support the initiative or referendum and  
4348 who sign the initiative application or referendum application.

4349 (36) (a) "Standard local ballot proposition" means a local ballot proposition for an  
4350 initiative or a referendum.

4351 (b) "Standard local ballot proposition" does not include a property tax referendum  
4352 described in Section 20A-7-613.

4353 (37) "Tax percentage difference" means the difference between the tax rate proposed  
4354 by an initiative or an initiative petition and the current tax rate.

4355 (38) "Tax percentage increase" means a number calculated by dividing the tax  
4356 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

4357 (39) "Verified" means acknowledged by the person circulating the petition as required  
4358 in Section 20A-7-105.

4359 Section 68. Section **20A-7-401.3** is amended to read:

4360 **20A-7-401.3. Voter participation areas.**

4361 (1) (a) Except as provided in Subsection (2):

4362 (i) [~~a metro township with a population of 65,000 or more;~~] a city of the first or second  
4363 class[;] or a county of the first or second class shall, no later than January 1, 2020, again on  
4364 January 1, 2022, and January 1 each 10 years after 2022, divide the [~~metro township;~~] city[;] or  
4365 county into eight contiguous and compact voter participation areas of substantially equal  
4366 population; and

4367 (ii) [~~a metro township with a population of 10,000 or more;~~] a city of the third or fourth  
4368 class[;] or a county of the third or fourth class shall, no later than January 1, 2020, again on  
4369 January 1, 2022, and January 1 each 10 years after 2022, divide the [~~metro township;~~] city[;] or  
4370 county into four contiguous and compact voter participation areas of substantially equal

4371 population.

4372 (b) A [~~metro township,~~] city[;] or county shall use the voter participation areas  
4373 described in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and  
4374 20A-7-601.

4375 (2) (a) This section does not apply to [~~a metro township with a population of less than~~  
4376 ~~10,000,~~] a county of the fifth or sixth class, a city of the fifth class, or a town.

4377 (b) A [~~metro township,~~] city[;] or county that has established council districts that are  
4378 not at-large districts may, regardless of the number of council districts that are not at-large  
4379 districts, use the council districts as voter participation areas under this section.

4380 Section 69. Section **20A-7-501** is amended to read:

4381 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

4382 (1) As used in this section:

4383 (a) "Number of active voters" means the number of active voters in the county, city, or  
4384 town on the immediately preceding January 1.

4385 (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)  
4386 or (2)(b).

4387 (2) An eligible voter seeking to have an initiative submitted to a local legislative body  
4388 or to a vote of the people for approval or rejection shall, after filing an initiative application,  
4389 obtain legal signatures equal to:

4390 (a) for a county of the first class:

4391 (i) 7.75% of the number of active voters in the county; and

4392 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%  
4393 of the county's voter participation areas;

4394 (b) for [~~a metro township with a population of 100,000 or more, or~~] a city of the first  
4395 class:

4396 (i) 7.5% of the number of active voters in the [~~metro township or~~] city; and

4397 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%  
4398 of the [~~metro township's or~~] city's voter participation areas;

4399 (c) for a county of the second class:

4400 (i) 8% of the number of active voters in the county; and

4401 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of

4402 the county's voter participation areas;

4403 (d) for [~~a metro township with a population of 65,000 or more but less than 100,000;~~  
4404 ~~or~~] a city of the second class:

4405 (i) 8.25% of the number of active voters in the [~~metro township or~~] city; and

4406 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%  
4407 of the [~~metro township's or~~] city's voter participation areas;

4408 (e) for a county of the third class:

4409 (i) 9.5% of the number of active voters in the county; and

4410 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%  
4411 of the county's voter participation areas;

4412 (f) for [~~a metro township with a population of 30,000 or more but less than 65,000, or~~]  
4413 a city of the third class:

4414 (i) 10% of the number of active voters in the [~~metro township or~~] city; and

4415 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%  
4416 of the [~~metro township's or~~] city's voter participation areas;

4417 (g) for a county of the fourth class:

4418 (i) 11.5% of the number of active voters in the county; and

4419 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
4420 of the county's voter participation areas;

4421 (h) for [~~a metro township with a population of 10,000 or more but less than 30,000, or~~]  
4422 a city of the fourth class:

4423 (i) 11.5% of the number of active voters in the [~~metro township or~~] city; and

4424 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
4425 of the [~~metro township's or~~] city's voter participation areas;

4426 (i) for [~~a metro township with a population of 1,000 or more but less than 10,000;~~] a  
4427 city of the fifth class[;] or a county of the fifth class, 25% of the number of active voters in the  
4428 [~~metro township;~~] city[;] or county; or

4429 (j) for [~~a metro township with a population of less than 1,000;~~] a town[;] or a county of  
4430 the sixth class, 35% of the number of active voters in the [~~metro township;~~] town[;] or county.

4431 (3) If the total number of certified signatures collected for the initiative petition equals  
4432 or exceeds the number of signatures required by this section, the clerk or recorder shall deliver

4433 the proposed law to the local legislative body at the local legislative body's next meeting.

4434 (4) (a) The local legislative body shall either adopt or reject the proposed law without  
4435 change or amendment within 30 days after the day on which the local legislative body receives  
4436 the proposed law under Subsection (3).

4437 (b) The local legislative body may:

4438 (i) adopt the proposed law and refer the proposed law to the people;

4439 (ii) adopt the proposed law without referring the proposed law to the people; or

4440 (iii) reject the proposed law.

4441 (c) If the local legislative body adopts the proposed law but does not refer the proposed  
4442 law to the people, the proposed law is subject to referendum as with other local laws.

4443 (d) (i) If a county legislative body rejects a proposed law, or takes no action on a  
4444 proposed law, the county clerk shall submit the proposed law to the voters of the county at the  
4445 next regular general election immediately after the initiative application for the proposed law is  
4446 filed under Section 20A-7-502.

4447 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no  
4448 action on a proposed law, the municipal recorder or clerk shall submit the proposed law to the  
4449 voters of the municipality at the next municipal general election immediately after the initiative  
4450 application is filed under Section 20A-7-502.

4451 (e) (i) If a local legislative body rejects a proposed law, or takes no action on a  
4452 proposed law, the local legislative body may adopt a competing local law.

4453 (ii) The local legislative body shall prepare and adopt the competing local law within  
4454 the 30-day period described in Subsection (4)(a).

4455 (iii) If a local legislative body adopts a competing local law, the clerk or recorder shall  
4456 refer the competing local law to the voters of the county or municipality at the same election at  
4457 which the law proposed by initiative is submitted under Subsection (4)(d).

4458 (f) If conflicting local laws are submitted to the people at the same election and two or  
4459 more of the conflicting measures are approved by the people, the proposed law that receives the  
4460 greatest number of affirmative votes shall control all conflicts.

4461 Section 70. Section **20A-7-502.7** is amended to read:

4462 **20A-7-502.7. Referability to voters.**

4463 (1) Within 20 days after the day on which an eligible voter files an initiative



4464 application under Section 20A-7-502, counsel for the county, city, or town~~[-or metro~~  
4465 ~~township]~~ to which the initiative pertains shall:

4466 (a) review the proposed law that is the subject of the initiative application to determine  
4467 whether the law is legally referable to voters; and

4468 (b) notify the first three sponsors, in writing, whether the proposed law is:

4469 (i) legally referable to voters; or

4470 (ii) rejected as not legally referable to voters.

4471 (2) A proposed law that is the subject of an initiative application is legally referable to  
4472 voters unless:

4473 (a) the proposed law:

4474 (i) is patently unconstitutional;

4475 (ii) is nonsensical;

4476 (iii) is administrative, rather than legislative, in nature;

4477 (iv) could not become law if passed;

4478 (v) contains more than one subject as evaluated in accordance with Subsection  
4479 20A-7-502(3); or

4480 (b) is identical or substantially similar to a legally referable proposed law sought by an  
4481 initiative application submitted to the local clerk, under Section 20A-7-502, within two years  
4482 before the day on which the initiative application for the current proposed law is filed;

4483 (c) the subject of the proposed law is not clearly expressed in the law's title; or

4484 (d) the initiative application was not timely filed or does not comply with the  
4485 requirements of this part.

4486 (3) After the end of the 20-day period described in Subsection (1), a county, city, or  
4487 town~~[-or metro township]~~ may not:

4488 (a) reject a proposed initiative as not legally referable to voters; or

4489 (b) bring a legal action, other than to appeal a court decision, challenging a proposed  
4490 initiative on the grounds that the proposed initiative is not legally referable to voters.

4491 (4) If a county, city, or town~~[-or metro township]~~ rejects a proposed initiative, a  
4492 sponsor of the proposed initiative may, within 10 days after the day on which a sponsor is  
4493 notified under Subsection (1)(b), appeal the decision to:

4494 (a) district court; or

4495 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

4496 (5) If, on appeal, the court determines that the law proposed by the initiative  
4497 application is legally referable to voters, the local clerk shall comply with Subsection  
4498 20A-7-504(3), or give the sponsors access to the website defined in Section 20A-21-101,  
4499 within five days after the day on which the determination, and any appeal of the determination,  
4500 is final.

4501 Section 71. Section **20A-7-504** is amended to read:

4502 **20A-7-504. Manual initiative process -- Circulation requirements -- Local clerk to**  
4503 **provide sponsors with materials.**

4504 (1) This section applies only to the manual initiative process.

4505 (2) In order to obtain the necessary number of signatures required by this part, the  
4506 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described  
4507 in Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form  
4508 requirements of this part.

4509 (3) Within five days after the day on which a county, city, town, [~~metro township,~~] or  
4510 court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative  
4511 petition is legally referable to voters, the local clerk shall provide to the sponsors:

4512 (a) a copy of the initiative petition; and

4513 (b) a signature sheet.

4514 (4) The sponsors of the initiative shall:

4515 (a) arrange and pay for the printing of all documents that are part of the initiative  
4516 packets; and

4517 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)  
4518 meet the requirements of this part.

4519 (5) (a) The sponsors or an agent of the sponsors may prepare the initiative packets for  
4520 circulation by creating multiple initiative packets.

4521 (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a  
4522 copy of the initiative petition with the text of the proposed law and no more than 50 signature  
4523 sheets together at the top in a manner that the initiative packets may be conveniently opened for  
4524 signing.

4525 (c) An initiative packet is not required to have a uniform number of signature sheets.

4526 (d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a  
4527 copy of the proposition information pamphlet provided to the sponsors under Subsection  
4528 20A-7-401.5(4)(b).

4529 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

4530 (i) contact the county clerk to receive a range of numbers that the sponsors may use to  
4531 number initiative packets; and

4532 (ii) number each initiative packet, sequentially, within the range of numbers provided  
4533 by the county clerk, starting with the lowest number in the range.

4534 (b) The sponsors or an agent of the sponsors may not:

4535 (i) number an initiative packet in a manner not directed by the county clerk; or

4536 (ii) circulate or submit an initiative packet that is not numbered in the manner directed  
4537 by the county clerk.

4538 (c) The county clerk shall keep a record of the number range provided under  
4539 Subsection (6)(a).

4540 Section 72. Section **20A-7-601** is amended to read:

4541 **20A-7-601. Referenda -- General signature requirements -- Signature**  
4542 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
4543 **Time requirements.**

4544 (1) As used in this section:

4545 (a) "Number of active voters" means the number of active voters in the county, city, or  
4546 town on the immediately preceding January 1.

4547 (b) "Qualifying county" means a county that has created a small public transit district,  
4548 as defined in Section 17B-2a-802, on or before January 1, 2022.

4549 (c) "Qualifying transit area" means:

4550 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with  
4551 jurisdiction over the station area has satisfied the requirements of Subsection  
4552 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under  
4553 Subsection 10-9a-403.1(2); or

4554 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created  
4555 within a qualifying county.

4556 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the

4557 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

4558 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a  
4559 local legislative body that imposes a tax or other payment obligation on property in an area that  
4560 does not include all precincts and subprecincts under the jurisdiction of the county, city, or  
4561 town ~~[, or metro township]~~.

4562 (ii) "Subjurisdictional law" does not include a land use law.

4563 (f) "Transit area land use law" means a land use law that relates to the use of land  
4564 within a qualifying transit area.

4565 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)  
4566 or (2)(b).

4567 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have  
4568 a local law passed by the local legislative body submitted to a vote of the people shall, after  
4569 filing a referendum application, obtain legal signatures equal to:

4570 (a) for a county of the first class:

4571 (i) 7.75% of the number of active voters in the county; and

4572 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%  
4573 of the county's voter participation areas;

4574 (b) for ~~[a metro township with a population of 100,000 or more, or]~~ a city of the first  
4575 class:

4576 (i) 7.5% of the number of active voters in the ~~[metro township or]~~ city; and

4577 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%  
4578 of the ~~[metro township's or]~~ city's voter participation areas;

4579 (c) for a county of the second class:

4580 (i) 8% of the number of active voters in the county; and

4581 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of  
4582 the county's voter participation areas;

4583 (d) for ~~[a metro township with a population of 65,000 or more but less than 100,000,~~  
4584 ~~or]~~ a city of the second class:

4585 (i) 8.25% of the number of active voters in the ~~[metro township or]~~ city; and

4586 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%  
4587 of the ~~[metro township's or]~~ city's voter participation areas;

- 4588 (e) for a county of the third class:
- 4589 (i) 9.5% of the number of active voters in the county; and
- 4590 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 4591 of the county's voter participation areas;
- 4592 (f) for [~~a metro township with a population of 30,000 or more but less than 65,000, or~~]
- 4593 a city of the third class:
- 4594 (i) 10% of the number of active voters in the [~~metro township or~~] city; and
- 4595 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 4596 of the [~~metro township's or~~] city's voter participation areas;
- 4597 (g) for a county of the fourth class:
- 4598 (i) 11.5% of the number of active voters in the county; and
- 4599 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
- 4600 of the county's voter participation areas;
- 4601 (h) for [~~a metro township with a population of 10,000 or more but less than 30,000, or~~]
- 4602 a city of the fourth class:
- 4603 (i) 11.5% of the number of active voters in the [~~metro township or~~] city; and
- 4604 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
- 4605 of the [~~metro township's or~~] city's voter participation areas;
- 4606 (i) for [~~a metro township with a population of 1,000 or more but less than 10,000;~~] a
- 4607 city of the fifth class[;] or a county of the fifth class, 25% of the number of active voters in the
- 4608 [~~metro township;~~] city[;] or county; or
- 4609 (j) for [~~a metro township with a population of less than 1,000;~~] a town[;] or a county of
- 4610 the sixth class, 35% of the number of active voters in the [~~metro township;~~] town[;] or county.
- 4611 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
- 4612 use law or local obligation law passed by the local legislative body submitted to a vote of the
- 4613 people shall, after filing a referendum application, obtain legal signatures equal to:
- 4614 (a) for a county of the first, second, third, or fourth class:
- 4615 (i) 16% of the number of active voters in the county; and
- 4616 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 4617 of the county's voter participation areas;
- 4618 (b) for a county of the fifth or sixth class:

- 4619 (i) 16% of the number of active voters in the county; and
- 4620 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 4621 of the county's voter participation areas;
- 4622 (c) for [~~a metro township with a population of 100,000 or more, or~~] a city of the first
- 4623 class:
- 4624 (i) 15% of the number of active voters in the [~~metro township or~~] city; and
- 4625 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
- 4626 of the [~~metro township's or~~] city's voter participation areas;
- 4627 (d) for [~~a metro township with a population of 65,000 or more but less than 100,000,~~]
- 4628 or a city of the second class:
- 4629 (i) 16% of the number of active voters in the [~~metro township or~~] city; and
- 4630 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 4631 of the [~~metro township's or~~] city's voter participation areas;
- 4632 (e) for [~~a metro township with a population of 30,000 or more but less than 65,000, or~~]
- 4633 a city of the third class:
- 4634 (i) 27.5% of the number of active voters in the [~~metro township or~~] city; and
- 4635 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
- 4636 of the [~~metro township's or~~] city's voter participation areas;
- 4637 (f) for [~~a metro township with a population of 10,000 or more but less than 30,000, or~~]
- 4638 a city of the fourth class:
- 4639 (i) 29% of the number of active voters in the [~~metro township or~~] city; and
- 4640 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
- 4641 of the [~~metro township's or~~] city's voter participation areas;
- 4642 (g) for [~~a metro township with a population of 1,000 or more but less than 10,000, or~~] a
- 4643 city of the fifth class, 35% of the number of active voters in the [~~metro township or~~] city; or
- 4644 (h) for [~~a metro township with a population of less than 1,000 or~~] a town, 40% of the
- 4645 number of active voters in the [~~metro township or~~] town.
- 4646 (4) A person seeking to have a subjurisdictional law passed by the local legislative
- 4647 body submitted to a vote of the people shall, after filing a referendum application, obtain legal
- 4648 signatures of the residents in the subjurisdiction equal to:
- 4649 (a) 10% of the number of active voters in the subjurisdiction if the number of active

4650 voters exceeds 25,000;

4651 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of  
4652 active voters does not exceed 25,000 but is more than 10,000;

4653 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
4654 voters does not exceed 10,000 but is more than 2,500;

4655 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
4656 voters does not exceed 2,500 but is more than 500;

4657 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
4658 voters does not exceed 500 but is more than 250; and

4659 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
4660 voters does not exceed 250.

4661 (5) An eligible voter seeking to have a transit area land use law passed by the local  
4662 legislative body submitted to a vote of the people shall, after filing a referendum application,  
4663 obtain legal signatures equal to:

4664 (a) for a county:

4665 (i) 20% of the number of active voters in the county; and

4666 (ii) 21% of the number of active voters in at least 75% of the county's voter  
4667 participation areas;

4668 (b) for [~~a metro township with a population of 100,000 or more, or~~] a city of the first  
4669 class:

4670 (i) 20% of the number of active voters in the [~~metro township or~~] city; and

4671 (ii) 20% of the number of active voters in at least 75% of the [~~metro township's or~~]  
4672 city's voter participation areas;

4673 (c) for [~~a metro township with a population of 65,000 or more but less than 100,000,~~  
4674 ~~or~~] a city of the second class:

4675 (i) 20% of the number of active voters in the [~~metro township or~~] city; and

4676 (ii) 21% of the number of active voters in at least 75% of the [~~metro township's or~~]  
4677 city's voter participation areas;

4678 (d) for [~~a metro township with a population of 30,000 or more but less than 65,000, or~~]  
4679 a city of the third class:

4680 (i) 34% of the number of active voters in the [~~metro township or~~] city; and

4681 (ii) 34% of the number of active voters in at least 75% of the [~~metro township's or~~  
4682 city's voter participation areas;

4683 (e) for [~~a metro township with a population of 10,000 or more but less than 30,000, or~~]  
4684 a city of the fourth class:

4685 (i) 36% of the number of active voters in the [~~metro township or~~] city; and

4686 (ii) 36% of the number of active voters in at least 75% of the [~~metro township's or~~]  
4687 city's voter participation areas; or

4688 (f) for [~~a metro township with a population less than 10,000;~~] a city of the fifth class[;]  
4689 or a town, 40% of the number of active voters in the [~~metro township;~~] city[;] or town.

4690 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or  
4691 (5), any local law passed by a local legislative body shall file the application before 5 p.m.  
4692 within seven days after the day on which the local law was passed.

4693 (7) Nothing in this section authorizes a local legislative body to impose a tax or other  
4694 payment obligation on a subjurisdiction in order to benefit an area outside of the  
4695 subjurisdiction.

4696 Section 73. Section **20A-7-602.7** is amended to read:

4697 **20A-7-602.7. Referability to voters of local law other than land use law.**

4698 (1) Within 20 days after the day on which an eligible voter files a referendum  
4699 application under Section 20A-7-602 for a local law other than a land use law, counsel for the  
4700 county, city, or town[~~, or metro township~~] to which the referendum pertains shall:

4701 (a) review the referendum application to determine whether the proposed referendum is  
4702 legally referable to voters; and

4703 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

4704 (i) legally referable to voters; or

4705 (ii) rejected as not legally referable to voters.

4706 (2) For a local law other than a land use law, a proposed referendum is legally referable  
4707 to voters unless:

4708 (a) the proposed referendum challenges an action that is administrative, rather than  
4709 legislative, in nature;

4710 (b) the proposed referendum challenges more than one law passed by the local  
4711 legislative body; or



4712 (c) the referendum application was not timely filed or does not comply with the  
4713 requirements of this part.

4714 (3) After the end of the 20-day period described in Subsection (1), a county, city, or  
4715 town[, ~~or metro township~~] may not, for a local law other than a land use law:

4716 (a) reject a proposed referendum as not legally referable to voters; or

4717 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
4718 proposed referendum on the grounds that the proposed referendum is not legally referable to  
4719 voters.

4720 (4) (a) If, under Subsection (1)(b)(ii), a county, city, or town[, ~~or metro township~~]  
4721 rejects a proposed referendum concerning a local law other than a land use law, a sponsor of  
4722 the proposed referendum may, within 10 days after the day on which a sponsor is notified  
4723 under Subsection (1)(b), challenge or appeal the decision to:

4724 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

4725 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ  
4726 under Subsection (4)(a)(i).

4727 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection  
4728 (4)(a) terminates the referendum.

4729 (5) If, on a challenge or appeal, the court determines that the proposed referendum  
4730 described in Subsection (4) is legally referable to voters, the local clerk shall comply with  
4731 Subsection 20A-7-604(3), or give the sponsors access to the website defined in Section  
4732 20A-21-101, within five days after the day on which the determination, and any challenge or  
4733 appeal of the determination, is final.

4734 Section 74. Section **20A-7-602.8** is amended to read:

4735 **20A-7-602.8. Referability to voters of local land use law.**

4736 (1) Within 20 days after the day on which a referendum eligible voter files an  
4737 application under Section 20A-7-602 for a land use law, counsel for the county, city, or town[;  
4738 ~~or metro township~~] to which the referendum pertains shall:

4739 (a) review the referendum application to determine whether the proposed referendum is  
4740 legally referable to voters; and

4741 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

4742 (i) legally referable to voters; or

- 4743 (ii) rejected as not legally referable to voters.
- 4744 (2) (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is  
4745 legally referable to voters unless:
- 4746 (i) the proposed referendum challenges an action that is administrative, rather than  
4747 legislative, in nature;
- 4748 (ii) the proposed referendum challenges a land use decision, rather than a land use  
4749 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
- 4750 (iii) the proposed referendum challenges more than one law passed by the local  
4751 legislative body; or
- 4752 (iv) the referendum application was not timely filed or does not comply with the  
4753 requirements of this part.
- 4754 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not  
4755 legally referable to voters for a:
- 4756 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was  
4757 passed by a unanimous vote of the local legislative body; or
- 4758 (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land  
4759 use law was passed by a two-thirds vote of the local legislative body.
- 4760 (3) After the end of the 20-day period described in Subsection (1), a county, city, or  
4761 town[, ~~or metro township~~] may not, for a land use law:
- 4762 (a) reject a proposed referendum as not legally referable to voters; or
- 4763 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
4764 proposed referendum on the grounds that the proposed referendum is not legally referable to  
4765 voters.
- 4766 (4) (a) If a county, city, or town[, ~~or metro township~~] rejects a proposed referendum  
4767 concerning a land use law, a sponsor of the proposed referendum may, within seven days after  
4768 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision  
4769 to:
- 4770 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 4771 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ  
4772 under Subsection (4)(a)(i).
- 4773 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection

4774 (4)(a) terminates the referendum.

4775 (5) If, on challenge or appeal, the court determines that the proposed referendum is  
4776 legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give  
4777 the sponsors access to the website defined in Section 20A-21-101, within five days after the  
4778 day on which the determination, and any challenge or appeal of the determination, is final.

4779 Section 75. Section **20A-7-604** is amended to read:

4780 **20A-7-604. Manual referendum process -- Circulation requirements -- Local**  
4781 **clerk to provide sponsors with materials.**

4782 (1) This section applies only to the manual referendum process.

4783 (2) In order to obtain the necessary number of signatures required by this part, the  
4784 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described  
4785 in Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form  
4786 requirements of this part.

4787 (3) Within five days after the day on which a county, city, town, [~~metro township,~~] or  
4788 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is  
4789 legally referable to voters, the local clerk shall provide the sponsors with  
4790 a copy of the referendum petition and a signature sheet.

4791 (4) The sponsors of the referendum petition shall:

4792 (a) arrange and pay for the printing of all documents that are part of the referendum  
4793 packets; and

4794 (b) ensure that the referendum packets and the documents described in Subsection  
4795 (4)(a) meet the form requirements of this section.

4796 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets  
4797 for circulation by creating multiple referendum packets.

4798 (b) The sponsors or an agent of the sponsors shall create referendum packets by  
4799 binding a copy of the referendum petition with the text of the law that is the subject of the  
4800 referendum and no more than 50 signature sheets together at the top in a manner that the  
4801 referendum packets may be conveniently opened for signing.

4802 (c) A referendum packet is not required to have a uniform number of signature sheets.

4803 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of  
4804 the proposition information pamphlet provided to the sponsors under Subsection

4805 20A-7-401.5(4)(b).

4806 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

4807 (i) contact the county clerk to receive a range of numbers that the sponsors may use to  
4808 number referendum packets;

4809 (ii) sign an agreement with the local clerk, specifying the range of numbers that the  
4810 sponsor will use to number the referendum packets; and

4811 (iii) number each referendum packet, sequentially, within the range of numbers  
4812 provided by the county clerk, starting with the lowest number in the range.

4813 (b) The sponsors or an agent of the sponsors may not:

4814 (i) number a referendum packet in a manner not directed by the county clerk; or

4815 (ii) circulate or submit a referendum packet that is not numbered in the manner  
4816 directed by the county clerk.

4817 Section 76. Section **20A-11-101** is amended to read:

4818 **20A-11-101. Definitions.**

4819 As used in this chapter:

4820 (1) (a) "Address" means the number and street where an individual resides or where a  
4821 reporting entity has its principal office.

4822 (b) "Address" does not include a post office box.

4823 (2) "Agent of a reporting entity" means:

4824 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
4825 entity;

4826 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
4827 reporting entity;

4828 (c) the personal campaign committee of a candidate or officeholder;

4829 (d) a member of the personal campaign committee of a candidate or officeholder in the  
4830 member's capacity as a member of the personal campaign committee of the candidate or  
4831 officeholder; or

4832 (e) a political consultant of a reporting entity.

4833 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
4834 amendments, and any other ballot propositions submitted to the voters that are authorized by  
4835 the Utah Code Annotated 1953.

- 4836 (4) "Candidate" means any person who:  
4837 (a) files a declaration of candidacy for a public office; or  
4838 (b) receives contributions, makes expenditures, or gives consent for any other person to  
4839 receive contributions or make expenditures to bring about the person's nomination or election  
4840 to a public office.
- 4841 (5) "Chief election officer" means:  
4842 (a) the lieutenant governor for state office candidates, legislative office candidates,  
4843 officeholders, political parties, political action committees, corporations, political issues  
4844 committees, state school board candidates, judges, and labor organizations, as defined in  
4845 Section 20A-11-1501; and  
4846 (b) the county clerk for local school board candidates.
- 4847 (6) (a) "Contribution" means any of the following when done for political purposes:  
4848 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
4849 value given to the filing entity;  
4850 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
4851 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
4852 anything of value to the filing entity;  
4853 (iii) any transfer of funds from another reporting entity to the filing entity;  
4854 (iv) compensation paid by any person or reporting entity other than the filing entity for  
4855 personal services provided without charge to the filing entity;  
4856 (v) remuneration from:  
4857 (A) any organization or its directly affiliated organization that has a registered lobbyist;  
4858 or  
4859 (B) any agency or subdivision of the state, including school districts;  
4860 (vi) a loan made by a candidate deposited to the candidate's own campaign; and  
4861 (vii) in-kind contributions.
- 4862 (b) "Contribution" does not include:  
4863 (i) services provided by individuals volunteering a portion or all of their time on behalf  
4864 of the filing entity if the services are provided without compensation by the filing entity or any  
4865 other person;  
4866 (ii) money lent to the filing entity by a financial institution in the ordinary course of

- 4867 business;
- 4868 (iii) goods or services provided for the benefit of a political entity at less than fair  
4869 market value that are not authorized by or coordinated with the political entity; or
- 4870 (iv) data or information described in Subsection (24)(b).
- 4871 (7) "Coordinated with" means that goods or services provided for the benefit of a  
4872 political entity are provided:
- 4873 (a) with the political entity's prior knowledge, if the political entity does not object;
- 4874 (b) by agreement with the political entity;
- 4875 (c) in coordination with the political entity; or
- 4876 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 4877 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
4878 organization that is registered as a corporation or is authorized to do business in a state and  
4879 makes any expenditure from corporate funds for:
- 4880 (i) the purpose of expressly advocating for political purposes; or
- 4881 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
4882 proposition.
- 4883 (b) "Corporation" does not mean:
- 4884 (i) a business organization's political action committee or political issues committee; or
- 4885 (ii) a business entity organized as a partnership or a sole proprietorship.
- 4886 (9) "County political party" means, for each registered political party, all of the persons  
4887 within a single county who, under definitions established by the political party, are members of  
4888 the registered political party.
- 4889 (10) "County political party officer" means a person whose name is required to be  
4890 submitted by a county political party to the lieutenant governor in accordance with Section  
4891 20A-8-402.
- 4892 (11) "Detailed listing" means:
- 4893 (a) for each contribution or public service assistance:
- 4894 (i) the name and address of the individual or source making the contribution or public  
4895 service assistance, except to the extent that the name or address of the individual or source is  
4896 unknown;
- 4897 (ii) the amount or value of the contribution or public service assistance; and

- 4898 (iii) the date the contribution or public service assistance was made; and  
4899 (b) for each expenditure:  
4900 (i) the amount of the expenditure;  
4901 (ii) the goods or services acquired by the expenditure; and  
4902 (iii) the date the expenditure was made.
- 4903 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
4904 for membership in the corporation, to a corporation without receiving full and adequate  
4905 consideration for the money.
- 4906 (b) "Donor" does not include a person that signs a statement that the corporation may  
4907 not use the money for an expenditure or political issues expenditure.
- 4908 (13) "Election" means each:  
4909 (a) regular general election;  
4910 (b) regular primary election; and  
4911 (c) special election at which candidates are eliminated and selected.
- 4912 (14) "Electioneering communication" means a communication that:  
4913 (a) has at least a value of \$10,000;  
4914 (b) clearly identifies a candidate or judge; and  
4915 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
4916 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
4917 identified candidate's or judge's election date.
- 4918 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
4919 agent of a reporting entity on behalf of the reporting entity:  
4920 (i) any disbursement from contributions, receipts, or from the separate bank account  
4921 required by this chapter;  
4922 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
4923 or anything of value made for political purposes;  
4924 (iii) an express, legally enforceable contract, promise, or agreement to make any  
4925 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
4926 value for political purposes;  
4927 (iv) compensation paid by a filing entity for personal services rendered by a person  
4928 without charge to a reporting entity;

4929 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
4930 committee;

4931 (vi) goods or services provided by the filing entity to or for the benefit of another  
4932 reporting entity for political purposes at less than fair market value; or

4933 (vii) an independent expenditure, as defined in Section 20A-11-1702.

4934 (b) "Expenditure" does not include:

4935 (i) services provided without compensation by individuals volunteering a portion or all  
4936 of their time on behalf of a reporting entity;

4937 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
4938 business; or

4939 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
4940 candidates for office or officeholders in states other than Utah.

4941 (16) "Federal office" means the office of president of the United States, United States  
4942 Senator, or United States Representative.

4943 (17) "Filing entity" means the reporting entity that is required to file a financial  
4944 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

4945 (18) "Financial statement" includes any summary report, interim report, verified  
4946 financial statement, or other statement disclosing contributions, expenditures, receipts,  
4947 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
4948 Retention Elections.

4949 (19) "Governing board" means the individual or group of individuals that determine the  
4950 candidates and committees that will receive expenditures from a political action committee,  
4951 political party, or corporation.

4952 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal  
4953 Incorporation, by which a geographical area becomes legally recognized as a city[;] or town[;]  
4954 ~~or metro township~~].

4955 (21) "Incorporation election" means the election conducted under Section 10-2a-210  
4956 [~~or 10-2a-404~~].

4957 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

4958 (23) "Individual" means a natural person.

4959 (24) (a) "In-kind contribution" means anything of value, other than money, that is



4960 accepted by or coordinated with a filing entity.

4961 (b) "In-kind contribution" does not include survey results, voter lists, voter contact  
4962 information, demographic data, voting trend data, or other information that:

4963 (i) is not commissioned for the benefit of a particular candidate or officeholder; and

4964 (ii) is offered at no cost to a candidate or officeholder.

4965 (25) "Interim report" means a report identifying the contributions received and  
4966 expenditures made since the last report.

4967 (26) "Legislative office" means the office of state senator, state representative, speaker  
4968 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
4969 whip of any party caucus in either house of the Legislature.

4970 (27) "Legislative office candidate" means a person who:

4971 (a) files a declaration of candidacy for the office of state senator or state representative;

4972 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
4973 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

4974 assistant whip of any party caucus in either house of the Legislature; or

4975 (c) receives contributions, makes expenditures, or gives consent for any other person to  
4976 receive contributions or make expenditures to bring about the person's nomination, election, or  
4977 appointment to a legislative office.

4978 (28) "Loan" means any of the following provided by a person that benefits a filing  
4979 entity if the person expects repayment or reimbursement:

4980 (a) an expenditure made using any form of payment;

4981 (b) money or funds received by the filing entity;

4982 (c) the provision of a good or service with an agreement or understanding that payment  
4983 or reimbursement will be delayed; or

4984 (d) use of any line of credit.

4985 (29) "Major political party" means either of the two registered political parties that  
4986 have the greatest number of members elected to the two houses of the Legislature.

4987 (30) "Officeholder" means a person who holds a public office.

4988 (31) "Party committee" means any committee organized by or authorized by the  
4989 governing board of a registered political party.

4990 (32) "Person" means both natural and legal persons, including individuals, business

4991 organizations, personal campaign committees, party committees, political action committees,  
4992 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

4993 (33) "Personal campaign committee" means the committee appointed by a candidate to  
4994 act for the candidate as provided in this chapter.

4995 (34) "Personal use expenditure" has the same meaning as provided under Section  
4996 20A-11-104.

4997 (35) (a) "Political action committee" means an entity, or any group of individuals or  
4998 entities within or outside this state, a major purpose of which is to:

4999 (i) solicit or receive contributions from any other person, group, or entity for political  
5000 purposes; or

5001 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
5002 vote for or against any candidate or person seeking election to a municipal or county office.

5003 (b) "Political action committee" includes groups affiliated with a registered political  
5004 party but not authorized or organized by the governing board of the registered political party  
5005 that receive contributions or makes expenditures for political purposes.

5006 (c) "Political action committee" does not mean:

5007 (i) a party committee;

5008 (ii) any entity that provides goods or services to a candidate or committee in the regular  
5009 course of its business at the same price that would be provided to the general public;

5010 (iii) an individual;

5011 (iv) individuals who are related and who make contributions from a joint checking  
5012 account;

5013 (v) a corporation, except a corporation a major purpose of which is to act as a political  
5014 action committee; or

5015 (vi) a personal campaign committee.

5016 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
5017 by another person on behalf of and with the knowledge of the reporting entity, to provide  
5018 political advice to the reporting entity.

5019 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),  
5020 where the person:

5021 (i) has already been paid, with money or other consideration;

- 5022 (ii) expects to be paid in the future, with money or other consideration; or
- 5023 (iii) understands that the person may, in the discretion of the reporting entity or another
- 5024 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
- 5025 money or other consideration.
- 5026 (37) "Political convention" means a county or state political convention held by a
- 5027 registered political party to select candidates.
- 5028 (38) "Political entity" means a candidate, a political party, a political action committee,
- 5029 or a political issues committee.
- 5030 (39) (a) "Political issues committee" means an entity, or any group of individuals or
- 5031 entities within or outside this state, a major purpose of which is to:
- 5032 (i) solicit or receive donations from any other person, group, or entity to assist in
- 5033 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
- 5034 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- 5035 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
- 5036 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
- 5037 proposed ballot proposition or an incorporation in an incorporation election; or
- 5038 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
- 5039 ballot or to assist in keeping a ballot proposition off the ballot.
- 5040 (b) "Political issues committee" does not mean:
- 5041 (i) a registered political party or a party committee;
- 5042 (ii) any entity that provides goods or services to an individual or committee in the
- 5043 regular course of its business at the same price that would be provided to the general public;
- 5044 (iii) an individual;
- 5045 (iv) individuals who are related and who make contributions from a joint checking
- 5046 account;
- 5047 (v) a corporation, except a corporation a major purpose of which is to act as a political
- 5048 issues committee; or
- 5049 (vi) a group of individuals who:
- 5050 (A) associate together for the purpose of challenging or supporting a single ballot
- 5051 proposition, ordinance, or other governmental action by a county, city, town, special district,
- 5052 special service district, or other local political subdivision of the state;

5053 (B) have a common liberty, property, or financial interest that is directly impacted by  
5054 the ballot proposition, ordinance, or other governmental action;

5055 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),  
5056 via a legal entity;

5057 (D) do not receive funds for challenging or supporting the ballot proposition,  
5058 ordinance, or other governmental action from a person other than an individual in the group;  
5059 and

5060 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection  
5061 (39)(b)(vi)(A).

5062 (40) (a) "Political issues contribution" means any of the following:

5063 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
5064 anything of value given to a political issues committee;

5065 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
5066 issues donation to influence the approval or defeat of any ballot proposition;

5067 (iii) any transfer of funds received by a political issues committee from a reporting  
5068 entity;

5069 (iv) compensation paid by another reporting entity for personal services rendered  
5070 without charge to a political issues committee; and

5071 (v) goods or services provided to or for the benefit of a political issues committee at  
5072 less than fair market value.

5073 (b) "Political issues contribution" does not include:

5074 (i) services provided without compensation by individuals volunteering a portion or all  
5075 of their time on behalf of a political issues committee; or

5076 (ii) money lent to a political issues committee by a financial institution in the ordinary  
5077 course of business.

5078 (41) (a) "Political issues expenditure" means any of the following when made by a  
5079 political issues committee or on behalf of a political issues committee by an agent of the  
5080 reporting entity:

5081 (i) any payment from political issues contributions made for the purpose of influencing  
5082 the approval or the defeat of:

5083 (A) a ballot proposition; or

- 5084 (B) an incorporation petition or incorporation election;
- 5085 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
- 5086 the express purpose of influencing the approval or the defeat of:
- 5087 (A) a ballot proposition; or
- 5088 (B) an incorporation petition or incorporation election;
- 5089 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 5090 political issues expenditure;
- 5091 (iv) compensation paid by a reporting entity for personal services rendered by a person
- 5092 without charge to a political issues committee; or
- 5093 (v) goods or services provided to or for the benefit of another reporting entity at less
- 5094 than fair market value.
- 5095 (b) "Political issues expenditure" does not include:
- 5096 (i) services provided without compensation by individuals volunteering a portion or all
- 5097 of their time on behalf of a political issues committee; or
- 5098 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 5099 course of business.
- 5100 (42) "Political purposes" means an act done with the intent or in a way to influence or
- 5101 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 5102 against any:
- 5103 (a) candidate or a person seeking a municipal or county office at any caucus, political
- 5104 convention, or election; or
- 5105 (b) judge standing for retention at any election.
- 5106 (43) (a) "Poll" means the survey of a person regarding the person's opinion or
- 5107 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
- 5108 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
- 5109 person or by telephone, facsimile, Internet, postal mail, or email.
- 5110 (b) "Poll" does not include:
- 5111 (i) a ballot; or
- 5112 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 5113 (A) the focus group consists of more than three, and less than thirteen, individuals; and
- 5114 (B) all individuals in the focus group are present during the interview.

5115 (44) "Primary election" means any regular primary election held under the election  
5116 laws.

5117 (45) "Publicly identified class of individuals" means a group of 50 or more individuals  
5118 sharing a common occupation, interest, or association that contribute to a political action  
5119 committee or political issues committee and whose names can be obtained by contacting the  
5120 political action committee or political issues committee upon whose financial statement the  
5121 individuals are listed.

5122 (46) "Public office" means the office of governor, lieutenant governor, state auditor,  
5123 state treasurer, attorney general, state school board member, state senator, state representative,  
5124 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
5125 assistant whip of any party caucus in either house of the Legislature.

5126 (47) (a) "Public service assistance" means the following when given or provided to an  
5127 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
5128 communicate with the officeholder's constituents:

5129 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
5130 money or anything of value to an officeholder; or

5131 (ii) goods or services provided at less than fair market value to or for the benefit of the  
5132 officeholder.

5133 (b) "Public service assistance" does not include:

5134 (i) anything provided by the state;

5135 (ii) services provided without compensation by individuals volunteering a portion or all  
5136 of their time on behalf of an officeholder;

5137 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
5138 business;

5139 (iv) news coverage or any publication by the news media; or

5140 (v) any article, story, or other coverage as part of any regular publication of any  
5141 organization unless substantially all the publication is devoted to information about the  
5142 officeholder.

5143 (48) "Receipts" means contributions and public service assistance.

5144 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,  
5145 Lobbyist Disclosure and Regulation Act.

5146 (50) "Registered political action committee" means any political action committee that  
5147 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5148 Governor.

5149 (51) "Registered political issues committee" means any political issues committee that  
5150 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
5151 Governor.

5152 (52) "Registered political party" means an organization of voters that:

5153 (a) participated in the last regular general election and polled a total vote equal to 2%  
5154 or more of the total votes cast for all candidates for the United States House of Representatives  
5155 for any of its candidates for any office; or

5156 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
5157 Party Formation and Procedures.

5158 (53) (a) "Remuneration" means a payment:

5159 (i) made to a legislator for the period the Legislature is in session; and

5160 (ii) that is approximately equivalent to an amount a legislator would have earned  
5161 during the period the Legislature is in session in the legislator's ordinary course of business.

5162 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

5163 (i) the legislator's primary employer in the ordinary course of business; or

5164 (ii) a person or entity in the ordinary course of business:

5165 (A) because of the legislator's ownership interest in the entity; or

5166 (B) for services rendered by the legislator on behalf of the person or entity.

5167 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
5168 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
5169 action committee, a political issues committee, a corporation, or a labor organization, as  
5170 defined in Section 20A-11-1501.

5171 (55) "School board office" means the office of state school board.

5172 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or  
5173 intangible asset that comprises the contribution.

5174 (b) "Source" means, for political action committees and corporations, the political  
5175 action committee and the corporation as entities, not the contributors to the political action  
5176 committee or the owners or shareholders of the corporation.

5177 (57) "State office" means the offices of governor, lieutenant governor, attorney general,  
5178 state auditor, and state treasurer.

5179 (58) "State office candidate" means a person who:

5180 (a) files a declaration of candidacy for a state office; or

5181 (b) receives contributions, makes expenditures, or gives consent for any other person to  
5182 receive contributions or make expenditures to bring about the person's nomination, election, or  
5183 appointment to a state office.

5184 (59) "Summary report" means the year end report containing the summary of a  
5185 reporting entity's contributions and expenditures.

5186 (60) "Supervisory board" means the individual or group of individuals that allocate  
5187 expenditures from a political issues committee.

5188 Section 77. Section **26B-2-101** is amended to read:

5189 **26B-2-101. Definitions.**

5190 As used in this part:

5191 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.

5192 (2) "Adult day care" means nonresidential care and supervision:

5193 (a) for three or more adults for at least four but less than 24 hours a day; and

5194 (b) that meets the needs of functionally impaired adults through a comprehensive  
5195 program that provides a variety of health, social, recreational, and related support services in a  
5196 protective setting.

5197 (3) "Applicant" means a person that applies for an initial license or a license renewal  
5198 under this part.

5199 (4) (a) "Associated with the licensee" means that an individual is:

5200 (i) affiliated with a licensee as an owner, director, member of the governing body,  
5201 employee, agent, provider of care, department contractor, or volunteer; or

5202 (ii) applying to become affiliated with a licensee in a capacity described in Subsection  
5203 (4)(a)(i).

5204 (b) "Associated with the licensee" does not include:

5205 (i) service on the following bodies, unless that service includes direct access to a child  
5206 or a vulnerable adult:

5207 (A) a local mental health authority described in Section 17-43-301;



5208 (B) a local substance abuse authority described in Section 17-43-201; or  
5209 (C) a board of an organization operating under a contract to provide mental health or  
5210 substance use programs, or services for the local mental health authority or substance abuse  
5211 authority; or  
5212 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised  
5213 at all times.

5214 (5) (a) "Boarding school" means a private school that:  
5215 (i) uses a regionally accredited education program;  
5216 (ii) provides a residence to the school's students:  
5217 (A) for the purpose of enabling the school's students to attend classes at the school; and  
5218 (B) as an ancillary service to educating the students at the school;  
5219 (iii) has the primary purpose of providing the school's students with an education, as  
5220 defined in Subsection (5)(b)(i); and  
5221 (iv) (A) does not provide the treatment or services described in Subsection (38)(a); or  
5222 (B) provides the treatment or services described in Subsection (38)(a) on a limited  
5223 basis, as described in Subsection (5)(b)(ii).

5224 (b) (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for  
5225 one or more grades from kindergarten through grade 12.  
5226 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or  
5227 services described in Subsection (38)(a) on a limited basis if:  
5228 (A) the treatment or services described in Subsection (38)(a) are provided only as an  
5229 incidental service to a student; and  
5230 (B) the school does not:  
5231 (I) specifically solicit a student for the purpose of providing the treatment or services  
5232 described in Subsection (38)(a); or  
5233 (II) have a primary purpose of providing the treatment or services described in  
5234 Subsection (38)(a).  
5235 (c) "Boarding school" does not include a therapeutic school.  
5236 (6) "Child" means an individual under 18 years old.  
5237 (7) "Child placing" means receiving, accepting, or providing custody or care for any  
5238 child, temporarily or permanently, for the purpose of:

- 5239 (a) finding a person to adopt the child;
- 5240 (b) placing the child in a home for adoption; or
- 5241 (c) foster home placement.
- 5242 (8) "Child-placing agency" means a person that engages in child placing.
- 5243 (9) "Client" means an individual who receives or has received services from a licensee.
- 5244 (10) (a) "Congregate care program" means any of the following that provide services to
- 5245 a child:
- 5246 (i) an outdoor youth program;
- 5247 (ii) a residential support program;
- 5248 (iii) a residential treatment program; or
- 5249 (iv) a therapeutic school.
- 5250 (b) "Congregate care program" does not include a human services program that:
- 5251 (i) is licensed to serve adults; and
- 5252 (ii) is approved by the office to service a child for a limited time.
- 5253 (11) "Day treatment" means specialized treatment that is provided to:
- 5254 (a) a client less than 24 hours a day; and
- 5255 (b) four or more persons who:
- 5256 (i) are unrelated to the owner or provider; and
- 5257 (ii) have emotional, psychological, developmental, physical, or behavioral
- 5258 dysfunctions, impairments, or chemical dependencies.
- 5259 (12) "Department contractor" means an individual who:
- 5260 (a) provides services under a contract with the department; and
- 5261 (b) due to the contract with the department, has or will likely have direct access to a
- 5262 child or vulnerable adult.
- 5263 (13) "Direct access" means that an individual has, or likely will have:
- 5264 (a) contact with or access to a child or vulnerable adult that provides the individual
- 5265 with an opportunity for personal communication or touch; or
- 5266 (b) an opportunity to view medical, financial, or other confidential personal identifying
- 5267 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 5268 (14) "Directly supervised" means that an individual is being supervised under the
- 5269 uninterrupted visual and auditory surveillance of another individual who has a current

- 5270 background screening approval issued by the office.
- 5271 (15) "Director" means the director of the office.
- 5272 (16) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 5273 (17) "Domestic violence treatment program" means a nonresidential program designed  
5274 to provide psychological treatment and educational services to perpetrators and victims of  
5275 domestic violence.
- 5276 (18) "Elder adult" means a person 65 years old or older.
- 5277 (19) "Foster home" means a residence that is licensed or certified by the office for the  
5278 full-time substitute care of a child.
- 5279 (20) "Health benefit plan" means the same as that term is defined in Section  
5280 31A-22-634.
- 5281 (21) "Health care provider" means the same as that term is defined in Section  
5282 78B-3-403.
- 5283 (22) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.
- 5284 (23) (a) "Human services program" means:
- 5285 (i) a foster home;
- 5286 (ii) a therapeutic school;
- 5287 (iii) a youth program;
- 5288 (iv) an outdoor youth program;
- 5289 (v) a residential treatment program;
- 5290 (vi) a residential support program;
- 5291 (vii) a resource family home;
- 5292 (viii) a recovery residence; or
- 5293 (ix) a facility or program that provides:
- 5294 (A) adult day care;
- 5295 (B) day treatment;
- 5296 (C) outpatient treatment;
- 5297 (D) domestic violence treatment;
- 5298 (E) child-placing services;
- 5299 (F) social detoxification; or
- 5300 (G) any other human services that are required by contract with the department to be

- 5301 licensed with the department.
- 5302 (b) "Human services program" does not include:
- 5303 (i) a boarding school; or
- 5304 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102.
- 5305 (24) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 5306 (25) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 5307 (26) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 5308 (27) "Intermediate secure treatment" means 24-hour specialized residential treatment or
- 5309 care for an individual who:
- 5310 (a) cannot live independently or in a less restrictive environment; and
- 5311 (b) requires, without the individual's consent or control, the use of locked doors to care
- 5312 for the individual.
- 5313 (28) "Licensee" means an individual or a human services program licensed by the
- 5314 office.
- 5315 (29) "Local government" means a city, town[, ~~metro township~~], or county.
- 5316 (30) "Minor" means child.
- 5317 (31) "Office" means the Office of Licensing within the department.
- 5318 (32) "Outdoor youth program" means a program that provides:
- 5319 (a) services to a child that has:
- 5320 (i) a chemical dependency; or
- 5321 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 5322 physical, or behavioral;
- 5323 (b) a 24-hour outdoor group living environment; and
- 5324 (c) (i) regular therapy, including group, individual, or supportive family therapy; or
- 5325 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 5326 therapy, or outdoor behavioral healthcare.
- 5327 (33) "Outpatient treatment" means individual, family, or group therapy or counseling
- 5328 designed to improve and enhance social or psychological functioning for those whose physical
- 5329 and emotional status allows them to continue functioning in their usual living environment.
- 5330 (34) "Practice group" or "group practice" means two or more health care providers
- 5331 legally organized as a partnership, professional corporation, or similar association, for which:

5332 (a) substantially all of the services of the health care providers who are members of the  
5333 group are provided through the group and are billed in the name of the group and amounts  
5334 received are treated as receipts of the group; and

5335 (b) the overhead expenses of and the income from the practice are distributed in  
5336 accordance with methods previously determined by members of the group.

5337 (35) "Private-placement child" means a child whose parent or guardian enters into a  
5338 contract with a congregate care program for the child to receive services.

5339 (36) (a) "Recovery residence" means a home, residence, or facility that meets at least  
5340 two of the following requirements:

5341 (i) provides a supervised living environment for individuals recovering from a  
5342 substance use disorder;

5343 (ii) provides a living environment in which more than half of the individuals in the  
5344 residence are recovering from a substance use disorder;

5345 (iii) provides or arranges for residents to receive services related to the resident's  
5346 recovery from a substance use disorder, either on or off site;

5347 (iv) is held out as a living environment in which individuals recovering from substance  
5348 abuse disorders live together to encourage continued sobriety; or

5349 (v) (A) receives public funding; or

5350 (B) is run as a business venture, either for-profit or not-for-profit.

5351 (b) "Recovery residence" does not mean:

5352 (i) a residential treatment program;

5353 (ii) residential support program; or

5354 (iii) a home, residence, or facility, in which:

5355 (A) residents, by a majority vote of the residents, establish, implement, and enforce  
5356 policies governing the living environment, including the manner in which applications for  
5357 residence are approved and the manner in which residents are expelled;

5358 (B) residents equitably share rent and housing-related expenses; and

5359 (C) a landlord, owner, or operator does not receive compensation, other than fair  
5360 market rental income, for establishing, implementing, or enforcing policies governing the  
5361 living environment.

5362 (37) "Regular business hours" means:

- 5363 (a) the hours during which services of any kind are provided to a client; or  
5364 (b) the hours during which a client is present at the facility of a licensee.
- 5365 (38) (a) "Residential support program" means a program that arranges for or provides  
5366 the necessities of life as a protective service to individuals or families who have a disability or  
5367 who are experiencing a dislocation or emergency that prevents them from providing these  
5368 services for themselves or their families.
- 5369 (b) "Residential support program" includes a program that provides a supervised living  
5370 environment for individuals with dysfunctions or impairments that are:
- 5371 (i) emotional;  
5372 (ii) psychological;  
5373 (iii) developmental; or  
5374 (iv) behavioral.
- 5375 (c) Treatment is not a necessary component of a residential support program.
- 5376 (d) "Residential support program" does not include:
- 5377 (i) a recovery residence; or  
5378 (ii) a program that provides residential services that are performed:
- 5379 (A) exclusively under contract with the department and provided to individuals through  
5380 the Division of Services for People with Disabilities; or  
5381 (B) in a facility that serves fewer than four individuals.
- 5382 (39) (a) "Residential treatment" means a 24-hour group living environment for four or  
5383 more individuals unrelated to the owner or provider that offers room or board and specialized  
5384 treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation  
5385 services for persons with emotional, psychological, developmental, or behavioral dysfunctions,  
5386 impairments, or chemical dependencies.
- 5387 (b) "Residential treatment" does not include a:
- 5388 (i) boarding school;  
5389 (ii) foster home; or  
5390 (iii) recovery residence.
- 5391 (40) "Residential treatment program" means a program or facility that provides:
- 5392 (a) residential treatment; or  
5393 (b) intermediate secure treatment.

5394 (41) "Seclusion" means the involuntary confinement of an individual in a room or an  
5395 area:

5396 (a) away from the individual's peers; and

5397 (b) in a manner that physically prevents the individual from leaving the room or area.

5398 (42) "Social detoxification" means short-term residential services for persons who are  
5399 experiencing or have recently experienced drug or alcohol intoxication, that are provided  
5400 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and  
5401 Inspection, and that include:

5402 (a) room and board for persons who are unrelated to the owner or manager of the  
5403 facility;

5404 (b) specialized rehabilitation to acquire sobriety; and

5405 (c) aftercare services.

5406 (43) "Substance abuse disorder" or "substance use disorder" mean the same as  
5407 "substance use disorder" is defined in Section 26B-5-501.

5408 (44) "Substance abuse treatment program" or "substance use disorder treatment  
5409 program" means a program:

5410 (a) designed to provide:

5411 (i) specialized drug or alcohol treatment;

5412 (ii) rehabilitation; or

5413 (iii) habilitation services; and

5414 (b) that provides the treatment or services described in Subsection (44)(a) to persons  
5415 with:

5416 (i) a diagnosed substance use disorder; or

5417 (ii) chemical dependency disorder.

5418 (45) "Therapeutic school" means a residential group living facility:

5419 (a) for four or more individuals that are not related to:

5420 (i) the owner of the facility; or

5421 (ii) the primary service provider of the facility;

5422 (b) that serves students who have a history of failing to function:

5423 (i) at home;

5424 (ii) in a public school; or

- 5425 (iii) in a nonresidential private school; and
- 5426 (c) that offers:
- 5427 (i) room and board; and
- 5428 (ii) an academic education integrated with:
- 5429 (A) specialized structure and supervision; or
- 5430 (B) services or treatment related to:
- 5431 (I) a disability;
- 5432 (II) emotional development;
- 5433 (III) behavioral development;
- 5434 (IV) familial development; or
- 5435 (V) social development.
- 5436 (46) "Unrelated persons" means persons other than parents, legal guardians,
- 5437 grandparents, brothers, sisters, uncles, or aunts.
- 5438 (47) "Vulnerable adult" means an elder adult or an adult who has a temporary or
- 5439 permanent mental or physical impairment that substantially affects the person's ability to:
- 5440 (a) provide personal protection;
- 5441 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 5442 (c) obtain services necessary for health, safety, or welfare;
- 5443 (d) carry out the activities of daily living;
- 5444 (e) manage the adult's own resources; or
- 5445 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 5446 neglect, or exploitation.
- 5447 (48) (a) "Youth program" means a program designed to provide behavioral, substance
- 5448 use, or mental health services to minors that:
- 5449 (i) serves adjudicated or nonadjudicated youth;
- 5450 (ii) charges a fee for the program's services;
- 5451 (iii) may provide host homes or other arrangements for overnight accommodation of
- 5452 the youth;
- 5453 (iv) may provide all or part of the program's services in the outdoors;
- 5454 (v) may limit or censor access to parents or guardians; and
- 5455 (vi) prohibits or restricts a minor's ability to leave the program at any time of the



5456 minor's own free will.

5457 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl  
5458 Scouts, 4-H, and other such organizations.

5459 (49) (a) "Youth transportation company" means any person that transports a child for  
5460 payment to or from a congregate care program in Utah.

5461 (b) "Youth transportation company" does not include:

5462 (i) a relative of the child;

5463 (ii) a state agency; or

5464 (iii) a congregate care program's employee who transports the child from the  
5465 congregate care program that employs the employee and returns the child to the same  
5466 congregate care program.

5467 Section 78. Section **32B-1-102** is amended to read:

5468 **32B-1-102. Definitions.**

5469 As used in this title:

5470 (1) "Airport lounge" means a business location:

5471 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

5472 (b) that is located at an international airport or domestic airport.

5473 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,  
5474 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

5475 (3) "Alcoholic beverage" means the following:

5476 (a) beer; or

5477 (b) liquor.

5478 (4) (a) "Alcoholic product" means a product that:

5479 (i) contains at least .5% of alcohol by volume; and

5480 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
5481 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
5482 in an amount equal to or greater than .5% of alcohol by volume.

5483 (b) "Alcoholic product" includes an alcoholic beverage.

5484 (c) "Alcoholic product" does not include any of the following common items that  
5485 otherwise come within the definition of an alcoholic product:

5486 (i) except as provided in Subsection (4)(d), an extract;

- 5487 (ii) vinegar;
- 5488 (iii) preserved nonintoxicating cider;
- 5489 (iv) essence;
- 5490 (v) tincture;
- 5491 (vi) food preparation; or
- 5492 (vii) an over-the-counter medicine.
- 5493 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 5494 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 5495 (5) "Alcohol training and education seminar" means a seminar that is:
- 5496 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 5497 (b) described in Section 26B-5-205.
- 5498 (6) "Arena" means an enclosed building:
- 5499 (a) that is managed by:
- 5500 (i) the same person who owns the enclosed building;
- 5501 (ii) a person who has a majority interest in each person who owns or manages a space
- 5502 in the enclosed building; or
- 5503 (iii) a person who has authority to direct or exercise control over the management or
- 5504 policy of each person who owns or manages a space in the enclosed building;
- 5505 (b) that operates as a venue; and
- 5506 (c) that has an occupancy capacity of at least 12,500.
- 5507 (7) "Arena license" means a license issued in accordance with Chapter 5, Retail
- 5508 License Act, and Chapter 8c, Arena License Act.
- 5509 (8) "Banquet" means an event:
- 5510 (a) that is a private event or a privately sponsored event;
- 5511 (b) that is held at one or more designated locations approved by the commission in or
- 5512 on the premises of:
- 5513 (i) a hotel;
- 5514 (ii) a resort facility;
- 5515 (iii) a sports center;
- 5516 (iv) a convention center;
- 5517 (v) a performing arts facility;

- 5518 (vi) an arena; or
- 5519 (vii) a restaurant venue;
- 5520 (c) for which there is a contract:
- 5521 (i) between a person operating a facility listed in Subsection (8)(b) and another person
- 5522 that has common ownership of less than 20% with the person operating the facility; and
- 5523 (ii) under which the person operating a facility listed in Subsection (8)(b) is required to
- 5524 provide an alcoholic product at the event; and
- 5525 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 5526 (9) (a) "Bar establishment license" means a license issued in accordance with Chapter
- 5527 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 5528 (b) "Bar establishment license" includes:
- 5529 (i) a dining club license;
- 5530 (ii) an equity license;
- 5531 (iii) a fraternal license; or
- 5532 (iv) a bar license.
- 5533 (10) "Bar license" means a license issued in accordance with Chapter 5, Retail License
- 5534 Act, and Chapter 6, Part 4, Bar Establishment License.
- 5535 (11) (a) "Beer" means a product that:
- 5536 (i) contains:
- 5537 (A) at least .5% of alcohol by volume; and
- 5538 (B) no more than 5% of alcohol by volume or 4% by weight;
- 5539 (ii) is obtained by fermentation, infusion, or decoction of:
- 5540 (A) malt; or
- 5541 (B) a malt substitute; and
- 5542 (iii) is clearly marketed, labeled, and identified as:
- 5543 (A) beer;
- 5544 (B) ale;
- 5545 (C) porter;
- 5546 (D) stout;
- 5547 (E) lager;
- 5548 (F) a malt;

- 5549 (G) a malted beverage; or
- 5550 (H) seltzer.
- 5551 (b) "Beer" may contain:
- 5552 (i) hops extract;
- 5553 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
- 5554 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
- 5555 (A) is used in the production of beer;
- 5556 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
- 5557 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
- 5558 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 5559 (c) "Beer" does not include:
- 5560 (i) a flavored malt beverage;
- 5561 (ii) a product that contains alcohol derived from:
- 5562 (A) except as provided in Subsection (11)(b)(iii), spirituous liquor; or
- 5563 (B) wine; or
- 5564 (iii) a product that contains an additive masking or altering a physiological effect of
- 5565 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 5566 (12) "Beer-only restaurant license" means a license issued in accordance with Chapter
- 5567 5, Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 5568 (13) "Beer retailer" means a business that:
- 5569 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether
- 5570 for consumption on or off the business premises; and
- 5571 (b) is licensed as:
- 5572 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise Beer
- 5573 Retailer Local Authority; or
- 5574 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 5575 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 5576 (14) "Beer wholesaling license" means a license:
- 5577 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 5578 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
- 5579 retail licensees or off-premise beer retailers.

- 5580 (15) "Billboard" means a public display used to advertise, including:
- 5581 (a) a light device;
- 5582 (b) a painting;
- 5583 (c) a drawing;
- 5584 (d) a poster;
- 5585 (e) a sign;
- 5586 (f) a signboard; or
- 5587 (g) a scoreboard.
- 5588 (16) "Brewer" means a person engaged in manufacturing:
- 5589 (a) beer;
- 5590 (b) heavy beer; or
- 5591 (c) a flavored malt beverage.
- 5592 (17) "Brewery manufacturing license" means a license issued in accordance with
- 5593 Chapter 11, Part 5, Brewery Manufacturing License.
- 5594 (18) "Certificate of approval" means a certificate of approval obtained from the
- 5595 department under Section 32B-11-201.
- 5596 (19) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
- 5597 a bus company to a group of persons pursuant to a common purpose:
- 5598 (a) under a single contract;
- 5599 (b) at a fixed charge in accordance with the bus company's tariff; and
- 5600 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 5601 motor vehicle, and a driver to travel together to one or more specified destinations.
- 5602 (20) "Church" means a building:
- 5603 (a) set apart for worship;
- 5604 (b) in which religious services are held;
- 5605 (c) with which clergy is associated; and
- 5606 (d) that is tax exempt under the laws of this state.
- 5607 (21) "Commission" means the Alcoholic Beverage Services Commission created in
- 5608 Section 32B-2-201.
- 5609 (22) "Commissioner" means a member of the commission.
- 5610 (23) "Community location" means:

- 5611 (a) a public or private school;
- 5612 (b) a church;
- 5613 (c) a public library;
- 5614 (d) a public playground; or
- 5615 (e) a public park.
- 5616 (24) "Community location governing authority" means:
- 5617 (a) the governing body of the community location; or
- 5618 (b) if the commission does not know who is the governing body of a community
- 5619 location, a person who appears to the commission to have been given on behalf of the
- 5620 community location the authority to prohibit an activity at the community location.
- 5621 (25) "Container" means a receptacle that contains an alcoholic product, including:
- 5622 (a) a bottle;
- 5623 (b) a vessel; or
- 5624 (c) a similar item.
- 5625 (26) "Controlled group of manufacturers" means as the commission defines by rule
- 5626 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 5627 (27) "Convention center" means a facility that is:
- 5628 (a) in total at least 30,000 square feet; and
- 5629 (b) otherwise defined as a "convention center" by the commission by rule.
- 5630 (28) (a) "Counter" means a surface or structure in a dining area of a licensed premises
- 5631 where seating is provided to a patron for service of food.
- 5632 (b) "Counter" does not include a dispensing structure.
- 5633 (29) "Crime involving moral turpitude" is as defined by the commission by rule.
- 5634 (30) "Department" means the Department of Alcoholic Beverage Services created in
- 5635 Section 32B-2-203.
- 5636 (31) "Department compliance officer" means an individual who is:
- 5637 (a) an auditor or inspector; and
- 5638 (b) employed by the department.
- 5639 (32) "Department sample" means liquor that is placed in the possession of the
- 5640 department for testing, analysis, and sampling.
- 5641 (33) "Dining club license" means a license issued in accordance with Chapter 5, Retail

5642 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
5643 commission as a dining club license.

5644 (34) "Director," unless the context requires otherwise, means the director of the  
5645 department.

5646 (35) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
5647 title:

5648 (a) against a person subject to administrative action; and

5649 (b) that is brought on the basis of a violation of this title.

5650 (36) (a) Subject to Subsection (36)(b), "dispense" means:

5651 (i) drawing an alcoholic product; and

5652 (ii) using the alcoholic product at the location from which it was drawn to mix or  
5653 prepare an alcoholic product to be furnished to a patron of the retail licensee.

5654 (b) The definition of "dispense" in this Subsection (36) applies only to:

5655 (i) a full-service restaurant license;

5656 (ii) a limited-service restaurant license;

5657 (iii) a reception center license;

5658 (iv) a beer-only restaurant license;

5659 (v) a bar license;

5660 (vi) an on-premise beer retailer;

5661 (vii) an airport lounge license;

5662 (viii) an on-premise banquet license; and

5663 (ix) a hospitality amenity license.

5664 (37) "Dispensing structure" means a surface or structure on a licensed premises:

5665 (a) where an alcoholic product is dispensed; or

5666 (b) from which an alcoholic product is served.

5667 (38) "Distillery manufacturing license" means a license issued in accordance with  
5668 Chapter 11, Part 4, Distillery Manufacturing License.

5669 (39) "Distressed merchandise" means an alcoholic product in the possession of the  
5670 department that is saleable, but for some reason is unappealing to the public.

5671 (40) "Domestic airport" means an airport that:

5672 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;

- 5673 (b) receives scheduled commercial passenger aircraft service; and  
5674 (c) is not an international airport.
- 5675 (41) "Equity license" means a license issued in accordance with Chapter 5, Retail  
5676 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
5677 commission as an equity license.
- 5678 (42) "Event permit" means:  
5679 (a) a single event permit; or  
5680 (b) a temporary beer event permit.
- 5681 (43) "Exempt license" means a license exempt under Section 32B-1-201 from being  
5682 considered in determining the total number of retail licenses that the commission may issue at  
5683 any time.
- 5684 (44) (a) "Flavored malt beverage" means a beverage:  
5685 (i) that contains at least .5% alcohol by volume;  
5686 (ii) for which the producer is required to file a formula for approval with the federal  
5687 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage  
5688 is treated by processing, filtration, or another method of manufacture that is not generally  
5689 recognized as a traditional process in the production of a beer, ale, porter, stout, lager, or malt  
5690 liquor; and  
5691 (iii) for which the producer is required to file a formula for approval with the federal  
5692 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because the beverage  
5693 includes an ingredient containing alcohol.
- 5694 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or  
5695 ethanol-based flavoring agent that contributes to the overall alcohol content of the beverage.
- 5696 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 5697 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 5698 (45) "Fraternal license" means a license issued in accordance with Chapter 5, Retail  
5699 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the  
5700 commission as a fraternal license.
- 5701 (46) "Full-service restaurant license" means a license issued in accordance with  
5702 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 5703 (47) (a) "Furnish" means by any means to provide with, supply, or give an individual



- 5704 an alcoholic product, by sale or otherwise.
- 5705 (b) "Furnish" includes to:
- 5706 (i) serve;
- 5707 (ii) deliver; or
- 5708 (iii) otherwise make available.
- 5709 (48) "Guest" means an individual who meets the requirements of Subsection
- 5710 32B-6-407(9).
- 5711 (49) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 5712 (50) "Health care practitioner" means:
- 5713 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 5714 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 5715 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 5716 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
- 5717 Act;
- 5718 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 5719 Nurse Practice Act;
- 5720 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
- 5721 Practice Act;
- 5722 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
- 5723 Therapy Practice Act;
- 5724 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 5725 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
- 5726 Professional Practice Act;
- 5727 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 5728 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
- 5729 Practice Act;
- 5730 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 5731 Hygienist Practice Act; and
- 5732 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 5733 Assistant Act.
- 5734 (51) (a) "Heavy beer" means a product that:

- 5735 (i) (A) contains more than 5% alcohol by volume;
- 5736 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 5737 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring
- 5738 agent that contributes more than 10% of the overall alcohol content of the product; or
- 5739 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
- 5740 volume or 4% by weight, and has a label or packaging that is rejected under Subsection
- 5741 32B-1-606(3)(b); and
- 5742 (ii) is obtained by fermentation, infusion, or decoction of:
- 5743 (A) malt; or
- 5744 (B) a malt substitute.
- 5745 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
- 5746 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes to
- 5747 the overall alcohol content of the heavy beer.
- 5748 (c) "Heavy beer" does not include:
- 5749 (i) a flavored malt beverage;
- 5750 (ii) a product that contains alcohol derived from:
- 5751 (A) except as provided in Subsections (51)(a)(i)(B) and (51)(b), spirituous liquor; or
- 5752 (B) wine; or
- 5753 (iii) a product that contains an additive masking or altering a physiological effect of
- 5754 alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
- 5755 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 5756 (52) "Hospitality amenity license" means a license issued in accordance with Chapter
- 5757 5, Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 5758 (53) (a) "Hotel" means a commercial lodging establishment that:
- 5759 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 5760 (ii) is capable of hosting conventions, conferences, and food and beverage functions
- 5761 under a banquet contract; and
- 5762 (iii) (A) has adequate kitchen or culinary facilities on the premises to provide complete
- 5763 meals;
- 5764 (B) has at least 1,000 square feet of function space consisting of meeting or dining
- 5765 rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or

5766 (C) if the establishment is located in a small or unincorporated locality, has an  
5767 appropriate amount of function space consisting of meeting or dining rooms that can be  
5768 reserved for private use under a banquet contract, as determined by the commission.

5769 (b) "Hotel" includes a commercial lodging establishment that:

5770 (i) meets the requirements under Subsection (53)(a); and

5771 (ii) has one or more privately owned dwelling units.

5772 (54) "Hotel license" means a license issued in accordance with Chapter 5, Retail  
5773 License Act, and Chapter 8b, Hotel License Act.

5774 (55) "Identification card" means an identification card issued under Title 53, Chapter 3,  
5775 Part 8, Identification Card Act.

5776 (56) "Industry representative" means an individual who is compensated by salary,  
5777 commission, or other means for representing and selling an alcoholic product of a  
5778 manufacturer, supplier, or importer of liquor.

5779 (57) "Industry representative sample" means liquor that is placed in the possession of  
5780 the department for testing, analysis, and sampling by a local industry representative on the  
5781 premises of the department to educate the local industry representative of the quality and  
5782 characteristics of the product.

5783 (58) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing  
5784 of an alcoholic product is prohibited by:

5785 (a) law; or

5786 (b) court order.

5787 (59) "International airport" means an airport:

5788 (a) with a United States Customs and Border Protection office on the premises of the  
5789 airport; and

5790 (b) at which international flights may enter and depart.

5791 (60) "Intoxicated" or "intoxication" means that

5792 an individual exhibits plain and easily observable outward manifestations of behavior  
5793 or physical signs produced by or as a result of the use of:

5794 (a) an alcoholic product;

5795 (b) a controlled substance;

5796 (c) a substance having the property of releasing toxic vapors; or

- 5797 (d) a combination of products or substances described in Subsections (60)(a) through  
5798 (c).
- 5799 (61) "Investigator" means an individual who is:
- 5800 (a) a department compliance officer; or
- 5801 (b) a nondepartment enforcement officer.
- 5802 (62) "License" means:
- 5803 (a) a retail license;
- 5804 (b) a sublicense;
- 5805 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer  
5806 State License;
- 5807 (d) a license issued in accordance with Chapter 11, Manufacturing and Related  
5808 Licenses Act;
- 5809 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 5810 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- 5811 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 5812 (63) "Licensee" means a person who holds a license.
- 5813 (64) "Limited-service restaurant license" means a license issued in accordance with  
5814 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 5815 (65) "Limousine" means a motor vehicle licensed by the state or a local authority, other  
5816 than a bus or taxicab:
- 5817 (a) in which the driver and a passenger are separated by a partition, glass, or other  
5818 barrier;
- 5819 (b) that is provided by a business entity to one or more individuals at a fixed charge in  
5820 accordance with the business entity's tariff; and
- 5821 (c) to give the one or more individuals the exclusive use of the limousine and a driver  
5822 to travel to one or more specified destinations.
- 5823 (66) (a) (i) "Liquor" means a liquid that:
- 5824 (A) is:
- 5825 (I) alcohol;
- 5826 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 5827 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

- 5828 (IV) other drink or drinkable liquid; and
- 5829 (B) (I) contains at least .5% alcohol by volume; and
- 5830 (II) is suitable to use for beverage purposes.
- 5831 (ii) "Liquor" includes:
- 5832 (A) heavy beer;
- 5833 (B) wine; and
- 5834 (C) a flavored malt beverage.
- 5835 (b) "Liquor" does not include beer.
- 5836 (67) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 5837 (68) "Liquor transport license" means a license issued in accordance with Chapter 17,
- 5838 Liquor Transport License Act.
- 5839 (69) "Liquor warehousing license" means a license that is issued:
- 5840 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 5841 (b) to a person, other than a licensed manufacturer, who engages in the importation for
- 5842 storage, sale, or distribution of liquor regardless of amount.
- 5843 (70) "Local authority" means:
- 5844 (a) for premises that are located in an unincorporated area of a county, the governing
- 5845 body of a county;
- 5846 (b) for premises that are located in an incorporated city[;] or town[~~, or metro township~~],
- 5847 the governing body of the city[;] or town[~~, or metro township~~]; or
- 5848 (c) for premises that are located in a project area as defined in Section 63H-1-102 and
- 5849 in a project area plan adopted by the Military Installation Development Authority under Title
- 5850 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation
- 5851 Development Authority.
- 5852 (71) "Lounge or bar area" is as defined by rule made by the commission.
- 5853 (72) "Malt substitute" means:
- 5854 (a) rice;
- 5855 (b) grain;
- 5856 (c) bran;
- 5857 (d) glucose;
- 5858 (e) sugar; or

- 5859 (f) molasses.
- 5860 (73) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or  
5861 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 5862 (74) "Member" means an individual who, after paying regular dues, has full privileges  
5863 in an equity licensee or fraternal licensee.
- 5864 (75) (a) "Military installation" means a base, air field, camp, post, station, yard, center,  
5865 or homeport facility for a ship:
- 5866 (i) (A) under the control of the United States Department of Defense; or  
5867 (B) of the National Guard;
- 5868 (ii) that is located within the state; and  
5869 (iii) including a leased facility.
- 5870 (b) "Military installation" does not include a facility used primarily for:
- 5871 (i) civil works;  
5872 (ii) a rivers and harbors project; or  
5873 (iii) a flood control project.
- 5874 (76) "Minibar" means an area of a hotel guest room where one or more alcoholic  
5875 products are kept and offered for self-service sale or consumption.
- 5876 (77) "Minor" means an individual under 21 years old.
- 5877 (78) "Nondepartment enforcement agency" means an agency that:
- 5878 (a) (i) is a state agency other than the department; or  
5879 (ii) is an agency of a county, city, or town~~[, or metro township]~~; and  
5880 (b) has a responsibility to enforce one or more provisions of this title.
- 5881 (79) "Nondepartment enforcement officer" means an individual who is:
- 5882 (a) a peace officer, examiner, or investigator; and  
5883 (b) employed by a nondepartment enforcement agency.
- 5884 (80) (a) "Off-premise beer retailer" means a beer retailer who is:
- 5885 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and  
5886 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's  
5887 premises.
- 5888 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 5889 (81) "Off-premise beer retailer state license" means a state license issued in accordance

5890 with Chapter 7, Part 4, Off-premise Beer Retailer State License.

5891 (82) "On-premise banquet license" means a license issued in accordance with Chapter  
5892 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.

5893 (83) "On-premise beer retailer" means a beer retailer who is:

5894 (a) authorized to sell, offer for sale, or furnish beer under a license issued in  
5895 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer  
5896 Retailer License; and

5897 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's  
5898 premises:

5899 (i) regardless of whether the beer retailer sells beer for consumption off the licensed  
5900 premises; and

5901 (ii) on and after March 1, 2012, operating:

5902 (A) as a tavern; or

5903 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).

5904 (84) "Opaque" means impenetrable to sight.

5905 (85) "Package agency" means a retail liquor location operated:

5906 (a) under an agreement with the department; and

5907 (b) by a person:

5908 (i) other than the state; and

5909 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package  
5910 Agency, to sell packaged liquor for consumption off the premises of the package agency.

5911 (86) "Package agent" means a person who holds a package agency.

5912 (87) "Patron" means an individual to whom food, beverages, or services are sold,  
5913 offered for sale, or furnished, or who consumes an alcoholic product including:

5914 (a) a customer;

5915 (b) a member;

5916 (c) a guest;

5917 (d) an attendee of a banquet or event;

5918 (e) an individual who receives room service;

5919 (f) a resident of a resort; or

5920 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity

- 5921 license.
- 5922 (88) (a) "Performing arts facility" means a multi-use performance space that:
- 5923 (i) is primarily used to present various types of performing arts, including dance,
- 5924 music, and theater;
- 5925 (ii) contains over 2,500 seats;
- 5926 (iii) is owned and operated by a governmental entity; and
- 5927 (iv) is located in a city of the first class.
- 5928 (b) "Performing arts facility" does not include a space that is used to present sporting
- 5929 events or sporting competitions.
- 5930 (89) "Permittee" means a person issued a permit under:
- 5931 (a) Chapter 9, Event Permit Act; or
- 5932 (b) Chapter 10, Special Use Permit Act.
- 5933 (90) "Person subject to administrative action" means:
- 5934 (a) a licensee;
- 5935 (b) a permittee;
- 5936 (c) a manufacturer;
- 5937 (d) a supplier;
- 5938 (e) an importer;
- 5939 (f) one of the following holding a certificate of approval:
- 5940 (i) an out-of-state brewer;
- 5941 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 5942 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 5943 (g) staff of:
- 5944 (i) a person listed in Subsections (90)(a) through (f); or
- 5945 (ii) a package agent.
- 5946 (91) "Premises" means a building, enclosure, or room used in connection with the
- 5947 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 5948 unless otherwise defined in this title or rules made by the commission.
- 5949 (92) "Prescription" means an order issued by a health care practitioner when:
- 5950 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 5951 to prescribe a controlled substance, other drug, or device for medicinal purposes;



- 5952 (b) the order is made in the course of that health care practitioner's professional  
5953 practice; and
- 5954 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 5955 (93) (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 5956 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 5957 (94) "Principal license" means:
- 5958 (a) a resort license;
- 5959 (b) a hotel license; or
- 5960 (c) an arena license.
- 5961 (95) (a) "Private event" means a specific social, business, or recreational event:
- 5962 (i) for which an entire room, area, or hall is leased or rented in advance by an identified  
5963 group; and
- 5964 (ii) that is limited in attendance to people who are specifically designated and their  
5965 guests.
- 5966 (b) "Private event" does not include an event to which the general public is invited,  
5967 whether for an admission fee or not.
- 5968 (96) "Privately sponsored event" means a specific social, business, or recreational  
5969 event:
- 5970 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 5971 (b) to which entry is restricted by an admission fee.
- 5972 (97) (a) "Proof of age" means:
- 5973 (i) an identification card;
- 5974 (ii) an identification that:
- 5975 (A) is substantially similar to an identification card;
- 5976 (B) is issued in accordance with the laws of a state other than Utah in which the  
5977 identification is issued;
- 5978 (C) includes date of birth; and
- 5979 (D) has a picture affixed;
- 5980 (iii) a valid driver license certificate that:
- 5981 (A) includes date of birth;
- 5982 (B) has a picture affixed; and

- 5983 (C) is issued:
- 5984 (I) under Title 53, Chapter 3, Uniform Driver License Act;
- 5985 (II) in accordance with the laws of the state in which it is issued; or
- 5986 (III) in accordance with federal law by the United States Department of State;
- 5987 (iv) a military identification card that:
- 5988 (A) includes date of birth; and
- 5989 (B) has a picture affixed; or
- 5990 (v) a valid passport.
- 5991 (b) "Proof of age" does not include a driving privilege card issued in accordance with
- 5992 Section 53-3-207.
- 5993 (98) "Provisions applicable to a sublicense" means:
- 5994 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
- 5995 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 5996 (b) for a limited-service restaurant sublicense, the provisions applicable to a
- 5997 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
- 5998 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
- 5999 license under Chapter 6, Part 4, Bar Establishment License;
- 6000 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
- 6001 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 6002 (e) for an on-premise beer retailer sublicense, the provisions applicable to an
- 6003 on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
- 6004 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
- 6005 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 6006 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
- 6007 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 6008 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
- 6009 Part 2, Resort Spa Sublicense.
- 6010 (99) (a) "Public building" means a building or permanent structure that is:
- 6011 (i) owned or leased by:
- 6012 (A) the state; or
- 6013 (B) a local government entity; and

- 6014 (ii) used for:
- 6015 (A) public education;
- 6016 (B) transacting public business; or
- 6017 (C) regularly conducting government activities.
- 6018 (b) "Public building" does not include a building owned by the state or a local
- 6019 government entity when the building is used by a person, in whole or in part, for a proprietary
- 6020 function.
- 6021 (100) "Public conveyance" means a conveyance that the public or a portion of the
- 6022 public has access to and a right to use for transportation, including an airline, railroad, bus,
- 6023 boat, or other public conveyance.
- 6024 (101) "Reception center" means a business that:
- 6025 (a) operates facilities that are at least 5,000 square feet; and
- 6026 (b) has as its primary purpose the leasing of the facilities described in Subsection
- 6027 (101)(a) to a third party for the third party's event.
- 6028 (102) "Reception center license" means a license issued in accordance with Chapter 5,
- 6029 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 6030 (103) (a) "Record" means information that is:
- 6031 (i) inscribed on a tangible medium; or
- 6032 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 6033 (b) "Record" includes:
- 6034 (i) a book;
- 6035 (ii) a book of account;
- 6036 (iii) a paper;
- 6037 (iv) a contract;
- 6038 (v) an agreement;
- 6039 (vi) a document; or
- 6040 (vii) a recording in any medium.
- 6041 (104) "Residence" means a person's principal place of abode within Utah.
- 6042 (105) "Resident," in relation to a resort, means the same as that term is defined in
- 6043 Section 32B-8-102.
- 6044 (106) "Resort" means the same as that term is defined in Section 32B-8-102.

- 6045 (107) "Resort facility" is as defined by the commission by rule.
- 6046 (108) "Resort license" means a license issued in accordance with Chapter 5, Retail  
6047 License Act, and Chapter 8, Resort License Act.
- 6048 (109) "Responsible alcohol service plan" means a written set of policies and  
6049 procedures that outlines measures to prevent employees from:
- 6050 (a) over-serving alcoholic beverages to customers;
- 6051 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously  
6052 intoxicated; and
- 6053 (c) serving alcoholic beverages to minors.
- 6054 (110) "Restaurant" means a business location:
- 6055 (a) at which a variety of foods are prepared;
- 6056 (b) at which complete meals are served; and
- 6057 (c) that is engaged primarily in serving meals.
- 6058 (111) "Restaurant license" means one of the following licenses issued under this title:
- 6059 (a) a full-service restaurant license;
- 6060 (b) a limited-service restaurant license; or
- 6061 (c) a beer-only restaurant license.
- 6062 (112) "Restaurant venue" means a room within a restaurant that:
- 6063 (a) is located on the licensed premises of a restaurant licensee;
- 6064 (b) is separated from the area within the restaurant for a patron's consumption of food  
6065 by a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not visible to a  
6066 patron in the area within the restaurant for a patron's consumption of food; and
- 6067 (c) (i) has at least 1,000 square feet that:
- 6068 (A) may be reserved for a banquet; and
- 6069 (B) accommodates at least 75 individuals; or
- 6070 (ii) if the restaurant is located in a small or unincorporated locality, has an appropriate  
6071 amount of space, as determined by the commission, that may be reserved for a banquet.
- 6072 (113) "Retail license" means one of the following licenses issued under this title:
- 6073 (a) a full-service restaurant license;
- 6074 (b) a master full-service restaurant license;
- 6075 (c) a limited-service restaurant license;

- 6076 (d) a master limited-service restaurant license;
- 6077 (e) a bar establishment license;
- 6078 (f) an airport lounge license;
- 6079 (g) an on-premise banquet license;
- 6080 (h) an on-premise beer license;
- 6081 (i) a reception center license;
- 6082 (j) a beer-only restaurant license;
- 6083 (k) a hospitality amenity license;
- 6084 (l) a resort license;
- 6085 (m) a hotel license; or
- 6086 (n) an arena license.
- 6087 (114) "Room service" means furnishing an alcoholic product to a person in a guest
- 6088 room or privately owned dwelling unit of a:
- 6089 (a) hotel; or
- 6090 (b) resort facility.
- 6091 (115) (a) "School" means a building in which any part is used for more than three
- 6092 hours each weekday during a school year as a public or private:
- 6093 (i) elementary school;
- 6094 (ii) secondary school; or
- 6095 (iii) kindergarten.
- 6096 (b) "School" does not include:
- 6097 (i) a nursery school;
- 6098 (ii) a day care center;
- 6099 (iii) a trade and technical school;
- 6100 (iv) a preschool; or
- 6101 (v) a home school.
- 6102 (116) "Secondary flavoring ingredient" means any spirituous liquor added to a
- 6103 beverage for additional flavoring that is different in type, flavor, or brand from the primary
- 6104 spirituous liquor in the beverage.
- 6105 (117) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
- 6106 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,

6107 delivered for value, or by a means or under a pretext is promised or obtained, whether done by  
6108 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules  
6109 made by the commission.

6110 (118) "Serve" means to place an alcoholic product before an individual.

6111 (119) "Sexually oriented entertainer" means a person who while in a state of  
6112 seminudity appears at or performs:

6113 (a) for the entertainment of one or more patrons;

6114 (b) on the premises of:

6115 (i) a bar licensee; or

6116 (ii) a tavern;

6117 (c) on behalf of or at the request of the licensee described in Subsection (119)(b);

6118 (d) on a contractual or voluntary basis; and

6119 (e) whether or not the person is designated as:

6120 (i) an employee;

6121 (ii) an independent contractor;

6122 (iii) an agent of the licensee; or

6123 (iv) a different type of classification.

6124 (120) "Shared seating area" means the licensed premises of two or more restaurant  
6125 licensees that the restaurant licensees share as an area for alcoholic beverage consumption in  
6126 accordance with Subsection 32B-5-207(3).

6127 (121) "Single event permit" means a permit issued in accordance with Chapter 9, Part  
6128 3, Single Event Permit.

6129 (122) "Small brewer" means a brewer who manufactures less than 60,000 barrels of  
6130 beer, heavy beer, and flavored malt beverage per year, as the department calculates by:

6131 (a) if the brewer is part of a controlled group of manufacturers, including the combined  
6132 volume totals of production for all breweries that constitute the controlled group of  
6133 manufacturers; and

6134 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:

6135 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission  
6136 determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

6137 Rulemaking Act; and

- 6138 (ii) does not sell for consumption as, or in, a beverage.
- 6139 (123) "Small or unincorporated locality" means:
- 6140 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 6141 (b) a town, as classified under Section 10-2-301; or
- 6142 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
- 6143 under Section 17-50-501.
- 6144 (124) "Spa sublicense" means a sublicense:
- 6145 (a) to a resort license or hotel license; and
- 6146 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
- 6147 Sublicense.
- 6148 (125) "Special use permit" means a permit issued in accordance with Chapter 10,
- 6149 Special Use Permit Act.
- 6150 (126) (a) "Spirituous liquor" means liquor that is distilled.
- 6151 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
- 6152 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.
- 6153 (127) "Sports center" is as defined by the commission by rule.
- 6154 (128) (a) "Staff" means an individual who engages in activity governed by this title:
- 6155 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
- 6156 holder;
- 6157 (ii) at the request of the business, including a package agent, licensee, permittee, or
- 6158 certificate holder; or
- 6159 (iii) under the authority of the business, including a package agent, licensee, permittee,
- 6160 or certificate holder.
- 6161 (b) "Staff" includes:
- 6162 (i) an officer;
- 6163 (ii) a director;
- 6164 (iii) an employee;
- 6165 (iv) personnel management;
- 6166 (v) an agent of the licensee, including a managing agent;
- 6167 (vi) an operator; or
- 6168 (vii) a representative.

- 6169 (129) "State of nudity" means:
- 6170 (a) the appearance of:
- 6171 (i) the nipple or areola of a female human breast;
- 6172 (ii) a human genital;
- 6173 (iii) a human pubic area; or
- 6174 (iv) a human anus; or
- 6175 (b) a state of dress that fails to opaquely cover:
- 6176 (i) the nipple or areola of a female human breast;
- 6177 (ii) a human genital;
- 6178 (iii) a human pubic area; or
- 6179 (iv) a human anus.
- 6180 (130) "State of seminudity" means a state of dress in which opaque clothing covers no
- 6181 more than:
- 6182 (a) the nipple and areola of the female human breast in a shape and color other than the
- 6183 natural shape and color of the nipple and areola; and
- 6184 (b) the human genitals, pubic area, and anus:
- 6185 (i) with no less than the following at its widest point:
- 6186 (A) four inches coverage width in the front of the human body; and
- 6187 (B) five inches coverage width in the back of the human body; and
- 6188 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 6189 (131) (a) "State store" means a facility for the sale of packaged liquor:
- 6190 (i) located on premises owned or leased by the state; and
- 6191 (ii) operated by a state employee.
- 6192 (b) "State store" does not include:
- 6193 (i) a package agency;
- 6194 (ii) a licensee; or
- 6195 (iii) a permittee.
- 6196 (132) (a) "Storage area" means an area on licensed premises where the licensee stores
- 6197 an alcoholic product.
- 6198 (b) "Store" means to place or maintain in a location an alcoholic product.
- 6199 (133) "Sublicense" means:



6200 (a) any of the following licenses issued as a subordinate license to, and contingent on  
6201 the issuance of, a principal license:

- 6202 (i) a full-service restaurant license;
- 6203 (ii) a limited-service restaurant license;
- 6204 (iii) a bar establishment license;
- 6205 (iv) an on-premise banquet license;
- 6206 (v) an on-premise beer retailer license;
- 6207 (vi) a beer-only restaurant license; or
- 6208 (vii) a hospitality amenity license; or
- 6209 (b) a spa sublicense.

6210 (134) "Supplier" means a person who sells an alcoholic product to the department.

6211 (135) "Tavern" means an on-premise beer retailer who is:

6212 (a) issued a license by the commission in accordance with Chapter 5, Retail License  
6213 Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

6214 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,  
6215 On-Premise Beer Retailer License.

6216 (136) "Temporary beer event permit" means a permit issued in accordance with  
6217 Chapter 9, Part 4, Temporary Beer Event Permit.

6218 (137) "Temporary domicile" means the principal place of abode within Utah of a  
6219 person who does not have a present intention to continue residency within Utah permanently or  
6220 indefinitely.

6221 (138) "Translucent" means a substance that allows light to pass through, but does not  
6222 allow an object or person to be seen through the substance.

6223 (139) "Unsaleable liquor merchandise" means a container that:

6224 (a) is unsaleable because the container is:

- 6225 (i) unlabeled;
- 6226 (ii) leaky;
- 6227 (iii) damaged;
- 6228 (iv) difficult to open; or
- 6229 (v) partly filled;

6230 (b) (i) has faded labels or defective caps or corks;

- 6231 (ii) has contents that are:
- 6232 (A) cloudy;
- 6233 (B) spoiled; or
- 6234 (C) chemically determined to be impure; or
- 6235 (iii) contains:
- 6236 (A) sediment; or
- 6237 (B) a foreign substance; or
- 6238 (c) is otherwise considered by the department as unfit for sale.
- 6239 (140) (a) "Wine" means an alcoholic product obtained by the fermentation of the
- 6240 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
- 6241 another ingredient is added.
- 6242 (b) "Wine" includes:
- 6243 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R. Sec.
- 6244 4.10; and
- 6245 (ii) hard cider.
- 6246 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided
- 6247 in this title.
- 6248 (141) "Winery manufacturing license" means a license issued in accordance with
- 6249 Chapter 11, Part 3, Winery Manufacturing License.
- 6250 Section 79. Section **32B-1-702** is amended to read:
- 6251 **32B-1-702. Alcohol training and education -- Revocation, suspension, or**
- 6252 **nonrenewal of retail license.**
- 6253 (1) The commission may suspend, revoke, or not renew a license of a retail licensee if
- 6254 any of the following individuals fail to complete an alcohol training and education seminar:
- 6255 (a) a retail manager; or
- 6256 (b) retail staff.
- 6257 (2) A city, town[, ~~metro township~~], or county in which a retail licensee conducts
- 6258 business may suspend, revoke, or not renew the business license of the retail licensee if a retail
- 6259 manager or retail staff fails to complete an alcohol training and education seminar.
- 6260 (3) A local authority that issues an off-premise beer retailer license to a business that is
- 6261 engaged in the retail sale of beer for consumption off the beer retailer's premises may

6262 immediately suspend the off-premise beer retailer license if any of the following individuals  
6263 fails to complete an alcohol training and education seminar:

- 6264 (a) an off-premise retail manager; or
- 6265 (b) off-premise retail staff.

6266 Section 80. Section **32B-1-704** is amended to read:

6267 **32B-1-704. Department training programs.**

6268 (1) No later than January 1, 2018, the department shall develop the following training  
6269 programs that are provided either in-person or online:

6270 (a) a training program for retail managers that addresses:

- 6271 (i) the statutes and rules that govern alcohol sales and consumption in the state;
- 6272 (ii) the requirements for operating as a retail licensee;
- 6273 (iii) using compliance assistance from the department; and
- 6274 (iv) any other topic the department determines beneficial to a retail manager; and

6275 (b) a training program for an individual employed by a retail licensee or an off-premise  
6276 beer retailer who violates a provision of this title related to the sale, service, or furnishing of an  
6277 alcoholic beverage to an intoxicated individual or a minor, that addresses:

- 6278 (i) the statutes and rules that govern the most common types of violations under this  
6279 title;
- 6280 (ii) how to avoid common violations; and
- 6281 (iii) any other topic the department determines beneficial to the training program.

6282 (2) No later than January 1, 2019, the department shall develop a training program for  
6283 off-premise retail managers that is provided either in-person or online and addresses:

- 6284 (a) the statutes and rules that govern sales at an off-premise beer retailer;
- 6285 (b) the requirements for operating an off-premise beer retailer;
- 6286 (c) using compliance assistance from the department; and
- 6287 (d) any other topic the department determines beneficial to an off-premise retail

6288 manager.

6289 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
6290 the provisions of this section, the department shall make rules to develop and implement the  
6291 training programs described in this section, including rules that establish:

- 6292 (a) the requirements for each training program described in this section;

6293 (b) measures that accurately identify each individual who takes and completes a  
6294 training program;  
6295 (c) measures that ensure an individual taking a training program is focused and actively  
6296 engaged in the training material throughout the training program;  
6297 (d) a record that certifies that an individual has completed a training program; and  
6298 (e) a fee for participation in a training program to cover the department's cost of  
6299 providing the training program.

6300 (4) (a) Each retail manager shall complete the training described in Subsection (1)(a)  
6301 no later than the later of:

6302 (i) 30 days after the day on which the retail manager is hired; or

6303 (ii) the day on which the retail licensee obtains a retail license.

6304 (b) Each off-premise retail manager shall complete the training described in  
6305 Subsection (2) no later than the later of:

6306 (i) 30 days after the day on which the off-premise retail manager is hired; or

6307 (ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise  
6308 beer retailer state license.

6309 (c) (i) If the commission finds that a retail licensee violated a provision of this title  
6310 related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual  
6311 or a minor for a second time within 36 consecutive months after the day on which the first  
6312 violation was adjudicated, the violator, all retail staff, and each retail manager shall complete  
6313 the training program described in Subsection (1)(b).

6314 (ii) If the commission finds that an off-premise beer retailer violated a provision of this  
6315 title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated  
6316 individual or a minor for a second time within 36 consecutive months after the day on which  
6317 the first violation was adjudicated, the violator and each off-premise retail manager shall  
6318 complete the training program described in Subsection (1)(b).

6319 (5) If an individual fails to complete a required training program under this section:

6320 (a) the commission may suspend, revoke, or not renew the retail license or off-premise  
6321 beer retailer state license;

6322 (b) a city, town~~[, metro township]~~, or county in which the retail licensee or off-premise  
6323 beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise

6324 beer retailer's business license; or  
6325 (c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's  
6326 license.

6327 Section 81. Section **32B-2-402** is amended to read:

6328 **32B-2-402. Definitions -- Calculations.**

6329 (1) As used in this part:

6330 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and  
6331 Treatment Restricted Account created in Section 32B-2-403.

6332 (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory  
6333 Council created in Section 63M-7-301.

6334 (c) "Alcohol-related offense" means:

6335 (i) a violation of:

6336 (A) Section 41-6a-502; or

6337 (B) an ordinance that complies with the requirements of:

6338 (I) Subsection 41-6a-510(1); or

6339 (II) Section 76-5-207; or

6340 (ii) an offense involving the illegal:

6341 (A) sale of an alcoholic product;

6342 (B) consumption of an alcoholic product;

6343 (C) distribution of an alcoholic product;

6344 (D) transportation of an alcoholic product; or

6345 (E) possession of an alcoholic product.

6346 (d) "Annual conviction time period" means the time period that:

6347 (i) begins on July 1 and ends on June 30; and

6348 (ii) immediately precedes the fiscal year for which an appropriation under this part is  
6349 made.

6350 (e) "Municipality" means[~~±~~] a city or town.

6351 [~~(i) a city;~~]

6352 [~~(ii) a town; or~~]

6353 [~~(iii) a metro township.~~]

6354 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah

6355 Administrative Rulemaking Act, by the Division of Integrated Healthcare within the  
6356 Department of Health and Human Services.

6357 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental  
6358 Health shall:

6359 (A) include only evidence-based or evidence-informed programs; and

6360 (B) provide for coordination with local substance abuse authorities designated to  
6361 provide substance abuse services in accordance with Section 17-43-201.

6362 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located  
6363 within the limits of a municipality or county:

6364 (a) is the number determined by the department to be so located;

6365 (b) includes the aggregate number of premises of the following:

6366 (i) a state store;

6367 (ii) a package agency; and

6368 (iii) a retail licensee; and

6369 (c) for a county, consists only of the number located within an unincorporated area of  
6370 the county.

6371 (3) The department shall determine:

6372 (a) a population figure according to the most current population estimate prepared by  
6373 the Utah Population Committee;

6374 (b) a county's population for the 25% distribution to municipalities and counties under  
6375 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated  
6376 areas of the county; and

6377 (c) a county's population for the 25% distribution to counties under Subsection  
6378 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of  
6379 a municipality.

6380 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the  
6381 offense to judgment.

6382 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in  
6383 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

6384 Section 82. Section **32B-4-202** is amended to read:

6385 **32B-4-202. Duties to enforce this title.**

6386 It is the duty of the following to diligently enforce this title in their respective  
6387 capacities:

- 6388 (1) the governor;
- 6389 (2) a commissioner;
- 6390 (3) the director;
- 6391 (4) an official, inspector, or department employee;
- 6392 (5) a prosecuting official of the state or its political subdivisions;
- 6393 (6) a county, city, or town[, ~~or metro township~~];
- 6394 (7) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement  
6395 official;

- 6396 (8) a state health official; and
- 6397 (9) a clerk of the court.

6398 Section 83. Section **35A-8-805** is amended to read:

6399 **35A-8-805. Reporting requirements.**

6400 (1) As used in this section:

6401 (a) "Affordable housing" means, as determined by the department, the number of  
6402 housing units within a county or municipality where a household whose income is at or below  
6403 50% of area median income is able to live in a unit without spending more than 30% of their  
6404 income on housing costs.

6405 (b) "County" means the unincorporated area of a county.

6406 (c) "Low-income housing" means, as determined by the department, the number of  
6407 Section 42, Internal Revenue Code, housing units within a county or municipality.

6408 (d) "Municipality" means a city[;] or town[, ~~or metro township~~].

6409 (2) (a) On or before October 1 of each year, the division shall provide a report to the  
6410 department for inclusion in the department's annual report described in Section 35A-1-109.

6411 (b) The report shall include:

6412 (i) an estimate of how many affordable housing units and how many low-income  
6413 housing units are available in each county and municipality in the state;

6414 (ii) a determination of the percentage of affordable housing available in each county  
6415 and municipality in the state as compared to the statewide average;

6416 (iii) a determination of the percentage of low-income housing available in each county

6417 and municipality in the state as compared to the statewide average; and

6418 (iv) a description of how information in the report was calculated.

6419 Section 84. Section **35A-16-401** is amended to read:

6420 **35A-16-401. Definitions.**

6421 As used in this part:

6422 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account  
6423 created in Section 35A-16-402.

6424 (2) "Authorized provider" means a nonprofit provider of homeless services that is  
6425 authorized by a third-tier eligible municipality to operate a temporary winter response shelter  
6426 within the municipality in accordance with Part 5, Winter Response Plan Requirements.

6427 (3) "Eligible municipality" means:

6428 (a) a first-tier eligible municipality;

6429 (b) a second-tier eligible municipality; or

6430 (c) a third-tier eligible municipality.

6431 (4) "Eligible services" means any activities or services that mitigate the impacts of the  
6432 location of an eligible shelter, including direct services, public safety services, and emergency  
6433 services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3,  
6434 Utah Administrative Rulemaking Act.

6435 (5) "Eligible shelter" means:

6436 (a) for a first-tier eligible municipality, a homeless shelter that:

6437 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as  
6438 verified by the office;

6439 (ii) operates year-round; and

6440 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
6441 operation;

6442 (b) for a second-tier municipality, a homeless shelter that:

6443 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as  
6444 verified by the office;

6445 (ii) operates year-round; and

6446 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
6447 operation; and



- 6448 (c) for a third-tier eligible municipality, a homeless shelter that:
- 6449 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,
- 6450 as verified by the office; and
- 6451 (B) operates for no less than three months during the period beginning October 1 and
- 6452 ending April 30 of the following year; or
- 6453 (ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and
- 6454 (B) increases capacity during a winter response period, as defined in Section
- 6455 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).
- 6456 (6) "First-tier eligible municipality" means a municipality that:
- 6457 (a) is located within a county of the first or second class;
- 6458 (b) as determined by the office, has or is proposed to have an eligible shelter within the
- 6459 municipality's geographic boundaries within the following fiscal year;
- 6460 (c) due to the location of an eligible shelter within the municipality's geographic
- 6461 boundaries, requires eligible services; and
- 6462 (d) is certified as a first-tier eligible municipality in accordance with Section
- 6463 35A-16-404.
- 6464 (7) "Homeless shelter" means a facility that provides or is proposed to provide
- 6465 temporary shelter to individuals experiencing homelessness.
- 6466 (8) "Municipality" means a city[;] or town[; ~~or metro township~~].
- 6467 (9) "Public safety services" means law enforcement, emergency medical services, or
- 6468 fire protection.
- 6469 (10) "Second-tier eligible municipality" means a municipality that:
- 6470 (a) is located within a county of the third, fourth, fifth, or sixth class;
- 6471 (b) as determined by the office, has or is proposed to have an eligible shelter within the
- 6472 municipality's geographic boundaries within the following fiscal year;
- 6473 (c) due to the location of an eligible shelter within the municipality's geographic
- 6474 boundaries, requires eligible services; and
- 6475 (d) is certified as a second-tier eligible municipality in accordance with Section
- 6476 35A-16-404.
- 6477 (11) "Third-tier eligible municipality" means a municipality that:
- 6478 (a) as determined by the office, has or is proposed to have an eligible shelter within the

6479 municipality's geographic boundaries within the following fiscal year; and

6480 (b) due to the location of an eligible shelter within the municipality's geographic  
6481 boundaries, requires eligible services.

6482 Section 85. Section **35A-16-501** is amended to read:

6483 **35A-16-501. Definitions.**

6484 As used in this part:

6485 (1) "Applicable county" means a county of the first or second class.

6486 (2) "Applicable local homeless council" means the local homeless council that is  
6487 responsible for coordinating homeless response within an applicable county.

6488 (3) "Capacity limit" means a limit as to the number of individuals that a homeless  
6489 shelter may provide overnight shelter to under a conditional use permit.

6490 (4) "Chief executive officer" means the same as that term is defined in Section  
6491 11-51-102.

6492 (5) "Community location" means the same as that term is defined in Section 10-8-41.6.

6493 (6) "Conference of mayors" means an association consisting of the mayor of each  
6494 municipality located within a county.

6495 (7) "Council of governments" means the same as that term is defined in Section  
6496 72-2-117.5.

6497 (8) "County winter response task force" or "task force" means a task force described in  
6498 Section 35A-16-501.5.

6499 (9) "Homeless shelter" means a facility that:

6500 (a) provides temporary shelter to individuals experiencing homelessness;

6501 (b) operates year-round; and

6502 (c) is not subject to restrictions that limit the hours, days, weeks, or months of  
6503 operation.

6504 (10) "Municipality" means a city[;] or town[; ~~or metro township~~].

6505 (11) "State facility" means the same as that term is defined in Section 63A-5b-1001.

6506 (12) "Subsequent winter response period" means the winter response period that begins  
6507 on October 15 of the year in which a county winter response task force is required to submit a  
6508 winter response plan to the office under Section 35A-16-502.

6509 (13) "Targeted winter response bed count" means the targeted bed count number for an

6510 applicable county during the winter response period, as determined jointly by the applicable  
6511 local homeless council and the office.

6512 (14) "Temporary winter response shelter" means a facility that:

6513 (a) provides temporary emergency shelter to individuals experiencing homelessness  
6514 during a winter response period; and

6515 (b) does not operate year-round.

6516 (15) "Winter response period" means the period beginning October 15 and ending  
6517 April 30 of the following year.

6518 (16) "Winter response plan" means the plan described in Section 35A-16-502.

6519 Section 86. Section **35A-16-701** is amended to read:

6520 **35A-16-701. Definitions.**

6521 As used in this part:

6522 (1) "Affected county" means a county of the first, second, third, or fourth class in  
6523 which a code blue event is anticipated.

6524 (2) "Applicable local homeless council" means the local homeless council that is  
6525 responsible for coordinating homeless response within an affected county.

6526 (3) "Capacity limit" means a limit as to the number of individuals that a homeless  
6527 shelter may provide temporary shelter to under a conditional use permit.

6528 (4) "Code blue alert" means a proclamation issued by the Department of Health and  
6529 Human Services under Section 35A-16-702 to alert the public of a code blue event.

6530 (5) "Code blue event" means a weather event in which the National Weather Service  
6531 predicts temperatures of 15 degrees Fahrenheit or less, including wind chill, or any other  
6532 extreme weather conditions established in rules made by the Department of Health and Human  
6533 Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or  
6534 fourth class for two hours or longer within the next 24 to 48 hours.

6535 (6) "Homeless shelter" means a facility that provides temporary shelter to individuals  
6536 experiencing homelessness.

6537 (7) "Municipality" means a city[;] or town[; ~~or metro township~~].

6538 Section 87. Section **36-11-102** is amended to read:

6539 **36-11-102. Definitions.**

6540 As used in this chapter:

- 6541 (1) "Aggregate daily expenditures" means:
- 6542 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
- 6543 made within a calendar day by the lobbyist, principal, or government officer for the benefit of
- 6544 an individual public official;
- 6545 (b) for an expenditure made by a member of a lobbyist group, the total of all
- 6546 expenditures made within a calendar day by every member of the lobbyist group for the benefit
- 6547 of an individual public official; or
- 6548 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
- 6549 lobbyist within a calendar day for the benefit of an individual public official, regardless of
- 6550 whether the expenditures were attributed to different clients.
- 6551 (2) "Approved activity" means an event, a tour, or a meeting:
- 6552 (a) (i) to which a legislator or another nonexecutive branch public official is invited;
- 6553 and
- 6554 (ii) attendance at which is approved by:
- 6555 (A) the speaker of the House of Representatives, if the public official is a member of
- 6556 the House of Representatives or another nonexecutive branch public official; or
- 6557 (B) the president of the Senate, if the public official is a member of the Senate or
- 6558 another nonexecutive branch public official; or
- 6559 (b) (i) to which a public official who holds a position in the executive branch of state
- 6560 government is invited; and
- 6561 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 6562 (3) "Board of education" means:
- 6563 (a) a local school board described in Title 53G, Chapter 4, School Districts;
- 6564 (b) the State Board of Education;
- 6565 (c) the State Charter School Board created under Section 53G-5-201; or
- 6566 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
- 6567 Schools.
- 6568 (4) "Capitol hill complex" means the same as that term is defined in Section
- 6569 63C-9-102.
- 6570 (5) (a) "Compensation" means anything of economic value, however designated, that is
- 6571 paid, loaned, granted, given, donated, or transferred to an individual for the provision of

6572 services or ownership before any withholding required by federal or state law.

6573 (b) "Compensation" includes:

6574 (i) a salary or commission;

6575 (ii) a bonus;

6576 (iii) a benefit;

6577 (iv) a contribution to a retirement program or account;

6578 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue

6579 Code, and subject to social security deductions, including a payment in excess of the maximum

6580 amount subject to deduction under social security law;

6581 (vi) an amount that the individual authorizes to be deducted or reduced for salary

6582 deferral or other benefits authorized by federal law; or

6583 (vii) income based on an individual's ownership interest.

6584 (6) "Compensation payor" means a person who pays compensation to a public official

6585 in the ordinary course of business:

6586 (a) because of the public official's ownership interest in the compensation payor; or

6587 (b) for services rendered by the public official on behalf of the compensation payor.

6588 (7) "Education action" means:

6589 (a) a resolution, policy, or other official action for consideration by a board of

6590 education;

6591 (b) a nomination or appointment by an education official or a board of education;

6592 (c) a vote on an administrative action taken by a vote of a board of education;

6593 (d) an adjudicative proceeding over which an education official has direct or indirect

6594 control;

6595 (e) a purchasing or contracting decision;

6596 (f) drafting or making a policy, resolution, or rule;

6597 (g) determining a rate or fee; or

6598 (h) making an adjudicative decision.

6599 (8) "Education official" means:

6600 (a) a member of a board of education;

6601 (b) an individual appointed to or employed in a position under a board of education, if

6602 that individual:

- 6603 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 6604 (ii) drafts resolutions or policies or drafts or makes rules;
- 6605 (iii) determines rates or fees;
- 6606 (iv) makes decisions relating to an education budget or the expenditure of public
- 6607 money; or
- 6608 (v) makes adjudicative decisions; or
- 6609 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 6610 (9) "Event" means entertainment, a performance, a contest, or a recreational activity
- 6611 that an individual participates in or is a spectator at, including a sporting event, an artistic
- 6612 event, a play, a movie, dancing, or singing.
- 6613 (10) "Executive action" means:
- 6614 (a) a nomination or appointment by the governor;
- 6615 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
- 6616 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 6617 (c) agency ratemaking proceedings; or
- 6618 (d) an adjudicative proceeding of a state agency.
- 6619 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
- 6620 given to or for the benefit of a public official unless consideration of equal or greater value is
- 6621 received:
- 6622 (i) a purchase, payment, or distribution;
- 6623 (ii) a loan, gift, or advance;
- 6624 (iii) a deposit, subscription, or forbearance;
- 6625 (iv) services or goods;
- 6626 (v) money;
- 6627 (vi) real property;
- 6628 (vii) a ticket or admission to an event; or
- 6629 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
- 6630 any item listed in Subsections (11)(a)(i) through (vii).
- 6631 (b) "Expenditure" does not mean:
- 6632 (i) a commercially reasonable loan made in the ordinary course of business;
- 6633 (ii) a campaign contribution:

- 6634 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial  
6635 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance  
6636 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
- 6637 (B) lawfully given to a person that is not required to report the contribution under a law  
6638 or ordinance described in Subsection (11)(b)(ii)(A);
- 6639 (iii) printed informational material that is related to the performance of the recipient's  
6640 official duties;
- 6641 (iv) a devise or inheritance;
- 6642 (v) any item listed in Subsection (11)(a) if:
- 6643 (A) given by a relative;
- 6644 (B) given by a compensation payor for a purpose solely unrelated to the public  
6645 official's position as a public official;
- 6646 (C) the item is food or beverage with a value that does not exceed the food  
6647 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
6648 the food reimbursement rate; or
- 6649 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
6650 daily expenditures do not exceed \$10;
- 6651 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the  
6652 following are invited:
- 6653 (A) all members of the Legislature;
- 6654 (B) all members of a standing or interim committee;
- 6655 (C) all members of an official legislative task force;
- 6656 (D) all members of a party caucus; or
- 6657 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who  
6658 are attending a meeting of a national organization whose primary purpose is addressing general  
6659 legislative policy;
- 6660 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public  
6661 official who is:
- 6662 (A) giving a speech at the event, tour, or meeting;
- 6663 (B) participating in a panel discussion at the event, tour, or meeting; or
- 6664 (C) presenting or receiving an award at the event, tour, or meeting;

- 6665 (viii) a plaque, commendation, or award that:
- 6666 (A) is presented in public; and
- 6667 (B) has the name of the individual receiving the plaque, commendation, or award
- 6668 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
- 6669 award;
- 6670 (ix) a gift that:
- 6671 (A) is an item that is not consumable and not perishable;
- 6672 (B) a public official, other than a local official or an education official, accepts on
- 6673 behalf of the state;
- 6674 (C) the public official promptly remits to the state;
- 6675 (D) a property administrator does not reject under Section 63G-23-103;
- 6676 (E) does not constitute a direct benefit to the public official before or after the public
- 6677 official remits the gift to the state; and
- 6678 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
- 6679 distribute a gift or benefit to one or more public officials in a manner that would otherwise
- 6680 qualify the gift as an expenditure if the gift were given directly to a public official;
- 6681 (x) any of the following with a cash value not exceeding \$30:
- 6682 (A) a publication; or
- 6683 (B) a commemorative item;
- 6684 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
- 6685 which is:
- 6686 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
- 6687 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section
- 6688 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);
- 6689 (B) to solicit a campaign contribution that a person is not required to report under a law
- 6690 or ordinance described in Subsection (11)(b)(xi)(A); or
- 6691 (C) charitable solicitation, as defined in Section 13-22-2;
- 6692 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
- 6693 activity;
- 6694 (xiii) sponsorship of an approved activity;
- 6695 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to



6696 or from an event, a tour, or a meeting:

6697 (A) that is sponsored by a governmental entity;

6698 (B) that is widely attended and related to a governmental duty of a public official;

6699 (C) for a local official, that is sponsored by an organization that represents only local  
6700 governments, including the Utah Association of Counties, the Utah League of Cities and  
6701 Towns, or the Utah Association of Special Districts; or

6702 (D) for an education official, that is sponsored by a public school, a charter school, or  
6703 an organization that represents only public schools or charter schools, including the Utah  
6704 Association of Public Charter Schools, the Utah School Boards Association, or the Utah  
6705 School Superintendents Association; or

6706 (xv) travel to a widely attended tour or meeting related to a governmental duty of a  
6707 public official if that travel results in a financial savings to:

6708 (A) for a public official who is not a local official or an education official, the state; or

6709 (B) for a public official who is a local official or an education official, the local  
6710 government or board of education to which the public official belongs.

6711 (12) "Food reimbursement rate" means the total amount set by the director of the  
6712 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an  
6713 employee of the executive branch, for an entire day.

6714 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract  
6715 with a foreign government.

6716 (b) "Foreign agent" does not include an individual who is recognized by the United  
6717 States Department of State as a duly accredited diplomatic or consular officer of a foreign  
6718 government, including a duly accredited honorary consul.

6719 (14) "Foreign government" means a government other than the government of:

6720 (a) the United States;

6721 (b) a state within the United States;

6722 (c) a territory or possession of the United States; or

6723 (d) a political subdivision of the United States.

6724 (15) (a) "Government officer" means:

6725 (i) an individual elected to a position in state or local government, when acting in the  
6726 capacity of the state or local government position;

- 6727 (ii) an individual elected to a board of education, when acting in the capacity of a  
6728 member of a board of education;
- 6729 (iii) an individual appointed to fill a vacancy in a position described in Subsection  
6730 (15)(a)(i) or (ii), when acting in the capacity of the position; or
- 6731 (iv) an individual appointed to or employed in a full-time position by state government,  
6732 local government, or a board of education, when acting in the capacity of the individual's  
6733 appointment or employment.
- 6734 (b) "Government officer" does not mean a member of the legislative branch of state  
6735 government.
- 6736 (16) "Immediate family" means:
- 6737 (a) a spouse;
- 6738 (b) a child residing in the household; or
- 6739 (c) an individual claimed as a dependent for tax purposes.
- 6740 (17) "Legislative action" means:
- 6741 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or  
6742 proposed in either house of the Legislature or its committees or requested by a legislator; and
- 6743 (b) the action of the governor in approving or vetoing legislation.
- 6744 (18) "Lobbying" means communicating with a public official for the purpose of  
6745 influencing a legislative action, executive action, local action, or education action.
- 6746 (19) (a) "Lobbyist" means:
- 6747 (i) an individual who is employed by a principal; or
- 6748 (ii) an individual who contracts for economic consideration, other than reimbursement  
6749 for reasonable travel expenses, with a principal to lobby a public official.
- 6750 (b) "Lobbyist" does not include:
- 6751 (i) a government officer;
- 6752 (ii) a member or employee of the legislative branch of state government;
- 6753 (iii) a person, including a principal, while appearing at, or providing written comments  
6754 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
6755 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;
- 6756 (iv) a person participating on or appearing before an advisory or study task force,  
6757 commission, board, or committee, constituted by the Legislature, a local government, a board

6758 of education, or any agency or department of state government, except legislative standing,  
6759 appropriation, or interim committees;

6760 (v) a representative of a political party;

6761 (vi) an individual representing a bona fide church solely for the purpose of protecting  
6762 the right to practice the religious doctrines of the church, unless the individual or church makes  
6763 an expenditure that confers a benefit on a public official;

6764 (vii) a newspaper, television station or network, radio station or network, periodical of  
6765 general circulation, or book publisher for the purpose of publishing news items, editorials,  
6766 other comments, or paid advertisements that directly or indirectly urge legislative action,  
6767 executive action, local action, or education action;

6768 (viii) an individual who appears on the individual's own behalf before a committee of  
6769 the Legislature, an agency of the executive branch of state government, a board of education,  
6770 the governing body of a local government, a committee of a local government, or a committee  
6771 of a board of education, solely for the purpose of testifying in support of or in opposition to  
6772 legislative action, executive action, local action, or education action; or

6773 (ix) an individual representing a business, entity, or industry, who:

6774 (A) interacts with a public official, in the public official's capacity as a public official,  
6775 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
6776 interaction or while presenting at a legislative committee meeting at the same time that the  
6777 registered lobbyist is attending another legislative committee meeting; and

6778 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
6779 interaction or during the period of interaction.

6780 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
6781 any combination of lobbyists, principals, and government officers, who each contribute a  
6782 portion of an expenditure made to benefit a public official or member of the public official's  
6783 immediate family.

6784 (21) "Local action" means:

6785 (a) an ordinance or resolution for consideration by a local government;

6786 (b) a nomination or appointment by a local official or a local government;

6787 (c) a vote on an administrative action taken by a vote of a local government's  
6788 legislative body;

- 6789 (d) an adjudicative proceeding over which a local official has direct or indirect control;
- 6790 (e) a purchasing or contracting decision;
- 6791 (f) drafting or making a policy, resolution, or rule;
- 6792 (g) determining a rate or fee; or
- 6793 (h) making an adjudicative decision.
- 6794 (22) "Local government" means:
- 6795 (a) a county, city, or town~~[, or metro township]~~;
- 6796 (b) a special district governed by Title 17B, Limited Purpose Local Government
- 6797 Entities - Special Districts;
- 6798 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
- 6799 Act;
- 6800 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 6801 Government Entities - Community Reinvestment Agency Act;
- 6802 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 6803 (f) a redevelopment agency; or
- 6804 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
- 6805 13, Interlocal Cooperation Act.
- 6806 (23) "Local official" means:
- 6807 (a) an elected member of a local government;
- 6808 (b) an individual appointed to or employed in a position in a local government if that
- 6809 individual:
- 6810 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 6811 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 6812 (iii) determines rates or fees; or
- 6813 (iv) makes adjudicative decisions; or
- 6814 (c) an immediate family member of an individual described in Subsection (23)(a) or
- 6815 (b).
- 6816 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or
- 6817 make a decision, including a conference, seminar, or summit.
- 6818 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
- 6819 who represents two or more clients and divides the aggregate daily expenditure made to benefit

6820 a public official or member of the public official's immediate family between two or more of  
6821 those clients.

6822 (26) "Principal" means a person that employs an individual to perform lobbying, either  
6823 as an employee or as an independent contractor.

6824 (27) "Public official" means:

6825 (a) (i) a member of the Legislature;

6826 (ii) an individual elected to a position in the executive branch of state government; or

6827 (iii) an individual appointed to or employed in a position in the executive or legislative  
6828 branch of state government if that individual:

6829 (A) occupies a policymaking position or makes purchasing or contracting decisions;

6830 (B) drafts legislation or makes rules;

6831 (C) determines rates or fees; or

6832 (D) makes adjudicative decisions;

6833 (b) an immediate family member of a person described in Subsection (27)(a);

6834 (c) a local official; or

6835 (d) an education official.

6836 (28) "Public official type" means a notation to identify whether a public official is:

6837 (a) (i) a member of the Legislature;

6838 (ii) an individual elected to a position in the executive branch of state government;

6839 (iii) an individual appointed to or employed in a position in the legislative branch of  
6840 state government who meets the definition of public official under Subsection (27)(a)(iii);

6841 (iv) an individual appointed to or employed in a position in the executive branch of  
6842 state government who meets the definition of public official under Subsection (27)(a)(iii);

6843 (v) a local official, including a description of the type of local government for which  
6844 the individual is a local official; or

6845 (vi) an education official, including a description of the type of board of education for  
6846 which the individual is an education official; or

6847 (b) an immediate family member of an individual described in Subsection (27)(a), (c),  
6848 or (d).

6849 (29) "Quarterly reporting period" means the three-month period covered by each  
6850 financial report required under Subsection 36-11-201(2)(a).

6851 (30) "Related person" means a person, agent, or employee who knowingly and  
6852 intentionally assists a lobbyist, principal, or government officer in lobbying.

6853 (31) "Relative" means:

6854 (a) a spouse;

6855 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,  
6856 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

6857 (c) a spouse of an individual described in Subsection (31)(b).

6858 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public  
6859 official, and not primarily for entertainment, including:

6860 (a) viewing a facility;

6861 (b) viewing the sight of a natural disaster; or

6862 (c) assessing a circumstance in relation to which a public official may need to take  
6863 action within the scope of the public official's duties.

6864 Section 88. Section **41-1a-1222** is amended to read:

6865 **41-1a-1222. Local option highway construction and transportation corridor**  
6866 **preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.**

6867 (1) As used in this section[;]

6868 [~~(a) "Metro township" means the same as that term is defined in Section 10-2a-403.]~~

6869 [~~(b) "Unincorporated"~~, "unincorporated"] means the same as that term is defined in  
6870 Section 10-1-104.

6871 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), a county legislative body may  
6872 impose a local option highway construction and transportation corridor preservation fee of up  
6873 to \$10 on each motor vehicle registration within the county.

6874 (ii) A county legislative body may impose a local option highway construction and  
6875 transportation corridor preservation fee of up to \$7.75 on each motor vehicle registration for a  
6876 six-month registration period under Section 41-1a-215.5 within the county.

6877 (iii) A fee imposed under Subsection (2)(a)(i) or (ii) shall be set in whole dollar  
6878 increments.

6879 (b) If imposed under Subsection (2)(a), at the time application is made for registration  
6880 or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local  
6881 option highway construction and transportation corridor preservation fee established by the

6882 county legislative body.

6883 (c) The following are exempt from the fee required under Subsection (2)(a):

6884 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or  
6885 Subsection 41-1a-419(3);

6886 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301;

6887 and

6888 (iii) a motor vehicle with a Purple Heart special group license plate issued:

6889 (A) on or before December 31, 2023; or

6890 (B) in accordance with Part 16, Sponsored Special Group License Plates.

6891 (3) (a) Except as provided in Subsection (3)(b), the revenue generated under this  
6892 section shall be:

6893 (i) deposited in the Local Highway and Transportation Corridor Preservation Fund  
6894 created in Section 72-2-117.5;

6895 (ii) credited to the county from which it is generated; and

6896 (iii) used and distributed in accordance with Section 72-2-117.5.

6897 (b) The revenue generated by a fee imposed under this section in a county of the first  
6898 class shall be deposited or transferred as follows:

6899 (i) 50% of the revenue shall be:

6900 (A) deposited in the County of the First Class Highway Projects Fund created in  
6901 Section 72-2-121; and

6902 (B) used in accordance with Section 72-2-121;

6903 (ii) 30% of the revenue shall be deposited, credited, and used as provided in Subsection  
6904 (3)(a); and

6905 (iii) 20% of the revenue shall be transferred to the legislative body of a county of the  
6906 first class.

6907 (4) Beginning in a fiscal year beginning on or after July 1, 2023, and for 15 years  
6908 thereafter, the legislative body of the county of the first class shall annually transfer, from the  
6909 revenue transferred to the legislative body of a county of the first class as described in  
6910 Subsection (3)(b)(iii):

6911 (a) \$300,000 to Kearns [township]; and

6912 (b) \$225,000 to Magna [township].

6913 (5) To impose or change the amount of a fee under this section, the county legislative  
6914 body shall pass an ordinance:

6915 (a) approving the fee;

6916 (b) setting the amount of the fee; and

6917 (c) providing an effective date for the fee as provided in Subsection (6).

6918 (6) (a) If a county legislative body enacts, changes, or repeals a fee under this section,  
6919 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice  
6920 meeting the requirements of Subsection (6)(b) from the county prior to April 1.

6921 (b) The notice described in Subsection (6)(a) shall:

6922 (i) state that the county will enact, change, or repeal a fee under this part;

6923 (ii) include a copy of the ordinance imposing the fee; and

6924 (iii) if the county enacts or changes the fee under this section, state the amount of the  
6925 fee.

6926 Section 89. Section **41-6a-1115.1** is amended to read:

6927 **41-6a-1115.1. Scooter-share programs -- Local ordinances regulating motor**  
6928 **assisted scooters.**

6929 (1) For the purposes of this section:

6930 (a) "Local authority" means a county, city, or town~~[, or metro township]~~.

6931 (b) "Scooter-share operator" means a person offering a shared scooter for hire.

6932 (c) "Scooter-share program" means the offering of a shared scooter for hire.

6933 (d) "Shared scooter" means a motor assisted scooter offered for hire.

6934 (2) A local authority may regulate the operation of a motor assisted scooter within its  
6935 jurisdiction.

6936 (3) A local authority may authorize the operation of a motor assisted scooter on  
6937 sidewalks and regulate the operation, including the maximum speed on the sidewalks.

6938 (4) A regulation adopted by a local authority pursuant to this section regarding the  
6939 operation of a motor assisted scooter shall be consistent with the regulation of bicycles and this  
6940 title.

6941 (5) (a) A local authority may regulate the operation of a scooter-share program within  
6942 its jurisdiction. Regulation of scooter-share programs shall be consistent with this Subsection

6943 (5).



6944 (b) A shared scooter shall bear a single unique alphanumeric identification visible from  
6945 a distance of five feet, that may not be obfuscated by branding or other markings, and that shall  
6946 be used throughout the state, including by local authorities, to identify the shared scooter.

6947 (c) A scooter-share operator shall maintain the following insurance coverage dedicated  
6948 exclusively for operation of shared scooters:

6949 (i) commercial general liability insurance coverage with a limit of at least \$1,000,000  
6950 each occurrence and \$5,000,000 aggregate;

6951 (ii) automobile insurance coverage with a limit of at least \$1,000,000 each occurrence  
6952 and \$1,000,000 aggregate;

6953 (iii) umbrella or excess liability coverage with a limit of at least \$5,000,000 each  
6954 occurrence and \$5,000,000 aggregate; and

6955 (iv) when the scooter-share operator employs an individual, workers' compensation  
6956 coverage of no less than required by law.

6957 (d) Penalties for a moving or parking violation involving a motor assisted scooter or a  
6958 shared scooter shall be assessed to the person responsible for the violation, and may not exceed  
6959 penalties assessed to a rider of a bicycle.

6960 (e) A scooter-share operator may be required to pay fees, provided that the total  
6961 amount of the fees collected may not exceed the reasonable and necessary cost to the local  
6962 authority of administering scooter-share programs, including a reasonable fee for the use of the  
6963 right-of-way, commensurate and proportional to fees charged for similar uses.

6964 (f) A scooter-share operator may be required to indemnify the local authority for  
6965 claims, demands, costs, including reasonable attorney fees, losses, or damages brought against  
6966 the local authority, and arising out of a negligent act, error, omission, or willful misconduct by  
6967 the scooter-share operator or the scooter-share operator's employees, except to the extent the  
6968 claims, demands, costs, losses, or damages arise out of such local authority's negligence or  
6969 willful misconduct.

6970 (g) In the interests of safety and right-of-way management, a local authority may  
6971 designate locations where scooter-share operators may not stage shared scooters, provided that  
6972 at least one location shall be permitted on each side of each city block in commercial zones and  
6973 business districts.

6974 (h) A local authority may require scooter-share operators, as a condition for operating a

6975 scooter-share program, to provide to the local authority anonymized fleet and ride activity data  
6976 for completed trips starting or ending within the jurisdiction of the local authority on a vehicle  
6977 of the scooter-share operator or of any person or company controlled by, controlling, or under  
6978 common control with the scooter-share operator, provided that, to ensure individual privacy the  
6979 trip data:

6980 (i) is provided via an application programming interface, subject to the scooter-share  
6981 operator's license agreement for such interface, in compliance with a national data format  
6982 specification;

6983 (ii) provided shall be treated as trade secret and proprietary business information, and  
6984 may not be shared to third parties without the scooter-share operator's consent, and may not be  
6985 treated as owned by the local authority; and

6986 (iii) shall be considered private information, and may not be disclosed under Title 63G,  
6987 Chapter 2, Government Records Access and Management Act, pursuant to a public records  
6988 request received by the local authority without prior aggregation or obfuscation to protect  
6989 individual privacy.

6990 (i) In regulating a shared scooter or a scooter-share program, a local authority may not  
6991 impose any unduly restrictive requirement on a scooter-share operator, including:

6992 (i) requiring operation below cost; or

6993 (ii) subjecting riders of shared scooters to requirements more restrictive than those  
6994 applicable to riders of privately owned motor assisted scooters or bicycles.

6995 Section 90. Section **52-1-1** is amended to read:

6996 **52-1-1. Official bonds to run to state, county, municipality, or other agency.**

6997 [~~When the law directs that a public officer shall give a bond without prescribing to  
6998 whom it shall run it shall be made, if the public officer is a state officer, to the state; if a  
6999 county, precinct or district officer, to the county; if a municipal officer, to the city, town, or  
7000 metro township; and if a school officer, to the board of education.~~]

7001 If a public officer is required to give a bond but the requirement does not prescribe to  
7002 whom the bond is to be made, the bond shall be made to:(1) the state, if the public officer is a  
7003 state officer;

7004 (2) the county, if the public officer is a county, precinct, or district officer;

7005 (3) the city or town, if the public officer is a municipal officer; or

7006 (4) the board of education, if the public officer is a school officer.

7007 Section 91. Section **52-4-203** is amended to read:

7008 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
7009 **meetings.**

7010 (1) Except as provided under Subsection (7), written minutes and a recording shall be  
7011 kept of all open meetings.

7012 (2) (a) Written minutes of an open meeting shall include:

7013 (i) the date, time, and place of the meeting;

7014 (ii) the names of members present and absent;

7015 (iii) the substance of all matters proposed, discussed, or decided by the public body  
7016 which may include a summary of comments made by members of the public body;

7017 (iv) a record, by individual member, of each vote taken by the public body;

7018 (v) the name of each person who:

7019 (A) is not a member of the public body; and

7020 (B) after being recognized by the presiding member of the public body, provided  
7021 testimony or comments to the public body;

7022 (vi) the substance, in brief, of the testimony or comments provided by the public under  
7023 Subsection (2)(a)(v); and

7024 (vii) any other information that is a record of the proceedings of the meeting that any  
7025 member requests be entered in the minutes or recording.

7026 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that  
7027 minutes include the substance of matters proposed, discussed, or decided or the substance of  
7028 testimony or comments by maintaining a publicly available online version of the minutes that  
7029 provides a link to the meeting recording at the place in the recording where the matter is  
7030 proposed, discussed, or decided or the testimony or comments provided.

7031 (c) A public body that has members who were elected to the public body shall satisfy  
7032 the requirement described in Subsection (2)(a)(iv) by recording each vote:

7033 (i) in list format;

7034 (ii) by category for each action taken by a member, including yes votes, no votes, and  
7035 absent members; and

7036 (iii) by each member's name.

- 7037 (3) A recording of an open meeting shall:
- 7038 (a) be a complete and unedited record of all open portions of the meeting from the
- 7039 commencement of the meeting through adjournment of the meeting; and
- 7040 (b) be properly labeled or identified with the date, time, and place of the meeting.
- 7041 (4) (a) As used in this Subsection (4):
- 7042 (i) "Approved minutes" means written minutes:
- 7043 (A) of an open meeting; and
- 7044 (B) that have been approved by the public body that held the open meeting.
- 7045 (ii) "Electronic information" means information presented or provided in an electronic
- 7046 format.
- 7047 (iii) "Pending minutes" means written minutes:
- 7048 (A) of an open meeting; and
- 7049 (B) that have been prepared in draft form and are subject to change before being
- 7050 approved by the public body that held the open meeting.
- 7051 (iv) "Specified local public body" means a legislative body of a county, city, or town[;
- 7052 ~~or metro township~~].
- 7053 (v) "State public body" means a public body that is an administrative, advisory,
- 7054 executive, or legislative body of the state.
- 7055 (vi) "State website" means the Utah Public Notice Website created under Section
- 7056 63A-16-601.
- 7057 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
- 7058 records under Title 63G, Chapter 2, Government Records Access and Management Act.
- 7059 (c) Pending minutes shall contain a clear indication that the public body has not yet
- 7060 approved the minutes or that the minutes are subject to change until the public body approves
- 7061 them.
- 7062 (d) A public body shall require an individual who, at an open meeting of the public
- 7063 body, publicly presents or provides electronic information, relating to an item on the public
- 7064 body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or
- 7065 hard copy of the electronic information for inclusion in the public record.
- 7066 (e) A state public body shall:
- 7067 (i) make pending minutes available to the public within 30 days after holding the open

7068 meeting that is the subject of the pending minutes;

7069 (ii) within three business days after approving written minutes of an open meeting:

7070 (A) post to the state website a copy of the approved minutes and any public materials

7071 distributed at the meeting;

7072 (B) make the approved minutes and public materials available to the public at the

7073 public body's primary office; and

7074 (C) if the public body provides online minutes under Subsection (2)(b), post approved

7075 minutes that comply with Subsection (2)(b) and the public materials on the public body's

7076 website; and

7077 (iii) within three business days after holding an open meeting, post on the state website

7078 an audio recording of the open meeting, or a link to the recording.

7079 (f) A specified local public body shall:

7080 (i) make pending minutes available to the public within 30 days after holding the open

7081 meeting that is the subject of the pending minutes;

7082 (ii) within three business days after approving written minutes of an open meeting,

7083 post and make available a copy of the approved minutes and any public materials distributed at

7084 the meeting, as provided in Subsection (4)(e)(ii); and

7085 (iii) within three business days after holding an open meeting, make an audio recording

7086 of the open meeting available to the public for listening.

7087 (g) A public body that is not a state public body or a specified local public body shall:

7088 (i) make pending minutes available to the public within a reasonable time after holding

7089 the open meeting that is the subject of the pending minutes;

7090 (ii) within three business days after approving written minutes of an open meeting:

7091 (A) post and make available a copy of the approved minutes and any public materials

7092 distributed at the meeting, as provided in Subsection (4)(e)(ii); or

7093 (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to

7094 a website on which the approved minutes and any public materials distributed at the meeting

7095 are posted; and

7096 (iii) within three business days after holding an open meeting, make an audio recording

7097 of the open meeting available to the public for listening.

7098 (h) A public body shall establish and implement procedures for the public body's

7099 approval of the written minutes of each meeting.

7100 (i) Approved minutes of an open meeting are the official record of the meeting.

7101 (5) All or any part of an open meeting may be independently recorded by any person in  
7102 attendance if the recording does not interfere with the conduct of the meeting.

7103 (6) The written minutes or recording of an open meeting that are required to be  
7104 retained permanently shall be maintained in or converted to a format that meets long-term  
7105 records storage requirements.

7106 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

7107 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken  
7108 by the public body; or

7109 (b) an open meeting of a special district under Title 17B, Limited Purpose Local  
7110 Government Entities - Special Districts, or special service district under Title 17D, Chapter 1,  
7111 Special Service District Act, if the district's annual budgeted expenditures for all funds,  
7112 excluding capital expenditures and debt service, are \$50,000 or less.

7113 Section 92. Section **53-2a-208** is amended to read:

7114 **53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.**

7115 (1) (a) Except as provided in Subsection (1)(b), a chief executive officer of a  
7116 municipality or county may declare by proclamation a state of emergency if the chief executive  
7117 officer finds:

7118 (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an  
7119 area of the municipality or county; and

7120 (ii) the municipality or county requires additional assistance to supplement the  
7121 response and recovery efforts of the municipality or county.

7122 (b) A chief executive officer of a municipality may not declare by proclamation a state  
7123 of emergency in response to an epidemic or a pandemic.

7124 (2) A declaration of a local emergency:

7125 (a) constitutes an official recognition that a disaster situation exists within the affected  
7126 municipality or county;

7127 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
7128 from other political subdivisions or from the state or federal government;

7129 (c) activates the response and recovery aspects of any and all applicable local disaster

- 7130 emergency plans; and
- 7131 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.
- 7132 (3) A local emergency proclamation issued under this section shall state:
- 7133 (a) the nature of the local emergency;
- 7134 (b) the area or areas that are affected or threatened; and
- 7135 (c) the conditions which caused the emergency.
- 7136 (4) The emergency declaration process within the state shall be as follows:
- 7137 (a) a city[;] or town, [~~or metro township~~] shall declare to the county;
- 7138 (b) a county shall declare to the state;
- 7139 (c) the state shall declare to the federal government; and
- 7140 (d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the
- 7141 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 7142 (5) Nothing in this part affects:
- 7143 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 7144 (b) the duties, requests, reimbursements, or other actions taken by a political
- 7145 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
- 7146 Part 3, Statewide Mutual Aid Act.
- 7147 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
- 7148 Subsection (1) expires the earlier of:
- 7149 (i) the day on which the chief executive officer finds that:
- 7150 (A) the threat or danger has passed;
- 7151 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
- 7152 (C) the municipality or county no longer requires state government assistance to
- 7153 supplement the response and recovery efforts of the municipality or county;
- 7154 (ii) 30 days after the day on which the chief executive officer declares the state of
- 7155 emergency; or
- 7156 (iii) the day on which the legislative body of the municipality or county terminates the
- 7157 state of emergency by majority vote.
- 7158 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority
- 7159 vote a state of emergency declared by the chief executive officer of the municipality.
- 7160 (B) The legislative body of a county may at any time terminate by majority vote a state

7161 of emergency declared by the chief executive officer of the county.

7162 (ii) The legislative body of a municipality or county may by majority vote extend a  
7163 state of emergency for a time period stated in the motion.

7164 (iii) If the legislative body of a municipality or county extends a state of emergency in  
7165 accordance with this subsection, the state of emergency expires on the date designated by the  
7166 legislative body in the motion.

7167 (iv) An action by a legislative body of a municipality or county to terminate a state of  
7168 emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief  
7169 executive officer.

7170 (c) Except as provided in Subsection (7), after a state of emergency expires in  
7171 accordance with this Subsection (6), the chief executive officer may not declare a new state of  
7172 emergency in response to the same disaster or occurrence as the expired state of emergency.

7173 (7) (a) After a state of emergency expires in accordance with Subsection (6), the chief  
7174 executive officer may declare a new state of emergency in response to the same disaster or  
7175 occurrence as the expired state of emergency, if the chief executive officer finds that exigent  
7176 circumstances exist.

7177 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in  
7178 accordance with Subsections (6)(a) and (b).

7179 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,  
7180 the chief executive officer may not declare a new state of emergency in response to the same  
7181 disaster or occurrence as the expired state of emergency, regardless of whether exigent  
7182 circumstances exist.

7183 Section 93. Section **53-2a-802** is amended to read:

7184 **53-2a-802. Definitions.**

7185 (1) (a) "Absent" means:

7186 (i) not physically present or not able to be communicated with for 48 hours; or

7187 (ii) for local government officers, as defined by local ordinances.

7188 (b) "Absent" does not include a person who can be communicated with via telephone,  
7189 radio, or telecommunications.

7190 (2) "Department" means the Department of Government Operations, the Department of  
7191 Agriculture and Food, the Alcoholic Beverage Services Commission, the Department of



7192 Commerce, the Department of Cultural and Community Engagement, the Department of  
7193 Corrections, the Department of Environmental Quality, the Department of Financial  
7194 Institutions, the Department of Health, the Department of Workforce Services, the Labor  
7195 Commission, the National Guard, the Department of Insurance, the Department of Natural  
7196 Resources, the Department of Public Safety, the Public Service Commission, the Department  
7197 of Human Services, the State Tax Commission, the Department of Transportation, any other  
7198 major administrative subdivisions of state government, the State Board of Education, the Utah  
7199 Board of Higher Education, the Utah Housing Corporation, the State Retirement Board, and  
7200 each institution of higher education within the system of higher education.

7201 (3) "Division" means the Division of Emergency Management established in Title 53,  
7202 Chapter 2a, Part 1, Emergency Management Act.

7203 (4) "Emergency interim successor" means a person designated by this part to exercise  
7204 the powers and discharge the duties of an office when the person legally exercising the powers  
7205 and duties of the office is unavailable.

7206 (5) "Executive director" means the person with ultimate responsibility for managing  
7207 and overseeing the operations of each department, however denominated.

7208 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
7209 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

7210 (b) "Office" does not include the office of governor or the legislative or judicial offices.

7211 (7) "Place of governance" means the physical location where the powers of an office  
7212 are being exercised.

7213 (8) "Political subdivision" includes counties, cities, towns[~~, metro townships~~], districts,  
7214 authorities, and other public corporations and entities whether organized and existing under  
7215 charter or general law.

7216 (9) "Political subdivision officer" means a person holding an office in a political  
7217 subdivision.

7218 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
7219 the executive director of each department.

7220 (11) "Unavailable" means:

7221 (a) absent from the place of governance during a disaster that seriously disrupts normal  
7222 governmental operations, whether or not that absence or inability would give rise to a vacancy

7223 under existing constitutional or statutory provisions; or

7224 (b) as otherwise defined by local ordinance.

7225 Section 94. Section **53-2a-1403** is amended to read:

7226 **53-2a-1403. Emergency operations plan.**

7227 (1) Each county shall create and maintain an emergency operations plan.

7228 (2) Each city[;] and town[; ~~and metro township~~] shall:

7229 (a) create and maintain an emergency operations plan; or

7230 (b) adopt the emergency operations plan created by the county in which the city[;] or

7231 town[; ~~or metro township~~] is located.

7232 Section 95. Section **53-2d-101 (Effective 07/01/24)** is amended to read:

7233 **53-2d-101 (Effective 07/01/24). Definitions.**

7234 As used in this chapter:

7235 (1) (a) "911 ambulance or paramedic services" means:

7236 (i) either:

7237 (A) 911 ambulance service;

7238 (B) 911 paramedic service; or

7239 (C) both 911 ambulance and paramedic service; and

7240 (ii) a response to a 911 call received by a designated dispatch center that receives 911

7241 or E911 calls.

7242 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit

7243 telephone call received directly by an ambulance provider licensed under this chapter.

7244 (2) "Account" means the Automatic External Defibrillator Restricted Account, created

7245 in Section 53-2d-809.

7246 (3) "Ambulance" means a ground, air, or water vehicle that:

7247 (a) transports patients and is used to provide emergency medical services; and

7248 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

7249 (4) "Ambulance provider" means an emergency medical service provider that:

7250 (a) transports and provides emergency medical care to patients; and

7251 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

7252 (5) "Automatic external defibrillator" or "AED" means an automated or automatic

7253 computerized medical device that:

- 7254 (a) has received pre-market notification approval from the United States Food and  
7255 Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);
- 7256 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid  
7257 ventricular tachycardia;
- 7258 (c) is capable of determining, without intervention by an operator, whether  
7259 defibrillation should be performed; and
- 7260 (d) upon determining that defibrillation should be performed, automatically charges,  
7261 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and  
7262 to an individual's heart.
- 7263 (6) (a) "Behavioral emergency services" means delivering a behavioral health  
7264 intervention to a patient in an emergency context within a scope and in accordance with  
7265 guidelines established by the department.
- 7266 (b) "Behavioral emergency services" does not include engaging in the:
- 7267 (i) practice of mental health therapy as defined in Section 58-60-102;
- 7268 (ii) practice of psychology as defined in Section 58-61-102;
- 7269 (iii) practice of clinical social work as defined in Section 58-60-202;
- 7270 (iv) practice of certified social work as defined in Section 58-60-202;
- 7271 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 7272 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 7273 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 7274 (7) "Bureau" means the Bureau of Emergency Medical Services created in Section  
7275 53-2d-102.
- 7276 (8) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external  
7277 chest compression applied to a person who is unresponsive and not breathing.
- 7278 (9) "Committee" means the State Emergency Medical Services Committee created by  
7279 Section 53-2d-104.
- 7280 (10) "Community paramedicine" means medical care:
- 7281 (a) provided by emergency medical service personnel; and
- 7282 (b) provided to a patient who is not:
- 7283 (i) in need of ambulance transportation; or
- 7284 (ii) located in a health care facility as defined in Section 26B-2-201.

7285 (11) "Division" means the Division of Emergency Management created in Section  
7286 53-2a-103.

7287 (12) "Direct medical observation" means in-person observation of a patient by a  
7288 physician, registered nurse, physician's assistant, or individual licensed under Section  
7289 26B-4-116.

7290 (13) "Emergency medical condition" means:

7291 (a) a medical condition that manifests itself by symptoms of sufficient severity,  
7292 including severe pain, that a prudent layperson, who possesses an average knowledge of health  
7293 and medicine, could reasonably expect the absence of immediate medical attention to result in:

7294 (i) placing the individual's health in serious jeopardy;

7295 (ii) serious impairment to bodily functions; or

7296 (iii) serious dysfunction of any bodily organ or part; or

7297 (b) a medical condition that in the opinion of a physician or the physician's designee  
7298 requires direct medical observation during transport or may require the intervention of an  
7299 individual licensed under Section 53-2d-402 during transport.

7300 (14) "Emergency medical dispatch center" means a public safety answering point, as  
7301 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by  
7302 the bureau.

7303 (15) (a) "Emergency medical service personnel" means an individual who provides  
7304 emergency medical services or behavioral emergency services to a patient and is required to be  
7305 licensed or certified under Section 53-2d-402.

7306 (b) "Emergency medical service personnel" includes a paramedic, medical director of a  
7307 licensed emergency medical service provider, emergency medical service instructor, behavioral  
7308 emergency services technician, other categories established by the committee, and a certified  
7309 emergency medical dispatcher.

7310 (16) "Emergency medical service providers" means:

7311 (a) licensed ambulance providers and paramedic providers;

7312 (b) a facility or provider that is required to be designated under Subsection  
7313 53-2d-403(1)(a); and

7314 (c) emergency medical service personnel.

7315 (17) "Emergency medical services" means:

- 7316 (a) medical services;
- 7317 (b) transportation services;
- 7318 (c) behavioral emergency services; or
- 7319 (d) any combination of the services described in Subsections (17)(a) through (c).
- 7320 (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 7321 (a) maintained and used for the transportation of emergency medical personnel,
- 7322 equipment, and supplies to the scene of a medical emergency; and
- 7323 (b) required to be permitted under Section 53-2d-404.
- 7324 (19) "Governing body":
- 7325 (a) means the same as that term is defined in Section 11-42-102; and
- 7326 (b) for purposes of a "special service district" under Section 11-42-102, means a
- 7327 special service district that has been delegated the authority to select a provider under this
- 7328 chapter by the special service district's legislative body or administrative control board.
- 7329 (20) "Interested party" means:
- 7330 (a) a licensed or designated emergency medical services provider that provides
- 7331 emergency medical services within or in an area that abuts an exclusive geographic service area
- 7332 that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic
- 7333 Providers;
- 7334 (b) any municipality, county, or fire district that lies within or abuts a geographic
- 7335 service area that is the subject of an application submitted pursuant to Part 5, Ambulance and
- 7336 Paramedic Providers; or
- 7337 (c) the department when acting in the interest of the public.
- 7338 (21) "Level of service" means the level at which an ambulance provider type of service
- 7339 is licensed as:
- 7340 (a) emergency medical technician;
- 7341 (b) advanced emergency medical technician; or
- 7342 (c) paramedic.
- 7343 (22) "Medical control" means a person who provides medical supervision to an
- 7344 emergency medical service provider.
- 7345 (23) "Non-911 service" means transport of a patient that is not 911 transport under
- 7346 Subsection (1).

- 7347 (24) "Nonemergency secured behavioral health transport" means an entity that:
- 7348 (a) provides nonemergency secure transportation services for an individual who:
- 7349 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
- 7350 (ii) requires behavioral health observation during transport between any of the
- 7351 following facilities:
- 7352 (A) a licensed acute care hospital;
- 7353 (B) an emergency patient receiving facility;
- 7354 (C) a licensed mental health facility; and
- 7355 (D) the office of a licensed health care provider; and
- 7356 (b) is required to be designated under Section 53-2d-403.
- 7357 (25) "Paramedic provider" means an entity that:
- 7358 (a) employs emergency medical service personnel; and
- 7359 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 7360 (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
- 7361 emergency condition, meets any of the criteria in Section 26B-4-119.
- 7362 (27) "Political subdivision" means:
- 7363 (a) a city[;] or town[; ~~or metro township~~];
- 7364 (b) a county;
- 7365 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 7366 District Act, for the purpose of providing fire protection services under Subsection
- 7367 17D-1-201(9);
- 7368 (d) a special district created under Title 17B, Limited Purpose Local Government
- 7369 Entities - Special Districts, for the purpose of providing fire protection, paramedic, and
- 7370 emergency services;
- 7371 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
- 7372 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 7373 (28) "Sudden cardiac arrest" means a life-threatening condition that results when a
- 7374 person's heart stops or fails to produce a pulse.
- 7375 (29) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 7376 (30) "Trauma system" means a single, statewide system that:
- 7377 (a) organizes and coordinates the delivery of trauma care within defined geographic

7378 areas from the time of injury through transport and rehabilitative care; and

7379 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in  
7380 delivering care for trauma patients, regardless of severity.

7381 (31) "Triage" means the sorting of patients in terms of disposition, destination, or  
7382 priority. For prehospital trauma victims, triage requires a determination of injury severity to  
7383 assess the appropriate level of care according to established patient care protocols.

7384 (32) "Triage, treatment, transportation, and transfer guidelines" means written  
7385 procedures that:

7386 (a) direct the care of patients; and

7387 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma  
7388 center, or an emergency medical service provider.

7389 (33) "Type of service" means the category at which an ambulance provider is licensed  
7390 as:

7391 (a) ground ambulance transport;

7392 (b) ground ambulance interfacility transport; or

7393 (c) both ground ambulance transport and ground ambulance interfacility transport.

7394 Section 96. Section **53-5a-202** is amended to read:

7395 **53-5a-202. Definitions.**

7396 As used in this part:

7397 (1) (a) "Federal regulation" means a federal executive order, rule, or regulation that  
7398 infringes upon, prohibits, restricts, or requires individual licensure for, or registration of, the  
7399 purchase, ownership, possession, transfer, or use of a firearm, ammunition, or firearm  
7400 accessory.

7401 (b) "Federal regulation" does not include:

7402 (i) a federal firearm statute; or

7403 (ii) a federal executive order, rule, or regulation that is incorporated into the Utah Code  
7404 by reference.

7405 (2) "Firearm" means the same as that term is defined in Section 76-10-501.

7406 (3) "Law enforcement officer" means the same as that term is defined in Section  
7407 53-13-103.

7408 (4) "Political subdivision" means a city, town, [~~metro township~~], county, special

7409 district, or water conservancy district.

7410 Section 97. Section **53-7-225** is amended to read:

7411 **53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --**

7412 **Permissible closure of certain areas -- Maps and signage.**

7413 (1) Except as provided in Section 53-7-221, this section supersedes any other code  
7414 provision regarding the sale or discharge of fireworks.

7415 (2) A person may sell class C common state approved explosives in the state as  
7416 follows:

7417 (a) beginning on June 24 and ending on July 25;

7418 (b) beginning on December 29 and ending on December 31; and

7419 (c) two days before and on the Chinese New Year's eve.

7420 (3) A person may not discharge class C common state approved explosives in the state  
7421 except as follows:

7422 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the  
7423 hours are 11 a.m. to midnight:

7424 (i) beginning on July 2 and ending on July 5; and

7425 (ii) beginning on July 22 and ending on July 25;

7426 (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

7427 or

7428 (ii) if New Year's eve is on a Sunday and the county[;] or municipality[; ~~or metro~~  
7429 ~~township~~] determines to celebrate New Year's eve on the prior Saturday, then a person may  
7430 discharge class C common state approved explosives on that prior Saturday within the  
7431 county[;] or municipality[; ~~or metro township~~];

7432 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and

7433 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the  
7434 following day.

7435 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the  
7436 person discharges a class C common state approved explosive:

7437 (a) outside the legal discharge dates and times described in Subsection (3); or

7438 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

7439 (5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality[; ~~a~~



7440 ~~metro township~~], or the state forester may not prohibit a person from discharging class C  
7441 common state approved explosives during the permitted periods described in Subsection (3).  
7442 (b) (i) As used in this Subsection (5)(b), "negligent discharge":  
7443 (A) means the improper use and discharge of a class C common state approved  
7444 explosive; and  
7445 (B) does not include the date or location of discharge or the type of explosive used.  
7446 (ii) A municipality [~~or metro township~~] may prohibit:  
7447 (A) the discharge of class C common state approved explosives in certain areas with  
7448 hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or  
7449 (B) the negligent discharge of class C common state approved explosives.  
7450 (iii) A county may prohibit the negligent discharge of class C common state approved  
7451 explosives.  
7452 (c) The state forester may prohibit the discharge of class C common state approved  
7453 explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.  
7454 (6) If a municipal legislative body[;] or the state forester[; ~~or a metro township~~  
7455 ~~legislative body~~] provides a map to a county identifying an area in which the discharge of  
7456 fireworks is prohibited due to a historical hazardous environmental condition under Subsection  
7457 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:  
7458 (a) create a county-wide map, based on each map the county has received, indicating  
7459 each area within the county in which fireworks are prohibited under Subsection  
7460 15A-5-202.5(1)(b);  
7461 (b) provide the map described in Subsection (6)(a) to:  
7462 (i) each retailer that sells fireworks within the county; and  
7463 (ii) the state fire marshal; and  
7464 (c) publish the map on the county's website.  
7465 (7) A retailer that sells fireworks shall display:  
7466 (a) a sign that:  
7467 (i) is clearly visible to the general public in a prominent location near the point of sale;  
7468 (ii) indicates the legal discharge dates and times described in Subsection (3); and  
7469 (iii) indicates the criminal charge and fine associated with discharge:  
7470 (A) outside the legal dates and times described in Subsection (3); and

7471 (B) within an area in which fireworks are prohibited under Subsection  
7472 15A-5-202.5(1)(b); and

7473 (b) the map that the county provides, in accordance with Subsection (6)(b).

7474 Section 98. Section **53B-21-107** is amended to read:

7475 **53B-21-107. Investment in bonds by private and public entities -- Approval as**  
7476 **collateral security.**

7477 (1) Any bank, savings and loan association, trust, or insurance company organized  
7478 under the laws of this state or federal law may invest its capital and surplus in bonds issued  
7479 under this chapter.

7480 (2) The officers having charge of a sinking fund or any county, city[, ~~metro township~~],  
7481 town, [,] or school district may invest the sinking fund in bonds issued under this chapter.

7482 (3) The bonds shall also be approved as collateral security for the deposit of any public  
7483 funds and for the investment of trust funds.

7484 Section 99. Section **56-1-39** is amended to read:

7485 **56-1-39. Assessment for right of way infrastructure improvements.**

7486 (1) As used in this section:

7487 (a) "Benefit" includes enhanced property value, enhanced safety or efficiency, reduced  
7488 costs, and liability avoidance.

7489 (b) "Government entity" means the state or a county, city, town, [~~metro township~~,  
7490 ~~local~~] special district, or special service district.

7491 (c) (i) "Railroad" means a rail carrier that is a Class I railroad, as classified by the  
7492 federal Surface Transportation Board.

7493 (ii) "Railroad" does not include a rail carrier that is:

7494 (A) exempt from assessment under 49 U.S.C. Sec. 24301; or

7495 (B) owned by a government entity.

7496 (d) (i) "Right of way infrastructure improvement" means construction, reconstruction,  
7497 repair, or maintenance of public infrastructure that:

7498 (A) is paid for by a government entity; and

7499 (B) is partially or wholly within a railroad's right of way or crosses over a railroad's  
7500 right of way.

7501 (ii) "Right of way infrastructure improvement" includes any component of

7502 construction, reconstruction, repair, or maintenance of public infrastructure, including:  
7503 (A) any environmental impact study, environmental mitigation, or environmental  
7504 project management; and  
7505 (B) any required or requested review by a non-governmental entity.  
7506 (e) "Public infrastructure" means any of the following improvements:  
7507 (i) a system or line for water, sewer, drainage, electrical, or telecommunications;  
7508 (ii) a street, road, curb, gutter, sidewalk, walkway, or bridge;  
7509 (iii) signage or signaling related to an improvement described in Subsection (1)(e)(i) or  
7510 (ii);  
7511 (iv) an environmental improvement; or  
7512 (v) any other improvement similar to the improvements described in Subsections  
7513 (1)(e)(i) through (iv).  
7514 (2) A government entity may, to the extent allowed under federal law, assess a railroad  
7515 for any portion of the cost of a right of way infrastructure improvement, including any cost  
7516 attributable to delay, if:  
7517 (a) the government entity determines that the right of way infrastructure improvement  
7518 provides a benefit to the railroad;  
7519 (b) the amount of the assessment is proportionate to the benefit the railroad receives, as  
7520 determined by the government entity; and  
7521 (c) the government entity uses the assessment to pay for or as reimbursement for the  
7522 cost of the right of way infrastructure improvement and not for the general support of the  
7523 government entity.  
7524 (3) (a) If two or more government entities have authority under this section to assess a  
7525 railroad for the same right of way infrastructure improvement, the Office of Rail Safety created  
7526 in Section 72-17-101 shall:  
7527 (i) determine the amount of each government entity's assessment in accordance with  
7528 Subsection (2);  
7529 (ii) assess the railroad for the total of all amounts described in Subsection (3)(a)(i); and  
7530 (iii) distribute the collected assessments to each government entity.  
7531 (b) The total amount of an assessment under this Subsection (3) may not exceed the  
7532 amount described in Subsection (2)(b).

7533 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7534 Department of Transportation may make rules to establish a process for implementing the  
7535 provisions of this Subsection (3).

7536 Section 100. Section **59-1-403** is amended to read:

7537 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

7538 (1) As used in this section:

7539 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

7540 (i) the commission administers under:

7541 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

7542 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

7543 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

7544 (D) Section 19-6-805;

7545 (E) Section 63H-1-205; or

7546 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

7547 and

7548 (ii) with respect to which the commission distributes the revenue collected from the  
7549 tax, fee, or charge to a qualifying jurisdiction.

7550 (b) "Qualifying jurisdiction" means:

7551 (i) a county, city, or town~~[-or metro township]~~;

7552 (ii) the military installation development authority created in Section 63H-1-201; or

7553 (iii) the Utah Inland Port Authority created in Section 11-58-201.

7554 (2) (a) Any of the following may not divulge or make known in any manner any  
7555 information gained by that person from any return filed with the commission:

7556 (i) a tax commissioner;

7557 (ii) an agent, clerk, or other officer or employee of the commission; or

7558 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
7559 town.

7560 (b) An official charged with the custody of a return filed with the commission is not  
7561 required to produce the return or evidence of anything contained in the return in any action or  
7562 proceeding in any court, except:

7563 (i) in accordance with judicial order;

7564 (ii) on behalf of the commission in any action or proceeding under:  
7565 (A) this title; or  
7566 (B) other law under which persons are required to file returns with the commission;  
7567 (iii) on behalf of the commission in any action or proceeding to which the commission  
7568 is a party; or  
7569 (iv) on behalf of any party to any action or proceeding under this title if the report or  
7570 facts shown by the return are directly involved in the action or proceeding.  
7571 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may  
7572 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
7573 pertinent to the action or proceeding.  
7574 (3) This section does not prohibit:  
7575 (a) a person or that person's duly authorized representative from receiving a copy of  
7576 any return or report filed in connection with that person's own tax;  
7577 (b) the publication of statistics as long as the statistics are classified to prevent the  
7578 identification of particular reports or returns; and  
7579 (c) the inspection by the attorney general or other legal representative of the state of the  
7580 report or return of any taxpayer:  
7581 (i) who brings action to set aside or review a tax based on the report or return;  
7582 (ii) against whom an action or proceeding is contemplated or has been instituted under  
7583 this title; or  
7584 (iii) against whom the state has an unsatisfied money judgment.  
7585 (4) (a) Notwithstanding Subsection (2) and for purposes of administration, the  
7586 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
7587 Rulemaking Act, provide for a reciprocal exchange of information with:  
7588 (i) the United States Internal Revenue Service; or  
7589 (ii) the revenue service of any other state.  
7590 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and  
7591 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
7592 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
7593 other written statements with the federal government, any other state, any of the political  
7594 subdivisions of another state, or any political subdivision of this state, except as limited by

7595 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
7596 government grant substantially similar privileges to this state.

7597 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and  
7598 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
7599 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
7600 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
7601 due.

7602 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the  
7603 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as  
7604 requested by the director of the Division of Environmental Response and Remediation, any  
7605 records, returns, or other information filed with the commission under Chapter 13, Motor and  
7606 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program  
7607 participation fee.

7608 (e) Notwithstanding Subsection (2), at the request of any person the commission shall  
7609 provide that person sales and purchase volume data reported to the commission on a report,  
7610 return, or other information filed with the commission under:

7611 (i) Chapter 13, Part 2, Motor Fuel; or

7612 (ii) Chapter 13, Part 4, Aviation Fuel.

7613 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,  
7614 as defined in Section 59-22-202, the commission shall report to the manufacturer:

7615 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
7616 manufacturer and reported to the commission for the previous calendar year under Section  
7617 59-14-407; and

7618 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
7619 manufacturer for which a tax refund was granted during the previous calendar year under  
7620 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

7621 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,  
7622 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
7623 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

7624 (h) Notwithstanding Subsection (2), the commission may:

7625 (i) provide to the Division of Consumer Protection within the Department of

7626 Commerce and the attorney general data:

7627 (A) reported to the commission under Section 59-14-212; or

7628 (B) related to a violation under Section 59-14-211; and

7629 (ii) upon request, provide to any person data reported to the commission under

7630 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

7631 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee

7632 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of

7633 Planning and Budget, provide to the committee or office the total amount of revenues collected

7634 by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period

7635 specified by the committee or office.

7636 (j) Notwithstanding Subsection (2), the commission shall make the directory required

7637 by Section 59-14-603 available for public inspection.

7638 (k) Notwithstanding Subsection (2), the commission may share information with

7639 federal, state, or local agencies as provided in Subsection 59-14-606(3).

7640 (l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of

7641 Recovery Services within the Department of Health and Human Services any relevant

7642 information obtained from a return filed under Chapter 10, Individual Income Tax Act,

7643 regarding a taxpayer who has become obligated to the Office of Recovery Services.

7644 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of

7645 Recovery Services to any other state's child support collection agency involved in enforcing

7646 that support obligation.

7647 (m) (i) Notwithstanding Subsection (2), upon request from the state court

7648 administrator, the commission shall provide to the state court administrator, the name, address,

7649 telephone number, county of residence, and social security number on resident returns filed

7650 under Chapter 10, Individual Income Tax Act.

7651 (ii) The state court administrator may use the information described in Subsection

7652 (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

7653 (n) (i) As used in this Subsection (4)(n):

7654 (A) "GO Utah office" means the Governor's Office of Economic Opportunity created in

7655 Section 63N-1a-301.

7656 (B) "Income tax information" means information gained by the commission that is

7657 required to be attached to or included in a return filed with the commission under Chapter 7,  
7658 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

7659 (C) "Other tax information" means information gained by the commission that is  
7660 required to be attached to or included in a return filed with the commission except for a return  
7661 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual  
7662 Income Tax Act.

7663 (D) "Tax information" means income tax information or other tax information.

7664 (ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection  
7665 (4)(n)(ii)(B) or (C), the commission shall at the request of the GO Utah office provide to the  
7666 GO Utah office all income tax information.

7667 (B) For purposes of a request for income tax information made under Subsection  
7668 (4)(n)(ii)(A), the GO Utah office may not request and the commission may not provide to the  
7669 GO Utah office a person's address, name, social security number, or taxpayer identification  
7670 number.

7671 (C) In providing income tax information to the GO Utah office, the commission shall  
7672 in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

7673 (iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection  
7674 (4)(n)(iii)(B), the commission shall at the request of the GO Utah office provide to the GO  
7675 Utah office other tax information.

7676 (B) Before providing other tax information to the GO Utah office, the commission  
7677 shall redact or remove any name, address, social security number, or taxpayer identification  
7678 number.

7679 (iv) The GO Utah office may provide tax information received from the commission in  
7680 accordance with this Subsection (4)(n) only:

7681 (A) as a fiscal estimate, fiscal note information, or statistical information; and

7682 (B) if the tax information is classified to prevent the identification of a particular  
7683 return.

7684 (v) (A) A person may not request tax information from the GO Utah office under Title  
7685 63G, Chapter 2, Government Records Access and Management Act, or this section, if the GO  
7686 Utah office received the tax information from the commission in accordance with this  
7687 Subsection (4)(n).



7688 (B) The GO Utah office may not provide to a person that requests tax information in  
7689 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information the  
7690 GO Utah office provides in accordance with Subsection (4)(n)(iv).

7691 (o) Notwithstanding Subsection (2), the commission may provide to the governing  
7692 board of the agreement or a taxing official of another state, the District of Columbia, the United  
7693 States, or a territory of the United States:

7694 (i) the following relating to an agreement sales and use tax:

7695 (A) information contained in a return filed with the commission;

7696 (B) information contained in a report filed with the commission;

7697 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

7698 (D) a document filed with the commission; or

7699 (ii) a report of an audit or investigation made with respect to an agreement sales and  
7700 use tax.

7701 (p) Notwithstanding Subsection (2), the commission may provide information  
7702 concerning a taxpayer's state income tax return or state income tax withholding information to  
7703 the Driver License Division if the Driver License Division:

7704 (i) requests the information; and

7705 (ii) provides the commission with a signed release form from the taxpayer allowing the  
7706 Driver License Division access to the information.

7707 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah  
7708 Communications Authority, or a division of the Utah Communications Authority, the  
7709 information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and  
7710 63H-7a-502.

7711 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah  
7712 Educational Savings Plan information related to a resident or nonresident individual's  
7713 contribution to a Utah Educational Savings Plan account as designated on the resident or  
7714 nonresident's individual income tax return as provided under Section 59-10-1313.

7715 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under  
7716 Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with  
7717 the Department of Health and Human Services or its designee with the adjusted gross income  
7718 of an individual if:

7719 (i) an eligibility worker with the Department of Health and Human Services or its  
7720 designee requests the information from the commission; and

7721 (ii) the eligibility worker has complied with the identity verification and consent  
7722 provisions of Sections 26B-3-106 and 26B-3-903.

7723 (t) Notwithstanding Subsection (2), the commission may provide to a county, as  
7724 determined by the commission, information declared on an individual income tax return in  
7725 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
7726 authorized under Section 59-2-103.

7727 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding  
7728 any access line provider that is over 90 days delinquent in payment to the commission of  
7729 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless  
7730 Telecommunications Service Charges, to the board of the Utah Communications Authority  
7731 created in Section 63H-7a-201.

7732 (v) Notwithstanding Subsection (2), the commission shall provide the Department of  
7733 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the  
7734 previous calendar year under Section 59-24-103.5.

7735 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the  
7736 Department of Workforce Services any information received under Chapter 10, Part 4,  
7737 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

7738 (x) Notwithstanding Subsection (2), the commission may provide the Public Service  
7739 Commission or the Division of Public Utilities information related to a seller that collects and  
7740 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's  
7741 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

7742 (y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying  
7743 jurisdiction the collection data necessary to verify the revenue collected by the commission for  
7744 a distributed tax, fee, or charge collected within the qualifying jurisdiction.

7745 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission  
7746 shall provide a qualifying jurisdiction with copies of returns and other information relating to a  
7747 distributed tax, fee, or charge collected within the qualifying jurisdiction.

7748 (iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief  
7749 executive officer or the chief executive officer's designee of the qualifying jurisdiction shall

7750 submit a written request to the commission that states the specific information sought and how  
7751 the qualifying jurisdiction intends to use the information.

7752 (B) The information described in Subsection (4)(y)(ii) is available only in official  
7753 matters of the qualifying jurisdiction.

7754 (iv) Information that a qualifying jurisdiction receives in response to a request under  
7755 this subsection is:

7756 (A) classified as a private record under Title 63G, Chapter 2, Government Records  
7757 Access and Management Act; and

7758 (B) subject to the confidentiality requirements of this section.

7759 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic  
7760 Beverage Services Commission, upon request, with taxpayer status information related to state  
7761 tax obligations necessary to comply with the requirements described in Section 32B-1-203.

7762 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of  
7763 Workforce Services, as soon as practicable, whether an individual claimed and is entitled to  
7764 claim a federal earned income tax credit for the year requested by the Department of Workforce  
7765 Services if:

7766 (i) the Department of Workforce Services requests this information; and

7767 (ii) the commission has received the information release described in Section  
7768 35A-9-604.

7769 (bb) (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means  
7770 the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.

7771 (ii) (A) Notwithstanding Subsection (2), upon request from the unclaimed property  
7772 administrator and to the extent allowed under federal law, the commission shall provide the  
7773 unclaimed property administrator the name, address, telephone number, county of residence,  
7774 and social security number or federal employer identification number on any return filed under  
7775 Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

7776 (B) The unclaimed property administrator may use the information described in  
7777 Subsection (4)(aa)(ii)(A) only for the purpose of returning unclaimed property to the property's  
7778 owner in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.

7779 (iii) The unclaimed property administrator is subject to the confidentiality provisions of  
7780 this section with respect to any information the unclaimed property administrator receives

7781 under this Subsection (4)(aa).

7782 (5) (a) Each report and return shall be preserved for at least three years.

7783 (b) After the three-year period provided in Subsection (5)(a) the commission may  
7784 destroy a report or return.

7785 (6) (a) Any individual who violates this section is guilty of a class A misdemeanor.

7786 (b) If the individual described in Subsection (6)(a) is an officer or employee of the  
7787 state, the individual shall be dismissed from office and be disqualified from holding public  
7788 office in this state for a period of five years thereafter.

7789 (c) Notwithstanding Subsection (6)(a) or (b), the GO Utah office, when requesting  
7790 information in accordance with Subsection (4)(n)(iii), or an individual who requests  
7791 information in accordance with Subsection (4)(n)(v):

7792 (i) is not guilty of a class A misdemeanor; and

7793 (ii) is not subject to:

7794 (A) dismissal from office in accordance with Subsection (6)(b); or

7795 (B) disqualification from holding public office in accordance with Subsection (6)(b).

7796 (d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the  
7797 Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative  
7798 Organization, an individual described in Subsection (2):

7799 (i) is not guilty of a class A misdemeanor; and

7800 (ii) is not subject to:

7801 (A) dismissal from office in accordance with Subsection (6)(b); or

7802 (B) disqualification from holding public office in accordance with Subsection (6)(b).

7803 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

7804 Section 101. Section **59-12-203** is amended to read:

7805 **59-12-203. County, city, or town may levy tax -- Contracts pursuant to Interlocal**  
7806 **Cooperation Act.**

7807 (1) As used in this section, "converted municipality" means the same as that term is  
7808 defined in Section 10-1-201.5.

7809 (2) A county, city, or town~~[, or metro township]~~ may impose a sales and use tax under  
7810 this part.

7811 ~~[(2) The State Tax Commission shall treat a metro township that imposes a tax under~~

7812 ~~this part as a city under this part.]~~

7813 ~~[(3) The State Tax Commission shall calculate the amount of a distribution to a metro~~  
 7814 ~~township under this part in the same manner as the State Tax Commission calculates a~~  
 7815 ~~distribution to a city under Section 59-12-205.]~~

7816 ~~[(4)] (3) (a) Except as provided in Subsection [(4)(b)] (3)(b), if a [metro township]~~  
 7817 ~~converted municipality imposes a tax under this part, the State Tax Commission shall distribute~~  
 7818 ~~the amount that the State Tax Commission calculates under Section 59-12-205 to the [metro~~  
 7819 ~~township] converted municipality.~~

7820 (b) The State Tax Commission shall transfer the amount that would otherwise be  
 7821 distributed to a ~~[metro township] converted municipality~~ under this part to a municipal services  
 7822 district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act, if the  
 7823 ~~[metro township] converted municipality:~~

7824 (i) provides written notice to the State Tax Commission requesting the transfer; and

7825 (ii) designates the municipal services district to which the ~~[metro township] converted~~  
 7826 ~~municipality~~ requests the State Tax Commission to transfer the revenues.

7827 ~~[(5)] (4) A county, city, or town[, or metro township] that imposes a sales and use tax~~  
 7828 ~~under this part may:~~

7829 (a) enter into agreements authorized by Title 11, Chapter 13, Interlocal Cooperation  
 7830 Act; and

7831 (b) use any or all of the revenue collected from the tax for the mutual benefit of local  
 7832 governments that elect to contract with one another pursuant to Title 11, Chapter 13, Interlocal  
 7833 Cooperation Act.

7834 Section 102. Section **59-12-2220** is amended to read:

7835 **59-12-2220. County option sales and use tax to fund highways or a system for**  
 7836 **public transit -- Base -- Rate.**

7837 (1) Subject to the other provisions of this part and subject to the requirements of this  
 7838 section, the following counties may impose a sales and use tax under this section:

7839 (a) a county legislative body may impose the sales and use tax on the transactions  
 7840 described in Subsection 59-12-103(1) located within the county, including the cities and towns  
 7841 within the county if:

7842 (i) the entire boundary of a county is annexed into a large public transit district; and

7843 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to  
7844 Section 59-12-2203 and authorized under the following sections has been imposed:

- 7845 (A) Section 59-12-2213;  
7846 (B) Section 59-12-2214;  
7847 (C) Section 59-12-2215;  
7848 (D) Section 59-12-2216;  
7849 (E) Section 59-12-2217;  
7850 (F) Section 59-12-2218; and  
7851 (G) Section 59-12-2219;

7852 (b) if the county is not annexed into a large public transit district, the county legislative  
7853 body may impose the sales and use tax on the transactions described in Subsection  
7854 59-12-103(1) located within the county, including the cities and towns within the county if:

- 7855 (i) the county is an eligible political subdivision; or  
7856 (ii) a city or town within the boundary of the county is an eligible political subdivision;

7857 or

7858 (c) a county legislative body of a county not described in Subsection (1)(a) may impose  
7859 the sales and use tax on the transactions described in Subsection 59-12-103(1) located within  
7860 the county, including the cities and towns within the county.

7861 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
7862 county legislative body that imposes a sales and use tax under this section may impose the tax  
7863 at a rate of .2%.

7864 (3) (a) The commission shall distribute sales and use tax revenue collected under this  
7865 section as determined by a county legislative body as described in Subsection (3)(b).

7866 (b) If a county legislative body imposes a sales and use tax as described in this section,  
7867 the county legislative body may elect to impose a sales and use tax revenue distribution as  
7868 described in Subsection (4), (5), (6), or (7), depending on the class of county, and presence and  
7869 type of a public transit provider in the county.

7870 (4) If a county legislative body imposes a sales and use tax as described in this section,  
7871 and the entire boundary of the county is annexed into a large public transit district, and the  
7872 county is a county of the first class, the commission shall distribute the sales and use tax  
7873 revenue as follows:

- 7874 (a) .10% to a public transit district as described in Subsection (11);  
7875 (b) .05% to the cities and towns as provided in Subsection (8); and  
7876 (c) .05% to the county legislative body.
- 7877 (5) If a county legislative body imposes a sales and use tax as described in this section  
7878 and the entire boundary of the county is annexed into a large public transit district, and the  
7879 county is a county not described in Subsection (4), the commission shall distribute the sales  
7880 and use tax revenue as follows:
- 7881 (a) .10% to a public transit district as described in Subsection (11);  
7882 (b) .05% to the cities and towns as provided in Subsection (8); and  
7883 (c) .05% to the county legislative body.
- 7884 (6) (a) Except as provided in Subsection (12)(c), if the entire boundary of a county that  
7885 imposes a sales and use tax as described in this section is not annexed into a single public  
7886 transit district, but a city or town within the county is annexed into a single public transit  
7887 district, or if the city or town is an eligible political subdivision, the commission shall distribute  
7888 the sales and use tax revenue collected within the county as provided in Subsection (6)(b) or  
7889 (c).
- 7890 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is  
7891 annexed into the single public transit district, or an eligible political subdivision, the  
7892 commission shall distribute the sales and use tax revenue collected within the portion of the  
7893 county that is within a public transit district or eligible political subdivision as follows:
- 7894 (i) .05% to a public transit provider as described in Subsection (11);  
7895 (ii) .075% to the cities and towns as provided in Subsection (8); and  
7896 (iii) .075% to the county legislative body.
- 7897 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county  
7898 described in Subsection (6)(a) that is not annexed into a single public transit district or eligible  
7899 political subdivision in the county, the commission shall distribute the sales and use tax  
7900 revenue collected within that portion of the county as follows:
- 7901 (i) .08% to the cities and towns as provided in Subsection (8); and  
7902 (ii) .12% to the county legislative body.
- 7903 (7) For a county without a public transit service that imposes a sales and use tax as  
7904 described in this section, the commission shall distribute the sales and use tax revenue

7905 collected within the county as follows:

7906 (a) .08% to the cities and towns as provided in Subsection (8); and

7907 (b) .12% to the county legislative body.

7908 (8) (a) Subject to Subsections (8)(b) and (c), the commission shall make the  
7909 distributions required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:

7910 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
7911 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7)  
7912 shall be distributed to the unincorporated areas, cities, and towns within those counties on the  
7913 basis of the percentage that the population of each unincorporated area, city, or town bears to  
7914 the total population of all of the counties that impose a tax under this section; and

7915 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
7916 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7)  
7917 shall be distributed to the unincorporated areas, cities, and towns within those counties on the  
7918 basis of the location of the transaction as determined under Sections 59-12-211 through  
7919 59-12-215.

7920 (b) (i) Population for purposes of this Subsection (8) shall be determined on the basis  
7921 of the most recent official census or census estimate of the United States Census Bureau.

7922 (ii) If a needed population estimate is not available from the United States Census  
7923 Bureau, population figures shall be derived from an estimate from the Utah Population  
7924 Estimates Committee created by executive order of the governor.

7925 (c) (i) Beginning on January 1, 2024, if the Housing and Community Development  
7926 Division within the Department of Workforce Services determines that a city[;] or town[; ~~or~~  
7927 ~~metro township~~] is ineligible for funds in accordance with Subsection 10-9a-408(7), beginning  
7928 the first day of the calendar quarter after receiving 90 days' notice, the commission shall  
7929 distribute the distribution that city[;] or town[; ~~or metro township~~] would have received under  
7930 Subsection (8)(a) to cities[;] or towns[; ~~or metro townships~~] to which Subsection 10-9a-408(7)  
7931 does not apply.

7932 (ii) Beginning on January 1, 2024, if the Housing and Community Development  
7933 Division within the Department of Workforce Services determines that a county is ineligible  
7934 for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar  
7935 quarter after receiving 90 days' notice, the commission shall distribute the distribution that



7936 county would have received under Subsection (8)(a) to counties to which Subsection  
7937 17-27a-408(7) does not apply.

7938 (9) If a public transit service is organized after the date a county legislative body first  
7939 imposes a tax under this section, a change in a distribution required by this section may not  
7940 take effect until the first distribution the commission makes under this section after a 90-day  
7941 period that begins on the date the commission receives written notice from the public transit  
7942 provider that the public transit service has been organized.

7943 (10) A county, city, or town that received distributions described in Subsections (4)(b),  
7944 (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a  
7945 purpose described in Section 59-12-2212.2.

7946 (11) (a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public  
7947 transit as described in this section may be used for capital expenses and service delivery  
7948 expenses of:

7949 (i) a public transit district;

7950 (ii) an eligible political subdivision; or

7951 (iii) another entity providing a service for public transit or a transit facility within the  
7952 relevant county, as those terms are defined in Section 17B-2a-802.

7953 (b) (i) If a county of the first class imposes a sales and use tax described in this section,  
7954 for a three-year period following the date on which the county imposes the sales and use tax  
7955 under this section, revenue designated for public transit within a county of the first class as  
7956 described in Subsection (4)(a) shall be transferred to the County of the First Class Highway  
7957 Projects Fund created in Section 72-2-121.

7958 (ii) If a county of the first class imposes a sales and use tax described in this section,  
7959 beginning on the day three years after the date on which the county imposed the tax as  
7960 described in Subsection (11)(b)(i), for revenue designated for public transit as described in  
7961 Subsection (4)(a):

7962 (A) 50% of the revenue from a sales and use tax imposed under this section in a county  
7963 of the first class shall be transferred to the County of the First Class Highway Projects Fund  
7964 created in Section 72-2-121; and

7965 (B) 50% of the revenue from a sales and use tax imposed under this section in a county  
7966 of the first class shall be transferred to the Transit Transportation Investment Fund created in

7967 Subsection 72-2-124(9).

7968 (c) (i) If a county that is not a county of the first class for which the entire boundary of  
7969 the county is annexed into a large public transit district imposes a sales and use tax described in  
7970 this section, for a three-year period following the date on which the county imposes the sales  
7971 and use tax under this section, revenue designated for public transit as described in Subsection  
7972 (5)(a) shall be transferred to the relevant county legislative body to be used for a purpose  
7973 described in Subsection (11)(a).

7974 (ii) If a county that is not a county of the first class for which the entire boundary of the  
7975 county is annexed into a large public transit district imposes a sales and use tax described in  
7976 this section, beginning on the day three years after the date on which the county imposed the  
7977 tax as described in Subsection (11)(c)(i), for the revenue that is designated for public transit in  
7978 Subsection (5)(a):

7979 (A) 50% shall be transferred to the Transit Transportation Investment Fund created in  
7980 Subsection 72-2-124(9); and

7981 (B) 50% shall be transferred to the relevant county legislative body to be used for a  
7982 purpose described in Subsection (11)(a).

7983 (d) Except as provided in Subsection (12)(c), for a county that imposes a sales and use  
7984 tax under this section, for revenue designated for public transit as described in Subsection  
7985 (6)(b)(i), the revenue shall be transferred to the relevant county legislative body to be used for a  
7986 purpose described in Subsection (11)(a).

7987 (12) (a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not  
7988 required to, submit an opinion question to the county's registered voters in accordance with  
7989 Section 59-12-2208 to impose a sales and use tax under this section.

7990 (b) If a county passes an ordinance to impose a sales and use tax as described in this  
7991 section, the sales and use tax shall take effect on the first day of the calendar quarter after a  
7992 90-day period that begins on the date the commission receives written notice from the county  
7993 of the passage of the ordinance.

7994 (c) A county that imposed the local option sales and use tax described in this section  
7995 before January 1, 2023, may maintain that county's distribution allocation in place as of  
7996 January 1, 2023.

7997 (13) (a) Revenue collected from a sales and use tax under this section may not be used

7998 to supplant existing General Fund appropriations that a county, city, or town budgeted for  
7999 transportation or public transit as of the date the tax becomes effective for a county, city, or  
8000 town.

8001 (b) The limitation under Subsection (13)(a) does not apply to a designated  
8002 transportation or public transit capital or reserve account a county, city, or town established  
8003 before the date the tax becomes effective.

8004 Section 103. Section **63A-5b-901** is amended to read:

8005 **63A-5b-901. Definitions.**

8006 As used in this part:

8007 (1) "Applicant" means a person who submits a timely, qualified proposal to the  
8008 division.

8009 (2) "Condemnee" means the same as that term is defined in Section 78B-6-520.3.

8010 (3) "Division-owned property" means real property, including an interest in real  
8011 property, to which the division holds title, regardless of who occupies or uses the real property.

8012 (4) "Local government entity" means a county, city, town[, ~~metro township~~], special  
8013 district, special service district, community development and renewal agency, conservation  
8014 district, school district, or other political subdivision of the state.

8015 (5) "Primary state agency" means a state agency for which the division holds title to  
8016 real property that the state agency occupies or uses, as provided in Subsection  
8017 63A-5b-303(1)(a)(iv).

8018 (6) "Private party" means a person who is not a state agency, local government entity,  
8019 or public purpose nonprofit entity.

8020 (7) "Public purpose nonprofit entity" means a corporation, association, organization, or  
8021 entity that:

8022 (a) is located within the state;

8023 (b) is not a state agency or local government entity;

8024 (c) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
8025 Code; and

8026 (d) operates to fulfill a public purpose.

8027 (8) "Qualified proposal" means a written proposal that:

8028 (a) meets the criteria established by the division by rule under Section 63A-5b-903;

8029 (b) if submitted by a local government entity or public purpose nonprofit entity,  
8030 explains the public purpose for which the local government entity or public purpose nonprofit  
8031 entity seeks a transfer of ownership or lease of the vacant division-owned property; and

8032 (c) the director determines will, if accepted and implemented, provide a material  
8033 benefit to the state.

8034 (9) "Secondary state agency" means a state agency:

8035 (a) that is authorized to hold title to real property that the state agency occupies or uses,  
8036 as provided in Section 63A-5b-304; and

8037 (b) for which the division does not hold title to real property that the state agency  
8038 occupies or uses.

8039 (10) "State agency" means a department, division, office, entity, agency, or other unit  
8040 of state government.

8041 (11) "Transfer of ownership" includes a transfer of the ownership of vacant  
8042 division-owned property that occurs as part of an exchange of the vacant division-owned  
8043 property for another property.

8044 (12) "Vacant division-owned property" means division-owned property that:

8045 (a) a primary state agency is not occupying or using; and

8046 (b) the director has determined should be made available for:

8047 (i) use or occupancy by a primary state agency; or

8048 (ii) a transfer of ownership or lease to a secondary state agency, local government  
8049 entity, public purpose nonprofit entity, or private party.

8050 (13) "Written proposal" means a brief statement in writing that explains:

8051 (a) the proposed use or occupancy, transfer of ownership, or lease of vacant  
8052 division-owned property; and

8053 (b) how the state will benefit from the proposed use or occupancy, transfer of  
8054 ownership, or lease.

8055 Section 104. Section **63G-6a-103** is amended to read:

8056 **63G-6a-103. Definitions.**

8057 As used in this chapter:

8058 (1) "Approved vendor" means a person who has been approved for inclusion on an  
8059 approved vendor list through the approved vendor list process.

8060 (2) "Approved vendor list" means a list of approved vendors established under Section  
8061 63G-6a-507.

8062 (3) "Approved vendor list process" means the procurement process described in  
8063 Section 63G-6a-507.

8064 (4) "Bidder" means a person who submits a bid or price quote in response to an  
8065 invitation for bids.

8066 (5) "Bidding process" means the procurement process described in Part 6, Bidding.

8067 (6) "Board" means the Utah State Procurement Policy Board, created in Section  
8068 63G-6a-202.

8069 (7) "Change directive" means a written order signed by the procurement officer that  
8070 directs the contractor to suspend work or make changes, as authorized by contract, without the  
8071 consent of the contractor.

8072 (8) "Change order" means a written alteration in specifications, delivery point, rate of  
8073 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual  
8074 agreement of the parties to the contract.

8075 (9) "Chief procurement officer" means the individual appointed under Section  
8076 63A-2-102.

8077 (10) "Conducting procurement unit" means a procurement unit that conducts all  
8078 aspects of a procurement:

8079 (a) except:

8080 (i) reviewing a solicitation to verify that it is in proper form; and

8081 (ii) causing the publication of a notice of a solicitation; and

8082 (b) including:

8083 (i) preparing any solicitation document;

8084 (ii) appointing an evaluation committee;

8085 (iii) conducting the evaluation process, except the process relating to scores calculated  
8086 for costs of proposals;

8087 (iv) selecting and recommending the person to be awarded a contract;

8088 (v) negotiating the terms and conditions of a contract, subject to the issuing  
8089 procurement unit's approval; and

8090 (vi) contract administration.

- 8091 (11) "Conservation district" means the same as that term is defined in Section  
8092 17D-3-102.
- 8093 (12) "Construction project":
- 8094 (a) means a project for the construction, renovation, alteration, improvement, or repair  
8095 of a public facility on real property, including all services, labor, supplies, and materials for the  
8096 project; and
- 8097 (b) does not include services and supplies for the routine, day-to-day operation, repair,  
8098 or maintenance of an existing public facility.
- 8099 (13) "Construction manager/general contractor":
- 8100 (a) means a contractor who enters into a contract:
- 8101 (i) for the management of a construction project; and
- 8102 (ii) that allows the contractor to subcontract for additional labor and materials that are  
8103 not included in the contractor's cost proposal submitted at the time of the procurement of the  
8104 contractor's services; and
- 8105 (b) does not include a contractor whose only subcontract work not included in the  
8106 contractor's cost proposal submitted as part of the procurement of the contractor's services is to  
8107 meet subcontracted portions of change orders approved within the scope of the project.
- 8108 (14) "Construction subcontractor":
- 8109 (a) means a person under contract with a contractor or another subcontractor to provide  
8110 services or labor for the design or construction of a construction project;
- 8111 (b) includes a general contractor or specialty contractor licensed or exempt from  
8112 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 8113 (c) does not include a supplier who provides only materials, equipment, or supplies to a  
8114 contractor or subcontractor for a construction project.
- 8115 (15) "Contract" means an agreement for a procurement.
- 8116 (16) "Contract administration" means all functions, duties, and responsibilities  
8117 associated with managing, overseeing, and carrying out a contract between a procurement unit  
8118 and a contractor, including:
- 8119 (a) implementing the contract;
- 8120 (b) ensuring compliance with the contract terms and conditions by the conducting  
8121 procurement unit and the contractor;

- 8122 (c) executing change orders;
- 8123 (d) processing contract amendments;
- 8124 (e) resolving, to the extent practicable, contract disputes;
- 8125 (f) curing contract errors and deficiencies;
- 8126 (g) terminating a contract;
- 8127 (h) measuring or evaluating completed work and contractor performance;
- 8128 (i) computing payments under the contract; and
- 8129 (j) closing out a contract.
- 8130 (17) "Contractor" means a person who is awarded a contract with a procurement unit.
- 8131 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:
- 8132 (a) more than one procurement unit; or
- 8133 (b) a procurement unit and a cooperative purchasing organization.
- 8134 (19) "Cooperative purchasing organization" means an organization, association, or
- 8135 alliance of purchasers established to combine purchasing power in order to obtain the best
- 8136 value for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 8137 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
- 8138 contractor is paid a percentage of the total actual expenses or costs in addition to the
- 8139 contractor's actual expenses or costs.
- 8140 (21) "Cost-reimbursement contract" means a contract under which a contractor is
- 8141 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
- 8142 the provisions of this chapter, and a fee, if any.
- 8143 (22) "Days" means calendar days, unless expressly provided otherwise.
- 8144 (23) "Definite quantity contract" means a fixed price contract that provides for a
- 8145 specified amount of supplies over a specified period, with deliveries scheduled according to a
- 8146 specified schedule.
- 8147 (24) "Design professional" means:
- 8148 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
- 8149 Licensing Act;
- 8150 (b) an individual licensed as a professional engineer or professional land surveyor
- 8151 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
- 8152 Act; or

8153 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,  
8154 State Certification of Commercial Interior Designers Act.

8155 (25) "Design professional procurement process" means the procurement process  
8156 described in Part 15, Design Professional Services.

8157 (26) "Design professional services" means:

8158 (a) professional services within the scope of the practice of architecture as defined in  
8159 Section 58-3a-102;

8160 (b) professional engineering as defined in Section 58-22-102;

8161 (c) master planning and programming services; or

8162 (d) services within the scope of the practice of commercial interior design, as defined  
8163 in Section 58-86-102.

8164 (27) "Design-build" means the procurement of design professional services and  
8165 construction by the use of a single contract.

8166 (28) "Division" means the Division of Purchasing and General Services, created in  
8167 Section 63A-2-101.

8168 (29) "Educational procurement unit" means:

8169 (a) a school district;

8170 (b) a public school, including a local school board or a charter school;

8171 (c) the Utah Schools for the Deaf and the Blind;

8172 (d) the Utah Education and Telehealth Network;

8173 (e) an institution of higher education of the state described in Section 53B-1-102; or

8174 (f) the State Board of Education.

8175 (30) "Established catalogue price" means the price included in a catalogue, price list,  
8176 schedule, or other form that:

8177 (a) is regularly maintained by a manufacturer or contractor;

8178 (b) is published or otherwise available for inspection by customers; and

8179 (c) states prices at which sales are currently or were last made to a significant number  
8180 of any category of buyers or buyers constituting the general buying public for the supplies or  
8181 services involved.

8182 (31) (a) "Executive branch procurement unit" means a department, division, office,  
8183 bureau, agency, or other organization within the state executive branch.



8184 (b) "Executive branch procurement unit" does not include the Colorado River  
8185 Authority of Utah as provided in Section 63M-14-210.

8186 (32) "Facilities division" means the Division of Facilities Construction and  
8187 Management, created in Section 63A-5b-301.

8188 (33) "Fixed price contract" means a contract that provides a price, for each  
8189 procurement item obtained under the contract, that is not subject to adjustment except to the  
8190 extent that:

8191 (a) the contract provides, under circumstances specified in the contract, for an  
8192 adjustment in price that is not based on cost to the contractor; or

8193 (b) an adjustment is required by law.

8194 (34) "Fixed price contract with price adjustment" means a fixed price contract that  
8195 provides for an upward or downward revision of price, precisely described in the contract, that:

8196 (a) is based on the consumer price index or another commercially acceptable index,  
8197 source, or formula; and

8198 (b) is not based on a percentage of the cost to the contractor.

8199 (35) "Grant" means an expenditure of public funds or other assistance, or an agreement  
8200 to expend public funds or other assistance, for a public purpose authorized by law, without  
8201 acquiring a procurement item in exchange.

8202 (36) "Immaterial error":

8203 (a) means an irregularity or abnormality that is:

8204 (i) a matter of form that does not affect substance; or

8205 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,  
8206 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

8207 (b) includes:

8208 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a  
8209 professional license, bond, or insurance certificate;

8210 (ii) a typographical error;

8211 (iii) an error resulting from an inaccuracy or omission in the solicitation; and

8212 (iv) any other error that the procurement official reasonably considers to be immaterial.

8213 (37) "Indefinite quantity contract" means a fixed price contract that:

8214 (a) is for an indefinite amount of procurement items to be supplied as ordered by a

- 8215 procurement unit; and
- 8216 (b) (i) does not require a minimum purchase amount; or
- 8217 (ii) provides a maximum purchase limit.
- 8218 (38) "Independent procurement unit" means:
- 8219 (a) (i) a legislative procurement unit;
- 8220 (ii) a judicial branch procurement unit;
- 8221 (iii) an educational procurement unit;
- 8222 (iv) a local government procurement unit;
- 8223 (v) a conservation district;
- 8224 (vi) a local building authority;
- 8225 (vii) a special district;
- 8226 (viii) a public corporation;
- 8227 (ix) a special service district; or
- 8228 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 8229 (b) the facilities division, but only to the extent of the procurement authority provided
- 8230 under Title 63A, Chapter 5b, Administration of State Facilities;
- 8231 (c) the attorney general, but only to the extent of the procurement authority provided
- 8232 under Title 67, Chapter 5, Attorney General;
- 8233 (d) the Department of Transportation, but only to the extent of the procurement
- 8234 authority provided under Title 72, Transportation Code; or
- 8235 (e) any other executive branch department, division, office, or entity that has statutory
- 8236 procurement authority outside this chapter, but only to the extent of that statutory procurement
- 8237 authority.
- 8238 (39) "Invitation for bids":
- 8239 (a) means a document used to solicit:
- 8240 (i) bids to provide a procurement item to a procurement unit; or
- 8241 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 8242 (b) includes all documents attached to or incorporated by reference in a document
- 8243 described in Subsection (39)(a).
- 8244 (40) "Issuing procurement unit" means a procurement unit that:
- 8245 (a) reviews a solicitation to verify that it is in proper form;

- 8246 (b) causes the notice of a solicitation to be published; and
- 8247 (c) negotiates and approves the terms and conditions of a contract.
- 8248 (41) "Judicial procurement unit" means:
- 8249 (a) the Utah Supreme Court;
- 8250 (b) the Utah Court of Appeals;
- 8251 (c) the Judicial Council;
- 8252 (d) a state judicial district; or
- 8253 (e) an office, committee, subcommittee, or other organization within the state judicial
- 8254 branch.
- 8255 (42) "Labor hour contract" is a contract under which:
- 8256 (a) the supplies and materials are not provided by, or through, the contractor; and
- 8257 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and
- 8258 profit for a specified number of labor hours or days.
- 8259 (43) "Legislative procurement unit" means:
- 8260 (a) the Legislature;
- 8261 (b) the Senate;
- 8262 (c) the House of Representatives;
- 8263 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 8264 (e) a committee, subcommittee, commission, or other organization:
- 8265 (i) within the state legislative branch; or
- 8266 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;
- 8267 (B) the membership of which includes legislators; and
- 8268 (C) for which the Office of Legislative Research and General Counsel provides staff
- 8269 support.
- 8270 (44) "Local building authority" means the same as that term is defined in Section
- 8271 17D-2-102.
- 8272 (45) "Local government procurement unit" means:
- 8273 (a) a county, municipality, or project entity, and each office of the county, municipality,
- 8274 or project entity, unless:
- 8275 (i) the county or municipality adopts a procurement code by ordinance; or
- 8276 (ii) the project entity adopts a procurement code through the process described in

8277 Section 11-13-316;

8278 (b) (i) a county or municipality that has adopted this entire chapter by ordinance, and  
8279 each office or agency of that county or municipality; and

8280 (ii) a project entity that has adopted this entire chapter through the process described in  
8281 Subsection 11-13-316; or

8282 (c) a county, municipality, or project entity, and each office of the county, municipality,  
8283 or project entity that has adopted a portion of this chapter to the extent that:

8284 (i) a term in the ordinance is used in the adopted chapter; or

8285 (ii) a term in the ordinance is used in the language a project entity adopts in its  
8286 procurement code through the process described in Section 11-13-316.

8287 (46) "Multiple award contracts" means the award of a contract for an indefinite  
8288 quantity of a procurement item to more than one person.

8289 (47) "Multiyear contract" means a contract that extends beyond a one-year period,  
8290 including a contract that permits renewal of the contract, without competition, beyond the first  
8291 year of the contract.

8292 (48) "Municipality" means a city[;] or town[;] ~~or metro township~~.

8293 (49) "Nonadopting local government procurement unit" means:

8294 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,  
8295 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,  
8296 General Provisions Related to Protest or Appeal; and

8297 (b) each office or agency of a county or municipality described in Subsection (49)(a).

8298 (50) "Offeror" means a person who submits a proposal in response to a request for  
8299 proposals.

8300 (51) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference  
8301 under the requirements of this chapter.

8302 (52) "Procure" means to acquire a procurement item through a procurement.

8303 (53) "Procurement" means the acquisition of a procurement item through an  
8304 expenditure of public funds, or an agreement to expend public funds, including an acquisition  
8305 through a public-private partnership.

8306 (54) "Procurement item" means an item of personal property, a technology, a service,  
8307 or a construction project.

- 8308 (55) "Procurement official" means:
- 8309 (a) for a procurement unit other than an independent procurement unit, the chief  
8310 procurement officer;
- 8311 (b) for a legislative procurement unit, the individual, individuals, or body designated in  
8312 a policy adopted by the Legislative Management Committee;
- 8313 (c) for a judicial procurement unit, the Judicial Council or an individual or body  
8314 designated by the Judicial Council by rule;
- 8315 (d) for a local government procurement unit:
- 8316 (i) the legislative body of the local government procurement unit; or  
8317 (ii) an individual or body designated by the local government procurement unit;
- 8318 (e) for a special district, the board of trustees of the special district or the board of  
8319 trustees' designee;
- 8320 (f) for a special service district, the governing body of the special service district or the  
8321 governing body's designee;
- 8322 (g) for a local building authority, the board of directors of the local building authority  
8323 or the board of directors' designee;
- 8324 (h) for a conservation district, the board of supervisors of the conservation district or  
8325 the board of supervisors' designee;
- 8326 (i) for a public corporation, the board of directors of the public corporation or the board  
8327 of directors' designee;
- 8328 (j) for a school district or any school or entity within a school district, the board of the  
8329 school district or the board's designee;
- 8330 (k) for a charter school, the individual or body with executive authority over the charter  
8331 school or the designee of the individual or body;
- 8332 (l) for an institution of higher education described in Section 53B-2-101, the president  
8333 of the institution of higher education or the president's designee;
- 8334 (m) for the State Board of Education, the State Board of Education or the State Board  
8335 of Education's designee;
- 8336 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or  
8337 the designee of the Commissioner of Higher Education;
- 8338 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the

8339 executive director of the Utah Communications Authority or the executive director's designee;  
8340 or

8341 (p) (i) for the facilities division, and only to the extent of procurement activities of the  
8342 facilities division as an independent procurement unit under the procurement authority  
8343 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the  
8344 facilities division or the director's designee;

8345 (ii) for the attorney general, and only to the extent of procurement activities of the  
8346 attorney general as an independent procurement unit under the procurement authority provided  
8347 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's  
8348 designee;

8349 (iii) for the Department of Transportation created in Section 72-1-201, and only to the  
8350 extent of procurement activities of the Department of Transportation as an independent  
8351 procurement unit under the procurement authority provided under Title 72, Transportation  
8352 Code, the executive director of the Department of Transportation or the executive director's  
8353 designee; or

8354 (iv) for any other executive branch department, division, office, or entity that has  
8355 statutory procurement authority outside this chapter, and only to the extent of the procurement  
8356 activities of the department, division, office, or entity as an independent procurement unit  
8357 under the procurement authority provided outside this chapter for the department, division,  
8358 office, or entity, the chief executive officer of the department, division, office, or entity or the  
8359 chief executive officer's designee.

8360 (56) "Procurement unit":

8361 (a) means:

8362 (i) a legislative procurement unit;

8363 (ii) an executive branch procurement unit;

8364 (iii) a judicial procurement unit;

8365 (iv) an educational procurement unit;

8366 (v) the Utah Communications Authority, established in Section 63H-7a-201;

8367 (vi) a local government procurement unit;

8368 (vii) a special district;

8369 (viii) a special service district;

- 8370 (ix) a local building authority;
- 8371 (x) a conservation district; and
- 8372 (xi) a public corporation; and
- 8373 (b) except for a project entity, to the extent that a project entity is subject to this chapter
- 8374 as described in Section 11-13-316, does not include a political subdivision created under Title
- 8375 11, Chapter 13, Interlocal Cooperation Act.
- 8376 (57) "Professional service" means labor, effort, or work that requires specialized
- 8377 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 8378 (a) accounting;
- 8379 (b) administrative law judge service;
- 8380 (c) architecture;
- 8381 (d) construction design and management;
- 8382 (e) engineering;
- 8383 (f) financial services;
- 8384 (g) information technology;
- 8385 (h) the law;
- 8386 (i) medicine;
- 8387 (j) psychiatry; or
- 8388 (k) underwriting.
- 8389 (58) "Protest officer" means:
- 8390 (a) for the division or an independent procurement unit:
- 8391 (i) the procurement official;
- 8392 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 8393 (iii) a person designated by rule made by the rulemaking authority; or
- 8394 (b) for a procurement unit other than an independent procurement unit, the chief
- 8395 procurement officer or the chief procurement officer's designee who is an employee of the
- 8396 division .
- 8397 (59) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 8398 (60) "Project entity" means the same as that term is defined in Section 11-13-103.
- 8399 (61) "Public entity" means the state or any other government entity within the state that
- 8400 expends public funds.

8401 (62) "Public facility" means a building, structure, infrastructure, improvement, or other  
8402 facility of a public entity.

8403 (63) "Public funds" means money, regardless of its source, including from the federal  
8404 government, that is owned or held by a procurement unit.

8405 (64) "Public transit district" means a public transit district organized under Title 17B,  
8406 Chapter 2a, Part 8, Public Transit District Act.

8407 (65) "Public-private partnership" means an arrangement or agreement, occurring on or  
8408 after January 1, 2017, between a procurement unit and one or more contractors to provide for a  
8409 public need through the development or operation of a project in which the contractor or  
8410 contractors share with the procurement unit the responsibility or risk of developing, owning,  
8411 maintaining, financing, or operating the project.

8412 (66) "Qualified vendor" means a vendor who:

8413 (a) is responsible; and

8414 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that  
8415 meets the minimum mandatory requirements, evaluation criteria, and any applicable score  
8416 thresholds set forth in the request for statement of qualifications.

8417 (67) "Real property" means land and any building, fixture, improvement, appurtenance,  
8418 structure, or other development that is permanently affixed to land.

8419 (68) "Request for information" means a nonbinding process through which a  
8420 procurement unit requests information relating to a procurement item.

8421 (69) "Request for proposals" means a document used to solicit proposals to provide a  
8422 procurement item to a procurement unit, including all other documents that are attached to that  
8423 document or incorporated in that document by reference.

8424 (70) "Request for proposals process" means the procurement process described in Part  
8425 7, Request for Proposals.

8426 (71) "Request for statement of qualifications" means a document used to solicit  
8427 information about the qualifications of a person interested in responding to a potential  
8428 procurement, including all other documents attached to that document or incorporated in that  
8429 document by reference.

8430 (72) "Requirements contract" means a contract:

8431 (a) under which a contractor agrees to provide a procurement unit's entire requirements



8432 for certain procurement items at prices specified in the contract during the contract period; and  
8433 (b) that:  
8434 (i) does not require a minimum purchase amount; or  
8435 (ii) provides a maximum purchase limit.

8436 (73) "Responsible" means being capable, in all respects, of:  
8437 (a) meeting all the requirements of a solicitation; and  
8438 (b) fully performing all the requirements of the contract resulting from the solicitation,  
8439 including being financially solvent with sufficient financial resources to perform the contract.

8440 (74) "Responsive" means conforming in all material respects to the requirements of a  
8441 solicitation.

8442 (75) "Rule" includes a policy or regulation adopted by the rulemaking authority, if  
8443 adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions  
8444 that govern the applicable procurement unit.

8445 (76) "Rulemaking authority" means:  
8446 (a) for a legislative procurement unit, the Legislative Management Committee;  
8447 (b) for a judicial procurement unit, the Judicial Council;  
8448 (c) (i) only to the extent of the procurement authority expressly granted to the  
8449 procurement unit by statute:  
8450 (A) for the facilities division, the facilities division;  
8451 (B) for the Office of the Attorney General, the attorney general;  
8452 (C) for the Department of Transportation created in Section 72-1-201, the executive  
8453 director of the Department of Transportation; and  
8454 (D) for any other executive branch department, division, office, or entity that has  
8455 statutory procurement authority outside this chapter, the governing authority of the department,  
8456 division, office, or entity; and  
8457 (ii) for each other executive branch procurement unit, the board;  
8458 (d) for a local government procurement unit:  
8459 (i) the governing body of the local government unit; or  
8460 (ii) an individual or body designated by the local government procurement unit;  
8461 (e) for a school district or a public school, the board, except to the extent of a school  
8462 district's own nonadministrative rules that do not conflict with the provisions of this chapter;

- 8463 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 8464 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the  
8465 State Board of Education;
- 8466 (h) for a public transit district, the chief executive of the public transit district;
- 8467 (i) for a special district other than a public transit district or for a special service  
8468 district, the board, except to the extent that the board of trustees of the special district or the  
8469 governing body of the special service district makes its own rules:
- 8470 (i) with respect to a subject addressed by board rules; or
- 8471 (ii) that are in addition to board rules;
- 8472 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah  
8473 Board of Higher Education;
- 8474 (k) for the School and Institutional Trust Lands Administration, created in Section  
8475 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 8476 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,  
8477 the School and Institutional Trust Fund Board of Trustees;
- 8478 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the  
8479 Utah Communications Authority board, created in Section 63H-7a-203; or
- 8480 (n) for any other procurement unit, the board.
- 8481 (77) "Service":
- 8482 (a) means labor, effort, or work to produce a result that is beneficial to a procurement  
8483 unit;
- 8484 (b) includes a professional service; and
- 8485 (c) does not include labor, effort, or work provided under an employment agreement or  
8486 a collective bargaining agreement.
- 8487 (78) "Small purchase process" means the procurement process described in Section  
8488 63G-6a-506.
- 8489 (79) "Sole source contract" means a contract resulting from a sole source procurement.
- 8490 (80) "Sole source procurement" means a procurement without competition pursuant to  
8491 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the  
8492 procurement item.
- 8493 (81) "Solicitation" means an invitation for bids, request for proposals, or request for

8494 statement of qualifications.

8495 (82) "Solicitation response" means:

8496 (a) a bid submitted in response to an invitation for bids;

8497 (b) a proposal submitted in response to a request for proposals; or

8498 (c) a statement of qualifications submitted in response to a request for statement of  
8499 qualifications.

8500 (83) "Special district" means the same as that term is defined in Section 17B-1-102.

8501 (84) "Special service district" means the same as that term is defined in Section  
8502 17D-1-102.

8503 (85) "Specification" means any description of the physical or functional characteristics  
8504 or of the nature of a procurement item included in an invitation for bids or a request for  
8505 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

8506 (a) a requirement for inspecting or testing a procurement item; or

8507 (b) preparing a procurement item for delivery.

8508 (86) "Standard procurement process" means:

8509 (a) the bidding process;

8510 (b) the request for proposals process;

8511 (c) the approved vendor list process;

8512 (d) the small purchase process; or

8513 (e) the design professional procurement process.

8514 (87) "State cooperative contract" means a contract awarded by the division for and in  
8515 behalf of all public entities.

8516 (88) "Statement of qualifications" means a written statement submitted to a  
8517 procurement unit in response to a request for statement of qualifications.

8518 (89) "Subcontractor":

8519 (a) means a person under contract to perform part of a contractual obligation under the  
8520 control of the contractor, whether the person's contract is with the contractor directly or with  
8521 another person who is under contract to perform part of a contractual obligation under the  
8522 control of the contractor; and

8523 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services  
8524 to a contractor.

8525 (90) "Technology" means the same as "information technology," as defined in Section  
8526 63A-16-102.

8527 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are  
8528 identical in price.

8529 (92) "Time and materials contract" means a contract under which the contractor is paid:

8530 (a) the actual cost of direct labor at specified hourly rates;

8531 (b) the actual cost of materials and equipment usage; and

8532 (c) an additional amount, expressly described in the contract, to cover overhead and  
8533 profit, that is not based on a percentage of the cost to the contractor.

8534 (93) "Transitional costs":

8535 (a) means the costs of changing:

8536 (i) from an existing provider of a procurement item to another provider of that  
8537 procurement item; or

8538 (ii) from an existing type of procurement item to another type;

8539 (b) includes:

8540 (i) training costs;

8541 (ii) conversion costs;

8542 (iii) compatibility costs;

8543 (iv) costs associated with system downtime;

8544 (v) disruption of service costs;

8545 (vi) staff time necessary to implement the change;

8546 (vii) installation costs; and

8547 (viii) ancillary software, hardware, equipment, or construction costs; and

8548 (c) does not include:

8549 (i) the costs of preparing for or engaging in a procurement process; or

8550 (ii) contract negotiation or drafting costs.

8551 (94) "Vendor":

8552 (a) means a person who is seeking to enter into a contract with a procurement unit to  
8553 provide a procurement item; and

8554 (b) includes:

8555 (i) a bidder;

- 8556 (ii) an offeror;
- 8557 (iii) an approved vendor;
- 8558 (iv) a design professional; and
- 8559 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.
- 8560 Section 105. Section **63G-26-102** is amended to read:
- 8561 **63G-26-102. Definitions.**
- 8562 As used in this chapter:
- 8563 (1) "Personal information" means a record or other compilation of data that identifies a
- 8564 person as a donor to an entity exempt from federal income tax under Section 501(c) of the
- 8565 Internal Revenue Code.
- 8566 (2) "Public agency" means a state or local government entity, including:
- 8567 (a) a department, division, agency, office, commission, board, or other government
- 8568 organization;
- 8569 (b) a political subdivision, including a county, city, town[, ~~metro township~~], special
- 8570 district, or special service district;
- 8571 (c) a public school, school district, charter school, or public higher education
- 8572 institution; or
- 8573 (d) a judicial or quasi-judicial body.
- 8574 Section 106. Section **63G-29-101** is amended to read:
- 8575 **63G-29-101. Definitions.**
- 8576 (1) (a) "Governmental entity" means:
- 8577 (i) the state;
- 8578 (ii) a county, city, town[, ~~metro township~~], school district, special district, special
- 8579 service district, or other political subdivision of the state; or
- 8580 (iii) an independent entity.
- 8581 (b) "Governmental entity" includes an agency, bureau, office, department, division,
- 8582 board, commission, institution, laboratory, or other instrumentality of an entity described in
- 8583 Subsection (1)(a).
- 8584 (2) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- 8585 (3) "Members of a person's social network" means the people a person authorizes to be
- 8586 part of the person's social media communications and network.

8587 (4) (a) "Social credit score" means a numeric, alphanumeric, or alphabetic value or  
8588 other categorization assigned to a person based on:

8589 (i) the person's:

8590 (A) compliance or noncompliance with government guidance;

8591 (B) social media post;

8592 (C) participation or membership in a lawful club, association, or union;

8593 (D) political affiliation; or

8594 (E) employment industry or employer; or

8595 (ii) the identity of the members of the person's social network.

8596 (b) "Social credit score" does not include:

8597 (i) a consumer report as defined in 15 U.S.C. Sec. 1681a;

8598 (ii) compliance or noncompliance with statute, administrative rule, or other law; or

8599 (iii) a numeric, alphanumeric, or alphabetic value or other categorization assigned to a  
8600 person for:

8601 (A) purposes of education, training, or job performance assessment;

8602 (B) purposes of a contest or competition;

8603 (C) purposes of hiring a prospective employee or independent contractor;

8604 (D) purposes of issuance or taking an action against a professional license,  
8605 certification, registration, or permit;

8606 (E) purposes of a professional or tax audit; or

8607 (F) use by a financial institution or an affiliate of a financial institution regulated under  
8608 Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., to determine risk of loss,  
8609 impairment, or default.

8610 Section 107. Section **63J-4-801** is amended to read:

8611 **63J-4-801. Definitions.**

8612 As used in this part:

8613 (1) "American Rescue Plan Act" means the American Rescue Plan Act, Pub. L. 117-2.

8614 (2) "COVID-19" means:

8615 (a) severe acute respiratory syndrome coronavirus 2; or

8616 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

8617 (3) "COVID-19 emergency" means the spread of COVID-19 that the World Health

8618 Organization declared a pandemic on March 11, 2020.

8619 (4) "Grant program" means the COVID-19 Local Assistance Matching Grant Program  
8620 established in Section 63J-4-802.

8621 (5) "Local government" means a county, city, town[, ~~metro township~~], special district,  
8622 or special service district.

8623 (6) "Review committee" means the COVID-19 Local Assistance Matching Grant  
8624 Program Review Committee established in Section 63J-4-803.

8625 Section 108. Section **63N-2-103** is amended to read:

8626 **63N-2-103. Definitions.**

8627 As used in this part:

8628 (1) (a) "Business entity" means a person that enters into a written agreement with the  
8629 office to initiate a new commercial project in Utah that will qualify the person to receive a tax  
8630 credit under Section 59-7-614.2 or 59-10-1107.

8631 (b) With respect to a tax credit authorized by the office in accordance with Subsection  
8632 63N-2-104.3(2), "business entity" includes a nonprofit entity.

8633 (2) "Commercial or industrial zone" means an area zoned agricultural, commercial,  
8634 industrial, manufacturing, business park, research park, or other appropriate business related  
8635 use in a general plan that contemplates future growth.

8636 (3) "Development zone" means an economic development zone created under Section  
8637 63N-2-104.

8638 (4) "Local government entity" means a county, city, or town[, ~~or metro township~~].

8639 (5) "New commercial project" means an economic development opportunity that:

8640 (a) involves a targeted industry;

8641 (b) is located within:

8642 (i) a county of the third, fourth, fifth, or sixth class; or

8643 (ii) a municipality that has a population of 10,000 or less and the municipality is  
8644 located within a county of the second class; or

8645 (c) involves an economic development opportunity that the commission determines to  
8646 be eligible for a tax credit under this part.

8647 (6) "Remote work opportunity" means a new commercial project that:

8648 (a) does not require a physical office in the state where employees associated with the

- 8649 new commercial project are required to work; and
- 8650 (b) requires employees associated with the new commercial project to:
- 8651 (i) work remotely from a location within the state; and
- 8652 (ii) maintain residency in the state.
- 8653 (7) "Significant capital investment" means an investment in capital or fixed assets,
- 8654 which may include real property, personal property, and other fixtures related to a new
- 8655 commercial project that represents an expansion of existing operations in the state or that
- 8656 increases the business entity's existing workforce in the state.
- 8657 (8) "Tax credit" means an economic development tax credit created by Section
- 8658 59-7-614.2 or 59-10-1107.
- 8659 (9) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit
- 8660 certificate for a taxable year.
- 8661 (10) "Tax credit certificate" means a certificate issued by the office that:
- 8662 (a) lists the name of the business entity to which the office authorizes a tax credit;
- 8663 (b) lists the business entity's taxpayer identification number;
- 8664 (c) lists the amount of tax credit that the office authorizes the business entity for the
- 8665 taxable year; and
- 8666 (d) may include other information as determined by the office.
- 8667 (11) "Written agreement" means a written agreement entered into between the office
- 8668 and a business entity under Section 63N-2-104.2.
- 8669 Section 109. Section **63N-4-801** is amended to read:
- 8670 **63N-4-801. Definitions.**
- 8671 As used in this part:
- 8672 (1) "Advisory committee" means the Rural Opportunity Advisory Committee created
- 8673 in Section 63N-4-804.
- 8674 (2) "Association of governments" means an association of political subdivisions of the
- 8675 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
- 8676 Cooperation Act.
- 8677 (3) (a) "Business entity" means a sole proprietorship, partnership, association, joint
- 8678 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
- 8679 a business.



- 8680 (b) "Business entity" does not include a business primarily engaged in the following:
- 8681 (i) construction;
- 8682 (ii) staffing;
- 8683 (iii) retail trade; or
- 8684 (iv) public utility activities.
- 8685 (4) "CEO board" means a County Economic Opportunity Advisory Board as described
- 8686 in Section 63N-4-803.
- 8687 (5) "Fund" means the Rural Opportunity Fund created in Section 63N-4-805.
- 8688 (6) "Qualified asset" means a physical asset that provides or supports an essential
- 8689 public service.
- 8690 (7) "Qualified project" means a project to build or improve one or more qualified
- 8691 assets for a rural community, including:
- 8692 (a) telecom and high-speed Internet infrastructure;
- 8693 (b) power and energy infrastructure;
- 8694 (c) water and sewerage infrastructure;
- 8695 (d) healthcare infrastructure; or
- 8696 (e) other infrastructure as defined by rule made by the office in accordance with Title
- 8697 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 8698 (8) "Rural community" means a rural county or rural municipality.
- 8699 (9) "Rural county" means a county of the third, fourth, fifth, or sixth class.
- 8700 (10) "Rural municipality" means a city[;] or town[; ~~or metro township~~] located within
- 8701 the boundaries of:
- 8702 (a) a county of the third, fourth, fifth, or sixth class; or
- 8703 (b) a county of the second class, if the municipality has a population of 10,000 or less.
- 8704 (11) "Rural Opportunity Program" or "program" means the Rural Opportunity Program
- 8705 created in Section 63N-4-802.
- 8706 Section 110. Section **65A-1-1** is amended to read:
- 8707 **65A-1-1. Definitions.**
- 8708 As used in this title:
- 8709 (1) "Division" means the Division of Forestry, Fire, and State Lands.
- 8710 (2) "Initial attack" means action taken by the first resource to arrive at a wildland fire

8711 incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or  
8712 aggressive suppression action.

8713 (3) "Multiple use" means the management of various surface and subsurface resources  
8714 in a manner that will best meet the present and future needs of the people of this state.

8715 (4) "Municipality" means a city[;] or town[; ~~or metro township~~].

8716 (5) "Public trust assets" means those lands and resources, including sovereign lands,  
8717 administered by the division.

8718 (6) "Sovereign lands" means those lands lying below the ordinary high water mark of  
8719 navigable bodies of water at the date of statehood and owned by the state by virtue of its  
8720 sovereignty.

8721 (7) "State lands" means all lands administered by the division.

8722 (8) "Sustained yield" means the achievement and maintenance of high level annual or  
8723 periodic output of the various renewable resources of land without impairment of the  
8724 productivity of the land.

8725 (9) "Wildland" means an area where:

8726 (a) development is essentially non-existent, except for roads, railroads, powerlines, or  
8727 similar transportation facilities; and

8728 (b) structures, if any, are widely scattered.

8729 (10) "Wildland fire" means a fire that consumes:

8730 (a) wildland; or

8731 (b) wildland-urban interface, as defined in Section 65A-8a-102.

8732 Section 111. Section **65A-8-212** is amended to read:

8733 **65A-8-212. Power of state forester to close hazardous areas -- Violations of an**  
8734 **order closing an area.**

8735 (1) (a) If the state forester finds conditions in a given area in the state to be extremely  
8736 hazardous, "extremely hazardous" means categorized as "extreme" under a nationally  
8737 recognized standard for rating fire danger, he shall close those areas to any forms of use by the  
8738 public, or to limit that use, except as provided in Subsection (5).

8739 (b) The closure shall include, for the period of time the state forester considers  
8740 necessary, the prohibition of open fires, and may include restrictions and prohibitions on:

8741 (i) smoking;

- 8742 (ii) the use of vehicles or equipment;
- 8743 (iii) welding, cutting, or grinding of metals;
- 8744 (iv) subject to Subsection (5), fireworks;
- 8745 (v) explosives; or
- 8746 (vi) the use of firearms for target shooting.
- 8747 (c) Any restriction or closure relating to firearms use:
- 8748 (i) shall be done with support of the duly elected county sheriff of the affected county
- 8749 or counties;
- 8750 (ii) shall undergo a formal review by the State Forester and County Sheriff every 14
- 8751 days; and
- 8752 (iii) may not prohibit a person from legally possessing a firearm or lawfully
- 8753 participating in a hunt.
- 8754 (d) The State Forester and County Sheriff shall:
- 8755 (i) agree to the terms of any restriction or closure relating to firearms use;
- 8756 (ii) reduce the agreement to writing;
- 8757 (iii) sign the agreement indicating approval of its terms and duration; and
- 8758 (iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review
- 8759 and at termination of the restriction or closure.
- 8760 (2) Nothing in this chapter prohibits any resident within the area from full and free
- 8761 access to his home or property, or any legitimate use by the owner or lessee of the property.
- 8762 (3) The order or proclamation closing or limiting the use in the area shall set forth:
- 8763 (a) the exact area coming under the order;
- 8764 (b) the date when the order becomes effective; and
- 8765 (c) if advisable, the authority from whom permits for entry into the area may be
- 8766 obtained.
- 8767 (4) Any entry into or use of any area in violation of this section is a class B
- 8768 misdemeanor.
- 8769 (5) The state forester may not restrict or prohibit the discharge of fireworks within the
- 8770 municipal boundaries of a city[;] or town[; ~~or metro township~~].
- 8771 Section 112. Section **67-1a-2** is amended to read:
- 8772 **67-1a-2. Duties enumerated.**

- 8773 (1) The lieutenant governor shall:
- 8774 (a) perform duties delegated by the governor, including assignments to serve in any of  
8775 the following capacities:
- 8776 (i) as the head of any one department, if so qualified, with the advice and consent of  
8777 the Senate, and, upon appointment at the pleasure of the governor and without additional  
8778 compensation;
- 8779 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
8780 law for the purpose of advising the governor or coordinating intergovernmental or  
8781 interdepartmental policies or programs;
- 8782 (iii) as liaison between the governor and the state Legislature to coordinate and  
8783 facilitate the governor's programs and budget requests;
- 8784 (iv) as liaison between the governor and other officials of local, state, federal, and  
8785 international governments or any other political entities to coordinate, facilitate, and protect the  
8786 interests of the state;
- 8787 (v) as personal advisor to the governor, including advice on policies, programs,  
8788 administrative and personnel matters, and fiscal or budgetary matters; and
- 8789 (vi) as chairperson or member of any temporary or permanent boards, councils,  
8790 commissions, committees, task forces, or other group appointed by the governor;
- 8791 (b) serve on all boards and commissions in lieu of the governor, whenever so  
8792 designated by the governor;
- 8793 (c) serve as the chief election officer of the state as required by Subsection (2);
- 8794 (d) keep custody of the Great Seal of the State of Utah;
- 8795 (e) keep a register of, and attest, the official acts of the governor;
- 8796 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
8797 which the official signature of the governor is required; and
- 8798 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
8799 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
8800 it and pays the fee.
- 8801 (2) (a) As the chief election officer, the lieutenant governor shall:
- 8802 (i) exercise oversight, and general supervisory authority, over all elections;
- 8803 (ii) exercise direct authority over the conduct of elections for federal, state, and

8804 multicounty officers and statewide or multicounty ballot propositions and any recounts  
8805 involving those races;

8806 (iii) establish uniformity in the election ballot;

8807 (iv) (A) prepare election information for the public as required by law and as  
8808 determined appropriate by the lieutenant governor; and

8809 (B) make the information described in Subsection (2)(a)(iv)(A) available to the public  
8810 and to news media, on the Internet, and in other forms as required by law and as determined  
8811 appropriate by the lieutenant governor;

8812 (v) receive and answer election questions and maintain an election file on opinions  
8813 received from the attorney general;

8814 (vi) maintain a current list of registered political parties as defined in Section  
8815 20A-8-101;

8816 (vii) maintain election returns and statistics;

8817 (viii) certify to the governor the names of individuals nominated to run for, or elected  
8818 to, office;

8819 (ix) ensure that all voting equipment purchased by the state complies with the  
8820 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;

8821 (x) during a declared emergency, to the extent that the lieutenant governor determines  
8822 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location  
8823 relating to:

8824 (A) voting on election day;

8825 (B) early voting;

8826 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

8827 (D) the counting of an absentee ballot or military-overseas ballot; or

8828 (E) the canvassing of election returns; and

8829 (xi) exercise all other election authority, and perform other election duties, as provided  
8830 in Title 20A, Election Code.

8831 (b) As chief election officer, the lieutenant governor:

8832 (i) shall oversee all elections, and functions relating to elections, in the state;

8833 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by  
8834 an election officer with legal requirements relating to elections; and

8835 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,  
8836 town clerks, or other local election officials by Title 20A, Election Code.

8837 (3) (a) The lieutenant governor shall:

8838 (i) determine a new municipality's classification under Section 10-2-301 upon the city's  
8839 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the  
8840 municipality's population using the population estimate from the Utah Population Committee;  
8841 and

8842 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs  
8843 based on the municipality's population; and

8844 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
8845 municipality's legislative body.

8846 (b) The lieutenant governor shall:

8847 (i) determine the classification under Section 10-2-301 of a consolidated municipality  
8848 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,  
8849 Consolidation of Municipalities, using population information from:

8850 (A) each official census or census estimate of the United States Bureau of the Census;  
8851 or

8852 (B) the population estimate from the Utah Population Committee, if the population of a  
8853 municipality is not available from the United States Bureau of the Census; and

8854 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality  
8855 belongs based on the municipality's population; and

8856 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
8857 consolidated municipality's legislative body.

8858 [~~(c) The lieutenant governor shall:~~]

8859 [~~(i) determine a new metro township's classification under Section 10-2-301.5 upon the~~  
8860 ~~metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro~~  
8861 ~~Townships and Unincorporated Islands in a County of the First Class on and after May 12,~~  
8862 ~~2015, based on the metro township's population using the population estimates from the Utah~~  
8863 ~~Population Committee; and]~~

8864 [~~(ii) prepare a certificate indicating the class in which the new metro township belongs~~  
8865 ~~based on the metro township's population and, within 10 days after preparing the certificate,~~

8866 ~~deliver a copy of the certificate to the metro township's legislative body.]~~

8867           ~~(f)~~ (c) The lieutenant governor shall monitor the population of each municipality  
8868 using population information from:

8869           (i) each official census or census estimate of the United States Bureau of the Census; or

8870           (ii) the population estimate from the Utah Population Committee, if the population of a  
8871 municipality is not available from the United States Bureau of the Census.

8872           ~~(e)~~ (d) If the applicable population figure under Subsection (3)(b) or ~~(f)~~ (c)  
8873 indicates that a municipality's population has increased beyond the population for its current  
8874 class, the lieutenant governor shall:

8875           (i) prepare a certificate indicating the class in which the municipality belongs based on  
8876 the increased population figure; and

8877           (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
8878 legislative body of the municipality whose class has changed.

8879           ~~(f)~~ (e) (i) If the applicable population figure under Subsection (3)(b) or ~~(f)~~ (c)  
8880 indicates that a municipality's population has decreased below the population for its current  
8881 class, the lieutenant governor shall send written notification of that fact to the municipality's  
8882 legislative body.

8883           (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
8884 population has decreased below the population for its current class, the lieutenant governor  
8885 shall:

8886           (A) prepare a certificate indicating the class in which the municipality belongs based  
8887 on the decreased population figure; and

8888           (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
8889 legislative body of the municipality whose class has changed.

8890           Section 113. Section **68-3-12.5** is amended to read:

8891           **68-3-12.5. Definitions for Utah Code.**

8892           (1) The definitions listed in this section apply to the Utah Code, unless:

8893           (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant  
8894 to the context of the statute; or

8895           (b) a different definition is expressly provided for the respective title, chapter, part,  
8896 section, or subsection.

- 8897 (2) "Adjudicative proceeding" means:
- 8898 (a) an action by a board, commission, department, officer, or other administrative unit
- 8899 of the state that determines the legal rights, duties, privileges, immunities, or other legal
- 8900 interests of one or more identifiable persons, including an action to grant, deny, revoke,
- 8901 suspend, modify, annul, withdraw, or amend an authority, right, or license; and
- 8902 (b) judicial review of an action described in Subsection (2)(a).
- 8903 (3) "Administrator" includes "executor" when the subject matter justifies the use.
- 8904 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
- 8905 commission, committee, or council that:
- 8906 (a) is created by, and whose duties are provided by, statute or executive order;
- 8907 (b) performs its duties only under the supervision of another person as provided by
- 8908 statute; and
- 8909 (c) provides advice and makes recommendations to another person that makes policy
- 8910 for the benefit of the general public.
- 8911 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
- 8912 Space Force, and Coast Guard.
- 8913 ~~[(6) "City" includes, depending on population, a metro township as defined in Section~~
- 8914 ~~10-3c-102.]~~
- 8915 ~~[(7)]~~ (6) "County executive" means:
- 8916 (a) the county commission, in the county commission or expanded county commission
- 8917 form of government established under Title 17, Chapter 52a, Changing Forms of County
- 8918 Government;
- 8919 (b) the county executive, in the county executive-council optional form of government
- 8920 authorized by Section 17-52a-203; or
- 8921 (c) the county manager, in the council-manager optional form of government
- 8922 authorized by Section 17-52a-204.
- 8923 ~~[(8)]~~ (7) "County legislative body" means:
- 8924 (a) the county commission, in the county commission or expanded county commission
- 8925 form of government established under Title 17, Chapter 52a, Changing Forms of County
- 8926 Government;
- 8927 (b) the county council, in the county executive-council optional form of government



8928 authorized by Section 17-52a-203; and

8929 (c) the county council, in the council-manager optional form of government authorized  
8930 by Section 17-52a-204.

8931 ~~[(9)]~~ (8) "Depose" means to make a written statement made under oath or affirmation.

8932 ~~[(10)]~~ (9) "Executor" includes "administrator" when the subject matter justifies the use.

8933 ~~[(11)]~~ (10) "Guardian" includes a person who:

8934 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary  
8935 or court appointment; or

8936 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

8937 ~~[(12)]~~ (11) "Highway" includes:

8938 (a) a public bridge;

8939 (b) a county way;

8940 (c) a county road;

8941 (d) a common road; and

8942 (e) a state road.

8943 ~~[(13)]~~ (12) "Intellectual disability" means a significant, subaverage general intellectual  
8944 functioning that:

8945 (a) exists concurrently with deficits in adaptive behavior; and

8946 (b) is manifested during the developmental period as defined in the current edition of  
8947 the Diagnostic and Statistical Manual of Mental Disorders, published by the American  
8948 Psychiatric Association.

8949 ~~[(14)]~~ (13) "Intermediate care facility for people with an intellectual disability" means  
8950 an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social  
8951 Security Act.

8952 ~~[(15)]~~ (14) "Land" includes:

8953 (a) land;

8954 (b) a tenement;

8955 (c) a hereditament;

8956 (d) a water right;

8957 (e) a possessory right; and

8958 (f) a claim.

- 8959 ~~[(16)]~~ (15) "Month" means a calendar month, unless otherwise expressed.
- 8960 ~~[(17)]~~ (16) "Oath" includes "affirmation."
- 8961 ~~[(18)]~~ (17) "Person" means:
- 8962 (a) an individual;
- 8963 (b) an association;
- 8964 (c) an institution;
- 8965 (d) a corporation;
- 8966 (e) a company;
- 8967 (f) a trust;
- 8968 (g) a limited liability company;
- 8969 (h) a partnership;
- 8970 (i) a political subdivision;
- 8971 (j) a government office, department, division, bureau, or other body of government;
- 8972 and
- 8973 (k) any other organization or entity.
- 8974 ~~[(19)]~~ (18) "Personal property" includes:
- 8975 (a) money;
- 8976 (b) goods;
- 8977 (c) chattels;
- 8978 (d) effects;
- 8979 (e) evidences of a right in action;
- 8980 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 8981 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 8982 (g) a right or interest in an item described in Subsections ~~[(19)(a)]~~ (18)(a) through (f).
- 8983 ~~[(20)]~~ (19) "Personal representative," "executor," and "administrator" include:
- 8984 (a) an executor;
- 8985 (b) an administrator;
- 8986 (c) a successor personal representative;
- 8987 (d) a special administrator; and
- 8988 (e) a person who performs substantially the same function as a person described in
- 8989 Subsections ~~[(20)(a)]~~ (19)(a) through (d) under the law governing the person's status.

8990            [~~(21)~~] (20) "Policy board," "policy commission," or "policy council" means a board,  
8991 commission, or council that:

8992            (a) is authorized to make policy for the benefit of the general public;

8993            (b) is created by, and whose duties are provided by, the constitution or statute; and

8994            (c) performs its duties according to its own rules without supervision other than under  
8995 the general control of another person as provided by statute.

8996            [~~(22)~~] (21) "Population" is shown by the most recent state or national census, unless  
8997 expressly provided otherwise.

8998            [~~(23)~~] (22) "Process" means a writ or summons issued in the course of a judicial  
8999 proceeding.

9000            [~~(24)~~] (23) "Property" includes both real and personal property.

9001            [~~(25)~~] (24) "Real estate" or "real property" includes:

9002            (a) land;

9003            (b) a tenement;

9004            (c) a hereditament;

9005            (d) a water right;

9006            (e) a possessory right; and

9007            (f) a claim.

9008            [~~(26)~~] (25) "Review board," "review commission," and "review council" mean a board,  
9009 commission, committee, or council that:

9010            (a) is authorized to approve policy made for the benefit of the general public by another  
9011 body or person;

9012            (b) is created by, and whose duties are provided by, statute; and

9013            (c) performs its duties according to its own rules without supervision other than under  
9014 the general control of another person as provided by statute.

9015            [~~(27)~~] (26) "Road" includes:

9016            (a) a public bridge;

9017            (b) a county way;

9018            (c) a county road;

9019            (d) a common road; and

9020            (e) a state road.

9021 ~~[(28)]~~ (27) "Signature" includes a name, mark, or sign written with the intent to  
9022 authenticate an instrument or writing.

9023 ~~[(29)]~~ (28) "State," when applied to the different parts of the United States, includes a  
9024 state, district, or territory of the United States.

9025 ~~[(30)]~~ (29) "Swear" includes "affirm."

9026 ~~[(31)]~~ (30) "Testify" means to make an oral statement under oath or affirmation.

9027 ~~[(32)]~~ "Town" includes, depending on population, a metro township as defined in  
9028 ~~Section 10-3c-102.]~~

9029 ~~[(33)]~~ (31) "Uniformed services" means:

9030 (a) the armed forces;

9031 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;

9032 and

9033 (c) the commissioned corps of the United States Public Health Service.

9034 ~~[(34)]~~ (32) "United States" includes each state, district, and territory of the United  
9035 States of America.

9036 ~~[(35)]~~ (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended,  
9037 unless the text expressly references a portion of the 1953 recodification of the Utah Code as it  
9038 existed:

9039 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

9040 (b) (i) after the day described in Subsection ~~[(35)(a)]~~ (33)(a); and

9041 (ii) before the most recent amendment to the referenced portion of the 1953  
9042 recodification of the Utah Code.

9043 ~~[(36)]~~ (34) "Vessel," when used with reference to shipping, includes a steamboat, canal  
9044 boat, and every structure adapted to be navigated from place to place.

9045 ~~[(37)]~~ (35) (a) "Veteran" means an individual who:

9046 (i) has served in the United States Armed Forces for at least 180 days:

9047 (A) on active duty; or

9048 (B) in a reserve component, to include the National Guard; or

9049 (ii) has incurred an actual service-related injury or disability while in the United States  
9050 Armed Forces regardless of whether the individual completed 180 days; and

9051 (iii) was separated or retired under conditions characterized as honorable or general.

- 9052 (b) This definition is not intended to confer eligibility for benefits.
- 9053 [~~(38)~~] (36) "Will" includes a codicil.
- 9054 [~~(39)~~] (37) "Writ" means an order or precept in writing, issued in the name of:
- 9055 (a) the state;
- 9056 (b) a court; or
- 9057 (c) a judicial officer.
- 9058 [~~(40)~~] (38) "Writing" includes:
- 9059 (a) printing;
- 9060 (b) handwriting; and
- 9061 (c) information stored in an electronic or other medium if the information is retrievable
- 9062 in a perceivable format.
- 9063 Section 114. Section **72-2-108** is amended to read:
- 9064 **72-2-108. Apportionment of funds available for use on class B and class C roads**
- 9065 **-- Bonds.**
- 9066 (1) For purposes of this section:
- 9067 (a) "Eligible county" means a county of the fifth class, as described in Section
- 9068 17-50-501, that received a distribution for fiscal year 2015 that was reapportioned to include
- 9069 money in addition to the amount calculated under Subsection (2), and the portion of the
- 9070 distribution derived from the calculation under Subsection (2) was less than 60% of the total
- 9071 distribution.
- 9072 (b) "Graveled road" means a road:
- 9073 (i) that is:
- 9074 (A) graded; and
- 9075 (B) drained by transverse drainage systems to prevent serious impairment of the road
- 9076 by surface water;
- 9077 (ii) that has an improved surface; and
- 9078 (iii) that has a wearing surface made of:
- 9079 (A) gravel;
- 9080 (B) broken stone;
- 9081 (C) slag;
- 9082 (D) iron ore;

- 9083 (E) shale; or
- 9084 (F) other material that is:
- 9085 (I) similar to a material described in Subsection (1)(b)(iii)(A) through (E); and
- 9086 (II) coarser than sand.
- 9087 (c) "Paved road" includes:
- 9088 (i) a graveled road with a chip seal surface; and
- 9089 (ii) a circulator alley.
- 9090 (d) "Road mile" means a one-mile length of road, regardless of:
- 9091 (i) the width of the road; or
- 9092 (ii) the number of lanes into which the road is divided.
- 9093 (e) "Weighted mileage" means the sum of the following:
- 9094 (i) paved road miles multiplied by five; and
- 9095 (ii) all other road type road miles multiplied by two.
- 9096 (2) Subject to the provisions of Subsections (3) through (7), funds appropriated for
- 9097 class B and class C roads shall be apportioned among counties and municipalities in the
- 9098 following manner:
- 9099 (a) 50% in the ratio that the class B roads weighted mileage within each county and
- 9100 class C roads weighted mileage within each municipality bear to the total class B and class C
- 9101 roads weighted mileage within the state; and
- 9102 (b) 50% in the ratio that the population of a county or municipality bears to the total
- 9103 population of the state as of the last official federal census or the United States Bureau of
- 9104 Census estimate, whichever is most recent, except that if population estimates are not available
- 9105 from the United States Bureau of Census, population figures shall be derived from the estimate
- 9106 from the Utah Population Committee.
- 9107 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 9108 ~~[(a) for a county of the first class with a metro township, as defined in Section~~
- 9109 ~~10-2a-403, within the boundaries of the county as of January 1, 2020:]~~
- 9110 ~~[(i) the population of a county outside the corporate limits of municipalities in that~~
- 9111 ~~county, if the population of the county outside the corporate limits of municipalities in that~~
- 9112 ~~county is not less than 7% of the total population of that county, including municipalities; and]~~
- 9113 ~~[(ii) if the population of a county outside the corporate limits of municipalities in the~~

9114 county is less than 7% of the total population:]  
9115 [~~(A)~~ the aggregate percentage of the population apportioned to municipalities in that  
9116 county shall be reduced by an amount equal to the difference between:]  
9117 [~~(i)~~ 7%; and]  
9118 [~~(H)~~ the actual percentage of population outside the corporate limits of municipalities  
9119 in that county; and]  
9120 [~~(B)~~ the population apportioned to the county shall be 7% of the total population of that  
9121 county, including incorporated municipalities; or]  
9122 [~~(b)~~ for any county not described in Subsection (3)(a):]  
9123 [~~(i)~~ (a) the population of a county outside the corporate limits of municipalities in that  
9124 county, if the population of the county outside the corporate limits of municipalities in that  
9125 county is not less than 14% of the total population of that county, including municipalities; and  
9126 [~~(ii)~~ (b) if the population of a county outside the corporate limits of municipalities in  
9127 the county is less than 14% of the total population:  
9128 [~~(A)~~ (i) the aggregate percentage of the population apportioned to municipalities in  
9129 that county shall be reduced by an amount equal to the difference between:  
9130 [~~(i)~~ (A) 14%; and  
9131 [~~(H)~~ (B) the actual percentage of population outside the corporate limits of  
9132 municipalities in that county; and  
9133 [~~(B)~~ (ii) the population apportioned to the county shall be 14% of the total population  
9134 of that county, including incorporated municipalities.  
9135 (4) For an eligible county, the department shall reapportion the funds under Subsection  
9136 (2) to ensure that the county or municipality receives, for a fiscal year beginning on or after  
9137 July 1, 2018, an amount equal to the greater of:  
9138 (a) the amount apportioned to the county or municipality for class B and class C roads  
9139 in the current fiscal year under Subsection (2); or  
9140 (b) (i) the amount apportioned to the county or municipality for class B and class C  
9141 roads through the apportionment formula under Subsection (2) or this Subsection (4) in the  
9142 prior fiscal year; plus  
9143 (ii) the amount calculated as described in Subsection (6).  
9144 (5) (a) The department shall decrease proportionately as provided in Subsection (5)(b)

9145 the apportionments to counties and municipalities for which the reapportionment under  
9146 Subsection (4) does not apply.

9147 (b) The aggregate amount of the funds that the department shall decrease  
9148 proportionately from the apportionments under Subsection (5)(a) is an amount equal to the  
9149 aggregate amount reapportioned to counties and municipalities under Subsection (4).

9150 (6) (a) In addition to the apportionment adjustments made under Subsection (4), a  
9151 county or municipality that qualifies for reapportioned money under Subsection (4) shall  
9152 receive an amount equal to the amount apportioned to the eligible county or municipality under  
9153 Subsection (4) for class B and class C roads in the prior fiscal year multiplied by the percentage  
9154 increase or decrease in the total funds available for class B and class C roads between the prior  
9155 fiscal year and the fiscal year that immediately preceded the prior fiscal year.

9156 (b) The adjustment under Subsection (6)(a) shall be made in the same way as provided  
9157 in Subsections (5)(a) and (b).

9158 (7) (a) If a county or municipality does not qualify for a reapportionment under  
9159 Subsection (4) in the current fiscal year but previously qualified for a reapportionment under  
9160 Subsection (4) on or after July 1, 2017, the county or municipality shall receive an amount  
9161 equal to the greater of:

9162 (i) the amount apportioned to the county or municipality for class B and class C roads  
9163 in the current fiscal year under Subsection (2); or

9164 (ii) the amount apportioned to the county or municipality for class B and class C roads  
9165 in the prior fiscal year.

9166 (b) The adjustment under Subsection (7)(a) shall be made in the same way as provided  
9167 in Subsections (5)(a) and (b).

9168 (8) The governing body of any municipality or county may issue bonds redeemable up  
9169 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the  
9170 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class  
9171 B or class C road funds received pursuant to this section to pay principal, interest, premiums,  
9172 and reserves for the bonds.

9173 Section 115. Section **72-2-121** is amended to read:

9174 **72-2-121. County of the First Class Highway Projects Fund.**

9175 (1) There is created a special revenue fund within the Transportation Fund known as



9176 the "County of the First Class Highway Projects Fund."

9177 (2) The fund consists of money generated from the following revenue sources:

9178 (a) any voluntary contributions received for new construction, major renovations, and  
9179 improvements to highways within a county of the first class;

9180 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)  
9181 deposited into or transferred to the fund;

9182 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into  
9183 or transferred to the fund;

9184 (d) a portion of the local option highway construction and transportation corridor  
9185 preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited into  
9186 or transferred to the fund; and

9187 (e) the portion of the sales and use tax transferred into the fund as described in  
9188 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

9189 (3) (a) The fund shall earn interest.

9190 (b) All interest earned on fund money shall be deposited into the fund.

9191 (4) Subject to Subsection (9), the executive director shall use the fund money only:

9192 (a) to pay debt service and bond issuance costs for bonds issued under Sections  
9193 63B-16-102, 63B-18-402, and 63B-27-102;

9194 (b) for right-of-way acquisition, new construction, major renovations, and  
9195 improvements to highways within a county of the first class and to pay any debt service and  
9196 bond issuance costs related to those projects, including improvements to a highway located  
9197 within a municipality in a county of the first class where the municipality is located within the  
9198 boundaries of more than a single county;

9199 (c) for the construction, acquisition, use, maintenance, or operation of:

9200 (i) an active transportation facility for nonmotorized vehicles;

9201 (ii) multimodal transportation that connects an origin with a destination; or

9202 (iii) a facility that may include a:

9203 (A) pedestrian or nonmotorized vehicle trail;

9204 (B) nonmotorized vehicle storage facility;

9205 (C) pedestrian or vehicle bridge; or

9206 (D) vehicle parking lot or parking structure;

9207 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by  
9208 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts  
9209 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

9210 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond  
9211 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects  
9212 described in Subsection 63B-18-401(4)(a);

9213 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has  
9214 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to  
9215 transfer an amount equal to 50% of the revenue generated by the local option highway  
9216 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in  
9217 a county of the first class:

9218 (i) to the legislative body of a county of the first class; and

9219 (ii) to be used by a county of the first class for:

9220 (A) highway construction, reconstruction, or maintenance projects; or

9221 (B) the enforcement of state motor vehicle and traffic laws;

9222 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified  
9223 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the  
9224 transfer under Subsection (4)(e) has been made, to annually transfer an amount of the sales and  
9225 use tax revenue imposed in a county of the first class and deposited into the fund in accordance  
9226 with Subsection 59-12-2214(3)(b) equal to an amount needed to cover the debt to:

9227 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under  
9228 Section 63B-27-102; and

9229 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued  
9230 under Sections 63B-31-102 and 63B-31-103;

9231 (h) after the department has verified that the amount required under Subsection  
9232 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the  
9233 payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to  
9234 annually transfer \$2,000,000 to a public transit district in a county of the first class to fund a  
9235 system for public transit;

9236 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
9237 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after

9238 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer  
9239 under Subsection (4)(g)(i) has been made, to annually transfer 20% of the amount deposited  
9240 into the fund under Subsection (2)(b):

9241 (i) to the legislative body of a county of the first class; and  
9242 (ii) to fund parking facilities in a county of the first class that facilitate significant  
9243 economic development and recreation and tourism within the state;

9244 (j) for the 2018-19 fiscal year only, after the department has verified that the amount  
9245 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under  
9246 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections  
9247 (4)(g), (h), and (i) have been made, to transfer \$12,000,000 to the department to distribute for  
9248 the following projects:

9249 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;  
9250 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from  
9251 6800 West to 7300 West;  
9252 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;  
9253 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400  
9254 South to 13200 South;  
9255 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State  
9256 Street to Van Winkle;  
9257 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from  
9258 11400 South to 12300 South;  
9259 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;  
9260 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to  
9261 10200 South from 2700 West to 3200 West;  
9262 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near  
9263 Mountain View Corridor;  
9264 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and  
9265 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from  
9266 7200 West to 8000 West; and  
9267 (k) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and  
9268 for 15 years thereafter, to annually transfer the following amounts to the following cities[-

9269 ~~metro townships,]~~ and the county of the first class for priority projects to mitigate congestion  
9270 and improve transportation safety:

- 9271 (i) \$2,000,000 to Sandy;
- 9272 (ii) \$2,000,000 to Taylorsville;
- 9273 (iii) \$1,100,000 to Salt Lake City;
- 9274 (iv) \$1,100,000 to West Jordan;
- 9275 (v) \$1,100,000 to West Valley City;
- 9276 (vi) \$800,000 to Herriman;
- 9277 (vii) \$700,000 to Draper;
- 9278 (viii) \$700,000 to Riverton;
- 9279 (ix) \$700,000 to South Jordan;
- 9280 (x) \$500,000 to Bluffdale;
- 9281 (xi) \$500,000 to Midvale;
- 9282 (xii) \$500,000 to Millcreek;
- 9283 (xiii) \$500,000 to Murray;
- 9284 (xiv) \$400,000 to Cottonwood Heights; and
- 9285 (xv) \$300,000 to Holladay.

9286 (5) (a) If revenue in the fund is insufficient to satisfy all of the transfers described in  
9287 Subsection (4)(k), the executive director shall proportionately reduce the amounts transferred  
9288 as described in Subsection (4)(k).

9289 (b) A local government entity, as that term is defined in Section 63J-1-220, is exempt  
9290 from entering into an agreement as described in Section 63J-1-220 pertaining to the receipt or  
9291 expenditure of any funding described in Subsection (4)(k).

9292 (c) A local government may not use revenue described in Subsection (4)(k) to supplant  
9293 existing class B or class C road funds that a local government has budgeted for transportation  
9294 projects.

9295 (d) (i) A municipality or county that received a transfer of funds described in  
9296 Subsection (4)(j) shall submit to the department a statement of cash flow and progress  
9297 pertaining to the municipality's or county's respective project described in Subsection (4)(j).

9298 (ii) After the department is satisfied that the municipality or county described in  
9299 Subsection (4)(j) has made substantial progress and the expenditure of funds is programmed

9300 and imminent, the department may transfer to the same municipality or county the respective  
9301 amounts described in Subsection (4)(k).

9302 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the  
9303 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and  
9304 63B-27-102 are considered a local matching contribution for the purposes described under  
9305 Section 72-2-123.

9306 (7) The additional administrative costs of the department to administer this fund shall  
9307 be paid from money in the fund.

9308 (8) Subject to Subsection (9), and notwithstanding any statutory or other restrictions on  
9309 the use or expenditure of the revenue sources deposited into this fund, the Department of  
9310 Transportation may use the money in this fund for any of the purposes detailed in Subsection  
9311 (4).

9312 (9) Any revenue deposited into the fund as described in Subsection (2)(e) shall be used  
9313 to provide funding or loans for public transit projects, operations, and supporting infrastructure  
9314 in the county of the first class.

9315 Section 116. Section **73-10-34** is amended to read:

9316 **73-10-34. Secondary water metering -- Loans and grants.**

9317 (1) As used in this section:

9318 (a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part  
9319 5, Farmland Assessment Act.

9320 (b) (i) "Commercial user" means a secondary water user that is a place of business.

9321 (ii) "Commercial user" does not include a multi-family residence, an agricultural user,  
9322 or a customer that falls within the industrial or institutional classification.

9323 (c) "Full metering" means that use of secondary water is accurately metered by a meter  
9324 that is installed and maintained on every secondary water connection of a secondary water  
9325 supplier.

9326 (d) (i) "Industrial user" means a secondary water user that manufactures or produces  
9327 materials.

9328 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a  
9329 mining company.

9330 (e) (i) "Institutional user" means a secondary water user that is dedicated to public

9331 service, regardless of ownership.

9332 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and  
9333 government facility.

9334 (f) "Power generation use" means water used in the production of energy, such as use  
9335 in an electric generation facility, natural gas refinery, or coal processing plant.

9336 (g) (i) "Residential user" means a secondary water user in a residence.

9337 (ii) "Residential user" includes a single-family or multi-family home, apartment,  
9338 duplex, twin home, condominium, or planned community.

9339 (h) "Secondary water" means water that is:

9340 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,  
9341 Farmland Assessment Act; and

9342 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.

9343 (i) "Secondary water connection" means the location at which the water leaves the  
9344 secondary water supplier's pipeline and enters into the remainder of the pipes that are owned by  
9345 another person to supply water to an end user.

9346 (j) "Secondary water supplier" means an entity that supplies pressurized secondary  
9347 water.

9348 (k) "Small secondary water retail supplier" means an entity that:

9349 (i) supplies pressurized secondary water only to the end user of the secondary water;  
9350 and

9351 (ii) (A) is a city[;] or town[;] ~~or metro-township~~; or

9352 (B) supplies 5,000 or fewer secondary water connections.

9353 (2) (a) (i) A secondary water supplier that supplies secondary water within a county of  
9354 the first or second class and begins design work for new service on or after April 1, 2020, to a  
9355 commercial, industrial, institutional, or residential user shall meter the use of pressurized  
9356 secondary water by the users receiving that new service.

9357 (ii) A secondary water supplier that supplies secondary water within a county of the  
9358 third, fourth, fifth, or sixth class and begins design work for new service on or after May 4,  
9359 2022, to a commercial, industrial, institutional, or residential user shall meter the use of  
9360 pressurized secondary water by the users receiving that new service.

9361 (b) By no later than January 1, 2030, a secondary water supplier shall install and

9362 maintain a meter of the use of pressurized secondary water by each user receiving secondary  
9363 water service from the secondary water supplier.

9364 (c) Beginning January 1, 2022, a secondary water supplier shall establish a meter  
9365 installation reserve for metering installation and replacement projects.

9366 (d) A secondary water supplier, including a small secondary water retail supplier, may  
9367 not raise the rates charged for secondary water:

9368 (i) by more than 10% in a calendar year for costs associated with metering secondary  
9369 water unless the rise in rates is necessary because the secondary water supplier experiences a  
9370 catastrophic failure or other similar event; or

9371 (ii) unless, before raising the rates on the end user, the entity charging the end user  
9372 provides a statement explaining the basis for why the needs of the secondary water supplier  
9373 required an increase in rates.

9374 (e) (i) A secondary water supplier that provides pressurized secondary water to a  
9375 commercial, industrial, institutional, or residential user shall develop a plan, or if the secondary  
9376 water supplier previously filed a similar plan, update the plan for metering the use of the  
9377 pressurized water.

9378 (ii) The plan required by this Subsection (2)(e) shall be filed or updated with the  
9379 Division of Water Resources by no later than December 31, 2025, and address the process the  
9380 secondary water supplier will follow to implement metering, including:

9381 (A) the costs of full metering by the secondary water supplier;

9382 (B) how long it would take the secondary water supplier to complete full metering,  
9383 including an anticipated beginning date and completion date, except a secondary water supplier  
9384 shall achieve full metering by no later than January 1, 2030; and

9385 (C) how the secondary water supplier will finance metering.

9386 (3) A secondary water supplier shall on or before March 31 of each year, report to the  
9387 Division of Water Rights:

9388 (a) for commercial, industrial, institutional, and residential users whose pressurized  
9389 secondary water use is metered, the number of acre feet of pressurized secondary water the  
9390 secondary water supplier supplied to the commercial, industrial, institutional, and residential  
9391 users during the preceding 12-month period;

9392 (b) the number of secondary water meters within the secondary water supplier's service

- 9393 boundary;
- 9394 (c) a description of the secondary water supplier's service boundary;
- 9395 (d) the number of secondary water connections in each of the following categories
- 9396 through which the secondary water supplier supplies pressurized secondary water:
- 9397 (i) commercial;
- 9398 (ii) industrial;
- 9399 (iii) institutional; and
- 9400 (iv) residential;
- 9401 (e) the total volume of water that the secondary water supplier receives from the
- 9402 secondary water supplier's sources; and
- 9403 (f) the dates of service during the preceding 12-month period in which the secondary
- 9404 water supplier supplied pressurized secondary water.
- 9405 (4) (a) Beginning July 1, 2019, the Board of Water Resources may make up to
- 9406 \$10,000,000 in low-interest loans available each year:
- 9407 (i) from the Water Resources Conservation and Development Fund, created in Section
- 9408 73-10-24; and
- 9409 (ii) for financing the cost of secondary water metering.
- 9410 (b) The Division of Water Resources and the Board of Water Resources shall make
- 9411 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 9412 establishing the criteria and process for receiving a loan described in this Subsection (4), except
- 9413 the rules may not include prepayment penalties.
- 9414 (5) (a) Beginning July 1, 2021, subject to appropriation, the Division of Water
- 9415 Resources may make matching grants each year for financing the cost of secondary water
- 9416 metering for a commercial, industrial, institutional, or residential user by a small secondary
- 9417 water retail supplier that:
- 9418 (i) is not for new service described in Subsection (2)(a); and
- 9419 (ii) matches the amount of the grant.
- 9420 (b) For purposes of issuing grants under this section, the division shall prioritize the
- 9421 small secondary water retail suppliers that can demonstrate the greatest need or greatest
- 9422 inability to pay the entire cost of installing secondary water meters.
- 9423 (c) The amount of a grant under this Subsection (5) may not:



- 9424 (i) exceed 50% of the small secondary water retail supplier's cost of installing  
9425 secondary water meters; or
- 9426 (ii) supplant federal, state, or local money previously allocated to pay the small  
9427 secondary water retail supplier's cost of installing secondary water meters.
- 9428 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
9429 Board of Water Resources shall make rules establishing:
- 9430 (i) the procedure for applying for a grant under this Subsection (5); and  
9431 (ii) how a small secondary water retail supplier can establish that the small secondary  
9432 water retail supplier meets the eligibility requirements of this Subsection (5).
- 9433 (6) Nothing in this section affects a water right holder's obligation to measure and  
9434 report water usage as described in Sections 73-5-4 and 73-5-8.
- 9435 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary  
9436 water supplier:
- 9437 (a) beginning January 1, 2030, may not receive state money for water related purposes  
9438 until the secondary water supplier completes full metering; and  
9439 (b) is subject to an enforcement action of the state engineer in accordance with  
9440 Subsection (8).
- 9441 (8) (a) (i) The state engineer shall commence an enforcement action under this  
9442 Subsection (8) if the state engineer receives a referral from the director of the Division of  
9443 Water Resources.
- 9444 (ii) The director of the Division of Water Resources shall submit a referral to the state  
9445 engineer if the director:
- 9446 (A) finds that a secondary water supplier fails to fully meter secondary water as  
9447 required by this section; and  
9448 (B) determines an enforcement action is necessary to conserve or protect a water  
9449 resource in the state.
- 9450 (b) To commence an enforcement action under this Subsection (8), the state engineer  
9451 shall issue a notice of violation that includes notice of the administrative fine to which a  
9452 secondary water supplier is subject.
- 9453 (c) The state engineer's issuance and enforcement of a notice of violation is exempt  
9454 from Title 63G, Chapter 4, Administrative Procedures Act.

9455 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
9456 state engineer shall make rules necessary to enforce a notice of violation, that includes:

9457 (i) provisions consistent with this Subsection (8) for enforcement of the notice if a  
9458 secondary water supplier to whom a notice is issued fails to respond to the notice or abate the  
9459 violation;

9460 (ii) the right to a hearing, upon request by a secondary water supplier against whom the  
9461 notice is issued; and

9462 (iii) provisions for timely issuance of a final order after the secondary water supplier to  
9463 whom the notice is issued fails to respond to the notice or abate the violation, or after a hearing  
9464 held under Subsection (8)(d)(ii).

9465 (e) A person may not intervene in an enforcement action commenced under this  
9466 section.

9467 (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the  
9468 state engineer shall serve a copy of the final order on the secondary water supplier against  
9469 whom the order is issued by:

9470 (i) personal service under Utah Rules of Civil Procedure, Rule 5; or

9471 (ii) certified mail.

9472 (g) (i) The state engineer's final order may be reviewed by trial de novo by the district  
9473 court in Salt Lake County or the county where the violation occurred.

9474 (ii) A secondary water supplier shall file a petition for judicial review of the state  
9475 engineer's final order issued under this section within 20 days from the day on which the final  
9476 order was served on the secondary water supplier.

9477 (h) The state engineer may bring suit in a court of competent jurisdiction to enforce a  
9478 final order issued under this Subsection (8).

9479 (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the  
9480 state may recover court costs and a reasonable attorney fee.

9481 (j) As part of a final order issued under this Subsection (8), the state engineer shall  
9482 order that a secondary water supplier to whom an order is issued pay an administrative fine  
9483 equal to:

9484 (i) \$10 for each non-metered secondary water connection of the secondary water  
9485 supplier for failure to comply with full metering by January 1, 2030;

9486 (ii) \$20 for each non-metered secondary water connection of the secondary water  
9487 supplier for failure to comply with full metering by January 1, 2031;

9488 (iii) \$30 for each non-metered secondary water connection of the secondary water  
9489 supplier for failure to comply with full metering by January 1, 2032;

9490 (iv) \$40 for each non-metered secondary water connection of the secondary water  
9491 supplier for failure to comply with full metering by January 1, 2033; and

9492 (v) \$50 for each non-metered secondary water connection of the secondary water  
9493 supplier for failure to comply with full metering by January 1, 2034, and for each subsequent  
9494 year the secondary water supplier fails to comply with full metering.

9495 (k) Money collected under this Subsection (8) shall be deposited into the Water  
9496 Resources Conservation and Development Fund, created in Section 73-10-24.

9497 (9) A secondary water supplier located within a county of the fifth or sixth class is  
9498 exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:

9499 (a) the owner or operator of the secondary water supplier seeks an exemption under  
9500 this Subsection (9) by establishing with the Division of Water Resources that the cost of  
9501 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the total  
9502 operating budget of the owner or operator of the secondary water supplier;

9503 (b) the secondary water supplier agrees to not add a new secondary water connection to  
9504 the secondary water supplier's system on or after May 4, 2022;

9505 (c) within six months of when the secondary water supplier seeks an exemption under  
9506 Subsection (9)(a), the secondary water supplier provides to the Division of Water Resources a  
9507 plan for conservation within the secondary water supplier's service area that does not require  
9508 metering;

9509 (d) the secondary water supplier annually reports to the Division of Water Resources  
9510 on the results of the plan described in Subsection (9)(c); and

9511 (e) the secondary water supplier submits to evaluations by the Division of Water  
9512 Resources of the effectiveness of the plan described in Subsection (9)(c).

9513 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c),  
9514 (2)(e), (7), and (8) to the extent that the secondary water supplier:

9515 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the  
9516 water quality within a specific location served by the secondary water supplier;

9517 (b) submits reasonable proof to the Division of Water Resources that the secondary  
9518 water supplier is unable to obtain a meter as described in Subsection (10)(a);

9519 (c) within six months of when the secondary water supplier submits reasonable proof  
9520 under Subsection (10)(b), provides to the Division of Water Resources a plan for conservation  
9521 within the secondary water supplier's service area that does not require metering;

9522 (d) annually reports to the Division of Water Resources on the results of the plan  
9523 described in Subsection (10)(c); and

9524 (e) submits to evaluations by the Division of Water Resources of the effectiveness of  
9525 the plan described in Subsection (10)(c).

9526 (11) A secondary water supplier that is located within a critical management area that  
9527 is subject to a groundwater management plan adopted or amended under Section 73-5-15 on or  
9528 after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8).

9529 (12) If a secondary water supplier is required to have a water conservation plan under  
9530 Section 73-10-32, that water conservation plan satisfies the requirements of Subsection (9)(c)  
9531 or (10)(c).

9532 (13) (a) Notwithstanding the other provisions of this section and unless exempt under  
9533 Subsection (9), (10), or (11), to comply with this section, a secondary water supplier is not  
9534 required to meter every secondary water connection of the secondary water supplier's system,  
9535 but shall meter at strategic points of the system as approved by the state engineer under this  
9536 Subsection (13) if:

9537 (i) the system has no storage and relies on stream flow;

9538 (ii) (A) the majority of secondary water users on the system are associated with  
9539 agriculture use or power generation use; and

9540 (B) less than 50% of the secondary water is used by residential secondary water users;

9541 or

9542 (iii) the system has:

9543 (A) 1,000 or fewer users; and

9544 (B) a mix of pressurized lines and open ditches.

9545 (b) (i) A secondary water supplier may obtain the approval by the state engineer of  
9546 strategic points where metering is to occur as required under this Subsection (13) by filing an  
9547 application with the state engineer in the form established by the state engineer.

9548 (ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3,  
9549 Utah Administrative Rulemaking Act, establish procedures for approving strategic points for  
9550 metering under this Subsection (13).

9551 Section 117. Section **78A-7-202** is amended to read:

9552 **78A-7-202. Justice court judges to be appointed -- Procedure.**

9553 (1) As used in this section:

9554 (a) "Local government executive" means:

9555 (i) for a county:

9556 (A) the chair of the county commission in a county operating under the county  
9557 commission or expanded county commission form of county government;

9558 (B) the county executive in a county operating under the county executive-council form  
9559 of county government; and

9560 (C) the county manager in a county operating under the council-manager form of  
9561 county government; and

9562 (ii) for a city or town:

9563 (A) the mayor of the city or town; or

9564 (B) the city manager, in the council-manager form of government described in

9565 Subsection [~~10-3b-103(7); and~~] 10-3b-103(6).

9566 [~~(iii) for a metro township, the chair of the metro township council.]~~

9567 (b) "Local legislative body" means:

9568 (i) for a county, the county commission or county council; and

9569 (ii) for a city or town, the council of the city or town.

9570 (2) (a) There is created in each county a county justice court nominating commission to  
9571 review applicants and make recommendations to the appointing authority for a justice court  
9572 position.

9573 (b) The commission shall be convened when a new justice court judge position is  
9574 created or when a vacancy in an existing court occurs for a justice court located within the  
9575 county.

9576 (c) Membership of the justice court nominating commission shall be as follows:

9577 (i) one member appointed by:

9578 (A) the county commission if the county has a county commission form of

- 9579 government; or
- 9580 (B) the county executive if the county has an executive-council form of government;
- 9581 (ii) one member appointed by the municipalities in the counties as follows:
- 9582 (A) if the county has only one municipality, appointment shall be made by the
- 9583 governing authority of that municipality; or
- 9584 (B) if the county has more than one municipality, appointment shall be made by a
- 9585 municipal selection committee composed of the mayors of each municipality [~~and the chairs of~~
- 9586 ~~each metro township~~] in the county;
- 9587 (iii) one member appointed by the county bar association; and
- 9588 (iv) two members appointed by the governing authority of the jurisdiction where the
- 9589 judicial office is located.
- 9590 (d) (i) If there is no county bar association, the member in Subsection (2)(c)(iii) shall
- 9591 be appointed by the regional bar association.
- 9592 (ii) If no regional bar association exists, the state bar association shall make the
- 9593 appointment.
- 9594 (e) Members appointed under Subsections (2)(c)(i) and (ii) may not be the appointing
- 9595 authority or an elected official of a county or municipality.
- 9596 (f) (i) Except as provided in Subsection (2)(f)(ii), the nominating commission shall
- 9597 submit at least three names to the appointing authority of the jurisdiction expected to be served
- 9598 by the judge.
- 9599 (ii) If there are fewer than three applicants for a justice court vacancy, the nominating
- 9600 commission shall submit all qualified applicants to the appointing authority of the jurisdiction
- 9601 expected to be served by the judge.
- 9602 (iii) The local government executive shall appoint a judge from the list submitted and
- 9603 the appointment ratified by the local legislative body.
- 9604 (g) (i) The state court administrator shall provide staff to the commission.
- 9605 (ii) The Judicial Council shall establish rules and procedures for the conduct of the
- 9606 commission.
- 9607 (3) (a) A judicial vacancy for a justice court shall be announced:
- 9608 (i) as an employment opportunity on the Utah Courts' website;
- 9609 (ii) in an email to the members of the Utah State Bar; and

9610 (iii) for the justice court's jurisdiction, as a class A notice under Section 63G-30-102,  
9611 for at least 30 days.

9612 (b) A judicial vacancy for a justice court may also be advertised through other  
9613 appropriate means.

9614 (4) Selection of candidates shall be based on compliance with the requirements for  
9615 office and competence to serve as a judge.

9616 (5) (a) Once selected, every prospective justice court judge shall attend an orientation  
9617 seminar conducted under the direction of the Judicial Council.

9618 (b) Upon completion of the orientation seminar described in Subsection (5)(a), the  
9619 Judicial Council shall certify the justice court judge as qualified to hold office.

9620 (6) (a) The selection of a person to fill the office of justice court judge is effective upon  
9621 certification of the judge by the Judicial Council.

9622 (b) A justice court judge may not perform judicial duties until certified by the Judicial  
9623 Council.

9624 Section 118. Section **78B-6-2301** is amended to read:

9625 **78B-6-2301. Definitions.**

9626 As used in this part:

9627 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or  
9628 policy issued, enacted, or required by a local or state governmental entity.

9629 (2) "Firearm" means the same as that term is defined in Section 53-5a-102.

9630 (3) "Legislative firearm preemption" means the preemption provided for in Sections  
9631 53-5a-102 and 76-10-500.

9632 (4) "Local or state governmental entity" means:

9633 (a) a department, commission, board, council, agency, institution, officer, corporation,  
9634 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other  
9635 administrative unit of the state, including the Utah Board of Higher Education, each institution  
9636 of higher education, and the boards of trustees of each higher education institution; or

9637 (b) a county, city, town~~[-metro township]~~, special district, local education agency,  
9638 public school, school district, charter school, special service district under Title 17D, Chapter  
9639 1, Special Service District Act, an entity created by interlocal cooperation agreement under  
9640 Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated

9641 in statute as a political subdivision of the state.

9642 Section 119. **Repealer.**

9643 This bill repeals:

9644 Section **10-2-301.5, Classification of metro townships according to population.**

9645 Section **10-2a-401, Title.**

9646 Section **10-2a-402, Application.**

9647 Section **10-2a-403, Definitions.**

9648 Section **10-2a-404, Election -- Notice.**

9649 Section **10-2a-405, Duties of county legislative body -- Public hearing -- Notice --**

9650 **Other election and incorporation issues -- Rural real property excluded.**

9651 Section **10-2a-406, Ballot used at metro township incorporation election.**

9652 Section **10-2a-407, Ballot used at unincorporated island annexation election.**

9653 Section **10-2a-408, Notification to lieutenant governor of incorporation election**

9654 **results.**

9655 Section **10-2a-409, Unincorporated island annexation -- Notice and recording--**

9656 **Applicable provisions.**

9657 Section **10-2a-410, Determination of metro township districts -- Determination of**

9658 **metro township or city initial officer terms -- Adoption of proposed districts -- Notice.**

9659 Section **10-2a-411, Election of officers of new city, town, or metro township.**

9660 Section **10-2a-412, Notification to lieutenant governor of election of officers.**

9661 Section **10-2a-413, Incorporation under this part subject to other provisions.**

9662 Section **10-2a-414, Transition -- Continuity of county process.**

9663 Section **10-3b-501, Metro township government powers vested in a five-member**

9664 **council.**

9665 Section **10-3b-502, Governance of metro townships that are not in a municipal**

9666 **services district.**

9667 Section **10-3b-503, Mayor in a metro township included in a municipal services**

9668 **district.**

9669 Section **10-3b-504, Council in a metro township that is included in a municipal**

9670 **services district.**

9671 Section **10-3c-101, Title.**



- 9672           Section **10-3c-102, Definitions.**
- 9673           Section **10-3c-103, Status and powers.**
- 9674           Section **10-3c-201, Title.**
- 9675           Section **10-3c-202, Budget.**
- 9676           Section **10-3c-203, Administrative and operational services -- Staff provided by**
- 9677 **county or municipal services district -- Recording of open meetings.**
- 9678           Section **10-3c-204, Taxing authority limited -- Notice.**
- 9679           Section **10-3c-205, Fees.**
- 9680           Section **52-1-5.1, Metro township officers -- Where filed.**
- 9681           Section 120. **Effective date.**
- 9682           This bill takes effect on May 1, 2024 with the exception of the changes in Sections
- 9683 10-2-425 (Effective 07/01/24) and 53-2d-101 (Effective 07/01/24), which take effect on July 1,
- 9684 2024.