

HB0356S01 compared with HB0356

~~{Omitted text}~~ shows text that was in HB0356 but was omitted in HB0356S01

inserted text shows text that was not in HB0356 but was inserted into HB0356S01

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County Governance Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jordan D. Teuscher
Senate Sponsor:

LONG TITLE

General Description:

This bill modifies provisions relating to forms of county government.

Highlighted Provisions:

This bill:

- ▶ ~~{modifies provisions relating to changing forms of county government;}~~
- ▶ ~~{eliminates the expanded county commission form of government;}~~
- ▶ defines terms;
- ▶ ~~{modifies the-}~~ provides that a county ~~{commission-}~~ of the third through sixth class with a council-manager form of government ~~{to specify that the commission may have three, five, or seven-}~~ must elect 65% of the county's council membersto represent single voter districts;
- ▶ establishes a process for a county of the third through sixth class with a council-manager form of government to create voter districts;
- ▶ modifies the ~~{process for-}~~ composition of a study committee formed to study changing the form of county government;
- ▶

HB0356 compared with HB0356S01

{ ~~enacts provisions for a study committee under a county legislative body motion for the establishment of a study committee; and~~ }

16 ▶ requires a county of the third or fourth class to adopt either a county commission, expanded county commission, or council-manager form of government; and

15 ▶ makes technical and conforming changes.

19 Money Appropriated in this Bill:

20 None

21 Other Special Clauses:

22 None

24 AMENDS:

22 ~~{17-31-8, as last amended by Laws of Utah 2018, Chapter 68, as last amended by Laws of Utah 2018, Chapter 68}~~

23 ~~{17-36-10, as last amended by Laws of Utah 2022, Chapter 288, as last amended by Laws of Utah 2022, Chapter 288}~~

25 **17-52a-103**, as last amended by Laws of Utah 2020, Chapter 47 and further amended by Revisor Instructions, Laws of Utah 2020, Chapter 47, as last amended by Laws of Utah 2020, Chapter 47 and further amended by Revisor Instructions, Laws of Utah 2020, Chapter 47

26 ~~{17-52a-201, as renumbered and amended by Laws of Utah 2018, Chapter 68, as renumbered and amended by Laws of Utah 2018, Chapter 68}~~

27 **17-52a-204**, as last amended by Laws of Utah 2020, Chapter 67, as last amended by Laws of Utah 2020, Chapter 67

27 ~~{17-52a-301, as last amended by Laws of Utah 2020, Chapter 47, as last amended by Laws of Utah 2020, Chapter 47}~~

28 ~~{17-52a-302, as last amended by Laws of Utah 2020, Chapter 47, as last amended by Laws of Utah 2020, Chapter 47}~~

29 ~~{17-52a-303, as last amended by Laws of Utah 2023, Chapter 116, as last amended by Laws of Utah 2023, Chapter 116}~~

28 **17-52a-403**, as last amended by Laws of Utah 2020, Chapter 47, as last amended by Laws of Utah 2020, Chapter 47

31 ~~{17-52a-404, as last amended by Laws of Utah 2020, Chapter 47, as last amended by Laws of Utah 2020, Chapter 47}~~

HB0356 compared with HB0356S01

29 **17-52a-405** , as last amended by Laws of Utah 2020, Chapter 47 , as last amended by Laws of Utah
2020, Chapter 47
33 ~~{17-52a-504 , as renumbered and amended by Laws of Utah 2018, Chapter 68 , as
renumbered and amended by Laws of Utah 2018, Chapter 68}~~
34 ~~{17-53-101 , as last amended by Laws of Utah 2018, Chapter 68 , as last amended by Laws of
Utah 2018, Chapter 68}~~
35 ~~{17-53-317 , as last amended by Laws of Utah 2011, Chapter 209 , as last amended by Laws
of Utah 2011, Chapter 209}~~
30 **63I-2-217** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last
amended by Laws of Utah 2024, Third Special Session, Chapter 5

ENACTS:

37 ~~{17-52a-403.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

REPEALS:

39 ~~{17-52a-202 , as renumbered and amended by Laws of Utah 2018, Chapter 68 , as
renumbered and amended by Laws of Utah 2018, Chapter 68}~~

31

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

42 ~~{Section 1. Section 17-31-8 is amended to read: }~~

43 **17-31-8. Tourism tax advisory boards.**

44 (1)

(a) Except as provided in Subsection (1)(b), any county that collects the following taxes shall operate a
tourism tax advisory board:

46 (i) the tax allowed under Section 59-12-301; or

47 (ii) the tax allowed under Section 59-12-603.

48 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the county has an
existing board, council, committee, convention visitor's bureau, or body that substantially conforms
with Subsections (2), (3), and (4).

51 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least five members.

53 (3) A tourism tax advisory board shall be composed of the following members that are residents of the
county:

55

HB0356 compared with HB0356S01

- (a) a majority of the members shall be current employees of entities in the county that are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and
- 57 (b) the balance of the board's membership shall be employees of recreational facilities, convention facilities, museums, cultural attractions, or other tourism related industries located within the county.
- 60 (4)
- (a) Each tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-301 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.
- 65 (b) Each tourism tax advisory board in a county operating under the county commission form of government under Section 17-52a-201 [~~or the expanded county commission form under Section 17-52a-202~~] shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-603 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.
- 72 (5) A member of any county tourism tax advisory board:
- 73 (a) may not receive compensation or benefits for the member's services; and
- 74 (b) may receive per diem and travel expenses incurred in the performance of the member's official duties, in accordance with Section 11-55-103.

76 ~~{Section 2. Section 17-36-10 is amended to read: }~~

77 **17-36-10. Preparation of tentative budget.**

- 78 (1)
- (a) On or before the first day of the next to last month of every fiscal period, the finance officer shall prepare for the next budget period and file with the governing body a tentative budget for each fund for which a budget is required.
- 81 (b) During the preparation of a tentative budget described in Subsection (1)(a), the following may participate in the creation of the tentative budget:
- 83 (i) for a county commission [~~or expanded county commission~~] form of county government, the county commission;

85

HB0356 compared with HB0356S01

- (ii) for a county executive-council form of county government, the county council and the county executive; and
- 87 (iii) for a council-manager form of county government, the county council and the county manager.
- 89 (2)
- (a) A department for which county funds are appropriated shall file with the finance officer not less than three months before the commencement of each fiscal year on forms furnished by the finance officer a detailed estimate and statement of the revenue and necessary expenditures of the department for the next budget year.
- 93 (b) The estimate and statement described in Subsection (2)(a) shall set forth:
- 94 (i) the number of persons to be regularly employed;
- 95 (ii) the kinds of service the department will perform;
- 96 (iii) the salaries and wages the department expects to pay;
- 97 (iv) the kind of work the department will perform and the improvements the department expects to make; and
- 99 (v) the estimated cost of the service, work, and improvements.
- 100 (c) The finance officer shall make the estimate and statement described in Subsection (2)(a) available to:
- 102 (i) for a county commission [~~or expanded county commission~~]form of county government, the county commission;
- 104 (ii) for a county executive-council form of county government, the county council and the county executive; and
- 106 (iii) for a council-manager form of county government, the county council and the county manager.
- 108 (d) The statement shall also record performance data expressed in work units, unit costs, [man] personnel hours, and [man] personnel years sufficient in detail, content, and scope to permit the finance officer to prepare and process the county budget.
- 111 (3) In the preparation of the budget, the finance officer and all other county officers are subject to Sections 17-36-1 through 17-36-44 and to the uniform system of budgeting, accounting, and reporting established therein.
- 114 (4) In the tentative budget, the finance officer shall set forth in tabular form:
- 115 (a) actual revenues and expenditures in the last completed fiscal period;
- 116 (b) estimated total revenues and expenditures for the current fiscal period;

HB0356 compared with HB0356S01

- 117 (c) the estimated available revenues and expenditures for the ensuing budget period computed by
determining:
- 119 (i) the estimated expenditure for each fund after review of each departmental budget request; and
121 (ii) the total revenue requirements of the fund, including:
- 122 (A) the part of the total revenue that will be derived from revenue sources other than property tax; and
124 (B) the part of the total revenue that will be derived from property taxes; and
- 125 (d) if required by the governing body, actual performance experience to the extent available in work
units, unit costs, [~~man~~] personnel hours, and [~~man~~] personnel years for each budgeted fund that
includes an appropriation for salaries or wages for the last completed fiscal period and the first
eight months of the current fiscal period if the county is on an annual fiscal period, or the first 20
months of the current fiscal period if the county is on a biennial fiscal period, together with the total
estimated performance data of like character for the current fiscal period and for the ensuing budget
period.
- 133 (5) The finance officer may recommend modification of any departmental budget request under
Subsection (4)(c)(i) before the budget request is filed with the governing body, if each department
head has been given an opportunity to be heard concerning the modification.
- 137 (6)
- (a) A tentative budget shall contain the estimates of expenditures submitted by any department together
with specific work programs and other supportive data as the governing body requests.
- 140 (b) The finance officer shall include with the tentative budget a supplementary estimate of all capital
projects or planned capital projects within the budget period and within the next three succeeding
years.
- 143 (7)
- (a) A finance officer that submits a tentative budget in a county with a population of more than 25,000
shall include with the tentative budget a budget message in explanation of the budget.
- 146 (b) The budget message shall:
- 147 (i) include an outline of the proposed financial policies of the county for the budget period;
149 (ii) describe the important features of the budgetary plan;
150 (iii) state the reasons for changes from the previous fiscal period in appropriation and revenue items;
and
- 152 (iv) explain any major changes in financial policy.

HB0356 compared with HB0356S01

153 (c) A finance officer of a county with a population of less than 25,000 may prepare a budget message in
explanation of the tentative budget.

155 (8)

(a) The governing body shall review, consider, and adopt a tentative budget in a regular or special meeting called for that purpose.

157 (b)

(i) Subject to Subsection (8)(b)(ii), the governing body may thereafter amend or revise the tentative budget prior to public hearings on the tentative budget.

159 (ii) A governing body may not:

160 (A) reduce below the required minimum an appropriation required for debt retirement and interest; or

162 (B) reduce, in accordance with Section 17-36-17, an existing deficit.

33 Section 1. Section **17-52a-103** is amended to read:

34 **17-52a-103. Forms of county government -- County commission form required unless
another is adopted -- Restrictions on form of county government.**

166 (1) Subject to Subsection (2), each county shall operate under one of the following forms of county government:

168 (a) the county commission form under Section 17-52a-201;

169 ~~{(b) the expanded county commission form under Section 17-52a-202;}~~

170 ~~{(c)}~~ ~~{(b)}~~ the county executive and council form under Section 17-52a-203; or

171 ~~{(d)}~~ ~~{(e)}~~ the council-manager form under Section 17-52a-204.

172 (2) Unless a county adopts another form of government as provided in this chapter, the county shall operate under the county commission form of government under Section 17-52a-201.

175 ~~[(3)~~

~~(a) In a county that operates under a form of government that is not described in Subsection (2):]~~

177 ~~[(i) the county's legislative body shall, before July 1, 2018, initiate the process under Section 17-52a-302 of changing the county's form of government;]~~

179 ~~[(ii) the county shall hold a special election on November 6, 2018;]~~

180 ~~[(iii) if the voters approve the appointment of a study committee at the special election described in Subsection (3)(a)(ii):]~~

182 ~~[(A) the study committee may not recommend under Section 17-52a-403 that the county retain the county's current form of government; and]~~

HB0356 compared with HB0356S01

- 184 [(B) the county shall hold an election described in Section 17-52a-501 before December 31, 2020, on an
optional plan that the study committee creates; and]
- 186 [(iv) the registered voters of the county may not repeal an optional plan under Section 17-52a-505
that is adopted at an election described in Subsection (3)(a)(iii)(B).]
- 188 [(b) If the voters of a county described in Subsection (3)(a) do not approve a change in the county's
form of government at an election described in Subsection (3)(a)(iii)(B) before December 31, 2020:]
- 191 [(i) the county shall operate under the county commission form of government under Section
17-52a-201; and]
- 193 [(ii) the county shall transition to the form of government described in Subsection (3)(b)(i) in the same
manner as if the voters of the county had approved the change in the form of government described
in Subsection (3)(b)(i) in the applicable election described in Subsection (3)(b).]
- 197 [(4)] (3) In a county of the ~~[fifth or]~~ **third through** sixth class, if the county legislative body under
Section 17-52a-302 or the registered voters under Section 17-52a-303 ~~[, after March 24, 2020,]~~
initiate the process to adopt an optional plan, the proposed optional plan may only propose a form of
government authorized under Section 17-52a-405.

201 {Section 4. ~~Section 17-52a-201 is amended to read: }~~

202 **17-52a-201. County commission form of government -- Commission member elections.**

204 (1) As used in this section:

205 (a) "Commission-form county" means a county operating under the county commission form of
government.

206 [(a)] (b) "Midterm vacancy" means a county commission position that is being filled at an election for
less than the position's full term as established in:

208 (i) Subsection [(4)(a)] (5)(a); or

209 (ii) a county's optional plan under Subsection 17-52a-404(5)(b).

210 [(b)] (c) "Open position" means a county commission position that is being filled at a regular general
election for the position's full term as established in:

212 (i) Subsection [(4)(a)] (5)(a); or

213 (ii) a county's optional plan under Subsection 17-52a-404(5)(b).

214 [(e)] (d) "Opt-in county" means a commission-form county that has, in accordance with Subsection
[(6)(a)] (7)(a), chosen to conduct county commissioner elections in accordance with Subsection
[(6)] (7).

HB0356 compared with HB0356S01

- 217 (2) A county commission [~~consisting of three members~~] shall govern each county operating under the
county commission form of government.
- 219 ~~(3)~~
- (a) The number of county commission members in a commission-form county is three, unless the
county commission by ordinance changes the number to five or seven.
- 222 ~~(b)~~
- (i) Subject to Subsection (3)(b)(ii), the legislative body of a commission-form county may by
ordinance provide for one or more commission members to be elected at large and for one or more
commission members to be elected by district.
- 225 (ii) At least a majority of the members of a five-member or seven-member commission in a
commission-form county shall be elected by district.
- 227 ~~[(3)]~~ (4) A county commission under a county commission form of government is both the county
legislative body and the county executive and has the powers, duties, and functions of a county
legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and
functions of a county executive under Chapter 53, Part 3, County Executive.
- 232 ~~[(4)]~~ (5) Except as otherwise provided in an optional plan adopted under this chapter:
- 233 (a) the term of office of each county commission member is four years;
- 234 (b) the terms of county commission members shall be staggered so that [~~two~~] approximately half the
members are elected at [a] alternating regular general election [~~date that alternates with the regular
general election date of the other member~~] dates; and
- 238 (c) each county commission member shall be elected:
- 239 (i) at large, unless otherwise required by court order; and
- 240 (ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.
- 242 ~~[(5)]~~ (6) Except as provided in Subsection ~~[(6)]~~ (7):
- 243 (a) if [~~two~~] multiple at-large county commission positions are vacant for an election, the positions
shall be designated "county commission seat A," [~~and~~] "county commission seat B," and so on as
necessary for the number of vacant positions;
- 246 (b) each candidate who files a declaration of candidacy when [~~two~~] multiple at-large positions are
vacant shall designate on the declaration of candidacy form [~~whether the candidate is a candidate for
seat A or seat B~~] the letter of the county commission seat for which the candidate is a candidate; and
- 250

HB0356 compared with HB0356S01

(c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.

252 [~~(6)~~] (7)

(a) A commission-form county of the first or second class may, through an optional plan as described in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection [~~(6)~~] (7).

255 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:

258 (i) each open position as "open position"; and

259 (ii) each midterm vacancy as "midterm vacancy."

260 (c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:

262 (i) if there is more than one open position, is not required to indicate which open position the individual is running for;

264 (ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and

267 (iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.

269 (d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.

273 (e) In an opt-in county:

274 (i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:

276 (A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and

278 (B) for the purposes of a regular general election, elected to fill the open positions; and

280 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:

282

HB0356 compared with HB0356S01

(A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm vacancies; and

284 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

71 Section 2. Section 17-52a-204 is amended to read:

72 **17-52a-204. Council-manager form of county government -- Establishment of voting districts.**

74 (1) As used in this section, "district" means a geographic area within the boundaries of a county with a council-manager form of government that is represented only by one council member who is a resident of the area.

77 [~~4~~] (2)

(a) The following shall govern a county operating under the form of government known as the "council-manager" form:

79 (i) an elected county council;

80 (ii) a county manager appointed by the council; and

81 (iii) other officers and employees authorized by law.

82 (b) The optional plan shall provide for the qualifications, time and manner of appointment subject to Subsections [~~6~~] (7) and [~~7~~] (8), term of office, compensation, and removal of the county manager.

85 [~~2~~] (3) The county manager is the administrative head of the county government and has the powers, functions, and duties of a county executive, except:

87 (a) as the county legislative body otherwise provides by ordinance; and

88 (b) that the county manager may not veto any ordinances enacted by the council.

89 [~~3~~] (4)

(a) An individual member of the council may not directly or indirectly, by suggestion or otherwise:

91 (i) attempt to influence or coerce the manager in:

92 (A) making any appointment;

93 (B) removing any officer or employee; or

94 (C) purchasing supplies;

95 (ii) attempt to exact any promise relative to any appointment from any candidate for manager; or

97 (iii) discuss directly or indirectly with the manager the matter of specific appointments to any county office or employment.

HB0356 compared with HB0356S01

99 (b)

(i) A member of the county council who violates the provisions of this Subsection [~~(3)~~] (4) shall forfeit the member's county council office.

101 (ii) Nothing in this section shall be construed, however, as prohibiting the council from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.

104 (iii) The county manager may not take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office.

106 (iv) The optional plan may provide procedures for implementing this Subsection [~~(3)~~] (4).

108 [~~(4)~~] (5) In the council-manager form of county government:

109 (a) the legislative powers of the county are vested in the county council; and

110 (b) the executive powers of the county are vested in the county manager.

111 [~~(5)~~] (6) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the council-manager form of county government, means:

114 (a) the county council, with respect to legislative functions, duties, and powers; and

115 (b) the county manager, with respect to executive functions, duties, and powers.

116 [~~(6)~~] (7)

(a) As used in this Subsection [~~(6)~~] (7), "interim vacancy period" means the period of time that:

118 (i) begins on the day on which a general election described in Section 17-16-6 is held to elect a council member; and

120 (ii) ends on the day on which the council member-elect begins the council member's term.

122 (b)

(i) The county council may not appoint a county manager during an interim vacancy period.

124 (ii) Notwithstanding Subsection [~~(6)(b)(i)~~] (7)(b)(i):

125 (A) the county council may appoint an interim county manager during an interim vacancy period; and

127 (B) the interim county manager's term shall expire once a new county manager is appointed by the new administration after the interim vacancy period has ended.

129 (c) Subsection [~~(6)(b)~~] (7)(b) does not apply if all the county council members who held office on the day of the county general election whose term of office was vacant for the election are re-elected to the council for the following term.

132

HB0356 compared with HB0356S01

[~~(7)~~] (8) A county council that appoints a county manager in accordance with this section may not[~~on or after May 10, 2011,~~] enter into an employment contract that contains an automatic renewal provision with the county manager.

135 (9) Except as provided in Subsection (10), a county of the third through sixth class with a council-
136 manager form of government shall ensure that at least 65% of council members:

137 (a) each represent a single district, rather than being elected at large; and

138 (b) are elected by a majority vote of voters residing within the member's district.

139 (10) A county of the third through sixth class with a council-manager form of government may
140 maintain the county's election structure if, on and after May 7, 2025, at least 50% of the county's
141 council members:

142 (a) each represent a single district, rather than being elected at large; and

143 (b) were elected by a majority vote of voters residing within the member's district.

144 (11)

(a) For a county with a council-manager form of government that, on May 7, 2025, does not meet the
145 requirements described in Subsection (9) or (10):

146 (i) the term of office for each member on the county council ends on December 31, 2026;

148 (ii) all county council positions shall be filled at the 2026 regular general election to serve an initial
149 term, beginning on January 1, 2027;

150 (iii) beginning with the election held in 2026, each county council member shall be elected to
151 represent an individual district, by the voters who reside in that district;

152 (iv) the county council shall, on or before June 1, 2025:

153 (A) in accordance with Subsection (11)(b), establish a county districting commission; and

155 (B) in accordance with Subsection (11)(c), approve a map of the county council districts; and

157 (v) the term of office for each county council position will be four years, except that the initial term
158 of approximately half of the county council members shall be two years, as determined under
159 Subsection (11)(c)(i)(B).

160 (b)

(i) A county council shall comply with Subsection (11)(a)(iv)(A) or (12) by establishing a county
161 districting commission, consisting of:

162 (A) one representative from each municipality in the county, who is either the municipality's mayor
163 or a resident appointed by that mayor; and

HB0356 compared with HB0356S01

- 164 (B) one representative who resides in an unincorporated area of the county, appointed by the county
165 council.
- 166 (ii) The county districting commission shall divide the county into districts by:
- 167 (A) relying on the total population enumeration of the most recent decennial census;
- 169 (B) ensuring that between districts, there is less than 10% total population deviation;
- 171 (C) ensuring that each district is contiguous and reasonably compact; and
- 172 (D) complying with the United States Constitution.
- 173 (iii) The county districting commission shall submit a proposed map of district boundaries to the county
174 council for approval for the initial districting process, on or before August 1, 2025.
- 176 (c) After receiving the district map described in Subsection (11)(b)(iii), the county council shall:
- 178 (i) within 30 calendar days after the day on which the county council receives the map, hold a public
179 hearing, at which:
- 180 (A) the county council shall approve the district map; and
- 181 (B) the county clerk shall, by lot, designate approximately half of the districts to have an initial term of
182 two years; and
- 183 (ii) implement the district map for the next county council election.
- 184 (12) Each time a county described in Subsection (11) conducts redistricting for the county council
185 districts, the county shall conduct the redistricting as follows:
- 186 (a) the county council shall appoint a districting commission, in accordance with Subsection (11)(b)(i),
187 before January 1 of the year in which redistricting will occur;
- 188 (b) the districting commission shall:
- 189 (i) comply with Subsection (11)(b)(ii); and
- 190 (ii) submit a proposed map of district boundaries to the county council for approval; and
- 192 (c) the county council shall, within 30 calendar days after the day on which the county council receives
193 the map under Subsection (12)(b), hold a public hearing, at which the county council shall approve
194 the district map.

286 ~~{Section 5. Section 17-52a-301 is amended to read: }~~

287 **17-52a-301. Procedure for initiating adoption of optional plan -- Limitations -- Pending** 288 **proceedings.**

- 289 (1) An optional plan proposing an alternate form of government for a county may be adopted as
290 provided in this chapter.

HB0356 compared with HB0356S01

- 291 (2) The process to adopt an optional plan establishing an alternate form of county government may be
initiated by:
- 293 (a) the county legislative body as provided in Section 17-52a-302; or
- 294 (b) registered voters of the county as provided in Section 17-52a-303.
- 295 (3)
- (a) If the process to adopt an optional plan is initiated under Laws of Utah 1973, Chapter 26, Section
3, 4, or 5, or Section 17-52a-302 or 17-52a-303, the county legislative body may not initiate the
process again under Section 17-52a-302, and registered voters may not initiate the process again
under Section 17-52a-303, until:
- 299 (i) the first initiated process concludes with an election under Section 17-52a-501;
- 300 (ii) the first initiated process concludes under Subsection 17-52a-403(7) because the study
committee recommended that the county's form of government not change; or
- 303 (iii) the first initiated process concludes because registered voters fail to submit a sufficient number
of valid signatures for a petition before the deadline described in Subsection 17-52a-303(2)(c).
- 306 (b) A county legislative body may not initiate the process to adopt an optional plan under Section
17-52a-302 within four years [øf] after an election at which voters first elect elected county
officials:
- 309 (i) in accordance with Section 17-52a-503; and
- 310 (ii) [-]as specified in an optional plan proposed as a result of a process initiated by the county legislative
body.
- 312 (c) Registered voters of a county may not initiate the process to adopt an optional plan under Section
17-52a-303 within four years [øf] after an election at which voters first elect elected county
officials:
- 315 (i) in accordance with Section 17-52a-503; and
- 316 (ii) [-]as specified in an optional plan proposed as a result of a process initiated by registered voters.
- 318 ~~{Section 6. Section 17-52a-302 is amended to read: }~~
- 319 **17-52a-302. County legislative body initiation of adoption of optional plan -- Procedure.**
- 321 (1)
- (a) A county legislative body may [ønly] initiate the process of adopting an optional plan by:
- 323 (i) approving a motion to establish a study committee, as provided in Section 17-52a-403.5, to
study changing the form of government; and

HB0356 compared with HB0356S01

- 325 (ii) after the county legislative body's receipt of the study committee's report under Section 17-52a-403.5, adopting a resolution to submit to the voters the question of whether the county should adopt [an] the optional plan [proposed by the study committee described in Subsection (1)(a)(i)] formulated by the county legislative body.
- 330 (b) The county legislative body may not submit to the voters an optional plan unless the optional plan complies with the requirements of Sections 17-52a-404 and 17-52a-405.
- 332 (2)
- 337 (a) ~~[Nø] For a county operating under the county executive-council form of county government, no~~ later than 10 days after the day on which the county legislative body approves a motion as described in Subsection (1)(a)(i), the county legislative body shall notify the county executive of the county legislative body's approval to establish a study committee.
- 340 (b) No later than 10 days after the day on which the county legislative body adopts a resolution as described in Subsection (1)(a)(ii), the legislative body shall send a copy of the optional plan that the legislative body recommends to:
- 341 (i) the county clerk; and
- 342 (ii) the county attorney for review in accordance with Section 17-52a-406.
- 343 ~~{Section 7. Section 17-52a-303 is amended to read: }~~
- 17-52a-303. Registered voter initiation of adoption of optional plan -- Certification of petition signatures -- Removal of signature -- Procedure.**
- 345 (1)
- 347 (a) Registered voters of a county may initiate the process of adopting an optional plan by filing with the county clerk a notice of intent to gather signatures for a petition:
- 348 (i) for the establishment of a study committee described in Section 17-52a-403; or
- 349 (ii) to adopt an optional plan that:
- 352 (A) accompanies the petition during the signature gathering process and accompanies the petition in the submission to the county clerk under Subsection (2)(b); and
- 353 (B) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.
- 354 (b) A notice of intent described in Subsection (1)(a) shall:
- 355 (i) designate five sponsors for the petition;
- 356 (ii) designate a contact sponsor to serve as the primary contact for the petition sponsors;
- 358 (iii) list the mailing address and telephone number of each of the sponsors; and

HB0356 compared with HB0356S01

- 359 (iv) be signed by each of the petition sponsors.
- 360 (c) Registered voters of a county may not file a notice of intent to gather signatures in bad faith.
- 362 (2)
- (a) The sponsors of a petition may circulate the petition after filing a notice of intent to gather signatures under Subsection (1).
- 364 (b)
- (i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition contains the number of legal signatures required under Subsection 20A-7-501(2).
- 366 (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at least the number of legal signatures equal to 30% of the number of active voters, as defined in Section 20A-7-501, in the county.
- 369 (iii) The county clerk may not count a signature that was collected for the petition before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 371 (iv) Notwithstanding any other provision of law, an individual may not sign a petition circulated under this section by electronic signature as defined in Section 20A-1-202.
- 374 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit the completed petition and any amended or supplemental petition described in Subsection (4) with the county clerk not more than 180 days after the day on which the sponsors file the notice described in Subsection (1).
- 378 (d)
- (i) Within 30 days after the day on which the sponsors submit a petition, the sponsors shall submit financial disclosures to the county clerk that include:
- 380 (A) a list of each contribution received by the sponsors and the name of the donor; and
- 382 (B) a list of each expenditure for purposes of furthering or sponsoring the petition and the recipient of each expenditure.
- 384 (ii) The county clerk shall publish the financial disclosures described in Subsection (2)(d)(i).
- 386 (iii) All sponsors of a petition shall date and sign each list described in Subsection (2)(d)(i).
- 388 (3) Within 30 days after the day on which the sponsors submit a petition under Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk shall:
- 391 (a)

HB0356 compared with HB0356S01

- (i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and
- 393 (ii) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters;
- 395 (b)
- (i) if the petition was signed by a sufficient number of registered voters:
- 396 (A) certify the petition;
- 397 (B) deliver the petition to the county legislative body and, if the county has a county executive separate from the county legislative body, the county executive; and
- 400 (C) notify the contact sponsor in writing of the certification; or
- 401 (ii) if the petition was not signed by a sufficient number of registered voters:
- 402 (A) reject the petition; and
- 403 (B) notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection; and
- 405 (c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i), ~~[the county clerk shall]~~ send a copy of the optional plan that accompanied the petition to the county attorney for review in accordance with Section 17-52a-406.
- 409 (4) The sponsors of a petition circulated under this section may submit supplemental signatures for the petition:
- 411 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
- 412 (b) before the earlier of:
- 413 (i) the deadline described in Subsection (2)(c); or
- 414 (ii) 20 days after the day on which the county clerk rejects the petition under Subsection (3)(b)(ii).
- 416 (5) With the unanimous approval of petition sponsors, a petition filed under this section may be withdrawn at any time within 90 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election under Section 17-52a-501 if the petition included a notification to petition signers, in conspicuous language and in a conspicuous location, that the petition sponsors are authorized to withdraw the petition.
- 422 (6)

HB0356 compared with HB0356S01

(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors submit the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

426 (b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

428 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

431 (7) Within 30 days after receiving a petition certified under Subsection (3)(b) for the establishment of a study committee, the county legislative body shall establish a study committee as provided in Section 17-52a-403.

195 Section 3. Section **17-52a-403** is amended to read:

196 **17-52a-403. Study committee** {~~under a registered voter petition for the establishment of a study committee~~} -- Members -- Powers and duties -- Proposed plan and report -- Services provided by county.

437 (1)

(a) As used in this Subsection (1), "council of governments" means the same as that term is defined in Section 17B-2a-802.

(b) A study committee {~~under a registered voter petition for the establishment of a study committee~~} consists of:

439 {(i) for a study committee established by the county legislative body under Section 17-52a-302, five members appointed by the } county legislative body county's council of governments {
or}

441 {(ii) for a study committee established by the registered voters through a petition under Section 17-52a-303;}

443 {(A)} {(i)} two members one member appointed by the sponsors of the petition;

444 {(B)} {(ii)} and

207 (B) two members appointed by the county legislative body; and

445 {(C)} {(iii)} (B) one member four members appointed by the county's council of governments.

446 (b) (c) A member of a study committee {~~under this section~~}:

HB0356 compared with HB0356S01

- 447 (i) may not receive compensation for service on the study committee;
- 448 (ii) may not hold an elected county office or have filed a current declaration of candidacy for an elected county office; and
- 450 (iii) shall be a registered voter.
- 451 ~~[(e)]~~ (d) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.
- 454 (2) A study committee ~~{under this section}~~ may:
- 455 (a) adopt rules for the study committee's own organization and procedure and to fill a vacancy in its membership;
- 457 (b) establish advisory boards or committees and include on the advisory boards or committees persons who are not members of the study committee; and
- 459 (c) request the assistance and advice of any officers or employees of any agency of state or local government.
- 461 (3)
- (a) A study committee ~~{under this section}~~ shall:
- 462 (i) study the form of government within the county and compare it with other forms available under this chapter;
- 464 (ii) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of county government;
- 468 (iii) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and
- 471 (iv) file a written report of the study committee's findings and recommendations with ~~{the county executive, }~~ the county legislative body, ~~{and }~~ the county clerk ~~{, and, if there is a county executive separate from the county legislative body, the county executive}~~ no later than one year after the convening of the study committee's first meeting under Section 17-52a-402.
- 476 (b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv), if the report recommends a change in the form of county government, the county clerk shall send to the county attorney a copy of the optional plan recommended in the report for review in accordance with Section 17-52a-406.

HB0356 compared with HB0356S01

- 481 (4) Each study committee report under Subsection (3)(a)(iv) shall include:
- 482 (a) the study committee's recommendation as to whether the form of county government should be
changed to another form authorized under this chapter;
- 484 (b) if the study committee recommends changing the form of government, a complete detailed draft
of a proposed optional plan to change the form of county government, including all necessary
implementing provisions; and
- 487 (c) any additional recommendations the study committee considers appropriate to improve the
efficiency and economy of the administration of local government within the county.
- 490 (5)
- (a) If the study committee's report recommends a change in the form of county government, the study
committee may conduct additional public hearings after filing the report under Subsection (3)(a)(iv)
and, following the hearings and subject to Subsection (5)(b), alter the report or proposed optional
plan.
- 494 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report or
proposed optional plan:
- 496 (i) that would recommend the adoption of an optional form different from that recommended in the
original report; or
- 498 (ii) within the 160-day period before the election under Section 17-52a-501.
- 499 (6) Each meeting that the study committee holds shall be open to the public.
- 500 (7) If the study committee's report does not recommend a change in the form of county government,
the report is final, the study committee is dissolved, and the process to change the county's form of
government is concluded.
- 503 (8) The county legislative body shall provide for the study committee:
- 504 (a) suitable meeting facilities;
- 505 (b) necessary secretarial services;
- 506 (c) necessary printing and photocopying services;
- 507 (d) necessary clerical and staff assistance; and
- 508 (e) adequate funds for the employment of independent legal counsel and professional consultants that
the study committee reasonably determines to be necessary to help the study committee fulfill its
duties.
- 511 (9) The county legislative body may not interfere with the work of the study committee.

HB0356 compared with HB0356S01

512 Section 9. Section 9 is enacted to read:

513 **17-52a-403.5. Study committee under a county legislative body motion establishing a study**
committee.

515 (1) A study committee established by a county legislative body motion under Subsection 17-52a-302(1)
(a)(i) consists of five members appointed by the county legislative body.

517 (2)

(a) A member of a study committee under this section:

518 (i) may not receive compensation for service on the study committee;

519 (ii) may not hold an elected county office or have filed a current declaration of candidacy for an
elected county office; and

521 (iii) shall be a registered voter.

522 (b) The county legislative body shall reimburse a study committee member for the member's necessary
expenses incurred in performing the member's duties on the study committee.

525 (3) A study committee under this section shall:

526 (a) study the form of government under which the county currently operates;

527 (b) study the advisability of changing to the form of government suggested by the county legislative
body, including determining whether changing to the suggested form of government would likely:

530 (i) strengthen the administration of county government;

531 (ii) make the administration of county government more responsive or accountable to the people; or

533 (iii) improve the economy and efficiency of county government; and

534 (c) within the time specified by the county legislative body, report to the county legislative body the
results of the study committee's study, including any recommendations the study committee has
concerning details of a proposed optional plan and any necessary implementing provisions.

538 (4) A study committee under this section may hold one or more public hearings, as directed by the
county legislative body, to receive public input on the study committee's study.

540 (5) The county legislative body shall provide for the study committee:

541 (a) suitable meeting facilities;

542 (b) necessary secretarial, clerical, and other staff support services;

543 (c) necessary printing and photocopying services; and

544 (d) adequate funding and other resources required to enable the study committee to fulfill the
committee's responsibilities.

HB0356 compared with HB0356S01

546 ~~{Section 10. Section 17-52a-404 is amended to read: }~~

547 **17-52a-404. Contents of proposed optional plan.**

548 (1) ~~[The study committee or the sponsors of a petition described in Subsection 17-52a-303(1)(a)(ii)~~
shall ensure that an optional plan the committee or registered voters propose under this chapter,
respectively] An optional plan under this chapter shall:

551 (a) ~~[proposes]~~ propose the adoption of one of the forms of county government authorized in Subsection
17-52a-405(1)(a);

553 (b) ~~[contains]~~ contain detailed provisions relating to the transition from the existing form of county
government to the form proposed in the optional plan, including provisions relating to the:

556 (i) election or appointment of officers specified in the optional plan for the new form of county
government;

558 (ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or
department of county government responsible for performing the duties of the eliminated office;

561 (iii) continuity of existing ordinances and regulations;

562 (iv) continuation of pending legislative, administrative, or judicial proceedings;

563 (v) making of interim and temporary appointments; and

564 (vi) preparation, approval, and adjustment of necessary budget appropriations;

565 (c) ~~[specifies]~~ specify the date the optional plan becomes effective if adopted, which may not be earlier
than the first day of January next following the election of officers under the new plan; and

568 (d) notwithstanding any other provision of this title and except with respect to an optional plan that
proposes the adoption of the county commission ~~[or expanded county commission]~~ form of
government, with respect to the county budget ~~[provides]~~ provide that:

572 (i) the county executive's role is to prepare and present a proposed budget to the county legislative
body; and

574 (ii) the county legislative body's role is to adopt a final budget.

575 (2) Subject to Subsection (3), an optional plan may include provisions that are considered necessary or
advisable to the effective operation of the proposed optional plan.

577 (3) An optional plan may not:

578 (a) include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute;

580 (b) specify compensation, including benefits, for any appointed or elected county official; or

582 ~~[(c) specify the full or part-time status of any appointed or elected county official; or]~~

HB0356 compared with HB0356S01

- 583 ~~[(d)]~~ (c) if the optional plan specifies that county council or commission members are to be elected from
districts, establish, divide, abolish, alter, change, or otherwise attempt to draw boundaries of election
districts or impair the duties of the county legislative body as described in Section 17-52a-503.
- 587 (4) ~~[The optional plan proponent described in Subsection (1) shall ensure that an optional plan
proposing to change]~~ An optional plan that proposes changing the form of government to the county
executive-council form under Section 17-52a-203 or the council-manager form under Section
17-52a-204 shall:
- 591 (a) ~~[provides]~~ provide for the same executive and legislative officers as are specified in the applicable
section for the form of government that the optional plan proposes;
- 593 (b) ~~[provides]~~ provide for the election of the county council;
- 594 (c) ~~[specifies]~~ specify the number of county council members, which shall be an odd number from three
to nine;
- 596 (d) subject to Subsection ~~[(3)(d)]~~ (3)(c), ~~[specifies]~~ specify whether the members of the county council
are to be elected from districts, at large, or by a combination of at large and by district;
- 599 (e) ~~[specifies]~~ specify county council members' qualifications and terms and whether the terms are to be
staggered; and
- 601 (f) ~~[contains]~~ contain procedures for filling vacancies on the county council, consistent with the
provisions of Section 20A-1-508.
- 603 (5) ~~[The optional plan proponent described in Subsection (1) shall ensure that an]~~ An optional plan
proposing to change the form of government to the county commission form under Section
17-52a-201 ~~[or the expanded county commission form under Section 17-52a-202 specifies]~~ shall
specify:
- 607 (a)
~~[(i)]~~ for the county commission form of government, that the county commission shall have three, five,
or seven members;~~[-or]~~
- 609 ~~[(ii) for the expanded county commission form of government, whether the county commission shall
have five or seven members;]~~
- 611 (b) the terms of office for county commission members and whether the terms are to be staggered;
- 613 (c) subject to Subsection ~~[(3)(d)]~~ (3)(c), whether members of the county commission are to be elected
from districts, at large, or by a combination of at large and from districts;
- 615

HB0356 compared with HB0356S01

- (d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members; and
- 617 (e) if any members of the county commission are to be elected at large, whether the election of county commission members is subject to the provisions of Subsection 17-52a-201(6)[~~or Subsection 17-52a-202(6)~~].
- 275 Section 4. Section **17-52a-405** is amended to read:
- 276 **17-52a-405. Plan {may} shall propose changing forms of county government -- Partisan elections.**
- 623 (1)
- (a) [~~The optional plan proponent described in Subsection 17-52a-404(1) shall ensure that each optional plan proposes~~] An optional plan under Subsection 17-52a-404(1) shall propose changing the form of county government to:
- 626 (i) for a county of the first~~;~~ or second ~~[, third, or fourth]~~ class:
- 627 (A) the county commission form under Section 17-52a-201;
- 628 ~~{(B) the expanded county commission form under Section 17-52a-202;}~~
- 629 ~~{(C){} {(B)+}~~ the county ~~[executive and council]~~ executive-council form under Section 17-52a-203;
- or
- 630 ~~{(D){} {(C)+}~~ the council-manager form under Section 17-52a-204; [~~and~~] or
- 287 (ii) for a county of the third or fourth class:
- 288 (A) the county commission form under Section 17-52a-201;
- 289 (B) the expanded county commission form under Section 17-52a-202; or
- 290 (C) the council-manager form under Section 17-52a-204; or
- 631 ~~[(ii)] (iii)~~ for a county of the fifth or sixth class~~{(A){} (B)}~~
- 632 ~~{(A)}~~ the county commission form under Section 17-52a-201~~{(B) or (C)}~~
- 633 ~~{(B) the expanded county commission form under Section 17-52a-202.}~~
- 634 (b) [~~The optional plan proponent described in~~] An optional plan under Subsection 17-52a-404(1) may not[recommend an optional plan that]:
- 636 (i) [~~proposes~~] propose changing the form of government to a form not authorized in Subsection (1)(a);
- 638 (ii) [~~provides~~] provide for the nonpartisan election of elected officers;
- 639 (iii) [~~imposes~~] impose a limit on the number of terms or years that an elected officer may serve;
- 641 (iv) [~~provides~~] provide for elected officers to be subject to a recall election; or

HB0356 compared with HB0356S01

- 642 (v) [~~provides~~] provide, in a county with a population of 225,000 or more, for a full-time county
commission in ~~{[an expanded]}~~ a county commission form of government ~~{[under Section~~
17-52a-202]} with five or seven members].
- 645 (2) A county that provides for the election of the county's elected officers through a partisan election
may not change to a process that provides for the election of the county's elected officers through a
nonpartisan election.
- 308 (3)
- (a) In a county of the third through sixth class that, on May 7, 2025, operates under the county
executive-council form of county government described in Section 17-52a-203:
- 311 (i) the county's legislative body shall, before July 1, 2025, initiate the process under Section
17-52a-302 of changing the county's form of government;
- 313 (ii) the county shall hold a special election on November 4, 2025;
- 314 (iii) if the voters approve the appointment of a study committee at the special election described in
Subsection (3)(a)(ii):
- 316 (A) the study committee may not recommend under Section 17-52a-403 that the county retain the
executive-council form of government; and
- 318 (B) the county shall hold an election described in Section 17-52a-501 before December 31, 2027, on an
optional plan that the study committee creates; and
- 320 (iv) the registered voters of the county may not repeal an optional plan under Section 17-52a-505
that is adopted at an election described in Subsection (3)(a)(iii)(B).
- 322 (b) If the voters of a county described in Subsection (3)(a) do not approve a change in the county's form
of government at an election described in Subsection (3)(a)(iii)(B) before December 31, 2027:
- 325 (i) the county shall operate under the county commission form of government under Section
17-52a-201; and
- 327 (ii) the county shall transition to the form of government described in Subsection (3)(b)(i) in the same
manner as if the voters of the county had approved the change in the form of government described
in Subsection (3)(b)(i) in the applicable election described in Subsection (3)(b).
- 648 ~~{Section 12. Section 17-52a-504 is amended to read: }~~
- 649 **17-52a-504. Amendment of optional plan.**
- 650

HB0356 compared with HB0356S01

(1) Subject to Subsection (2), an optional plan, after going into effect following an election held under Section 17-52a-501, may be amended by an affirmative vote of two-thirds of the county legislative body.

653 (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect may not take effect until a majority of registered voters voting in a general or special election at which the amendment is proposed approve the amendment, if the amendment changes:

656 (a) the size or makeup of the legislative body, except for adjustments necessary due to decennial reapportionment; or

658 (b) the distribution of powers between the executive and legislative branches of county government[; ~~or~~].

660 [~~(c) the status of the county executive or legislative body from full-time to part-time or vice versa.~~]

662 ~~{Section 13. Section 17-53-101 is amended to read: }~~

663 **17-53-101. County officers enumerated.**

664 (1) The elected officers of a county are:

665 (a)

(i) in a county operating under a county commission[~~or expanded county commission~~] form of government, county commission members; or

667 (ii) in a county operating under one of the other forms of county government under Subsection 17-52a-405(1)(a), county legislative body members and the county executive;

670 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county attorney, a district attorney in a county which is part of a prosecution district, a county surveyor, and a county assessor; and

673 (c) any others provided by law.

674 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties of the office without extra compensation.

677 ~~{Section 14. Section 17-53-317 is amended to read: }~~

678 **17-53-317. Executive appointment with advice and consent of county legislative body.**

680 (1) The appointment of a person to fill a position on a board, committee, or similar body whose membership is appointed by the county shall be by the county executive, with the advice and consent of the county legislative body.

HB0356 compared with HB0356S01

- 683 (2)
- (a) As used in this Subsection (2), "interim vacancy period" means:
- 684 (i) for a county commission~~[form or expanded county commission]~~ form of government, the period
of time that:
- 686 (A) begins on the day on which a general election described in Section 17-16-6 is held to elect a
commission member; and
- 688 (B) ends on the day on which the commission member-elect begins the council member's term; or
- 690 (ii) for a county executive-council form of government, the period of time that:
- 691 (A) begins on the day on which a general election described in Section 17-16-6 is held to elect a county
executive; and
- 693 (B) ends on the day on which the county executive-elect begins the county executive's term.
- 695 (b)
- (i) A county commission in a county commission form of government~~[, or a county commission in
an expanded county commission form of government,]~~ may not appoint during an interim period
vacancy a manager, a chief executive officer, a chief administrative officer, or a similar position to
perform executive and administrative duties or functions.
- 700 (ii) Notwithstanding Subsection (2)(b)(i):
- 701 (A) a county commission in a county commission form of government~~[, or a county commission in
an expanded county commission form of government,]~~ may appoint an interim manager, a chief
executive officer, a chief administrative officer, or a similar position during an interim vacancy
period; and
- 706 (B) the interim appointee's term shall expire once a new manager, a chief executive officer, a chief
administrative officer, or a similar position is appointed by the new administration after the interim
vacancy period has ended.
- 709 (c) Subsection (2)(b) does not apply if all the county commission members who held office on the day
of the county general election whose term of office was vacant for the election are re-elected to the
county commission for the following term.
- 712 (d)
- (i) A county executive in a county executive-council form of government may not appoint during an
interim vacancy period a manager, a chief executive officer, a chief administrative officer, or a
similar position to perform executive and administrative duties or functions.

HB0356 compared with HB0356S01

- 716 (ii) Notwithstanding Subsection (2)(d)(i):
- 717 (A) a county executive in a county executive-council form of government may appoint an interim
manager, a chief executive officer, a chief administrative officer, or a similar position during an
interim vacancy period; and
- 720 (B) the interim appointee's term shall expire once a new manager, a chief executive officer, a chief
administrative officer, or a similar position is appointed by the new county executive after the
interim vacancy period has ended.
- 724 (e) Subsection (2)(d) does not apply if the county executive who held office on the day of the county
general election is re-elected to the office of county executive for the following term.
- 727 (3) A county commission in a county commission form of government~~[-a county commission
in an expanded county commission form of government,]~~ or a county executive in a county
executive-council form of government that appoints a manager, a chief executive officer, a chief
administrative officer, or a similar position in accordance with this section may not, on or after May
10, 2011, enter into an employment contract that contains an automatic renewal provision with the
manager, chief executive officer, chief administrative officer, or similar position.

331 Section 5. Section 63I-2-217 is amended to read:

332 **63I-2-217. Repeal dates: Titles 17 through 17D.**

- 333 (1) Subsection 17-22-2(1)(o), regarding a sheriff's contractual duties under an interlocal agreement for
law enforcement services, is repealed July 1, 2025.
- 335 (2) Subsection 17-22-2(3), regarding the role of a sheriff in a police interlocal entity or police local
district, is repealed July 1, 2025.
- 337 (3) Section 17-27a-604.9, Effective dates of Sections 17-27a-604.1 and 17-27a-604.2, is repealed
January 1, 2025.
- 339 (4) Section 17-52a-405(3), regarding the process for changing a form of county government, is repealed
January 1, 2030.
- 341 [~~(4) Subsection 17-52a-103(3), regarding the process for changing a form of county government, is
repealed January 1, 2028.~~]

343 **Section 6. Effective date.**

This bill takes effect on May 7, 2025.

Section 17. Repealer.

This Bill Repeals:

HB0356 compared with HB0356S01

736 Section 17-52a-202, Expanded county commission form of government -- Commission
737 member elections.

2-17-25 12:23 PM