

HB0038S02 compared with HB0038S01

~~{Omitted text}~~ shows text that was in HB0038S01 but was omitted in HB0038S02
inserted text shows text that was not in HB0038S01 but was inserted into HB0038S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

2

3

4

5

6

7

8

9

11

13

14

17

18

County Government Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor:

LONG TITLE

General Description:

This bill deals with provisions related to counties.

Highlighted Provisions:

This bill:

▸ defines the term "finance officer" and modifies definitions;

▸ describes when a county legislative body shall submit the question of moving the county seat to the county's voters;

▸ modifies provisions related to the annexation or consolidation of counties and the creation of a new county;

▸ addresses pending criminal and civil proceedings following the creation of a new county;

▸ provides that a county shall hold an election on an optional plan to change the form of county government at the next regular general election that is no less than 180 days after the day on which the county attorney submits to the county clerk the attorney's report;

▸ modifies provisions related to county costs following a change of venue;

▸ repeals a requirement that a county financial officer be bonded;

HB0038S01

HB0038S01 compared with HB0038S02

- 19 ▶ modifies the ability of a legislative body to investigate the actions of a county officer that
impacts county business or operations;
- 21 ▶ modifies provisions related to the consolidation of county offices;
- 22 ▶ modifies the qualification requirements of a county assessor;
- 23 ▶ provides that, if a county council delegates the provision of accounting services to a finance
officer, the county auditor is not required to fulfill an accounting obligation described in statute unless
statute explicitly states that the county auditor shall provide the accounting obligation;
- 27 ▶ modifies provisions related to county surveyor duties;
- 28 ▶ modifies the circumstances in which an election official is required to notify eligible voters via
email about the disqualification of a candidate;
- 30 ▶ modifies the manner in which a county recorder is required to index recorded instruments;
- 31 ▶ authorizes a county legislative body to set fees for services of the county recorder;
- 32 ▶ increases certain statutorily provided fees for certain county recorder services;
- 33 ▶ provides a method for an individual requesting a record related to military service to demonstrate
that the individual is a lineal descendant of the individual who is the subject of the record;
- 36 ▶ provides that, when a county contracts with a licensed professional land surveyor to fulfill certain
county surveyor duties, the licensed professional land surveyor may utilize the county surveyor seal or a
personal seal;
- 39 ▶ modifies provisions related to survey monuments, corners, and boundaries;
- 40 ▶ authorizes a county surveyor to charge a plat fee to an infrastructure financing district or public
infrastructure district;
- 42 ▶ authorizes a county treasurer to enter an agreement with a special district for the county treasurer
to bill and collect assessments on behalf of the special district;
- 44 ▶ modifies provisions related to merit system employment, including administrative appeals to a
career service council or an administrative law judge;
- 46 ▶ repeals a criminal penalty for individuals who willfully violate provisions related to county
personnel management;
- 48 ▶ rennumbers authority for a county to expend county funds as considered advisable for the
development of the county's resources;
- 50 ▶ repeals sections related to the Title 17 recodification during the 2025 First Special Session; and
- 52 ▶ makes technical and conforming changes.

HB0038S01 compared with HB0038S02

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

11-1-1 , as last amended by Laws of Utah 2024, Chapter 365

11-1-2 , as last amended by Laws of Utah 1993, Chapter 227

17-60-101 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-60-103 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-60-302 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-60-401 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-201 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-301 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-401 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-404 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-406 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-62-303 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-62-501 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-101 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-503 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-505 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-601 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-604 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-605 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-702 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-63-802 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-64-402 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-64-405 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-66-101 , as enacted by Laws of Utah 2025, First Special Session, Chapter 13

17-66-104 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

HB0038S01 compared with HB0038S02

106 **17-66-201** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
108 **17-66-403** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
110 **17-67-201** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
112 **17-69-101** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
114 **17-69-103** , as enacted by Laws of Utah 2025, First Special Session, Chapter 13
115 **17-69-301** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
117 **17-70-101** , as enacted by Laws of Utah 2025, First Special Session, Chapter 13
118 **17-70-103** , as enacted by Laws of Utah 2025, First Special Session, Chapter 13
119 **17-70-302** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
121 **17-70-403** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
123 **17-71-103** , as enacted by Laws of Utah 2025, First Special Session, Chapter 13
124 **17-71-302** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
126 **17-71-407** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
128 **17-71-408** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
130 **17-71-503** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
132 **17-73-102** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
134 **17-73-201** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
136 **17-73-502** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
138 **17-73-504** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
140 **17-73-507** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
142 **17-74-101** , as enacted by Laws of Utah 2025, First Special Session, Chapter 13
143 **17-74-301** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
145 **17-74-302** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
147 **17-74-402** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13
149 **17-75-201** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
151 **17-75-403** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
153 **17-75-501** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
155 **17-75-502** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
157 **17-75-503** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
159 **17-75-602** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
161 **17-75-604** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

HB0038S01 compared with HB0038S02

163 **17-75-702** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
165 **17-76-402** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
167 **17-78-201** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
169 **17-78-605** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
171 **17-78-807** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
173 **17B-1-901** , as last amended by Laws of Utah 2023, Chapter 15
174 **59-2-208** , as enacted by Laws of Utah 1987, Chapter 4
175 **59-2-1306** , as last amended by Laws of Utah 2000, Chapter 86
176 **77-21-4** , as enacted by Laws of Utah 1980, Chapter 15
177 **78A-7-121** , as last amended by Laws of Utah 2012, Chapter 205
178 **78B-1-123** , as renumbered and amended by Laws of Utah 2008, Chapter 3
179 **78B-1-124** , as renumbered and amended by Laws of Utah 2008, Chapter 3
180 ENACTS:
181 **17-74-304** , Utah Code Annotated 1953
182 RENUMBERS AND AMENDS:
183 **17-69-304.1** , (Renumbered from 17-69-308, as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 13)
185 **17-69-401** , (Renumbered from 17-69-304, as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 13)
187 **17-69-402** , (Renumbered from 17-69-305, as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 13)
189 **17-69-403** , (Renumbered from 17-69-306, as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 13)
191 **17-69-404** , (Renumbered from 17-69-307, as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 13)
193 REPEALS:
194 **10-9a-520** , as last amended by Laws of Utah 2023, Chapter 327
195 **17-2-102** , as last amended by Laws of Utah 2023, Chapter 116
196 **17-2-202** , as last amended by Laws of Utah 2023, Chapter 116
197 **17-16-201** , as enacted by Laws of Utah 2016, Chapter 50
198 **17-22-14** , as last amended by Laws of Utah 2024, Chapter 365

HB0038S01 compared with HB0038S02

199 **17-27a-101** , as renumbered and amended by Laws of Utah 2005, Chapter 254

200 **17-27a-409** , as last amended by Laws of Utah 2015, Chapter 310

201 **17-30-24** , as last amended by Laws of Utah 1993, Chapter 227

202 **17-36-1** , as enacted by Laws of Utah 1975, Chapter 22

203 **17-50-317** , as renumbered and amended by Laws of Utah 2000, Chapter 133

204 **17-53-206.5** , as enacted by Laws of Utah 2015, Chapter 196

205 **17-53-215** , as renumbered and amended by Laws of Utah 2000, Chapter 133

206 **17-53-304** , as enacted by Laws of Utah 2000, Chapter 133

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

209 Section 1. Section **11-1-1** is amended to read:

210 **11-1-1. County finance officer's, city auditor's, or school board clerk's certificate to show obligation within debt limit.**

212 (1) The ~~[county auditor]~~ finance officer, as that term is defined in Section 17-66-101, of each county, the auditor of each city, and the clerk of each ~~[board of education in this state]~~ school district board shall endorse a certificate upon every bond, warrant or other evidence of debt, issued pursuant to law by any such officer, that the same is within the lawful debt limit of such county, city or school district, respectively, and is issued according to law.~~[The officer shall sign such certificate in the officer's official character.]~~

218 (2) The county finance officer, city auditor, or clerk of the school district board shall sign a certificate described in Subsection (1) in the county finance officer's, city auditor's, or clerk of the school district board's official character.

221 Section 2. Section **11-1-2** is amended to read:

222 **11-1-2. Auditors may rely on certain facts.**

223 (1) As used in this section, "finance officer" means the same as that term is defined in Section 17-66-101.

225 (2) Whenever a county legislative body, board of city commissioners, city council, or board of education of any such county, city, or school district ~~[shall find or declare]~~ finds or declares that any appropriation or expenditure for which a warrant or warrants are to be issued was or is for interest upon the bonded debt, for salaries, or for the current expenses of such county, city, or school district, ~~[such]~~ the finding or declaration shall conclusively protect the county ~~[auditor]~~ finance officer, city

HB0038S01 compared with HB0038S02

auditor, or clerk of the board of education of any such county, city, or school district, as to such facts, in certifying any warrant or warrants therefor to be within the lawful debt limit of such county, city, or school district.

Section 3. Section **17-60-101** is amended to read:

17-60-101. Definitions.

As used in this title:

- (1) "County" means a unit of local government that is a body corporate and politic and a legal subdivision of the state, with:
 - (a) geographic boundaries as described in Section 17-61-102; and
 - (b) powers as provided in Part 2, County Powers Generally.
- (2) "Executive," when used to describe the powers, duties, or functions of an individual or body elected as the county executive or an individual appointed as the county manager~~[-or administrative officer]~~, refers to:
 - (a) the power and duty to carry laws and ordinances into effect and secure the due observance of laws and ordinances; and
 - (b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the executive branch of government.
- (3) "Legislative," when used to describe the powers, duties, or functions of a county commission or county council, refers to:
 - (a) the power and duty to enact ordinances, levy taxes, and establish budgets; and
 - (b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the legislative branch of government.
- (4) "Voter" means an individual who is registered to vote in [Utah] this state.

Section 4. Section **17-60-103** is amended to read:

17-60-103. Relationship to special districts -- Use of "county" prohibited -- Legal action to compel compliance.

- (1) For purposes of this section, "special district" means the same as that term is defined in Section 17B-1-102.~~[-]~~

HB0038S01 compared with HB0038S02

(2) The county legislative body's statutory authority to appoint members to the governing body of a special district does not alone make the special district subject to the direction and control of that county.

(3) A local entity may not use the word "county" in the local entity's name unless the county whose name is used by the local entity gives or has given the local entity the county's written consent.

(4) A county with a name similar to the name of a local entity in violation of this section may bring legal action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to compel compliance with this section.

Section 5. Section **17-60-302** is amended to read:

17-60-302. Initiating a petition to move a county seat -- Certification of petition signatures -- Removal of signature -- Limitation.

(1)

(a) A voter may file a petition to move the county seat with the county legislative body of the county in which the voter lives if the petition is signed by a majority of ~~[registered]~~ voters in the county, calculated by the number of ~~[votes cast in the county at the preceding general election]~~ active voters, as defined in Section 20A-7-501, in the county.

(b) If the county legislative body receives a petition that complies with this section, the county legislative body shall submit the question of moving the county seat to the county's voters:

(i) if the county legislative body receives the petition at least 180 days before the next general election, at the next general election[-] ; or

(ii) if the county legislative body receives the petition fewer than 180 days before the next general election, at the general election following the next general election.

(2)

(a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (2)(a), the county clerk shall:

(i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);

(ii) certify on the petition whether each name is that of a registered voter in the county; and

(iii) deliver the certified petition to the county legislative body.

HB0038S01 compared with HB0038S02

- 295 (3)
- (a) An individual who signs a petition under this section may have the individual's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the individual's signature be removed.
- 300 (b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 302 (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.
- 305 (4) The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns.
- 307 (5) In accordance with Utah Constitution, Article XI, Section 2, a proposition to move the county seat may not be submitted in the same county more than once in four years, or within four years after the day on which a proposition to move the county seat is submitted to the voters.
- 311 Section 6. Section **17-60-401** is amended to read:
- 312 **17-60-401. Review of claims by county executive -- Auditor review -- Attorney review --**
Claim requirements -- Approval or disapproval of claim -- Written explanation of claim process.
- 315 (1) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall deliver the notice of claim to the county executive described in Chapter 65, County Executive.
- 318 (2) Subject to Subsection (3), each county executive shall review each claim, as defined in Section 17-69-101, against the county and:
- 320 (a) if the claim is just, lawful, and properly due and owing, approve the claim; or
- 321 (b) disapprove the claim.
- 322 (3)
- (a) The county executive shall forward all claims to the county attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney for the attorney's review and recommendation to the county executive regarding liability and payment.
- 326 (b) Except as provided in Section 17-60-405, the county executive shall forward all claims requesting payment for goods or services to the county ~~[auditor]~~ finance officer, as that term is defined in

HB0038S01 compared with HB0038S02

Section 17-66-101, for the county [~~auditor's~~] finance officer's review[~~and recommendation, subject to Subsection (7), to the county executive~~].

- (4) Each claim for goods or services against a county shall:
- (a) itemize the claim, giving applicable names, dates, and particular goods provided or services rendered;
 - (b) if the claim is for service of process, state the character of process served, upon whom served, the number of days engaged, and the number of miles traveled;
 - (c) be duly substantiated as to the claim's correctness and as to the fact that the claim is justly due;
 - (d) if the claim is for materials furnished, state to whom the materials were furnished, by whom ordered, and the quantity and price agreed upon; and
 - (e) be presented to the county executive within a year after the last item of the account or credit accrued.
- (5) If the county executive refuses to hear or consider a claim because it is not properly made out, the county executive shall cause notice of the refusal to be given to the claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized and substantiated.
- (6) Each county shall prepare and make available to a person submitting or intending to submit a claim under this part a written explanation, in simple and easy to understand language, of how to submit a claim to the county and of the county's process for receiving, reviewing, and deciding a claim.
- (7) Upon receiving a claim in accordance with Subsection (3)(b), the county [~~auditor~~] finance officer shall:
- (a)
 - (i) investigate, examine, review, and inspect the claim; and
 - (ii)
 - (A) recommend that the county executive approve or reject the claim; and
 - (B) endorse the recommendation;
 - (b) after completing the investigation, examination, and inspection, report the claim and the recommendation described in Subsection (7)(a)(ii) to the county executive; and
 - (c) keep a complete record of the claim, the claim recommendation, the reasons for the recommendation, and the county executive's final action as described in Subsection (8).

HB0038S01 compared with HB0038S02

(8) After receiving the county or district attorney's recommendation in accordance with Subsection (3) (a), and the county ~~[auditor's]~~ finance officer's recommendation in accordance with Subsection ~~[(3)~~ ~~(b)]~~ (7), the county executive shall decide whether to approve or reject a claim.

(9)

(a) The county ~~[auditor]~~ finance officer shall pay, subject to Subsection (9)(b), a claim approved by the county executive in accordance with Subsection (8) by:

(i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled to payment;
or

(ii) a county check or other payment mechanism as may be adopted in accordance with Chapter 63, Fiscal Authority and Processes.

(b) The county ~~[auditor]~~ finance officer may not pay a claim against the county unless:

(i) the ~~[auditor]~~ finance officer:

(A) receives from the county executive a certified list described in Section 17-70-302; and

(B) has complied with the recommendation and other requirements of Subsection (7); and

(ii) the county executive has approved the claim in accordance with Subsection (8).

(10) Nothing in this section may be construed to modify the requirements of Section 63G-7-401.

Section 7. Section **17-61-201** is amended to read:

17-61-201. Consolidation of counties -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballot.

(1) A voter of a county who desires to have the county joined to and consolidated with an adjoining county may petition the county legislative body of the county in which the voter resides and the county legislative body of the adjoining county, as described in this section.

(2)

(a) Each petition under Subsection (1) shall be:

~~[(a)]~~ (i) signed by a majority of the voters who reside in the originating county;

~~[(b)]~~ (ii) signed by a majority of the voters who reside in the consolidating county; and

~~[(c)]~~ (iii) presented to the county legislative body of the originating county and the county legislative body of the consolidating county before the first Monday in June of any year.

(b) The number of voters residing in a county is the same as the number of active voters, as defined in Section 20A-7-501, for the county.

(3)

HB0038S01 compared with HB0038S02

- (a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.
- 397 (b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (3)(a), the county clerk shall:
- 399 (i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (2) in regard to the voters of the county in which the county clerk is an officer;
- 402 (ii) certify on the petition whether each name is that of a registered voter in the county in which the county clerk is an officer; and
- 404 (iii) deliver the certified petition to the county legislative body.
- 405 (4)
- (a) An individual who signs a petition under this section may have the individual's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the individual's signature be removed.
- 410 (b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 412 (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.
- 415 (5) If the county clerks of the originating county and consolidating county each determine that the petition meets the requirements of Subsection (2)(a), each county clerk shall ensure that the petition is submitted to the voters of the respective counties as described in Subsection (6).
- 419 (6)
- (a) If a petition under Subsection (1) is presented in a year during which a regular general election is held, the county legislative body of the originating county and the county legislative body of the consolidating county shall cause the proposition to be submitted to the legal voters of the respective counties at the next regular general election.
- 424 (b) If a petition under Subsection (1) is presented during a year in which there is no regular general election, the county legislative body of the originating county and the county legislative body of the consolidating county shall:

HB0038S01 compared with HB0038S02

- 427 (i) call a special election to be held on the first Tuesday after the first Monday in November following
the presentation of the petition; and
- 429 (ii) cause the proposition to be submitted to the voters of the respective counties during the special
election.
- 431 (c) Except as otherwise provided in this part, an election under this Subsection (6) shall be held, the
results canvassed, and returns made under the provisions of the general election laws of the state.
- 434 (d) The ballot language to be used at an election under this Subsection (6) shall be:
- 435 For combining ____ county with ____ county.
- 436 Against combining ____ county with ____ county.
- 437 Section 8. Section **17-61-301** is amended to read:
- 438 **17-61-301. Annexation of portion of county to adjoining county -- Petition -- Certification of
petition signatures -- Removal of signature -- Election -- Ballot.**
- 440 (1) Except as provided in Section 17-61-306, a voter who desires to have initiating county territory in
which the voter resides included within the boundary of an adjoining county, the voter may petition
the county legislative body of the initiating county and the county legislative body of the annexing
county.
- 444 (2)
- (a) A petition under Subsection (1) shall be:
- 445 ~~[(a)]~~ (i) signed by a majority of the voters ~~[living]~~ residing in the portion of the initiating county
proposed to be included within the boundaries of an annexing county; and
- 448 ~~[(b)]~~ (ii) presented before the first Monday in June of a year during which a general election is held.
- 450 (b) The number of voters residing in a portion of the county is the same as the number of active voters,
as defined in Section 20A-7-501, for that area.
- 452 (3)
- (a) Within three business days after the day on which a county legislative body receives a petition under
Subsection (1), the county legislative body shall provide the petition to the county clerk.
- 455 (b) Within 14 days after the day on which a county clerk of an initiating county receives a petition from
the county legislative body under Subsection (3)(a), the county clerk shall:
- 458 (i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the
requirements of Subsection (2);

460

HB0038S01 compared with HB0038S02

(ii) certify on the petition whether each name is that of a voter in the portion of the initiating county that is proposed to be annexed; and

(iii) deliver the certified petition to the county legislative body.

(4)

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

(b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(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.

(5)

(a) If the county clerk of the initiating county determines that the petition meets the requirements of Subsection (2), the county clerk of the initiating county and the county clerk of the annexing county shall ensure the petition is submitted to the voters of the respective counties at the next regular general election as described in this Subsection (5).

(b) Except as otherwise provided, the election shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(c) The ballot language to be used in an election held under this Subsection (5) shall be:

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.

Section 9. Section **17-61-401** is amended to read:

17-61-401. Creating a new county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballots.

(1) Whenever a voter desires to have the territory within which the voter resides created into a new county, the voter may file a petition for the creation of a new county with the county legislative body of the seceding county in which the voter resides as described in this section.

(2)

(a) The petition described in Subsection (1) shall:

HB0038S01 compared with HB0038S02

- 491 (i) propose the name and define the boundaries of the new county; and
492 (ii) be signed:
- 493 (A) by at least one-fourth of the voters residing in the portion of the seceding county proposed to be
created into a new county; and
- 495 (B) by no less than one-fourth of the voters residing in the remaining portion of the seceding county.
- 497 (b) If a petition proposes to take territory from more than one seceding county, the requirements of
Subsection (2)(a)(ii) apply to each seceding county affected by the petition.
- 500 (c) The number of voters residing in a portion of the county is the same as the number of active voters,
as defined in Section 20A-7-501, for that area.
- 502 (3) A voter shall file a petition for the creation of a new county on or before the first Monday in May of
any year with the county legislative body of the seceding county.
- 504 (4)
- (a) Within three business days after the day on which a county legislative body receives a petition, the
county legislative body shall provide the petition to the county clerk.
- 507 (b) Within 14 days after the day on which a county clerk receives a petition from the county legislative
body under Subsection (4)(a), the county clerk shall:
- 509 (i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the
requirements of Subsection (2);
- 511 (ii) certify on the petition whether each name is that of a registered voter in the seceding county; and
- 513 (iii) deliver the certified petition to the county legislative body.
- 514 (5)
- (a) An individual who signs a petition under this section may have the individual's signature removed
from the petition by, no later than three business days after the day on which the county legislative
body provides the petition to the county clerk, submitting to the county clerk a statement requesting
that the individual's signature be removed.
- 519 (b) A statement described in Subsection (5)(a) shall comply with the requirements described in
Subsection 20A-1-1003(2).
- 521 (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.

524

HB0038S01 compared with HB0038S02

(6) The seceding county legislative body shall cause the proposition to be submitted to the voters residing in the seceding county at a special election to be held according to the dates established in Section 20A-1-204, first causing 30 days' notice of the election to be given in the manner provided by law for giving notice of general elections.

528 (7) The county clerk shall ensure that the special election is held, the result canvassed, and returns made under the provisions of the general election laws.

530 (8) The form of ballot to be used at the special election shall be:

531 For the creation of (supplying the name proposed) county.

532 Against the creation of (supplying the name proposed) county.

533 (9)

(a) Subject to Subsection (9)(b), the expenses of any special election described in this section shall be paid out of the general fund of the seceding county.

535 (b) If the voters approve the creation of the new county, the new county shall reimburse the seceding county for half of the cost of the special election within one year of the effective date of the new county from the general fund of the new county.

538 Section 10. Section **17-61-404** is amended to read:

539 **17-61-404. Records to be transmitted -- Expenses for transcribing and transfer.**

540 (1)

(a) Whenever a new county is created under the provisions of this part, the county executive of the seceding county shall furnish to the respective officers of the new county, in a form suitable for creating permanent records, certified copies of all records or parts of records pertaining to or affecting the title of real or personal property in the new county.

545 (b) The certified copies described in Subsection (1)(a) shall be complete as of the effective creation date of the new county.

547 (c) The original records, books, maps, or plats, whether filed or recorded, or filed papers which exclusively relate to or affect the title to land in the new county or which affect personal property owned by residents of the new county, [-]shall be transferred by the seceding county to the custody of the relevant county officer of the new county.

551 (d) For a record of any antecedent county that has been compiled or arranged in a manner that the record may be divided by segregating the instruments that relate to or affect exclusively the title to land in the new county or personal property owned by residents of the new county, the record shall

HB0038S01 compared with HB0038S02

be divided and the separate parts of the divided record shall be the property of the county to which the information within the record relates.

557 (2) The county clerk of a seceding county shall transfer to the new county:

558 (a)

(i) except as provided in Subsection (2)(a)(ii), original records in the possession of the seceding county of all corporations whose principal place of business is situated in the new county; or

561 (ii) if the original record of a corporation is unavailable, or it is otherwise impractical to transfer an original record, a certified copy of the original record in the possession of the seceding county pertaining to any corporation whose principal place of business is situated in the new county along with all original documents, files, and papers relating to the corporation;

566 (b)

(i) except as provided in Subsection (2)(b)(ii), certified copies of all recorded official bonds, if any, of county officers within the new county in force at the time the new county is created; or

569 (ii) if ~~the~~ an official bond of a county officer is recorded in such manner that the original record may be transferred to the new county, the official bond;

571 (c) bonds of local officers within the new county which are required by law to be filed, if in the possession of the seceding county;

573 (d) official registers, books, papers, and files of every description relating to or affecting elections, both general and local, which shall have been held in any district, precinct, or other subdivision wholly within the new county that are in the possession of the seceding county;

577 (e) certified copies of the last election proceedings had in any districts which are partly in the new county and partly in the seceding county;

579 (f) records, maps, plats, files, and papers relating to or affecting the creation, regulation and operation of irrigation, drainage and mosquito abatement districts which are wholly within the new county and in the possession of the seceding county; and

582 (g) certified copies of records, maps, plats, files, and papers relating to and affecting the creation, regulation and operation of irrigation, drainage, and mosquito abatement districts which are partly in the new and partly in the seceding county.

585 (3) All expenses lawfully incurred by a seceding county for transcribing, copying, and transferring records provided for in this section shall be reimbursed from the general funds of the new county no later than 30 days from the day on which the record is transferred to the new county.

HB0038S01 compared with HB0038S02

Section 11. Section **17-61-406** is amended to read:

17-61-406. Pending civil and criminal actions -- Previous offenses.

- (1) All civil and criminal actions that are pending in the territory embraced in a new county ~~[shall]~~ at the time the new county is created may be prosecuted to judgment and execution in the new county.
- (2) All actions pending in the district court or the juvenile court in any county shall be prosecuted to judgment and execution in the county in which the ~~[same]~~ actions are pending, subject to change of venue as provided by law.
- (3) An offense that was committed within the boundaries of a new county before the new county was created may be prosecuted to judgment and execution in the new county.

Section 12. Section **17-62-303** is amended to read:

17-62-303. Registered voter initiation of adoption of optional plan -- Certification of petition signatures -- Removal of signature -- Procedure.

- (1)
 - (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:
 - (i) for the establishment of a study committee described in Section 17-62-402; or
 - (ii) to adopt an optional plan that:
 - (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
 - (B) complies with the requirements described in Sections 17-62-403 and 17-62-404.
 - (b) A notice of intent described in Subsection (1)(a) shall:
 - (i) designate five sponsors for the petition;
 - (ii) designate a contact sponsor to serve as the primary contact for the petition sponsors;
 - (iii) list the mailing address and telephone number of each of the sponsors; and
 - (iv) be signed by each of the petition sponsors.
 - (c) Registered voters of a county may not file a notice of intent to gather signatures in bad faith.
- (2)
 - (a) The sponsors of a petition may circulate the petition after filing a notice of intent to gather signatures under Subsection (1).
 - (b)

HB0038S01 compared with HB0038S02

- (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).
- 623 (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.
- 626 (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).
- 628 (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.
- 631 (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]~~ no later than 180 days after the day on which the sponsors file the notice described in Subsection (1).
- 635 (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:
- 637 (A) a list of each contribution received by the sponsors and the name of the donor; and
- 639 (B) a list of each expenditure for purposes of furthering or sponsoring the petition and the recipient of each expenditure.
- 641 (ii) The county clerk shall publish the financial disclosures described in Subsection (2)(d)(i).
- 643 (iii) All sponsors of a petition shall date and sign each list described in Subsection (2)(d)(i).
- 645 (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:
- 648 (a)
- (i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and
- 650 (ii) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters;
- 652 (b)
- (i) if the petition was signed by a sufficient number of registered voters:
- 653 (A) certify the petition;

HB0038S01 compared with HB0038S02

- 654 (B) deliver the petition to the county legislative body and county executive; and
655 (C) notify the contact sponsor in writing of the certification; or
656 (ii) if the petition was not signed by a sufficient number of registered voters:
657 (A) reject the petition; and
658 (B) notify the county legislative body and the contact sponsor in writing of the rejection and the reasons
for the rejection; and
660 (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 17-62-405.
- 664 (4) The sponsors of a petition circulated under this section may submit supplemental signatures for the
petition:
666 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
667 (b) before the earlier of:
668 (i) the deadline described in Subsection (2)(c); or
669 (ii) 20 days after the day on which the county clerk rejects the petition under Subsection (3)(b)(ii).
- 671 (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 17-62-501 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.
- 677 (6)
(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.
- 681 (b) A statement described in Subsection (6)(a) shall comply with the requirements described in
Subsection 20A-1-1003(2).
- 683 (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.

HB0038S01 compared with HB0038S02

Section 13. Section **17-62-501** is amended to read:

17-62-501. Election on recommended optional plan.

- (1) If the county attorney finds under Section 17-62-405 that a proposed optional plan does not violate a statutory or constitutional provision, a county shall hold an election on the optional plan at the next regular general election that is ~~[not less than 65]~~ no later than 180 days after the day on which the county attorney submits to the county clerk the attorney's report described in Section 17-62-405.
- (2) The county clerk shall prepare the ballot for an election under this section so that the question on the ballot states substantially the following:

"Shall _____ County adopt the alternate form of government known as the (insert the proposed form of government) as recommended in the proposed optional plan?"
- (3) The county clerk shall:
 - (a) publish the complete text of the proposed optional plan in a newspaper of general circulation within the county at least once during two different calendar weeks within the 30-day period immediately before the date of the election described in Subsection (1);
 - (b) post the complete text of the proposed optional plan in a conspicuous place on the county's website during the 45-day period that immediately precedes the election on the optional plan; and
 - (c) make a complete copy of the optional plan and the study committee report available free of charge to any member of the public who requests a copy.
- (4) A county clerk shall declare an optional plan as adopted by the voters if a majority of voters voting on the optional plan vote in favor of the optional plan.

Section 14. Section **17-63-101** is amended to read:

17-63-101. Definitions.

As used in this chapter:

- (1) "Accrual basis of accounting" means a method where revenues are recorded when earned and expenditures recorded when they become liabilities notwithstanding that the receipt of the revenue or payment of the expenditure may take place in another accounting period.
- (2) "Appropriation" means an allocation of money for a specific purpose.
- (3)
 - (a) "Budget" means a plan for financial operations for a fiscal period, embodying estimates for proposed expenditures for given purposes and the means of financing the expenditures.

HB0038S01 compared with HB0038S02

(b) "Budget" may refer to the budget of a fund for which a budget is required by law, or collectively to the budgets for all those funds.

(4) "Budgetary fund" means a fund for which a budget is required, such as those described in Section 17-63-301.

(5) "Budget period" means the fiscal period for which a budget is prepared.

(6) "Check" means an order in a specific amount drawn upon the depository by any authorized officer in accordance with:

(a) Section 17-69-307; or

(b) Section 17-74-301.

(7) "County general fund" means the general fund used by a county.

(8) "Countywide service" means a service provided in both incorporated and unincorporated areas of a county.

(9) "Current period" means the fiscal period in which a budget is prepared and adopted.

(10) "Department" means any functional unit within a fund which carries on a specific activity.

(11) "Encumbrance system" means a method of budgetary control where part of an appropriation is reserved to cover a specific expenditure by charging obligations, such as purchase orders, contracts, or salary commitments to an appropriation account. An expenditure ceases to be an encumbrance when paid or when the actual liability is entered in the books of account.

(12) "Estimated revenue" means any revenue estimated to be received during the budget period in any fund for which a budget is prepared.

(13) "Finance officer" means:

(a)

(i) the county auditor; or

(ii) the person selected to provide accounting services for the county in accordance with Section ~~[17-69-304]~~ 17-69-401; or

(b) notwithstanding Subsection (13)(a), for the purposes of preparing a tentative budget in a county operating under a county executive-council form of county government, the county executive.

(14) "Fiscal period" means the annual or biennial period for recording county fiscal operations.

(15) "Fund" means an independent fiscal and accounting entity comprised of a sum of money or other resources segregated for a specific purpose or objective.

HB0038S01 compared with HB0038S02

- (16) "Fund balance" means the excess of the assets over liabilities, reserves, and contributions, as reflected by its books of account.
- 755 (17) "Fund deficit" means the excess of liabilities, reserves, and contributions over its assets, as reflected by its books of account.
- 757 (18) "General fund" means the same as that term is defined by the Governmental Accounting Standards Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office of the Utah State Auditor.
- 760 (19) "Interfund loan" means a loan of cash from one fund to another, subject to future repayment.
- 762 (20) "Last completed fiscal period" means the fiscal period immediately before the current period.
- 764 (21) "Modified accrual basis of accounting" means a method under which expenditures other than accrued interest on general long-term debt are recorded at the time liabilities are incurred and revenues are recorded when they become measurable and available to finance expenditures of the current period.
- 768 (22) "Municipal capital project" means the acquisition, construction, or improvement of capital assets that facilitate providing municipal service.
- 770 (23) "Municipal service" means a service not provided on a countywide basis and not accounted for in an enterprise fund, and includes police patrol, fire protection, culinary or irrigation water retail service, water conservation, local parks, sewers, sewage treatment and disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.
- 776 (24) "Retained earnings" means that part of the net earnings retained by an enterprise or internal service fund which is not segregated or reserved for any specific purpose.
- 778 (25) "Special fund" means any fund other than the county general fund.
- 779 (26) "Unappropriated surplus" means that part of a fund which is not appropriated for an ensuing budget period.
- 781 (27) "Warrant" means an order for payment in a specific amount, issued by a county officer or county employee with the authority to make the order, directing the disbursement of funds.
- 784 Section 15. Section **17-63-503** is amended to read:
- 785 **17-63-503. Warrants -- Payment -- Registration -- Duty of auditor.**
- 786 (1) Warrants drawn by order of the county executive on the county treasurer for current expenses during each year shall specify:

HB0038S01 compared with HB0038S02

- 788 (a) the liability for which the warrant is drawn;
789 (b) when the liability accrued; and
790 (c) the funds from which the warrant is to be paid.
791 (2) Warrants shall be paid in the order of presentation to the treasurer.
792 (3) If a fund is insufficient to pay any warrant, the warrant shall be registered and then paid in the order
of registration.
794 (4) Accounts for county charges of every description shall be presented to the county auditor or county
finance officer and county executive to be audited as prescribed in this chapter or Chapter 69,
County Auditor.
- 797 Section 16. Section **17-63-505** is amended to read:
798 **17-63-505. Costs between counties from change of venue in civil cases.**
799 (1)
(a) Except as provided in Subsection (2), in a civil case where ~~[any-]~~change of venue is granted from
one county to another, ~~[-]the costs and expenses connected with the [trial of the action that are~~
~~payable by the county]~~ proceedings shall be refunded by the county in which the action originated to
the county in which the case is ~~[tried, upon]~~ tried or is otherwise resolved.
804 (b) ~~[the county clerk of the county wherein the case is tried certifying]~~ The county attorney of the
county that receives a civil case following a change of venue shall certify the amount of costs
~~[so paid]~~ and expenses to the county ~~[clerk]~~ attorney of the county wherein the ~~[action]~~ civil case
originated.
808 (2) Subsection (1) does not apply to a civil case where the change of venue is granted because the civil
action should have been filed in the county to which the case is taken for trial.
- 811 Section 17. Section **17-63-601** is amended to read:
812 **17-63-601. Financial administration ordinance -- Purposes.**
814 (1) The county legislative body, after consultation with the county ~~[auditor]~~ finance officer, may
adopt a financial administration ordinance authorizing the county ~~[auditor]~~ finance officer, county
executive, county manager, or, in the case of county-operated hospitals or mental health districts, an
appointed administrator, to act as the financial officer for the purpose of approving:
819 (a) payroll checks, if the checks are prepared in accordance with a salary schedule established in a
personnel ordinance or resolution; or
821

HB0038S01 compared with HB0038S02

(b) routine expenditures, such as utility bills, payroll-related expenses, supplies, materials, and payments on county-approved contracts and capital expenditures which are referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year.

(2) A financial administration ordinance adopted in accordance with Subsection (1) shall provide:

(a) a maximum amount over which purchases may not be made without the approval of the county executive; and

~~[(b) that the financial officer be bonded for a reasonable amount; and]~~

~~[(c)]~~ (b) any other provisions the county legislative body considers advisable.

Section 18. Section **17-63-604** is amended to read:

17-63-604. Presentation of annual report by independent auditor -- Notice that audit complete.

(1) The annual report required by Section 17-63-603 may be satisfied by a county by the presentation of the report of the independent auditor on the results of operations for the year and financial condition at the midpoint of the fiscal period or at the close of the fiscal period if it is prepared in conformity with the uniform system of budgeting, accounting, and reporting.

(2) Independent audits are required for all counties as provided in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

(3) Within 10 days after the receipt of the audit report furnished by the independent auditor, the county ~~[auditor]~~ finance officer shall prepare and publish a notice to the public that the county audit is complete:

(a) ~~[at least twice in a newspaper of general circulation within the county]~~ on the county's website; and

(b) as required in Section 45-1-101.

(4) A copy of the independent county audit may be inspected at~~[-]~~ :

(a) the office of the county finance officer, if the county finance officer has an office at the county seat;
or

(b) the office of the county auditor.

Section 19. Section **17-63-605** is amended to read:

17-63-605. Internal control structure.

(1) Each county legislative body shall, with the advice and assistance of the county ~~[auditor]~~ finance officer and county treasurer, implement an internal control structure to ensure, on a reasonable basis, that all valid financial transactions of the county are identified and recorded accurately and timely.

HB0038S01 compared with HB0038S02

- (2) The objectives of the internal control structure described in Subsection (1) shall be to ensure:
- (a) the proper authorization of transactions and activities;
 - (b) the appropriate segregation of:
 - (i) the duty to authorize transactions;
 - (ii) the duty to record transactions; and
 - (iii) the duty to maintain custody of assets;
 - (c) the design and use of adequate documents and records to ensure the proper recording of events;
 - (d) adequate safeguards over access to and use of assets and records; and
 - (e) independent checks on performance and proper valuation of recorded amounts.

(3) A county shall:

- (a) assist the state auditor in complying with Section 17E-2-404; and
- (b) consider and implement improvements and updates to the internal control structure, as recommended by the state auditor under Section 17E-2-404.

Section 20. Section **17-63-702** is amended to read:

17-63-702. Taxation for county purposes -- Statement of county debt required.

- (1) A county legislative body may levy taxes upon the taxable property, real or personal, within the county for any and all county purposes.
- (2)
 - (a) The county auditor or county finance officer shall prepare a statement showing the indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part of the indebtedness before the annual meeting of the county legislative body for levying taxes.
 - (b) The statement described in Subsection (2)(a) shall be prepared under the direction of the county legislative body.

Section 21. Section **17-63-802** is amended to read:

17-63-802. Operating and capital budget -- Expenditures.

- (1)
 - (a) As used in this section, "operating and capital budget" means a plan of financial operation for an enterprise or other special fund embodying estimates of operating and nonoperating resources and expenses and other outlays for a fiscal period.

HB0038S01 compared with HB0038S02

(b) Except as otherwise expressly provided, "budget" or "budgets" and the procedures and controls relating to budgets in other sections of this chapter are not applicable to the operating and capital budgets provided in this section.

891 (2) At or before the time that the governing body adopts budgets for the budgetary funds specified in
Section 17-63-301, the governing body shall adopt an operating and capital budget for the next
fiscal period for:

894 (a) each enterprise fund; and

895 (b) any other special nonbudgetary fund for which operating and capital budgets are prescribed by the
uniform system of budgeting, accounting, and reporting.

897 (3)

(a) The governing body shall adopt and administer the operating and capital budget in accordance with
this Subsection (3).

899 (b) At or before the first day of the next to last month of each fiscal period, the finance officer shall
prepare for the next fiscal period on forms provided in accordance with Section 17E-2-401, and file
with the governing body a tentative operating and capital budget for:

903 (i) each enterprise fund; and

904 (ii) any other special fund that requires an operating and capital budget.

905 (c) The tentative operating and capital budget shall be accompanied by a supplementary estimate of all
capital projects or planned capital projects:

907 (i) within the next fiscal period; and

908 (ii) within the fiscal period immediately following the fiscal period described in Subsection (3)(c)(i).

910 (d)

(i) Subject to Subsection (3)(d)(ii), the finance officer shall prepare all estimates after review and
consultation, if requested, with a department proposing a capital project.

913 (ii) After complying with Subsection (3)(d)(i), the finance officer may revise any departmental estimate
before it is filed with the governing body.

915 (e)

(i) Except as provided in Subsection (3)(e)(iv), if a governing body includes in a tentative budget, or an
amendment to a budget, allocations or transfers between a utility enterprise fund and another fund
that are not reasonable allocations of costs between the utility enterprise fund and the other fund, the
governing body shall:

HB0038S01 compared with HB0038S02

- 919 (A) hold a public hearing;
- 920 (B) prepare a written notice of the date, time, place, and purpose of the hearing, in accordance with
Subsection (3)(e)(ii); and
- 922 (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund customer at least
seven days before the day of the hearing.
- 924 (ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B) shall identify:
- 926 (A) the utility enterprise fund from which money is being transferred;
- 927 (B) the amount being transferred; and
- 928 (C) the fund to which the money is being transferred.
- 929 (iii) The governing body:
- 930 (A) may print the written notice required under Subsection (3)(e)(i) on the utility enterprise fund
customer's bill; and
- 932 (B) shall include the written notice required under Subsection (3)(e)(i) as a separate notification mailed
or transmitted with the utility enterprise fund customer's bill.
- 935 (iv) The notice and hearing requirements in this Subsection (3)(e) are not required for an allocation or
a transfer included in an original budget or in a subsequent budget amendment previously approved
by the governing body for the current fiscal year.
- 938 (f)
- (i) The governing body shall review the tentative operating and capital budget at any regular or special
meeting called for that purpose.
- 940 (ii) In accordance with Subsection (3)(f)(i), the governing body may make any changes to the tentative
operating and capital budget that the governing body considers advisable.
- 943 (iii) Before the close of the fiscal period, the governing body shall adopt an operating and capital budget
for the next fiscal period.
- 945 (g)
- (i) Upon final adoption by the governing body, the operating and capital budget shall be in effect for the
budget period subject to amendment.
- 947 (ii) The governing body shall:
- 948 (A) certify a copy of the operating and capital budget for each fund with the county finance officer; and
- 950

HB0038S01 compared with HB0038S02

(B) make a copy available to the public during business hours in the ~~[offices of the]~~ office of the county finance officer, if the county finance officer has an office at the county seat, or the office of the county auditor.

(iii) The governing body shall file a copy of the operating and capital budget with the state auditor within 30 days after the day on which the operating and capital budget is adopted.

(iv) The governing body may during the budget period amend the operating and capital budget of an enterprise or other special fund by resolution.

(v) A copy of the operating and capital budget as amended shall be filed with the state auditor.

(4) Any expenditure from an operating and capital budget shall conform to the requirements for budgets specified by Sections 17-63-401, 17-63-403, and 17-63-501.

Section 22. Section **17-64-402** is amended to read:

17-64-402. Records to be kept.

A legislative body shall ensure the following records are kept:

(1) a minute record, in which shall be recorded:

(a) all orders and decisions made by the legislative body; and

(b) the daily proceedings had at all regular and special meetings;

(2) an allowance record, in which shall be recorded all orders for the allowance of money from the county treasury, to whom made and on what account, dating, numbering, and indexing the same through each year;

(3) a road record, containing all proceedings and adjudications relating to the establishment, maintenance, charge, and discontinuance of roads and road districts, and all contracts and other matters pertaining thereto;

(4) a franchise record, containing all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required or other consideration to be paid;

(5) an ordinance record, in which shall be entered all ordinances and resolutions adopted by the legislative body in accordance with Part 5, Ordinances and Policies; and

(6) a warrant record, to be kept by the county ~~[auditor]~~ finance officer, as that term is defined in Section 17-66-101, in which shall be entered in the order of drawing all warrants drawn on the treasurer, with ~~[their]~~ the warrant number and reference to the order on the minute record, with date, amount, on what account, and the name of the payee.

HB0038S01 compared with HB0038S02

Section 23. Section **17-64-405** is amended to read:

17-64-405. Investigation by legislative body -- Witnesses -- Hearings.

- (1) A legislative body may investigate any matter pertaining to the county or county business, or ~~[affairs or]~~ the actions of any county officer that impact county business or operations, and may require the attendance of witnesses and take evidence in legislative body investigations.
- (2) At legislative body investigations, any member may administer oaths to witnesses.
- (3) If the legislative body appoints a member to a committee upon any subject or matter and confers upon that member power to hear or take evidence, the committee shall have the same powers as the legislative body itself.

Section 24. Section **17-66-101** is amended to read:

17-66-101. Definitions.

As used in this chapter:

- (1) "Compensation" means:
- (a) salary, including salary paid under a contract;
 - (b) a budgeted bonus or budgeted incentive pay;
 - (c) a vehicle allowance; and
 - (d) deferred salary.
- (2) "Compensation increase" means an increase in any item of compensation listed in Subsection (1).
- (3) "County office" means an office enumerated in Section 17-66-102 that is required to be filled by an election.
- (4) "County officer" means an elected official enumerated in Section 17-66-102.
- ~~(5)~~ "Finance officer" means:
- ~~(a) the county auditor; or~~
 - ~~(b) if the county council has delegated accounting services under Section 17-69-401, the person selected by the county council to provide accounting services to the county.~~
- ~~[(5)]~~ (6) "Governing body" means, respectively:
- (a) a county commission;
 - (b) a county council and county executive; or
 - (c) a county council and county manager.
- ~~[(6)]~~ (7) "Legislative body" means the same as that term is defined in Section 17-64-101.

Section 25. Section **17-66-104** is amended to read:

HB0038S01 compared with HB0038S02

- 1017 **17-66-104. Consolidation of county offices -- County clerk to perform duties of county**
1018 **auditor under certain circumstances.**
- 1019 (1) A legislative body may, unless prohibited by Subsection (2), pass an ordinance that:
- 1020 (a) consolidates county offices and establishes the duties of consolidated county offices;
- 1021 (b) separates any previously consolidated offices and reconsolidates county offices; or
- 1022 (c) separates any previously consolidated county offices without reconsolidating them.
- 1023 (2) A legislative body may not:
- 1024 (a) consolidate the offices of county commissioner, county council member, or county treasurer with
 the office of county auditor;
- 1026 (b) consolidate the office of county executive with the office of county auditor, unless a referendum
 approving that consolidation passes; or
- 1028 (c) consolidate the offices of county commissioner, county council member, county executive, county
 assessor, or county auditor with the office of county treasurer.
- 1030 (3) ~~[Each]~~ Except as provided in Subsection (5), each legislative body shall ensure that any ordinance
 consolidating or separating county offices:
- 1032 (a) is enacted before November 1 of the year before the year in which county officers are elected; and
- 1034 (b) takes effect on the first Monday in January after the year in which county officers are elected.
- 1036 (4)
- (a) Each legislative body shall:
- 1037 (i) enact an ordinance by February 1, 2010, separating any county offices that are prohibited from
 consolidation by this section; and
- 1039 (ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation in the county
 identifying the county offices that will be filled in the November 2010 election.
- 1042 (b) If a legislative body has, by February 1, 2006, enacted an ordinance, in compliance with this
 Subsection (4) then in effect, separating county offices that are prohibited from consolidation by this
 section, the legislative body may repeal that ordinance.
- 1045 (5) A county described in Section 17-70-103 may enact an ordinance consolidating the offices of county
 clerk and county auditor at any time.
- 1047 (6) For a county of the first or second class, as classified under Section 17-60-104, an individual
 holding a consolidated county office shall meet all of the applicable statutorily defined

HB0038S01 compared with HB0038S02

qualifications of each county office within the consolidated office, including possession of any state-regulated license or certification.

1051 [~~(5) Notwithstanding the provisions of this section and Section 17-66-102, in counties having a taxable~~
value of less than \$100,000,000, the county clerk shall be ex officio county auditor and shall
perform the duties of the office without extra compensation.]

1054 Section 26. Section **17-66-201** is amended to read:

1055 **17-66-201. Eligibility and residency requirements for county office -- Election of county**
officer to consolidated office.

1057 (1) An individual filing a declaration of candidacy for a county officer enumerated in Section 17-66-102
or any other county elected official established by law shall:

1059 (a) be a United States citizen;

1060 (b) except as provided in Section 20A-1-509.2 with respect to the office of county attorney or district
attorney, as of the date of the election, have been a resident for at least one year of the county,
district, precinct, or prosecution district in which the individual seeks office;

1064 (c) be a registered voter in the county, district, precinct, or prosecution district in which the individual
seeks office;~~and~~

1066 (d) if the individual is filing a declaration of candidacy for the office of county auditor in a county of
the first class, meet the qualifications described in Section 17-69-202; and

1068 (e) if the individual is filing a declaration of candidacy for the office of county assessor, meet the
qualifications for filing described in Section 17-67-201.

1070 (2)

(a) A county, district, precinct, or prosecution district officer shall maintain residency within the county,
district, precinct, or prosecution district in which the officer was elected during the officer's term of
office.

1073 (b) If a county, district, precinct, or prosecution district officer establishes the officer's principal place
of residence as provided in Section 20A-2-105 outside the county, district, precinct, or prosecution
district in which the officer was elected, the office is automatically vacant.

1077 (3) When county offices are consolidated, as described in Section 17-66-104:

1078 (a) only one individual shall be elected to fill the consolidated offices; and

1079 (b) the individual elected shall:

1080 (i) take the oath required for each of the offices;

HB0038S01 compared with HB0038S02

- 1081 (ii) obtain the crime insurance required for each of the offices, as established under Section 17-66-105;
and
- 1083 (iii) discharge all the duties of each of the offices.
- 1084 Section 27. Section **17-66-403** is amended to read:
- 1085 **17-66-403. Salaries in case of consolidated offices.**
- 1086 (1) Whenever the county legislative body consolidates the duties of any county officers, as described
in Section 17-66-104, the salary of the individual discharging the duties of the consolidated offices
shall be fixed at a sum not exceeding the highest salary paid to either of the county officers whose
offices are so consolidated, plus:
- 1090 ~~[(4)]~~ (a) an amount not exceeding one-half of the salary fixed for the second county officer, when only
two offices are consolidated; or
- 1092 ~~[(2)]~~ (b) when more than two county offices are consolidated, ~~[-]~~one-third of the combined salaries of
the other county officers.
- 1094 (2) Notwithstanding Subsection (1), a county described in Section 17-70-103 may compensate a county
clerk serving as ex officio county auditor as described in Section 17-70-103.
- 1097 Section 28. Section **17-67-201** is amended to read:
- 1098 **17-67-201. Assessor to be state qualified -- Vacancy -- Filling vacancy.**
- 1099 (1)
- 1100 (a) An individual elected to the office of county assessor shall:
- 1101 ~~[(a)]~~ (i) meet the requirements described in Section 17-66-201; and
- (ii)
- (A) be a state-licensed or state-certified appraiser; or
- 1102 (B) if the individual filed a declaration of candidacy under Subsection (1)(b)(ii), become a state-
licensed or state-certified appraiser no later than 36 months after the day on which the individual's
term of office begins.
- 1105 ~~[(b)]~~
- (i) ~~except as provided in Subsection (1)(b)(ii), become a state-licensed or state-certified appraiser no
later than 36 months after the day on which the individual's term of office begins; or]~~
- 1108 ~~[(ii) in a county of the first, second, or third class, be a state-licensed or state-certified appraiser before
filing a declaration of candidacy for the office of county assessor.]~~
- 1110

HB0038S01 compared with HB0038S02

[~~(2)~~] (b) An individual may file, and a county clerk may accept, a declaration of candidacy for the office of county assessor if:

(i) the individual is a state-licensed or state-certified appraiser; or

(ii) in a county of the fourth, fifth, or sixth class, as classified under Section 17-60-104, where no individual who is a state-licensed or state-certified appraiser files a declaration of candidacy for the office of county assessor within the first three days after the candidate filing period opens, any individual who meets the requirements of Subsections 17-66-201(1)(a) through (c).

(2) The county assessor's office is vacant if:

(a) an assessor fails to meet the requirements described in Subsection (1); or

(b) no individual who meets the requirements described in Subsection (1) timely files a declaration of candidacy for the office of county assessor.

(3)

(a) If a vacancy described in Subsection (2) occurs, the county legislative body shall:

(i) fill the vacancy in accordance with~~[-Sections]~~ :

(A) Section 17-66-203[-and-] ;

(B) Section 20A-1-508[-] ; and

(C) Subsection (3)(b); or

(ii) if it is not possible to fill the vacancy, contract with an individual to fulfill the duties of the vacant office as described in Subsection (4).

~~[The-]~~ An individual who the county legislative body selects to fill [the] a vacancy as described in Subsection (3)(a)(i) shall be a state-licensed or state-certified appraiser before the individual assumes the office of county assessor.

(4) If the county legislative body cannot find an individual who meets the requirements described in ~~[Subsection (1)]~~ this section to fill a vacancy described in Subsection (2), the county legislative body may contract with a state-licensed or state-certified appraiser from outside the county to ~~[fill]~~ fulfill the duties of the county assessor for the remainder of the county assessor's term of office.

Section 29. Section **17-69-101** is amended to read:

17-69-101. Definitions.

As used in this chapter:

(1) "Account" or "accounting" means:

HB0038S01 compared with HB0038S02

- 1141 (a) the systematic recording, classification, or summarizing of a financial transaction or event; and
1143 (b) the interpretation or presentation of the result of an action described in Subsection (1)(a).
1145 (2)
(a) "Accounting services" means the creation, modification, or deletion of transactions and records in a
financial accounting system, including the preparation of a county's annual financial report.
1148 (b) "Accounting services" does not include the creation of a purchase order.
1149 (3) "Audit" or "auditing" means an examination that is a formal analysis of a county account or county
financial record:
1151 (a) to verify accuracy, completeness, or compliance with an internal control;
1152 (b) to give a fair presentation of a county's financial status; and
1153 (c) that conforms to the uniform classification of accounts established by the state auditor.
1155 (4) "Book" means a financial record of the county, regardless of a record's format.
1156 (5)
(a) "Budget" or "budgeting" means the preparation or presentation of a proposed or tentative budget as
provided in Chapter 63, Fiscal Authority and Processes.
1158 (b) "Budget" or "budgeting" includes:
1159 (i) a revenue projection;
1160 (ii) a budget request compilation; or
1161 (iii) the performance of an activity described in Subsection (5)(b)(i) or (ii).
1162 (6)
(a) "Claim" means under the color of law:
1163 (i) a demand presented for money or damages; or
1164 (ii) a cause of action presented for money or damages.
1165 (b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill, purchase, or
payroll.
1167 (7)
(a) "County auditor" means the county officer elected as the county auditor under [~~Chapter 66, County~~
~~Auditor~~] Chapter 69, County Auditor.
1169 (b) "County auditor" includes an individual given the title of county controller under Subsection
17-69-301(5).
1171

HB0038S01 compared with HB0038S02

(8) "County executive" means the elected chief executive officer of a county under Chapter 66, County Officers and Officials Generally.

(9) "Finance officer" means the same as that term is defined in Section 17-66-101.

~~[(9)]~~ (10) "Performance audit" means an assessment of whether a county office, officer, department, division, court, or entity, or any related county program is:

(a) managing public resources and exercising authority in compliance with law and policy;

(b) achieving objectives and desired outcomes; and

(c) providing services effectively, efficiently, economically, ethically, and equitably.

~~[(10)]~~ (11) "Renumeration" means a warrant, check, or other payment mechanism.

~~[(11)]~~ (12) "Warrant" means an order for payment, issued by a county officer or county employee with the authority to make the order, directing the disbursement of funds.

Section 30. Section **17-69-103** is amended to read:

17-69-103. County clerk ex officio county auditor in certain counties.

In accordance with Section ~~[17-66-104]~~ 17-70-103, in counties having a taxable value of less than \$100,000,000, the county clerk shall~~[:]~~

~~[(1)]~~ be ex officio auditor of the county~~[-and]~~ .

~~[(2)] shall perform the duties of the office without extra compensation.]~~

Section 31. Section **17-69-301** is amended to read:

17-69-301. Duties and services.

(1) A county auditor shall perform:

(a) in accordance with Section ~~[17-69-304]~~ 17-69-401, an accounting duty or service described in this chapter;

(b) an auditing duty or service described in this chapter; and

(c) other duties as may be required by law.

(2) A county auditor shall provide to the county legislative body a statement of county debt in accordance with Section 17-63-702.

(3) A county auditor may conduct, in relation to any county officer or county office, department, division, court, or entity, as the county auditor considers necessary, the following duties and services:

(a) financial audits;

HB0038S01 compared with HB0038S02

(b) attestation-level examinations, reviews, and agreed-upon procedures, engagements, or reviews of financial statements;

1204 (c) subject to Section 17-69-303, performance audits;

1205 (d) subject to Section [~~17-69-304~~] 17-69-401, accounting services; and

1206 (e) other duties as required by law.

1207 (4) In a county of the first class, the county auditor shall conduct the services under Subsections (3)(a) through (c) in accordance with generally accepted government auditing standards.

1210 (5) A county legislative body may change the title of county auditor to county controller for a county auditor's office that predominantly performs accounting services.

1212 (6) The county auditor may not conduct the services described in Subsections (3)(a) through (c) with respect to the auditor's own office, accounts, or financial records.

1214 (7) Nothing in this chapter limits a county legislative body's authority under Section 17-64-404 or a county executive's authority under Section 17-65-304.

1216 Section 32. Section **17-69-304.1** is renumbered and amended to read:

1218 **~~[17-69-308]~~ 17-69-304.1. Investigations -- Report of findings.**

1219 (1)

(a) A county auditor:

1220 (i) may conduct an investigation of an issue or action associated with or related to the county auditor's statutory duties, including investigating a book or account of a county office, officer, department, division, court, or entity; and

1223 (ii) may not conduct an investigation of an issue or action that is not associated with or related to the county auditor's statutory duties.

1225 (b) A county officer, employee, or other county administrative entity shall grant the county auditor complete and free access to a book the county auditor requests in accordance with Subsection (1)(a) (i).

1228 (c) A county auditor, with the assistance of the county attorney or district attorney, may:

1229 (i) administer an oath or affirmation; or

1230 (ii) issue an administrative subpoena for a witness or document necessary to the performance of the county auditor's statutory duties.

1232 (2) A county auditor, after a complete investigation, shall prepare a report of the county auditor's findings and submit the report to the county executive if the county auditor finds that:

HB0038S01 compared with HB0038S02

- 1235 (a) a book or account of a county office, officer, department, division, court, or entity is not kept in
accordance to law; or
- 1237 (b) a county office, officer, department, division, court, or entity has made an incorrect or improper
financial report.
- 1239 (3) A county auditor, after a complete investigation, shall prepare a report of the county auditor's
findings and submit a copy of the report to the state court administrator, the county executive, and
the county legislative body if the county auditor finds that:

1242 (a) a justice court judge has not kept a book or account according to law; or

1243 (b) a justice court judge has made an incorrect or improper financial report.

1244 Section 33. Section **17-69-401** is renumbered and amended to read:

1246 **Part 4. Accounting and County Finance Officer**

1247 **~~[17-69-304]~~17-69-401. Accounting services.**

1248 (1) Except as provided in Subsections (2) and (3), the county auditor shall provide accounting services
for the county.

1250 (2) For a county operating under the county executive-council form of government as described in
Section 17-62-203, the county council may, by ordinance, delegate accounting services provided for
or executed on behalf of the entire county:

1253 (a) to the county executive; or

1254 (b) to a county office's or department's officer or director.

1255 (3) For a county operating under the council-manager form of county government as described in
Section 17-62-204, if the county auditor provides preapproval or postpayment review for all
payments by the county, the county council may by ordinance passed on or before December 31,
2021, delegate accounting services provided for or executed on behalf of the entire county:

1260 (a) to the county manager; or

1261 (b) to a county office's or department's officer or director.

1262 (4) If a county council delegates the provision of accounting services to a finance officer in accordance
with Subsection (2) or (3):

1264 (a) the county council shall make the delegation in accordance with good management practice to
foster:

1266 (i) effectiveness;

1267 (ii) efficiency; and

HB0038S01 compared with HB0038S02

- 1268 (iii) the adequate protection of a county asset;
- 1269 (b) the county council shall make the delegation by considering appropriate checks and balances within
county government;~~[-and]~~
- 1271 (c) the county entity that is selected to provide accounting services shall prepare the tentative budget as
provided in Chapter 63, Fiscal Authority and Processes~~[-]~~ ; and
- 1273 (d) the county auditor is not required to fulfill an accounting obligation described by statute unless the
statute explicitly states that the county auditor shall provide an accounting obligation.

1276 Section 34. Section **17-69-402** is renumbered and amended to read:

1278 ~~[17-69-305]~~ **17-69-402. Management of financial records -- Disposal of records.**

1279 (1) A county ~~[auditor]~~ finance officer shall:

- 1280 (a) maintain the books of the county in a manner that shows the amount of receipts from and
disbursement of a county office, department, division, or entity;
- 1282 (b) keep accounts current with the county treasurer;
- 1283 (c) preserve a document, book, record, or paper that the county legislative body requires the county
auditor to keep in the county auditor's office, or ensure preservation of a document, book, record,
or paper that the county legislative body requires the county auditor to keep in the county auditor's
office; and
- 1287 (d) make an item described in Subsection (1)(c) available for public inspection during office hours.
- 1289 (2) The county ~~[auditor]~~ finance officer shall, in accordance with Title 63G, Chapter 2, Government
Records Access and Management Act, remove from the county ~~[auditor's]~~ finance officer's files and
destroy or otherwise dispose of:
- 1292 (a) fee statements of a county officer;
- 1293 (b) county warrants; and
- 1294 (c) claims against the county.

1295 Section 35. Section **17-69-403** is renumbered and amended to read:

1297 ~~[17-69-306]~~ **17-69-403. Reporting -- State treasurer -- County legislative body.**

- 1298 (1) On or before the last day of each month, the county finance officer shall submit a report to the
state treasurer regarding the county's collection, care, and disbursement of state money during the
preceding month.

1301

HB0038S01 compared with HB0038S02

(2) The county [~~auditor~~] finance officer and the county treasurer shall, as required by the county legislative body, make a joint report to the county executive and the county legislative body accounting for the county's financial condition.

1304 (3) If a county auditor determines that a county office, officer, department, division, court, or entity has not implemented a county auditor's prior recommendation in connection with a previous financial audit, performance audit, examination, or review, the county auditor shall notify the county legislative body that the county entity has not implemented the recommendation.

1309 Section 36. Section **17-69-404** is renumbered and amended to read:

1311 **~~[17-69-307]~~ 17-69-404. Payments and warrants.**

1312 (1)

(a) Subject to Subsection (1)(b), if a debt or demand against a county is fixed by law, the debt or demand shall be paid by:

1314 (i) subject to Subsection (2)(a), a warrant drawn by the county [~~auditor~~] finance officer or the county treasurer; or

1316 (ii) subject to Subsection (2)(b), a check or other payment mechanism as may be adopted in accordance with Chapter 63, Fiscal Authority and Processes.

1318 (b) Subsection (1)(a) does not apply to a debt or demand against the county that is, in accordance with law, audited by another person or tribunal.

1320 (2)

(a) The county [~~auditor~~] finance officer shall:

1321 (i) distinctly specify on a warrant the liability for which the warrant is made and when the liability accrued; and

1323 (ii) notify the county treasurer:

1324 (A) as described in Subsection (3), of the date, amount, payee of, and number assigned to a warrant; and

1326 (B) of the aggregate amount of all contemporaneous payments by warrant.

1327 (b) The county [~~auditor~~] finance officer shall notify the county treasurer and county executive:

1329 (i) as described in Subsection (3), of the amount and payee of all payments made by check or other payment mechanism;

1331 (ii) as described in Subsection (3), the date of and number assigned to a check or other payment mechanism; and

1333 (iii) the aggregate amount of a contemporaneous payment.

HB0038S01 compared with HB0038S02

- 1334 (3) For a remuneration issued by the ~~[county auditor, the auditor]~~ county finance officer, the finance
1335 officer shall:
- 1336 (a) number each remuneration consecutively, commencing annually on the first day of January; and
- 1338 (b) state on the remuneration:
- 1339 (i) the number of the remuneration;
- 1340 (ii) the date of payment;
- 1341 (iii) the amount of the payment made;
- 1342 (iv) the name of the person to whom payable; and
- 1343 (v) the purpose for which the remuneration was made.
- 1344 (4) The county ~~[auditor]~~ finance officer shall dispose of a payment not presented for collection in
accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.
- 1347 ~~[(5) The county legislative body may delegate by ordinance the processing of payments and warrants in
accordance with Section 17-69-304.]~~
- 1349 Section 37. Section **17-70-101** is amended to read:
- 1350 **17-70-101. Definitions.**
- ~~[Reserved.]~~ As used in this chapter, "finance officer" means the same as that term is
defined in Section 17-66-101.
- 1353 Section 38. Section **17-70-103** is amended to read:
- 1354 **17-70-103. Ex officio auditor in certain counties.**
- 1355 (1) In accordance with ~~[Section 17-66-102]~~ Sections 17-66-104 and 17-66-403, in counties having a
taxable value of less than \$100,000,000, the county clerk shall:
- 1357 ~~[(1)]~~ (a) be ex officio auditor of the county, as described in Section 17-69-103; and
- 1358 ~~[(2)]~~ (b) except as provided in Subsection (2), shall perform the duties of the office without extra
compensation.
- 1360 (2) The legislative body of a county described in Subsection (1) may elect to pay the county clerk an
additional amount, not to exceed the limits described in Subsection 17-66-403(1).
- 1362 Section 39. Section **17-70-302** is amended to read:
- 1363 **17-70-302. Duties.**
- A county clerk shall:
- 1365 (1) record all proceedings of the county legislative body;
- 1366

HB0038S01 compared with HB0038S02

- (2) make full entries of all resolutions and decisions of the county legislative body on all questions concerning the county;
- 1368 (3) record the vote of each member of the county legislative body on any motion where there is a division of the county legislative body;
- 1370 (4) prepare and certify duplicate lists of all claims that:
- 1371 (a) show the amount of each claim or order;
- 1372 (b) show the date of each claim or order;
- 1373 (c) show the date of the county's allowance or rejection of the claim; and
- 1374 (d) are countersigned by the county executive;
- 1375 (5) deliver one of the lists referred to in Subsection (4) to the:
- 1376 (a) county ~~[auditor]~~ finance officer; and
- 1377 (b) county treasurer;
- 1378 (6) file and preserve a county officer's report to the county legislative body;
- 1379 (7) file and preserve all accounts except accounts that are kept by the county ~~[auditor]~~ finance officer;
- 1381 (8) file and preserve all petitions and applications for franchises;
- 1382 (9) record the county legislative body's action on petitions and applications for franchises;
- 1383 (10) authenticate with the clerk's signature and the seal of the county the county legislative body's proceedings;
- 1385 (11) authenticate with the clerk's signature and the seal of the county all ordinances the county legislative body passes, and record them in the ordinance book;
- 1387 (12) record all orders levying taxes;
- 1388 (13) keep at the county clerk's office all county books, records, and accounts that the county clerk is required by law to keep;
- 1390 (14) during regular business hours, provide for public inspection all county books, records, and accounts that the county clerk is required by law to keep;
- 1392 (15) perform all other duties the county legislative body requires by:
- 1393 (a) ordinance; or
- 1394 (b) resolution;
- 1395 (16) establish policies to issue marriage licenses to county residents and individuals getting married in the county;
- 1397 (17) keep a register of marriage licenses the county clerk issues;

HB0038S01 compared with HB0038S02

- 1398 (18) establish policies to ensure that the county clerk, or a designee of the county clerk who is willing,
is available during business hours to solemnize a legal marriage for which a marriage license has
been issued;
- 1401 (19) execute with the county clerk's seal described in Section 17-70-102 all deeds and conveyances of
all real estate conveyed by the county;
- 1403 (20) take and certify acknowledgments;
- 1404 (21) administer oaths;
- 1405 (22) keep a fee schedule as provided by law;
- 1406 (23) take charge of and safely keep the seal of the county described in Section 17-64-103; and
- 1408 (24) keep other records and perform other duties as may be prescribed by law.
- 1409 Section 40. Section **17-70-403** is amended to read:
- 1410 **17-70-403. Campaign financial disclosure in county elections.**
- 1411 (1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:
- 1413 (a) candidates for county office; and
- 1414 (b) candidates for local school board office who reside in that county.
- 1415 (2) The ordinance required by Subsection (1) shall include:
- 1416 (a) a requirement that each candidate for county office or local school board office report the
candidate's itemized and total campaign contributions and expenditures at least once within the two
weeks before the election and at least once within two months after the election;
- 1420 (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary
contributions such as in-kind contributions and contributions of tangible things;
- 1423 (c) a requirement that the financial reports identify:
- 1424 (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the
contribution; and
- 1426 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
- 1427 (d) a requirement that a candidate for county office or local school board office deposit a contribution in
a separate campaign account into a financial institution;
- 1429 (e) a prohibition against a candidate for county office or local school board office depositing or
mingling any contributions received into a personal or business account;
- 1431

HB0038S01 compared with HB0038S02

- (f) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:
- 1435 (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- 1437 (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- 1439 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a county office or local school board office file the financial report described in Subsection (2)(c) with the county clerk:
- 1442 (i) for a county office vacancy described in Subsection 20A-1-508(3) or (7), no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as the individual the political party selects to fill the vacancy;
- 1446 (ii) for a county or district attorney office vacancy described in Subsection 20A-1-509.1(5)(a), no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as one of the three individuals the party nominates to fill the vacancy;
- 1451 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
- 1452 (A) no later than the deadline for the candidate to submit an application to fill the vacancy under Subsection 20A-1-509.2(2)(c); and
- 1454 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an application to fill the vacancy, no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as one of the three individuals the party nominates to fill the vacancy; or
- 1459 (iv) for a local school board office vacancy, no later than three business days before the day on which the local school board meets to interview each candidate interested in filling the vacancy in accordance with Section 20A-1-511; and
- 1462 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g), the county clerk immediately submit a copy of the report to the county legislative body.
- 1465 (3)
- (a) As used in this Subsection (3), "account" means an account in a financial institution:

HB0038S01 compared with HB0038S02

- 1467 (i) that is not described in Subsection (2)(d); and
- 1468 (ii) into which or from which a person who, as a candidate for an office, other than a county office
for which the person files a declaration of candidacy or federal office, or as a holder of an
office, other than a county office for which the person files a declaration of candidacy or federal
office, deposits a contribution or makes an expenditure.
- 1473 (b) The ordinance required by Subsection (1) shall include a requirement that a candidate for county
office or local school board office include on a financial report filed in accordance with the
ordinance a contribution deposited in or an expenditure made from an account:
- 1477 (i) since the last financial report was filed; or
- 1478 (ii) that has not been reported under a statute or ordinance that governs the account.
- 1479 (4) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1),
candidates for county office, other than community council office, and candidates for local school
board office shall comply with the financial reporting requirements contained in Subsections (5)
through (10).
- 1483 (5) A candidate for elective office in a county or local school board office:
- 1484 (a) shall deposit a contribution into a separate campaign account in a financial institution; and
- 1486 (b) may not deposit or mingle any contributions received into a personal or business account.
- 1488 (6) Each candidate for elective office in any county who is not required to submit a campaign financial
statement to the lieutenant governor, and each candidate for local school board office, shall file a
signed campaign financial statement with the county clerk:
- 1492 (a) seven days before the date of the regular general election, reporting each contribution and each
expenditure as of 10 days before the date of the regular general election; and
- 1494 (b) no later than 30 days after the date of the regular general election.
- 1495 (7)
- (a) The statement filed seven days before the regular general election shall include:
- 1496 (i) a list of each contribution received by the candidate, and the name of the donor, if known; and
- 1498 (ii) a list of each expenditure for political purposes made during the campaign period, and the
recipient of each expenditure.
- 1500 (b) The statement filed 30 days after the regular general election shall include:
- 1501 (i) a list of each contribution received after the cutoff date for the statement filed seven days before the
election, and the name of the donor; and

HB0038S01 compared with HB0038S02

- 1503 (ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the
statement filed seven days before the election, and the recipient of each expenditure.
- 1506 (8)
- (a) As used in this Subsection (8), "account" means an account in a financial institution:
- 1508 (i) that is not described in Subsection (5)(a); and
- 1509 (ii) into which or from which a person who, as a candidate for an office, other than a county office
for which the person filed a declaration of candidacy or federal office, or as a holder of an
office, other than a county office for which the person filed a declaration of candidacy or federal
office, deposits a contribution or makes an expenditure.
- 1514 (b) A county office candidate and a local school board office candidate shall include on any campaign
financial statement filed in accordance with Subsection (6) or (7):
- 1516 (i) a contribution deposited into an account:
- 1517 (A) since the last campaign finance statement was filed; or
- 1518 (B) that has not been reported under a statute or ordinance that governs the account; or
- 1520 (ii) an expenditure made from an account:
- 1521 (A) since the last campaign finance statement was filed; or
- 1522 (B) that has not been reported under a statute or ordinance that governs the account.
- 1524 (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50,
and is from a donor whose name is unknown, a county office candidate shall disburse the amount of
the contribution to:
- 1527 (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's
general fund; or
- 1529 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal
Revenue Code.
- 1531 (10) Candidates for elective office in any county, and candidates for local school board office, who
are eliminated at a primary election shall file a signed campaign financial statement containing the
information required by this section not later than 30 days after the primary election.
- 1535 (11)
- (a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board
office shall:
- 1537 (i) comply with Subsections (5) and (9); and

HB0038S01 compared with HB0038S02

- 1538 (ii) file a signed campaign financial statement with the county clerk no later than the deadline
described in Subsection (2)(g).
- 1540 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii), the county
clerk shall immediately submit a copy of the statement to the county legislative body.
- 1543 (12) Any individual who fails to comply with this section is guilty of an infraction.
- 1544 (13)
- (a) Counties may, by ordinance, enact requirements that:
- 1545 (i) require greater disclosure of campaign contributions and expenditures; and
- 1546 (ii) impose additional penalties.
- 1547 (b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who
resides in that county.
- 1549 (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 1550 (a) may send an electronic notice to the candidate and the political party of which the candidate is a
member, if any, that states:
- 1552 (i) that the candidate failed to timely file the report; and
- 1553 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the
candidate will be disqualified and the political party will not be permitted to replace the candidate;
and
- 1556 (b) impose a fine of \$100 on the candidate.
- 1557 (15)
- (a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the
candidate is disqualified if the candidate fails to file an interim report described in Subsection (14)
within 24 hours after the deadline for filing the report.
- 1561 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may not replace the
candidate.
- 1563 (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county clerk a complete
and accurate campaign finance statement within 30 days after the day on which the candidate is
disqualified.
- 1566 (16) If a candidate is disqualified under Subsection (15)(a), the election official:
- 1567 (a) shall:
- 1568 (i) notify every opposing candidate for the county office that the candidate is disqualified;

HB0038S01 compared with HB0038S02

- 1570 (ii) send an email notification to each voter who is eligible to vote in the county election office race for
whom the election official has an email address informing the voter that the candidate is disqualified
and that votes cast for the candidate will not be counted, if the candidate is disqualified 65 or fewer
1574 days before the election;
- 1574 (iii) post notice of the disqualification on the county's website; and
- 1575 (iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name
before the ballots are delivered to voters; and
- 1577 (b) may not count any votes for that candidate.
- 1578 (17) An election official may fulfill the requirement described in Subsection (16)(a) in relation to a
mailed ballot, including a military or overseas ballot, by including with the ballot a written notice
directing the voter to the county's website to inform the voter whether a candidate on the ballot is
disqualified.
- 1582 (18) A candidate is not disqualified if:
- 1583 (a) the candidate files the interim reports described in Subsection (14) no later than 24 hours after the
applicable deadlines for filing the reports;
- 1585 (b) the reports are completed, detailing accurately and completely the information required by this
section except for inadvertent omissions or insignificant errors or inaccuracies; and
- 1588 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled
report.
- 1590 (19)
- (a) A report is considered timely filed if:
- 1591 (i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the
end of the day on which the report is due;
- 1593 (ii) the report is received in the county clerk's office with a United States Postal Service postmark
three days or more before the date that the report was due; or
- 1595 (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing,
three days before the report was due.
- 1597 (b) For a county clerk's office that is not open until midnight at the end of the day on which a report is
due, the county clerk shall permit a candidate to file the report via email or another electronic means
designated by the county clerk.
- 1600 (20)

HB0038S01 compared with HB0038S02

(a) Any private party in interest may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section or any ordinance adopted under this section.

(b) In a civil action filed under Subsection (20)(a), the court shall award costs and attorney fees to the prevailing party.

(21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) make the campaign finance statement filed by a candidate available for public inspection by:

(i) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and

(ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (21)(b)(i) no later than two business days after the day the statement is filed.

Section 41. Section **17-71-103** is amended to read:

17-71-103. County recorder duties in certain counties.

In counties where there is no elected surveyor, the county recorder shall fulfill the duties of

a county surveyor as described in ~~[Section 17-73-201]~~ Subsection 17-73-201(1)(c).

Section 42. Section **17-71-302** is amended to read:

17-71-302. General duties -- Records and indexes.

(1) The county recorder shall:

~~[(a) keep an entry record, in which the county recorder shall, upon acceptance and recording of an instrument;]~~

~~[(i) enter the instrument in the entry record in the order the county recorder recorded the instrument;]~~

~~[(ii) include in the entry record for the instrument;]~~

~~[(A) the names of the parties to the instrument;]~~

~~[(B) the date, hour, day of the month, and year the county recorder recorded the instrument; and]~~

~~[(C) a brief description of the instrument; and]~~

~~[(iii) endorse upon the instrument a number corresponding with the number of the entry;]~~

HB0038S01 compared with HB0038S02

- 1635 ~~[(b) keep a grantors' index, in which the county recorder shall index deeds and final judgments or~~
 ~~decrees partitioning or affecting the title to or possession of real property, which shall show:-]~~
- 1638 ~~[(i) the instrument's entry number in the county recorder's entry record;-]~~
- 1639 ~~[(ii) each grantor's name in alphabetical order;-]~~
- 1640 ~~[(iii) the grantee's name;-]~~
- 1641 ~~[(iv) the instrument's date;-]~~
- 1642 ~~[(v) the time the county recorder recorded the instrument;-]~~
- 1643 ~~[(vi) the kind of instrument;-]~~
- 1644 ~~[(vii) the book and page of the entry record where the county recorder entered the instrument; and-]~~
- 1646 ~~[(viii) a brief description of the instrument;]~~
- 1647 ~~[(c) keep a grantees' index, in which the county recorder shall index deeds and final judgments or~~
 ~~decrees partitioning or affecting the title to or possession of real property, which shall show:-]~~
- 1650 ~~[(i) the instrument's entry number in the county recorder's entry record;-]~~
- 1651 ~~[(ii) each grantee's name in alphabetical order;-]~~
- 1652 ~~[(iii) the grantor's name;-]~~
- 1653 ~~[(iv) the instrument's date;-]~~
- 1654 ~~[(v) the time the county recorder recorded the instrument;-]~~
- 1655 ~~[(vi) the kind of instrument;-]~~
- 1656 ~~[(vii) the book and page of the entry record where the county recorder entered the instrument; and-]~~
- 1658 ~~[(viii) a brief description of the instrument;]~~
- 1659 ~~[(d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of trust, liens, and~~
 ~~other instruments in the nature of an encumbrance upon real estate, which shall show:-]~~
- 1662 ~~[(i) the instrument's entry number in the county recorder's entry record;-]~~
- 1663 ~~[(ii) the name of each mortgagor, debtor, or person charged with the encumbrance in alphabetical order;~~
 ~~]~~
- 1665 ~~[(iii) the name of the mortgagee, lien holder, creditor, or claimant;-]~~
- 1666 ~~[(iv) the instrument's date;-]~~
- 1667 ~~[(v) the time the county recorder recorded the instrument;-]~~
- 1668 ~~[(vi) the kind of instrument;-]~~
- 1669 ~~[(vii) the consideration;-]~~
- 1670 ~~[(viii) the book and page of the entry record where the county recorder entered the instrument; and-]~~

HB0038S01 compared with HB0038S02

- 1672 [(ix) a brief description of the instrument;]
- 1673 [(e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of trust, liens, and
other instruments in the nature of an encumbrance upon real estate, which shall show:]
- 1676 [(i) the instrument's entry number in the county recorder's entry record;]
- 1677 [(ii) the name of each mortgagee, lien holder, creditor, or claimant in alphabetical order;]
- 1679 [(iii) the name of the mortgagor or person charged with the encumbrance;]
- 1680 [(iv) the instrument's date;]
- 1681 [(v) the time the county recorder recorded the instrument;]
- 1682 [(vi) the kind of instrument;]
- 1683 [(vii) the consideration;]
- 1684 [(viii) the book and page of the entry record where the county recorder entered the instrument; and]
- 1686 [(ix) a brief description;]
- 1687 [(f) subject to Subsection (4), keep a tract index, which shall show by description for every recorded
instrument:]
- 1689 [(i) the instrument's date;]
- 1690 [(ii) the kind of instrument;]
- 1691 [(iii) the time the county recorder recorded the instrument;]
- 1692 [(iv) the book and page of the entry record where the county recorder entered the instrument; and]
- 1694 [(v) the instrument's entry number in the county recorder's entry record;]
- 1695 [(g) keep an index of recorded maps, plats, and subdivisions;]
- 1696 [(h) keep an index of powers of attorney showing:]
- 1697 [(i) the date and time the county recorder recorded the power of attorney;]
- 1698 [(ii) the book and page of the entry record where the county recorder entered the power of attorney; and
]
- 1700 [(iii) the power of attorney's entry number in the county recorder's entry record;]
- 1701 [(i) keep a miscellaneous index, in which the county recorder shall enter all instruments of a
miscellaneous character not otherwise provided for in this section, showing:]
- 1703 [(i) the date the county recorder recorded the instrument;]
- 1704 [(ii) the book and page of the entry record where the county recorder entered the instrument;]
- 1706 [(iii) the instrument's entry number in the county recorder's entry record;]
- 1707 [(iv) the kind of instrument; and]

HB0038S01 compared with HB0038S02

- 1708 [~~(v) the parties to the instrument;~~]
1709 [~~(j) keep an index of judgments showing:~~]
1710 [~~(i) the judgment debtors;~~]
1711 [~~(ii) the judgment creditors;~~]
1712 [~~(iii) the judgment amount;~~]
1713 [~~(iv) the date and time the county recorder recorded the judgment;~~]
1714 [~~(v) the satisfaction;~~]
1715 [~~(vi) the book and page of the entry record where the county recorder entered the instrument; and]~~
1717 [~~(vii) the instrument's entry number in the county recorder's entry record;~~]
1718 [~~(k) keep a general recording index in which the county recorder shall index all executions and writs
of attachment, and any other instruments not required by law to be spread upon the records, and in
separate columns the county recorder shall enter the names of the plaintiffs in the execution and the
names of the defendants in the execution;~~]
1723 [~~(l) keep an index of water right numbers that are included on an instrument recorded on or after May
13, 2014, showing:~~]
1725 [~~(i) the date and time the county recorder recorded the instrument;~~]
1726 [~~(ii)~~
(A) the book and page of the entry record where the county recorder entered the instrument; or]
1728 [(B) the instrument's entry number in the county recorder's entry record; and]
1729 [~~(iii) the kind of instrument; and]~~
1730 [~~(m)~~] (a) upon acceptance and recording of an instrument:
1731 (i) endorse on the instrument:
1732 (A) an entry number corresponding with the acceptance and recording;
1733 (B) the date of acceptance and recording, including the hour, day, month, and year; and
1735 (C) the recording fee;
1736 (ii) index each instrument:
1737 (A) by entry number;
1738 (B) if applicable, by each grantor, mortgagor, trustor, debtor, plaintiff, or person charged with
encumbrance under the instrument;
1740 (C) if applicable, by each grantee, mortgagee, trustee, lien holder, creditor, claimant, or defendant
described in the instrument;

HB0038S01 compared with HB0038S02

- 1742 (D) if applicable, by each legal description, as described in Section 57-3-105;
1743 (E) by type of instrument; and
1744 (F) if applicable, by water right number; and
1745 (b) beginning January 1, 2025:
1746 (i) maintain a system that allows a property owner to receive, upon the property owner's election,
an electronic notice when the county recorder records a deed or mortgage, as defined in Section
70D-1-102, on the property owner's real property; and
1750 (ii) if a property owner elects to receive electronic notice as described in Subsection ~~[(1)(m)(i)]~~ (1)
(b)(i), within 30 days after the day on which the county recorder records a deed or a mortgage as
defined in Section 70D-1-102 on real property, provide an electronic notice of the recording to each
property owner.
1754 (2) Upon request, a county recorder may provide the notice described in Subsection ~~[(1)(m)(ii)]~~ (1)(b)
(ii) to a property owner by a means other than electronic.
1756 (3) Subsection ~~[(1)(m)]~~ (1)(b) applies only to real property for which the county treasurer provides a tax
notice described in Section 59-2-1317.
1758 ~~[(4) The recorder shall alphabetically arrange the indexes required by this section and keep a reverse~~
~~index.]~~
1760 ~~[(5)]~~ (4)
(a) The ~~[tract]~~ index required by Subsection ~~[(1)(f)]~~ (1) shall be kept so that ~~[it]~~ the index shows a
true chain of title to each tract or parcel, together with each encumbrance on the tract or parcel,
according to the records of the county recorder's office.
1764 (b) A recorder shall ~~[abstract an instrument in the tract]~~ index the legal description required by
Subsection (1)(a)(ii)(D) unless:
1766 (i) the instrument is required to contain a legal description under Section 17-71-402 or Section 57-3-105
and does not contain that legal description; or
1768 (ii) the instrument contains errors, omissions, or defects to the extent that the tract or parcel to which the
instrument relates cannot be determined.
1770 (c) ~~[If a recorder abstracts an instrument in the tract index or another index]~~ To index an instrument as
required by this section, the recorder may:
1772 (i) use a tax parcel number;
1773 (ii) use a site address;

HB0038S01 compared with HB0038S02

- 1774 (iii) reference to other instruments of record recited on the instrument; or
1775 (iv) reference another instrument that is recorded concurrently with the instrument.
1776 (d) A recorder is not required to go beyond the face of an instrument to determine the tract or parcel to
which an instrument may relate.
1778 (e) A person may not bring an action against a recorder for injuries or damages suffered as a result of
information contained in an instrument recorded in ~~[a tract index or other]~~ an index that is required
by this section despite errors, omissions, or defects in the instrument.
1782 (f) The fact that a recorded instrument ~~[described in Subsection (3)(e)]~~ is included in the ~~[tract]~~ index
does not cure a failure to give public notice caused by an error, omission, or defect.
1785 (g) A document that is indexed in all or part of the indexes required by this section shall give
constructive notice.
1787 ~~[(6)]~~ (5) Nothing in this section prevents the county recorder from using ~~[a single name index if that
index includes all of the indexes required by this section]~~ multiple indexes.
1789 Section 43. Section **17-71-407** is amended to read:
1790 **17-71-407. Fees -- Fees paid in advance.**
1791 (1) The county recorder may not record any instrument, furnish any copies, or provide any service
connected with the office of the county recorder~~[-]~~ until the relevant fees described in this section or
established by county ordinance or resolution have been:
1794 (a) paid; or
1795 (b) authorized to be paid electronically.
1796 ~~[(2) The county may determine and collect a fee for all services not enumerated in this section.]~~
1798 ~~[(3)]~~ (2) A county legislative body may set by ordinance or resolution reasonable fees for the services of
the county recorder not described in Subsections (3) and (4), including for:
1801 (a) copies of any record or document; and
1802 (b) a subscription service described in Subsection (7).
1803 (3)
(a) [The] Subject to Subsection (3)(b), a county recorder shall charge and receive the following fees:
1804 [(a)] (i) for recording any instrument, not otherwise provided for, other than bonds of public officers,
{[\$40{ }] \$45};
1806 [(b)] (ii)

HB0038S01 compared with HB0038S02

~~[(i)]~~ (A) for recording any instrument, including those provided for under Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided for, ~~{[\$40]{}}~~ \$45; and

1809 ~~[(ii)]~~ (B) if an instrument contains more than 10 descriptions, \$2 for each additional description;

1811 ~~[(e)]~~ (iii) for recording mining location notices and affidavits of labor affecting mining claims, ~~{[\$40]{}}~~ \$45;

1813 ~~[(d)]~~ (iv) for an affidavit or proof of labor that contains more than 10 mining claims, \$2 for each additional mining claim;~~[-and]~~

1815 ~~[(e)]~~ (v) for redacting personal information in accordance with Section 17-71-406, \$5[-] ;

1816 (f){(vi)} for recording any plat, ~~{[\$55]}~~ \$50 for each sheet and \$2 for each lot or unit designation;

1817 (g){(vii)} for recording any license issued by the Division of Professional Licensing, ~~{[\$45]}~~ \$40;

1818 (h){(viii)} for recording a federal tax lien, ~~{[\$45]}~~ \$40; and

1819 (i){(ix)} for recording the discharge of a federal tax lien, ~~{[\$45]}~~ \$40.

1820 ~~{(4)}~~

~~{(a)} A county of the second class, third class, fourth class, fifth class, or sixth class, as classified under Section 17-60-104, shall charge and receive an additional \$5 for each service described in Subsection (3)(a), other than for the additional \$2 for each additional description or mining claim as described in Subsections (3)(a)(ii)(B) and (iv), unless the county has a balance in the restricted account into which recording fees are deposited.~~

1827 (4)

(a) Each county recorder shall record the mining rules of the several mining districts in each county without a fee.

1822 (b) Certified copies of these records shall be received in all tribunals and before all officers of this state as prima facie evidence of the rules.

1824 (5) [The-] If a county legislative body does not set a different fee by ordinance or resolution for a service, as described in Subsection (2), the county recorder shall charge and receive the following fees:

1827 ~~[(a) for copies of any record or document, a reasonable fee as determined by the county legislative body;]~~

1829 ~~[(b)]~~ (a) for each certificate under seal, \$5; and

1830 ~~[(c) for recording any plat, \$50 for each sheet and \$2 for each lot or unit designation;]~~

HB0038S01 compared with HB0038S02

- 1831 ~~[(d)]~~ (b) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2 for each
 additional name~~[:]~~ .
- 1833 ~~[(e) for recording any license issued by the Division of Professional Licensing, \$40;]~~
- 1834 ~~[(f) for recording a federal tax lien, \$40; and]~~
- 1835 ~~[(g) for recording the discharge of a federal tax lien, \$40.]~~
- 1836 (6) A county recorder may not charge more than one recording fee for each instrument, regardless of
 whether the instrument bears multiple descriptive titles or includes one or more attachments as part
 of the instrument.
- 1839 ~~(7) A county recorder may provide records or information within records to a requesting entity on a~~
 subscription basis.
- 1841 ~~[(7)]~~ (8) A county recorder may not be required to collect a fee for services that are unrelated to the
 county recorder's office.
- 1850 Section 44. Section **17-71-408** is amended to read:
- 1851 **17-71-408. Notice given by recording.**
- 1845 (1) Each ~~[certified copy]~~ document from the time of recording ~~[of the original record]~~ gives notice to all
 persons of the contents of the recorded document.
- 1847 (2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the same notice
 and effect as if the certified copy was the original document.
- 1856 Section 45. Section **17-71-503** is amended to read:
- 1857 **17-71-503. Military records -- Evidence.**
- 1851 (1) Upon presentation, the county recorder shall:
- 1852 (a) record, free of charge:
- 1853 (i) discharges from the United States military, naval, or marine service; and
- 1854 (ii) orders, citations, and decorations of honor relating to an individual while the individual was in the
 United States military, naval, or marine service; and
- 1856 (b) give, free of charge, certified copies of a record described in Subsection (1) to:
- 1857 (i) the individual who is the subject of the record; and
- 1858 (ii) a father, mother, brother, sister, or lineal descendant of the individual who is the subject of the
 record.
- 1860 (2) A requesting individual may provide, and a county recorder may accept, an affidavit indicating how
 the requesting individual is a lineal descendant of the individual who is the subject of a requested

HB0038S01 compared with HB0038S02

record as sufficient proof of the relationship between the requesting individual and the individual who is the subject of the record.

(3) Certified copies of records kept by the county recorder may be read in evidence with the same effect as the original in an action or proceeding before a court, commission, or other tribunal in this state.

Section 46. Section **17-73-102** is amended to read:

17-73-102. County surveyor seal.

(1) The county surveyor shall have a seal, furnished by the county, the impression of which shall contain:

~~[(1)]~~ (a) the words: "State of Utah, County Surveyor"; and

~~[(2)]~~ (b) ~~[-]~~the name of the county in which the seal is to be used.

(2)

(a) If a county contracts with a licensed professional land surveyor, as described in Section 17-73-201:

(i) the county may, by contract, authorize the licensed professional land surveyor to use the seal described in Subsection (1); or

(ii) the licensed professional land surveyor shall use the licensed professional land surveyor's personal seal.

(b) A surveyor seal used as described in this section satisfies any legal requirements that require the use of a surveyor's seal, notwithstanding any administrative rule made under Section 58-22-601.

Section 47. Section **17-73-201** is amended to read:

17-73-201. County surveyor to be elected -- Requirement to be licensed land surveyor -- Authority to contract with licensed land surveyor if no elected county surveyor -- County surveyor duties.

(1)

(a) The office of the county surveyor in each county shall be filled by:

(i) election; and

(ii) except as provided in Subsection (1)(b), a licensed professional land surveyor.

(b) In a county where the office of county surveyor is consolidated with another elected county office, as provided in Section 17-66-104, all county surveying work shall be performed by a licensed professional land surveyor.

(c) In a county where there is no elected county surveyor, or the individual holding a consolidated office described in Subsection (1)(b) is not a licensed professional land surveyor:

HB0038S01 compared with HB0038S02

- 1895 (i) the county executive or legislative body may~~[-]~~ :
- 1896 (A) consistent with Section 17-65-402, contract with a licensed professional land surveyor to perform
the duties of a county surveyor; or
- 1898 (B) hire as a county employee a licensed professional land surveyor to perform the duties of a county
surveyor;
- 1900 (ii) all county survey work shall be done by a licensed professional land surveyor;
- 1901 (iii) the county recorder shall assume and perform all statutory functions and duties of the county
surveyor related to the retention, maintenance, and accessibility of survey records, both physical and
digital; and
- 1904 (iv) the county recorder's office shall act as the county surveyor's office only for the purpose of
accepting, retaining, and managing county survey records.
- 1906 (d) A licensed professional land surveyor who contracts with or is hired by the county as described in
Subsection (1)(c) shall fulfill the duties of the county surveyor as described in this chapter or, if
applicable, as described in the county contract.
- 1909 (2) The county surveyor shall execute:
- 1910 (a) all orders directed to the surveyor by any court; and
- 1911 (b) all orders of survey required by the county executive or county legislative body.
- 1912 (3)
- (a) The county surveyor ~~[of each county]~~ shall:
- 1913 (i) advise the county executive and county legislative body regarding all surveying work;
- 1915 (ii) perform or arrange for the performance of all surveying work for the county;
- 1916 (iii) permanently keep at county government offices a fair and accurate record of all surveys made,
including legal descriptions and geographic coordinates, all surveys received in accordance with
Section 17-73-504, and all corner files received in accordance with Section 17-73-505;
- 1920 (iv) number progressively all surveys received and state by whom and for whom the surveys were
made;
- 1922 (v) deliver a copy of any survey to any person or court requiring the survey after the payment of the
fee established by the county legislative body;
- 1924 (vi) ensure that all surveys of legal subdivisions of sections are made according to the United States
Manual of Surveying Instructions in effect at the time the survey is completed;
- 1927

HB0038S01 compared with HB0038S02

- (vii) verify the correctness of or establish correct coordinates for all survey reference monuments set in place and shown on all subdivision maps and plats which have a spatial relationship with any section or quarter section corner; and
- 1930 (viii) perform other duties required by law.
- 1931 (b) In arranging for the performance of surveying work for the county under Subsection (3)(a)(ii), a surveyor may comply with Section 17-65-402.
- 1933 (4)
- (a) The county surveyor or the county surveyor's designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidence of the government corners remain so that the corners established by government survey can be positively located.
- 1938 (b) The corners shall be reestablished in the manner provided in Section 17-73-501 for establishing corners.
- 1940 (c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to the county surveyor's successor when the county surveyor vacates office.
- 1944 (d) Established or reestablished corners shall be recognized as the legal and permanent corners.
- 1946 (5) The county executive or legislative body may direct the county surveyor or county surveyor staff to perform engineering and architectural work if the county surveyor or county surveyor staff is qualified and licensed to perform that work.
- 1956 Section 48. Section **17-73-502** is amended to read:
- 1957 **17-73-502. Disturbed corners -- County surveyor to be notified -- Coordination with certain state agencies.**
- 1952 (1) A person who finds it necessary to disturb any established government survey monument or public land survey government corner location for any reason, including the improvement of a road, shall notify the county surveyor at least five business days before the day on which the person disturbs the government survey monument or public land survey government corner location.
- 1957 (2)
- (a) A county legislative body may enact an ordinance requiring a person to obtain a permit before performing construction work within 30 feet of an established government survey monument or public land survey government corner location.

HB0038S01 compared with HB0038S02

- 1960 (b) A county legislative body shall ensure that an ordinance described in Subsection (2)(a) provides for an exemption from the permitting requirement if an emergency situation that poses a threat to public health or safety arises.
- 1963 (c)
- (i) A county may charge a fee for a permit described in Subsection (2)(a), in accordance with this Subsection (2)(c).
- 1965 (ii) The fee described in Subsection (2)(c)(i) may not exceed \$400 per government survey monument or public land survey government corner location.
- 1967 [~~(iii) If, after completion of the construction work, the government survey monument or public land survey government corner location is undisturbed, the county shall disburse a partial fee refund of \$250 to the permit holder.~~]
- 1970 [(iv)] (iii) If the construction work disturbs the government survey monument or public land survey government corner location related to the permit:
- 1972 (A) the permit holder is responsible for the necessary construction work and installation of the government survey monument or public land survey government corner location; and
- 1975 (B) the county shall provide to the permit holder the necessary [~~brass monument, ring, and lid~~] monument for the permit holder's work described in Subsection [(2)(c)(iv)(A)] (2)(c)(iii)(A).
- 1978 (d) A county shall provide a system allowing a person to apply electronically for and the county to approve or deny electronically a permit described in Subsection (2)(a).
- 1980 (3) A person may not perform any construction work within 30 feet of a government survey monument or public land survey government corner location unless the person obtains any permit the county requires before beginning construction work within 30 feet of the government survey monument or public land survey government corner location, together with any additional permits that applicable law may require.
- 1985 (4) A person who produces drawings or plans for construction work to be performed within 30 feet of a government survey monument or public land survey government corner location shall show, on the face of the drawings or plans:
- 1988 (a) the government survey monument or public land survey government corner location; and
- 1990 (b) an accompanying note exhibiting compliance with Subsections (1) and (3).
- 1991 (5) A person who finds a monument that needs rehabilitation shall notify the county surveyor within five business days after the day on which the person finds the monument.

HB0038S01 compared with HB0038S02

- 1994 (6) The county surveyor or the county surveyor's designee shall:
- 1995 (a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the corner by lowering and witnessing the corner or placing another monument and witness over the existing monument so that the monument:
- 1998 (i) is left in a physical condition to remain as permanent a monument as is reasonably possible; and
- 2000 (ii) may be reasonably located at all times in the future; and
- 2001 (b) file the record of each reconstruction or rehabilitation in accordance with Subsection (6)(a).
- 2003 (7)
- (a) The county may, by ordinance, establish a civil penalty for a violation of:
- 2004 (i) any provision of Subsection (3) or (4); or
- 2005 (ii) any ordinance that the county adopts under Subsection (2).
- 2006 (b) It is a defense to the civil penalty described in Subsection (7)(a) if the violation related to an emergency situation that posed a threat to public health or safety.
- 2015 Section 49. Section **17-73-504** is amended to read:
- 2016 **17-73-504. Map of boundary survey -- Procedure for filing -- Contents -- Marking of monuments -- Record of corner changes -- Penalties.**
- 2011 (1)
- (a)
- (i) Each professional land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line~~[or to obtain data for constructing a map or plat]~~ showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.
- 2016 (ii) A professional land surveyor who fails to file a map of the survey as required by Subsection (1)(a)(i) is guilty of an infraction.
- 2018 (iii) Each failure to file a map of the survey as required by Subsection (1)(a)(i) is a separate violation.
- 2020 (b) The county surveyor or designated office shall file and index the map of the survey.
- 2021 (c) The map shall be a public record in the office of the county surveyor or designated office.
- 2023 (2) This type of map shall show:
- 2024 (a) the location of survey by quarter section and township and range;

HB0038S01 compared with HB0038S02

- 2025 (b) the date of survey;
- 2026 (c) the scale of drawing and north point;
- 2027 (d) the distance and course of all lines traced or established, giving the basis of bearing and the distance
and course to two or more section corners or quarter corners, including township and range, or to
identified monuments within a recorded subdivision;
- 2031 (e) all measured bearings, angles, and distances separately indicated from those of record;
- 2033 (f) a written boundary description of property surveyed;
- 2034 (g) all monuments set and [~~their~~] the monuments' relation to older monuments found;
- 2035 (h) a detailed description of monuments found and monuments set, indicated separately;
- 2036 (i) the surveyor's seal or stamp; and
- 2037 (j) the surveyor's business name and address.
- 2038 (3)
- (a) The map shall contain a written narrative that explains and identifies:
- 2039 (i) the purpose of the survey;
- 2040 (ii) the basis on which the lines were established; and
- 2041 (iii) the found monuments and deed elements that controlled the established or reestablished lines.
- 2043 (b) If the narrative is a separate document, it shall contain:
- 2044 (i) the location of the survey by quarter section and by township and range;
- 2045 (ii) the date of the survey;
- 2046 (iii) the surveyor's stamp or seal; and
- 2047 (iv) the surveyor's business name and address.
- 2048 (c) The map and narrative shall be referenced to each other if they are separate documents.
- 2050 (4) The map and narrative shall be created on material of a permanent nature on stable base
reproducible material in the sizes required by the county surveyor.
- 2052 (5)
- (a) Any monument set by a licensed professional land surveyor to mark or reference a point on a
property or land line shall be durably and visibly marked or tagged with the registered business
name or the letters "L.S." followed by the registration number of the surveyor in charge.
- 2056 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be marked with
the official title of the office.
- 2058 (6)

HB0038S01 compared with HB0038S02

- (a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.
- (b) The record described in Subsection (6)(a) shall:
- (i) be submitted within 45 days of the corner visits; and
 - (ii) include the surveyor's seal, business name, and address.
- (7) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any professional land surveyor who fails to comply with the requirements of this section, according to the procedures in Title 58, Chapter 1, Division of Professional Licensing Act.
- (8) Each federal or state agency, board, or commission, special district, special service district, or municipal corporation that makes a boundary survey of lands within this state shall comply with this section.
- Section 50. Section **17-73-507** is amended to read:
- 17-73-507. Final plats of local entity boundary actions -- County surveyor approval of final plat -- Plat requirements.**
- (1) Upon request and in consultation with the county recorder, the county surveyor of each county in which property depicted on a plat is located shall determine whether the plat is a final local entity plat.
- (2)
- (a) If a county surveyor determines that a plat meets the requirements of Subsection (3), the county surveyor shall approve the plat as a final local entity plat.
 - (b) The county surveyor shall indicate the approval of a plat as a final local entity plat on the face of the final local entity plat.
 - (3) A plat may not be approved as a final local entity plat unless the plat:
 - (a) contains a graphical illustration depicting:
 - (i) in the case of a proposed creation or incorporation of a local entity, the boundary of the proposed local entity;
 - (ii) in the case of a proposed annexation of an area into an existing local entity, the boundary of the area proposed to be annexed;

HB0038S01 compared with HB0038S02

- (iii) in the case of a proposed adjustment of a boundary between local entities, the boundary of the area that the boundary adjustment proposes to move from inside the boundary of one local entity to inside the boundary of another local entity;
- 2091 (iv) in the case of a proposed withdrawal or disconnection of an area from a local entity, the boundary of the area that is proposed to be withdrawn or disconnected;
- 2093 (v) in the case of a proposed consolidation of multiple local entities, the boundary of the proposed consolidated local entity; and
- 2095 (vi) in the case of a proposed division of a local entity into multiple local entities, the boundary of each new local entity created by the proposed division;
- 2097 (b) is created on reproducible material that is:
- 2098 (i) permanent in nature; and
- 2099 (ii) the size and type specified by the county recorder;
- 2100 (c) is drawn to a scale so that all data are legible;
- 2101 (d) contains complete and accurate boundary information, including, as appropriate, calls along existing boundary lines, sufficient to enable:
- 2103 (i) the county surveyor to establish the boundary on the ground, in the event of a dispute about the accurate location of the boundary; and
- 2105 (ii) the county recorder to identify, for tax purposes, each tract or parcel included within the boundary;
- 2107 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently unique to distinguish the plat from all other recorded plats in the county;
- 2109 (f) contains:
- 2110 (i) the name of the local entity whose boundary is depicted on the plat;
- 2111 (ii) the name of each county within which any property depicted on the plat is located;
- 2112 (iii) the date that the plat was prepared;
- 2113 (iv) a north arrow and legend;
- 2114 (v) a signature block for:
- 2115 (A) the signatures of:
- 2116 (I) the professional land surveyor who prepared the plat; and
- 2117 (II) the local entity's approving authority; and
- 2118 (B) the approval of the county surveyor; and
- 2119

HB0038S01 compared with HB0038S02

(vi) a three-inch by three-inch block in the lower right hand corner for the county recorder's use when recording the plat;

2121 (g) has been certified and signed by a professional land surveyor licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and

2124 (h) has been reviewed and signed by the approving authority of the local entity whose boundary is depicted on the plat.

2126 (4) The county surveyor may charge and collect a reasonable fee for the costs associated with:

2128 (a) the process of determining whether a plat is a final local entity plat; and

2129 (b) the approval of a plat as a final local entity plat.

2130 (5) A county surveyor may charge a newly created political subdivision, and a newly created political subdivision shall pay, a fee described in Subsection (4) following the lieutenant governor's issuance of a certificate of incorporation for the new political subdivision:

2134 (a) for survey work the county surveyor completed that was required for or associated with the formation of the new political subdivision; and

2136 (b) even if the county surveyor conducted the survey work before the certificate of incorporation is issued.

2145 Section 51. Section **17-74-101** is amended to read:

2146 **17-74-101. Definitions.**

As used in this chapter[:] :

2141 (1) "Finance officer" means the same as that term is defined in Section 17-66-101.

2142 (2) [~~"warrant"~~] "Warrant" means the same as that term is defined in Section 17-63-101.

2150 Section 52. Section **17-74-301** is amended to read:

2151 **17-74-301. General duties.**

The county treasurer shall:

2146 (1) receive all money belonging to the county and all other money by law directed to be paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness issued under Title 11, Chapter 14, Local Government Bonding Act;

2149 (2) deposit and invest all money received under Title 51, Chapter 7, State Money Management Act;

2151 (3) keep a record of the receipts and expenditures of all such money;

2152 (4) disburse county money:

2153 (a) on a county warrant issued by the county [~~auditor~~] finance officer; or

HB0038S01 compared with HB0038S02

- 2154 (b) subject to Section [~~17-69-307~~] 17-69-404, by a county check or other payment mechanism as may
be adopted in accordance with [~~Chapter 63, Fiscal Procedures and Processes~~] Chapter 63, Fiscal
Authority and Processes;
- 2157 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13, Collection of Taxes;
- 2159 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have been reassigned
to the treasurer in an ordinance adopted under Section 17-74-102;
- 2161 (7) provide the notice required under Section 10-11-4 or 17B-1-902; and
- 2162 (8) perform other duties that are required by law or ordinance.
- 2170 Section 53. Section **17-74-302** is amended to read:
- 2171 **17-74-302. Payment of warrants in order presented -- Nonpayment and interest.**
- 2165 (1) The county treasurer shall pay all warrants in the order presented and as funds are available.
- 2167 (2) Except as provided in Subsection (4), the county treasurer shall execute payment for a warrant
when:
- 2169 (a) a warrant is presented for payment; and
- 2170 (b) there is sufficient money in the county treasury to cover the payment.
- 2171 (3) Upon receiving the notice from the county [~~auditor~~] finance officer under Section
[~~17-69-307~~] 17-69-404 and if there is adequate money in the treasury, the treasurer shall, by check
or other payment mechanism, make any payment not already paid by warrant.
- 2174 (4) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any warrant or
to issue any check or other payment instrument before receiving the certified list under Section
17-70-302.
- 2177 (5) Before providing certain funding to a community reinvestment agency created under Title 17C,
Limited Purpose Local Government Entities - Community Reinvestment Agency Act, a treasurer
shall consult with the community reinvestment agency as described in Section 17C-1-409.
- 2181 (6) When a warrant is presented to the county treasurer for payment and is not paid due to a lack of
sufficient county funds, the warrant shall bear interest at the rate of 5% per annum until paid.
- 2191 Section 54. Section **54** is enacted to read:
- 2192 **17-74-304. Treasurer duties to special district under interlocal agreement.**
The treasurer may enter into an agreement with a special district for the county treasurer
to bill and collect assessments on behalf of the special district, as described in Section
17B-1-901.

HB0038S01 compared with HB0038S02

2196 Section 55. Section **17-74-402** is amended to read:

2197 **17-74-402. Monthly reconciliation with county auditor -- Assistance to county auditor in**
making reports.

2192 (1) The county treasurer shall reconcile with the county [~~auditor~~] finance officer by the last day of each
month for the preceding month.

2194 (2) The county treasurer shall assist the county [~~auditor~~] finance officer to fulfill the reporting
obligations described in Section [~~17-69-306~~] 17-69-403.

2203 Section 56. Section **17-75-201** is amended to read:

2204 **17-75-201. Deputies and employees -- Appointments -- County legislative body consent**
power -- Liability of principal -- Deputy may serve despite vacancy in office of appointing officer.

2200 (1)

(a) A county or precinct officer, including an elected county executive, except a county commissioner
or county council member, may, with the consent of the county legislative body, appoint deputies
and employees as necessary for the discharge of the duties of the county officer's office.

2204 (b) The county legislative body's consent power under Subsection (1)(a) shall be defined in county
ordinance and may include consent by:

2206 (i) the budget approval process;

2207 (ii) approval of an allocation of a certain number of positions; or

2208 (iii) approval or disapproval of the hiring of individual applicants for employment.

2209 (c) A county legislative body may by ordinance delegate to the county executive the authority to
consent to the appointment of deputies and employees under this Subsection (1).

2212 (2) If a county clerk performs district court clerk functions, the legislative body of the county shall
provide the county clerk with deputies and employees for the business of the district court:

2215 (a) as the district court judge or judges consider necessary and advisable; and

2216 (b) consistent with the level of funding for clerk services from the court administrator's office.

2218 (3)

(a) Each county officer appointing a deputy shall, for each deputy appointed:

2219 (i) sign a document that states that the county officer appointed the deputy; and

2220 (ii) file the signed document with the county clerk.

2221 (b) The county officer appointing the deputy is liable for all the deputy's official acts.

2222

HB0038S01 compared with HB0038S02

(c) If the office of the county officer who appointed the deputy becomes vacant, the deputy may continue to serve despite the vacancy.

2224 (4) A sheriff in a county employing more than 100 full-time uniformed peace officers may, with the
consent of ~~[the council and]~~ the county legislative body, appoint more than one chief deputy or
undersheriff.

2234 Section 57. Section **17-75-403** is amended to read:

2235 **17-75-403. Grievance and appeals procedure -- Employees' complaints of discriminatory
employment practice.**

2230 (1)

(a) Any county to which the provisions of Part 5, Career Service, and Part 6, Office of Personnel
Management, apply shall establish in the county's personnel rules a grievance and appeals
procedure.

2233 (b) A grievance and appeals procedure shall be used to resolve disputes arising from grievances as
defined in the personnel rules, including acts of discrimination.

2235 (c) County employees may use the grievance and appeals procedure if the county employee is:

2237 (i) dismissed;

2238 (ii) demoted;

2239 (iii) suspended; or

2240 (iv) transferred.

2241 (2)

(a) A county career service employee that accuses a county of discriminatory or prohibited
employment practice as prohibited by Section 34A-5-106, may file a complaint with the Division of
Antidiscrimination and Labor created in Section 34A-1-202.

2245 (b) A county employee that files a complaint with the Division of Antidiscrimination and Labor shall
file the complaint within 30 days after the day on which the ~~[council]~~ body that heard the grievance
and appeal issues a written decision on the county employee's grievance or appeal.

2256 Section 58. Section **17-75-501** is amended to read:

2257 **17-75-501. Career service council or administrative law judge -- Members and alternate
members -- Powers and duties -- Appeals -- Time limit -- Qualifications, appointment, terms, and
compensation of council members -- Career service council authorized to refer an appeal to an
administrative law judge.**

HB0038S01 compared with HB0038S02

- 2254 (1)
(a)
- (i) ~~[There shall be in each county establishing a]~~ Each county that establishes a career service system shall:
- 2256 (A) establish a service council appointed by the county executive as described in this section and to fulfill the duties described in this section; or
- 2258 (B) hire or contract with an administrative law judge, trained and experienced in personnel matters, to fulfill the duties of a career service council described in Subsections (1)(b) and (c).
- 2261 (ii) The members of the council shall be individuals trained and experienced in, and willing to apply, merit principles to public employment.
- 2263 (iii)
- (A) The county executive may appoint alternate members of the council to hear appeals that one or more regular council members are unable to hear.
- 2265 (B) The term of an alternate member of the council may not exceed one year.
- 2266 ~~[(b) The council shall hear appeals not resolved at lower levels in cases of:]~~
- 2267 ~~[(i) career service employees who the county has:]~~
- 2268 ~~[(A) suspended;]~~
- 2269 ~~[(B) transferred;]~~
- 2270 ~~[(C) demoted; or]~~
- 2271 ~~[(D) dismissed; and]~~
- 2272 ~~[(ii) grievances not resolved by the grievance procedure at the county division or departmental level.]~~
- 2274 (b) The council or administrative law judge shall hear appeals not resolved at lower levels from career service employees who the county has:
- 2276 (i) suspended;
- 2277 (ii) transferred;
- 2278 (iii) demoted; or
- 2279 (iv) dismissed.
- 2280 (c) The council or administrative law judge:
- 2281 (i) may make an initial determination in each appeal whether the appeal is one of the types of matters under Subsection (1)(b)~~[over which the council has jurisdiction];~~

HB0038S01 compared with HB0038S02

- 2283 (ii) shall, subject to Subsections (9) through (11), review written appeals in cases of applicants rejected for examination and ~~[report final binding appeals decisions]~~ provide recommendations, in writing, to the county legislative body; and
- 2286 (iii) may not hear any other personnel matter~~[-and]~~ .
- 2287 ~~[(iv) may affirm, modify, vacate, or set aside an order for disciplinary action.]~~
- 2288 (d)
- (i) An individual adversely affected by a decision of the council or an administrative law judge may appeal the decision to the ~~[district court]~~ county governing body.
- 2291 (ii)
- (A) After receiving an appeal under Subsection (1)(d)(i), the county governing body shall issue a final decision, affirming or rejecting the decision of the council or administrative law judge.
- 2294 (B) If a county governing body fails to take action on an appeal within 60 days of the day on which the governing body receives the appeal, the appeal shall be considered denied as a final decision of a county governing body.
- 2297 (iii) An individual adversely affected by a final decision of the county governing body may appeal the decision to the district court.
- 2299 ~~[(ii)]~~ (iv) An appeal to the district court under this Subsection (1)(d) is barred unless [it] the appeal is filed within 30 days after the day on which the ~~[council issues the council's decision]~~ county governing body issues the final decision.
- 2302 ~~[(iii)]~~ (v) If there is a record of the ~~[council]~~ proceedings, the district court review shall be limited to the record~~[-provided by the council]~~.
- 2304 ~~[(iv)]~~ (vi) In reviewing a decision of the council or an administrative law judge, the district court shall presume that the decision is valid and may determine only whether the decision is arbitrary or capricious.
- 2307 (e) Notwithstanding Subsection (1)(b), a council that receives an appeal may refer the appeal to an administrative law judge as described in Subsections (9) through (11).
- 2309 (2)
- (a) A council member shall serve a term of three years that expires on June 30, three years after the county executive appointed the council member.
- 2311 (b) Notwithstanding Subsection (2)(a), the term for original appointees to a council shall be staggered so that the term of only one council member expires each year.

HB0038S01 compared with HB0038S02

- 2313 (c) A county executive's appointment to fill a vacancy on the council shall be for only the unexpired
term of the appointee's successor.
- 2315 (d) Each council member shall hold office until the council member's successor is appointed and
confirmed.
- 2317 (e) The county executive may remove ~~[the] a~~ council member ~~[for cause, after:]~~ after the county
executive gives the council member an opportunity to appeal to the county legislative body.
2320 ~~[(i) receiving a copy of the charges against the council member; and]~~
2321 ~~[(ii) the council member has had an opportunity to be heard publicly on the charges before the county~~
~~legislative body. -]~~
- 2323 (f) The county shall annually appropriate adequate funds to enable the council to effectively carry out
the council duties under this chapter.
- 2325 (3) Each county council member and alternate county council member shall be:
- 2326 (a) a citizen of the United States; and
- 2327 (b) for a period of at least one year before the day on which the council member is appointed, an actual
and bona fide resident of:
- 2329 (i) the state of Utah; and
- 2330 (ii) the county[-].
- 2331 (4) A council member may not ~~[hold another government office or]~~ be employed by the county.
- 2333 (5) The council shall elect a member of the council as chairperson.
- 2334 (6) Two or more council members constitutes a quorum necessary for carrying on the council's business
and activity.
- 2336 (7) The council shall have subpoena power to[:]
- 2337 ~~[(a)]~~ compel attendance of witnesses~~[- and] .~~
- 2338 ~~[(b) authorize witness fees when the council deems appropriate, to be paid at the same rate as in justice~~
~~courts.]~~
- 2340 (8)
- (a) A council member shall receive compensation for attending each day or partial day the council is in
session at a per diem rate established in accordance with Section 11-55-103.
- 2343 (b) An alternate council member shall receive compensation for each day or partial day that the
alternate council member is required to replace a regular council member, at a per diem rate
established in accordance with Section 11-55-103.

HB0038S01 compared with HB0038S02

- 2346 (9)
- (a) A county legislative body may appoint one or more administrative law judges to hear appeals referred by a council under this section.
- 2348 (b) Each administrative law judge shall be trained and experienced in personnel matters.
- 2349 (10)
- (a) A council may refer an appeal to an administrative law judge appointed under Subsection (9) if the council determines that the referral is in each party's best interest.
- 2351 (b) After holding a hearing on an appeal described in Subsection (10)(a), the administrative law judge shall make:
- 2353 (i) findings of fact; and
- 2354 (ii) a recommendation to the council.
- 2355 (c) After receiving the administrative law judge's recommendation, the council may request the administrative law judge to hold a further factual hearing before the council issues a decision.
- 2358 (d) The council may adopt or reject the administrative law judge's recommendation, whether before or after a further hearing under Subsection (10)(c).
- 2360 (11)
- (a) A council shall refer an appeal to an administrative law judge appointed under Subsection (9) if the county employee or county official assigned by the county executive or county legislative body to manage personnel functions requests that the appeal be referred.
- 2364 (b) In an appeal described in Subsection (11)(a), the administrative law judge, not the council, issues a final decision.
- 2373 Section 59. Section **17-75-502** is amended to read:
- 2374 **17-75-502. Career service -- Exempt positions.**
- 2368 (1) The career service:
- 2369 (a) is a permanent service to which this part applies; and
- 2370 (b) comprises all tenured county positions in the public service, except:
- 2371 (i) subject to Subsection (2):
- 2372 (A) the county executive, members of the county legislative body, and other elected officials; and
- 2374 (B) each major county department head charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting to formulate and carry out policy matters;

HB0038S01 compared with HB0038S02

- 2377 (ii) one confidential [secretary] administrative assistant for each elected county officer and major
county department head, if a confidential [secretary] administrative assistant is assigned;
- 2380 (iii) an administrative assistant to the county executive, each member of the county legislative body,
and each elected official, if an administrative assistant is assigned;
- 2383 (iv) each duly appointed chief deputy of any elected county officer who takes over and discharges the
duties of the elected county officer in the absence or disability of the elected county officer;
- 2386 (v) subject to Subsection (3), an individual who is:
- 2387 (A) appointed by an elected county officer to be a division director, to administer division functions in
furtherance of the performance of the elected officer's professional duties;
- 2390 (B) in a confidential relationship with the elected county officer; and
- 2391 (C) not in a law enforcement rank position of captain or below;
- 2392 (vi) each person employed to make or conduct a temporary and special inquiry, investigation, or
examination on behalf of the county legislative body or one of its committees;
- 2395 (vii) each noncareer employee:
- 2396 (A) compensated for the employee's services on a seasonal or contractual basis; and
- 2398 (B) hired on emergency or seasonal appointment basis, as approved by the council;
- 2399 (viii) each provisional employee, as defined by the county's policies and procedures or personnel rules;
- 2401 (ix) each part-time county employee, as defined by the county's policies and procedures or personnel
rules;
- 2403 (x) each county employee appointed to perform:
- 2404 (A) work that does not exceed three years in duration; or
- 2405 (B) work with limited funding; and
- 2406 (xi) each county position that, by the position's confidential or key policy-determining nature, cannot or
should not be appropriately included in the career service.
- 2409 (2)
- (a) [~~Before~~] Subject to Subsection (2)(b), before a position under Subsection (1)(b)(i) may be changed
from [~~its~~] the position's current status to exempt or tenured, the [~~council~~] legislative body shall, after
giving due notice, hold a public hearing on the proposed change of status.
- 2413 (b) A legislative body may change a position under Subsection (2)(a) only after the position becomes
vacant.
- 2415 (3)

HB0038S01 compared with HB0038S02

(a) Subsection (1)(b)(v) may not be construed to cause an individual serving as a nonexempt county employee on May 5, 2008, in a position described in that subsection to lose the nonexempt status.

2418 (b) The elected county officer in a supervisory position over a county employee described in Subsection (3)(a) shall work with the county's office of personnel management to develop financial and other incentives to encourage a nonexempt employee to convert voluntarily to exempt status.

2422 (4)

(a) County policies made in conformity with this part shall list by job title and county department, office or agency, each position designated as exempt under Subsection (1)(b)(xi).

2425 (b) A change in exempt status of a position designated as being exempt under Subsection (1)(b)(xi) constitutes an amendment to the personnel rules made under this chapter.

2435 Section 60. Section **17-75-503** is amended to read:

2436 **17-75-503. Acceptance of exempt position by career service employee -- Reappointment register.**

2431 [(1)] Any career service employee accepting an appointment to an exempt position who is not retained by the appointing officer, unless discharged for cause as provided by this part or county policies made in conformity with this part, shall:

2434 [(a)] (1) be appointed to any career service position for which the employee qualifies in a pay grade comparable to the employee's last position in the career service provided an opening exists; or

2437 [(b)] (2) be appointed to any lesser career service position for which the employee qualifies pending the opening of a position described in Subsection (1) of this section.

2439 [(2) The director described in Section 17-75-601 shall maintain a reappointment register to facilitate the operation of this section, which shall have precedence over other registers.]

2448 Section 61. Section **17-75-602** is amended to read:

2449 **17-75-602. Director of personnel management responsibilities -- Personnel policies.**

2444 (1) The director shall:

2445 (a) encourage and exercise leadership in the development of expertise in personnel administration within county departments, offices, and agencies in the county service;

2448 (b) make available the facilities of the office of personnel management to county departments, offices, and agencies for the development of expertise in personnel administration;

2451 (c) advise the county legislative body, county executive, and any county officer on the use of human resources;

HB0038S01 compared with HB0038S02

2453 (d) develop and implement programs to improve employee effectiveness, including:
2454 (i) training;
2455 (ii) safety;
2456 (iii) health;
2457 (iv) counseling; and
2458 (v) welfare;
2459 [(e)
(i) investigate periodically the operation and effect of this chapter and of the policies made under this
chapter; and]
2461 [(ii) report investigation findings and recommendations to the county legislative body;]
2462 [(f)] (e) establish and maintain records of all employees in the county service that includes each county
employee's:
2464 (i) class;
2465 (ii) title;
2466 (iii) pay or status; and
2467 (iv) other relevant data;
2468 [(g)] (f) make an annual report to the county legislative body and county executive regarding the work
of the office;
2470 [(h)] (g) apply and carry out this chapter and the policies under this chapter; and
2471 [(i)] (h) perform any other lawful acts that are necessary to carry out the provisions of this chapter.
2473 (2)
[(a) The-] In a county subject to this chapter:
2474 (a) the director shall recommend personnel policies for the county[-] ; and
2475 (b) [The-] the county legislative body may:
2476 (i) recommend personnel policies for the county; and
2477 (ii) approve, amend, or reject personnel policies for the county before [they] the personnel policies are
adopted.
2479 (3) Personnel policies shall provide for:
2480 (a) recruiting efforts that are planned and carried out in a manner that:
2481 (i) assures open competition; and
2482

HB0038S01 compared with HB0038S02

(ii) [~~places special emphasis on~~] includes recruiting efforts to attract and help assure that individuals belonging to the following groups will be among the candidates from whom appointments are made:

- 2485 (A) minorities;
- 2486 (B) women;
- 2487 (C) individuals with a disability as defined by and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102; or
- 2489 (D) other groups that are substantially underrepresented in the county workforce;
- 2490 (b) the establishment of job related minimum requirements, wherever practical, that all successful candidates are required to meet to be eligible for consideration for appointment or promotion;
- 2493 (c) selection procedures that include:
 - 2494 (i) consideration of the relative merit of each applicant for employment;
 - 2495 (ii) a job related method of determining the eligibility or ineligibility of each applicant for employment; and
 - 2497 (iii) a valid, reliable, and objective system of ranking eligible applicants according to ~~[their]~~ the eligible applicant's qualifications and merit;
- 2499 (d) certification procedures that ensure equitable consideration of an appropriate number of the most qualified eligible applicants based on the ranking system;
- 2501 (e) appointments to positions in the career service by selection from the most qualified eligible applicants certified on eligible lists established in accordance with Subsections (3)(c) and (d);
- 2504 (f) occasional noncompetitive appointments where there is evidence that open or limited competition is not practical, including for unskilled positions that have no minimum job requirements;
- 2507 (g) limitation of competition at the discretion of the director for appropriate positions to facilitate employment of qualified applicants for employment with:
 - 2509 (i) a substantial physical or mental impairment; or
 - 2510 (ii) other groups protected by Title VII of the Civil Rights Act;
- 2511 (h)
 - (i) permanent appointment for entry to the career service that is contingent upon a probationary county employee's satisfactory performance during a six-month probationary period;
 - 2514 (ii) a six-month probationary period that the county may extend for a period not to exceed an additional six months for good cause; and

2516

HB0038S01 compared with HB0038S02

(iii) an opportunity for a probationary county employee to appeal directly to the council any undue prolonging of the six-month probationary period by the county that is designed to thwart merit principles;

2519 (i) temporary, provisional, or other noncareer service appointments, which may not:

2520 (i) be used to defeat the purpose of the career service; and

2521 (ii) exceed 270 days;

2522 (j) lists of eligible applicants, if available, for filling temporary positions and short-term emergency appointments that:

2524 (i) are made without regard to the other provisions of law;

2525 (ii) provide for maintenance of essential services in an emergency situation where normal procedures are not practical; and

2527 (iii) do not exceed 270 days;

2528 (k)

(i) promotion and career ladder advancement of county employees to higher level positions; and

2530 (ii) assurance that an individual promoted is qualified for the higher level position;

2531 (l) recognition of the equivalency of other merit processes by waiving, at the director's discretion, the open competitive examination for placement in the career service positions of applicants for employment who were originally selected through a competitive examination process in another governmental entity, an individual in those cases, to serve a probationary orientation period;

2536 (m) preparation, maintenance, and revision of a position classification plan for all positions in the career service that:

2538 (i) is based upon similarity of duties performed and responsibilities assumed;

2539 (ii) for all positions in the same class:

2540 (A) reasonably requires the same qualifications; and

2541 (B) equitably applies the same schedule of pay; and

2542 (iii) includes a compensation plan that, to maintain a high quality public workforce, accounts for:

2544 (A) the responsibility and difficulty of the work for each position;

2545 (B) the comparative pay and benefits needed to compete in the labor market;

2546 (C) proper alignment with other similar governmental units; and

2547 (D) other factors;

2548 (n)

HB0038S01 compared with HB0038S02

- (i) keeping records of performance on all county employees in the career service; and
- 2550 (ii) requiring consideration of performance records in determining:
 - 2551 (A) salary increases;
 - 2552 (B) benefits for meritorious service;
 - 2553 (C) promotions;
 - 2554 (D) the order of layoffs and reinstatements;
 - 2555 (E) demotions;
 - 2556 (F) discharges; and
 - 2557 (G) transfers;
- 2558 (o) establishment of a plan:
 - 2559 (i) governing layoffs of county employees resulting from:
 - 2560 (A) lack of funds or work;
 - 2561 (B) abolition of positions; or
 - 2562 (C) material changes in duties or organization; and
 - 2563 (ii) governing reemployment of former county employees [~~that~~] who the county laid off ~~that~~ takes into account the former county employee's:
 - 2565 (A) relative ability;
 - 2566 (B) seniority; and
 - 2567 (C) merit;
- 2568 (p) establishment of a plan for resolving employee grievances and complaints with final and binding decisions;
- 2570 (q) establishment of disciplinary measures including:
 - 2571 (i) suspension;
 - 2572 (ii) demotion in rank or grade;
 - 2573 (iii) discharge; and
 - 2574 (iv) presentation of charges, hearing rights, and appeals for all permanent employees in the career service to the council;
- 2576 (r) establishment of a procedure for employee development and improvement of poor performance;
- 2578 (s) establishment of:
 - 2579 (i) hours of work;
 - 2580 (ii) holidays; and

HB0038S01 compared with HB0038S02

- 2581 (iii) attendance requirements in various classes of positions in the career service;
2582 (t) establishment and publicizing of fringe benefits including:
2583 (i) insurance;
2584 (ii) retirement; and
2585 (iii) leave programs; and
2586 (u) any other requirements authorized by the county governing body not inconsistent with this chapter that are proper for the chapter's enforcement.

2595 Section 62. Section **17-75-604** is amended to read:

2596 **17-75-604. Certification of eligibility by director -- Power of director to examine payrolls.**

- 2591 (1) The director, or the director's designee, shall certify:
2592 (a) a new county employee hired to a position covered by this chapter; and
2593 (b) a change in a county employee's compensation, title, or status.
2594 (2) The director, or the director's designee, shall certify an employee as eligible to be paid under this chapter, or personnel rules made under this chapter.
2596 (3) The director may examine payrolls at any time to determine conformity with this chapter and the personnel rules.

2605 Section 63. Section **17-75-702** is amended to read:

2606 **17-75-702. Violations -- Misdemeanor -- Ineligibility for employment and forfeiture of position.**

- 2601 [~~(1) An individual who willfully violates any provision of this chapter or the personnel rules made under this chapter is guilty of a class A misdemeanor.~~]
2603 [(2) In addition to the sanctions of Subsection (1), an-] An individual who has been adjudged guilty of violating any of the provisions of this chapter or the personnel rules made [~~under~~] in accordance with this chapter shall, for a period of five years:
2606 [(a)] (1) be ineligible for appointment to or employment in a county position; and
2607 [(b)] (2) if a county officer or employee, forfeit the county office or position.

2615 Section 64. Section **17-76-402** is amended to read:

2616 **17-76-402. Applicability -- Overtime for law enforcement personnel -- Exception.**

- 2610 (1) This section does not apply to a county subject to Part 3, Peace Officer Merit System in Counties of the First Class.

2612

HB0038S01 compared with HB0038S02

(2) The legislative body of a county that employs a nonexempt employee engaged in law enforcement activities may, except as otherwise required by a contract or a collective bargaining agreement or federal law, enact an ordinance or pass a resolution that:

(a) designates a work period for the nonexempt employee that is the same as, or equivalent to, a work period described in Subsection 63A-17-502(2); and

(b) compensates the nonexempt employee for overtime at a rate of one and one-half times the nonexempt employee's regular hourly rate.

Section 65. Section **17-78-201** is amended to read:

17-78-201. Development of county resources.

(1) A county may provide for the development of the county's mineral, water, ~~manpower~~ personnel, industrial, historical, cultural, and other resources.

(2) A county may expend county funds as are considered advisable to carry out the purposes of Subsection (1).

Section 66. Section **17-78-605** is amended to read:

17-78-605. Fees for constables -- Criminal.

(1)

(a) Except as provided in Subsections (3) and (6), a constable shall be paid in criminal matters for each copy of a summons, subpoena, notice, court order, or other criminal paper as follows:

(i) \$5 for each defendant served; and

(ii) mileage of \$1 per mile for each mile necessarily traveled in going only, to be computed from either the courthouse, or when transmitted by mail, from the post office where received.

(b) If more than one trip is necessary to serve, or diligently attempt to serve, service of process, a constable may collect mileage charges for more than two trips only if the party requesting the service of process has approved the additional mileage charges.

(c) A constable shall individually document each charge under this Subsection (1) on the affidavit of return of service.

(2) If a constable serves process in a county other than the county where the process originated, travel expenses may not exceed the fee that would be charged if served by the sheriff of that county under Chapter 72, County Sheriff.

(3)

HB0038S01 compared with HB0038S02

- (a) A constable may charge a county a fee of \$1 for each mile traveled for the purpose of serving, or to diligently attempt service of, a warrant of arrest, both in going to and returning from the defendant's address.
- 2645 (b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of arrest, a constable may collect no more than two additional mileage charges.
- 2647 (c) A constable shall individually document each charge under this Subsection (3) on the affidavit of return of service.
- 2649 (4) For arresting a prisoner and bringing the prisoner into court, or otherwise satisfying a warrant, a constable may charge a fee of \$15.
- 2651 (5)
- (a) Accounts against the county filed by constables for services in criminal cases shall be:
- 2653 (i) certified as correct by the county attorney or district attorney; and
- 2654 (ii) presented to the county auditor or county finance officer, as that term is defined in Section 17-66-101.
- 2656 (b) The county legislative body may reject constable bills in all causes or proceedings in which the county attorney or district attorney has not authorized the issuance of the warrant of arrest in writing.
- 2659 (6) A county may, by contract with a constable, establish lower fees for services than the fees described in this section.
- 2668 Section 67. Section **17-78-807** is amended to read:
- 2669 **17-78-807. Annual report -- Financial statement.**
- 2663 (1) To the extent that independent accounting records are prepared and maintained by the planetarium, the planetarium board of directors shall make, or in the case of a contracting entity, require that there be made, an annual report to the county executive and the county legislative body on the condition and operation of the planetarium, including a financial statement.
- 2668 (2) The financial statement described in Subsection (1) shall be:
- 2669 (a) prepared in accordance with generally accepted accounting principles; and
- 2670 (b) reviewed by the county ~~auditor~~ finance officer, as that term is defined in Section 17-66-101.
- 2672 (3) The planetarium shall be included in the annual audit of the county conducted by an independent public accountant as required by Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

HB0038S01 compared with HB0038S02

2682 Section 68. Section **17B-1-901** is amended to read:

2683 **17B-1-901. Providing and billing for multiple commodities, services, or facilities --**
2684 **Suspending service to a delinquent customer.**

2678 (1) If a special district provides more than one commodity, service, or facility, the district may bill for
the fees and charges for all commodities, services, and facilities in a single bill.

2681 (2) Regardless of the number of commodities, services, or facilities furnished by a special district, the
special district may suspend furnishing any commodity, service, or facility to a customer if the
customer fails to pay all fees and charges when due.

2684 (3)

(a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a special district
may not suspend furnishing any commodity, service, or facility to a customer if discontinuance of
the service is requested by a private third party, including an individual, a private business, or a
nonprofit organization, that is not the customer.

2689 (b)

(i) An owner of land or the owner's agent may request that service be temporarily discontinued for
maintenance-related activities.

2691 (ii) An owner of land or the owner's agent may not request temporary discontinuance of service under
Subsection (3)(b)(i) if the request is for the purpose of debt collection, eviction, or any other
unlawful purpose.

2694 (4) A special district and a county, with the approval or consent of the county treasurer, may enter into
an agreement for the county treasurer to bill and collect assessments on behalf of the special district.

2704 Section 69. Section **59-2-208** is amended to read:

2705 **59-2-208. Duties of commission relative to mines.**

The duties of the commission [~~and county auditors~~]relative to:

2700 (1) the assessment of mines, mining claims, and mining property;

2701 (2) the statements and returns to be made; and

2702 (3) the equalization thereof are the same as those provided for the assessment of public utilities.

2711 Section 70. Section **59-2-1306** is amended to read:

2712 **59-2-1306. Collection after taxpayer moves from county -- Evidence of tax due -- Costs of**
collection.

2707

HB0038S01 compared with HB0038S02

(1) If any person moves from one county to another after being assessed on personal property, the county in which the person was assessed may sue for and collect the tax in the name of the county where the assessment was made.

2710 (2) At the trial, a certified copy of the assessment from the county where the assessment was made, with a signed statement attached that the tax has not been paid, describing it as on the assessment book or delinquent list, is prima facie evidence that the tax and the interest are due, and entitles the county to judgment, unless the defendant proves that the tax was paid.

2715 (3) The county treasurer shall be credited and the county ~~[auditor]~~ finance officer, as ~~that term is~~ defined in Section 17-66-101, shall allow the expenses of collecting the tax and permit a deduction from the amount collected, not to exceed 1/3 of the amount of the tax collected.

2726 Section 71. Section **77-21-4** is amended to read:

2727 **77-21-4. Fees.**

2721 (1) As used in this section, "finance officer" means the same as that term is defined in Section 17-66-101.

2723 (2) Whenever a judge of a court of record of this state issues a certificate under the provisions of this chapter to obtain the attendance of a witness for the prosecution from ~~[without]~~ outside the state in a criminal prosecution or grand jury investigation commenced or about to commence~~[he]~~ , the judge shall designate ~~[therein]~~ a suitable peace officer of this state to ~~[-]~~ :

2728 (a) present the certificate to the proper officer or tribunal of the state wherein the witness is found; and

2730 (b) ~~[to]~~ tender to the witness [his] the witness's per diem and mileage fees.

2732 (3) The peace officer designated as described in Subsection (2) shall exhibit the certificate to the county [auditor] finance officer of the county in which the criminal proceeding is pending and the [auditor] finance officer shall draw [his] a warrant upon the county treasurer in favor of the peace officer in the amount to be tendered to the witness.

2736 (4) The peace officer shall be liable upon [his] the peace officer's official bond for the proper disposition of the money received under Subsection (3).

2738 (5) In all cases in which the peace officer is required to travel in order to present the certificate and tender fees, [his] the peace officer's actual and necessary traveling expenses shall be paid out of the fund from which witnesses for the prosecution in the criminal proceeding are paid.

2750 Section 72. Section **78A-7-121** is amended to read:

2751 **78A-7-121. Funds collected -- Deposits and reports -- Special account -- Accounting.**

HB0038S01 compared with HB0038S02

- 2746 (1) As used in this section, "finance officer" means the same as that term is defined in Section
17-66-101.
- 2748 (2)
- (a) Justice courts shall deposit public funds in accordance with Section 51-4-2.
- 2749 (b) The city or county treasurer shall report to the city recorder or county ~~[auditor]~~ finance officer, as
appropriate, the sums collected and deposited.~~[-]~~
- 2751 (c) The city recorder or ~~[auditor]~~ county finance officer shall then apportion and remit the collected
proceeds as provided in Section 78A-7-120.
- 2753 ~~[(2)]~~ (3) Money received or collected on any civil process or order issued from a justice court shall be
paid within seven days to the party entitled or authorized to receive ~~[it]~~ the money.
- 2756 ~~[(3)]~~ (4)
- (a) With the approval of the governing body a trust or revolving account may be established in the name
of the justice court and the city or county treasurer for the deposit of money collected including bail,
restitution, unidentified receipts, and other money that requires special accounting.
- 2760 (b) Disbursements from this account do not require the approval of the ~~[auditor]~~ county finance officer,
city auditor, recorder, or governing body.
- 2762 (c) The account shall be reconciled at least quarterly by the city auditor or county finance officer of the
governing body, as appropriate.
- 2771 Section 73. Section **78B-1-123** is amended to read:
- 2772 **78B-1-123. Jurors and witnesses -- Limit of time for presentation of certificate.**
- 2767 (1) As used in this section, "finance officer" means the same as that term is defined in Section
17-66-101.
- 2769 (2) Any holder of a witness's or juror's certificate specified in this title shall be required to present
~~[it]~~ the certificate to the county treasurer or to the county ~~[auditor]~~ finance officer, as the case may
be, of the county where the certificate was issued within one year from the date of ~~[its]~~ issuance.
- 2773 (3) If the ~~[same]~~ certificate is not presented for payment within ~~[that]~~ the time described in Subsection
(2), ~~[it]~~ the certificate is invalid and will not be paid.
- 2782 Section 74. Section **78B-1-124** is amended to read:
- 2783 **78B-1-124. Jurors and witnesses -- Statement of certificates -- Contents -- Payment by state.**
- 2778 (1) At the end of each quarter it shall be the duty of the county treasurer and the county auditor of each
~~[county]~~ finance officer, as that term is defined in Section 17-66-101, to prepare in duplicate and

HB0038S01 compared with HB0038S02

verify under oath a full and complete itemized statement of all certificates issued by the clerk of the district court since the date of the last statement for mileage and attendance of:

- 2783 (a) grand jurors;
- 2784 (b) trial jurors engaged in the trial of criminal causes in the district court; and
- 2785 (c) witnesses summoned by or on behalf of the state in criminal causes in the district court.
- 2787 (2) The statement shall set forth in detail for each certificate:
- 2788 (a) the number of the certificate;
- 2789 (b) the date issued;
- 2790 (c) the name of the person in whose favor it was issued;
- 2791 (d) the nature of the service rendered; and
- 2792 (e) any other information as may be necessary and required by the state auditor.
- 2793 (3)
- (a) Within 30 days of the end of the quarter~~[-one of these statements]~~ :
- 2794 (i) a statement described in Subsection (2) shall be transmitted to the state auditor; and~~[-the other-]~~
- 2796 (ii) an identical statement shall be filed in the office of the county clerk.
- 2797 (b) Upon the timely receipt of ~~[this]~~ a statement, the state auditor shall, unless ~~[it]~~ the statement is found to be incorrect, draw a warrant in favor of the county treasurer upon the state treasurer for the whole amount of jurors' and witnesses' certificates as shown by the statement, and transmit ~~[it]~~ the warrant and statement to the county treasurer.
- 2802 (4) The county treasurer shall hold the funds drawn from the state treasury upon the certificates for mileage and attendance of jurors and witnesses as a separate fund for the redemption of jurors' and witnesses' certificates.

2812 Section 75. **Repealer.**

This Bill Repeals:

- 2813 This bill repeals:
- 2814 Section **10-9a-520, Licensing of residences for persons with a disability.**
- 2815 Section **17-2-102, Definitions.**
- 2816 Section **17-2-202, Definitions.**
- 2817 Section **17-16-201, Title.**
- 2818 Section **17-22-14, Failure to levy execution -- Penalty.**
- 2819 Section **17-27a-101, Title.**

HB0038S01 compared with HB0038S02

2820 Section 17-27a-409, State to indemnify county regarding refusal to site nuclear waste --
2821 **Terms and conditions.**
2822 Section 17-30-24, More than one chief deputy in larger county departments.
2823 Section 17-36-1, Title.
2824 Section 17-50-317, Expenditure of county funds authorized to develop county resources.
2825 Section 17-53-206.5, Expulsion of members prohibited -- Exception for disorderly
2826 **conduct.**
2827 Section 17-53-215, Seal for clerk of district court.
2828 Section 17-53-304, Commanding services of sheriff.
2829 Section 76. **Effective date.**
 Effective Date.
 This bill takes effect:
2824 (1) except as provided in Subsection (2), May 6, 2026; or
2825 (2) if approved by two-thirds of all members elected to each house:
2826 (a) upon approval by the governor;
2827 (b) without the governor's signature, the day following the constitutional time limit of Utah
 Constitution, Article VII, Section 8; or
2829 (c) in the case of a veto, the date of veto override.
1-29-26 1:40 PM