

County Government Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: James A. Dunnigan
Senate Sponsor:

LONG TITLE

Committee Note:

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 7 absent

General Description:

This bill deals with provisions related to counties.

Highlighted Provisions:

This bill:

- 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;
- modifies the ability of a legislative body to investigate the actions of a county officer that impacts county business or operations;
- modifies provisions related to the consolidation of county offices;
- modifies the qualification requirements of a county assessor;
- modifies provisions related to county surveyor duties;
- modifies the circumstances in which an election official is required to notify eligible voters via email about the disqualification of a candidate;
- modifies the manner in which a county recorder is required to index recorded instruments;
- authorizes a county legislative body to set fees for services of the county recorder;

- increases certain statutorily provided fees for county recorder services;
- 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;
- 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;
- modifies provisions related to survey monuments, corners, and boundaries;
- authorizes a county surveyor to charge a plat fee to an infrastructure financing district or public infrastructure district;
- authorizes a county treasurer to approve of or consent to the county entering an interlocal agreement with a special district for the county treasurer to bill and collect service fees on behalf of the special district;
- modifies provisions related to merit system employment, including appeals to a career service council or an administrative law judge;
- repeals a criminal penalty for individuals who willfully violate provisions related to county personnel management;
- rennumbers authority for a county to expend county funds as considered advisable for the development of the county's resources;
- repeals sections related to the Title 17 recodification during the 2025 First Special Session; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

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

65 **17-61-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
66 Chapter 13
67 **17-61-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,
68 Chapter 13
69 **17-61-401**, as renumbered and amended by Laws of Utah 2025, First Special Session,
70 Chapter 13
71 **17-61-404**, as renumbered and amended by Laws of Utah 2025, First Special Session,
72 Chapter 13
73 **17-61-406**, as renumbered and amended by Laws of Utah 2025, First Special Session,
74 Chapter 13
75 **17-62-303**, as renumbered and amended by Laws of Utah 2025, First Special Session,
76 Chapter 13
77 **17-62-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
78 Chapter 13
79 **17-63-505**, as renumbered and amended by Laws of Utah 2025, First Special Session,
80 Chapter 13
81 **17-63-601**, as renumbered and amended by Laws of Utah 2025, First Special Session,
82 Chapter 13
83 **17-63-604**, as renumbered and amended by Laws of Utah 2025, First Special Session,
84 Chapter 13
85 **17-63-702**, as renumbered and amended by Laws of Utah 2025, First Special Session,
86 Chapter 13
87 **17-64-405**, as renumbered and amended by Laws of Utah 2025, First Special Session,
88 Chapter 13
89 **17-66-104**, as renumbered and amended by Laws of Utah 2025, First Special Session,
90 Chapter 13
91 **17-66-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
92 Chapter 13
93 **17-66-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
94 Chapter 13
95 **17-67-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
96 Chapter 13
97 **17-69-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
98 **17-70-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13

99 **17-70-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
100 Chapter 13
101 **17-71-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
102 **17-71-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,
103 Chapter 13
104 **17-71-407**, as renumbered and amended by Laws of Utah 2025, First Special Session,
105 Chapter 13
106 **17-71-408**, as renumbered and amended by Laws of Utah 2025, First Special Session,
107 Chapter 13
108 **17-71-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,
109 Chapter 13
110 **17-73-102**, as renumbered and amended by Laws of Utah 2025, First Special Session,
111 Chapter 13
112 **17-73-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
113 Chapter 13
114 **17-73-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
115 Chapter 13
116 **17-73-504**, as renumbered and amended by Laws of Utah 2025, First Special Session,
117 Chapter 13
118 **17-73-507**, as renumbered and amended by Laws of Utah 2025, First Special Session,
119 Chapter 13
120 **17-75-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
121 Chapter 14
122 **17-75-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
123 Chapter 14
124 **17-75-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
125 Chapter 14
126 **17-75-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
127 Chapter 14
128 **17-75-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,
129 Chapter 14
130 **17-75-602**, as renumbered and amended by Laws of Utah 2025, First Special Session,
131 Chapter 14
132 **17-75-604**, as renumbered and amended by Laws of Utah 2025, First Special Session,

Chapter 14

17-75-702, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-76-402, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-78-201, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17B-1-901, as last amended by Laws of Utah 2023, Chapter 15

ENACTS:

17-74-303, Utah Code Annotated 1953

REPEALS:

10-9a-520, as last amended by Laws of Utah 2023, Chapter 327

17-2-102, as last amended by Laws of Utah 2023, Chapter 116

17-2-202, as last amended by Laws of Utah 2023, Chapter 116

17-16-201, as enacted by Laws of Utah 2016, Chapter 50

17-22-14, as last amended by Laws of Utah 2024, Chapter 365

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

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

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

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

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

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

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

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

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

Section 1. 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 2. 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.[—]
- (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 3. 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] registered voters, as reported on the canvass report of the immediately preceding general election.

(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.

(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.

(b) A statement described in Subsection (3)(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.

(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.

(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.

Section 4. 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 shall be determined using the canvassed election results from the most recent general election.

(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.

(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:

(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;

(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

(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) 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).

(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.

(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:

(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

(ii) cause the proposition to be submitted to the voters of the respective counties during the special election.

(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.

(d) The ballot language to be used at an election under this Subsection (6) shall be:

For combining ____ county with ____ county.

Against combining ____ county with ____ county.

Section 5. Section **17-61-301** is amended to read:

17-61-301 . Annexation of portion of county to adjoining county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballot.

(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.

(2)(a) A petition under Subsection (1) shall be:

~~[(a)]~~ (i) signed by a majority of the voters ~~[living]~~ residing in the portion of the

- 303 initiating county proposed to be included within the boundaries of an annexing
304 county; and
- 305 ~~[(b)]~~ (ii) presented before the first Monday in June of a year during which a general
306 election is held.
- 307 (b) The number of voters residing in a county shall be determined using the canvassed
308 election results from the most recent general election.
- 309 (3)(a) Within three business days after the day on which a county legislative body
310 receives a petition under Subsection (1), the county legislative body shall provide the
311 petition to the county clerk.
- 312 (b) Within 14 days after the day on which a county clerk of an initiating county receives
313 a petition from the county legislative body under Subsection (3)(a), the county clerk
314 shall:
- 315 (i) use the procedures described in Section 20A-1-1002 to determine whether the
316 petition satisfies the requirements of Subsection (2);
- 317 (ii) certify on the petition whether each name is that of a voter in the portion of the
318 initiating county that is proposed to be annexed; and
- 319 (iii) deliver the certified petition to the county legislative body.
- 320 (4)(a) An individual who signs a petition under this section may have the individual's
321 signature removed from the petition by, no later than three business days after the day
322 on which the county legislative body provides the petition to the county clerk,
323 submitting to the county clerk a statement requesting that the individual's signature
324 be removed.
- 325 (b) A statement described in Subsection (4)(a) shall comply with the requirements
326 described in Subsection 20A-1-1003(2).
- 327 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
328 determine whether to remove an individual's signature from a petition after receiving
329 a timely, valid statement requesting removal of the signature.
- 330 (5)(a) If the county clerk of the initiating county determines that the petition meets the
331 requirements of Subsection (2), the county clerk of the initiating county and the
332 county clerk of the annexing county shall ensure the petition is submitted to the
333 voters of the respective counties at the next regular general election as described in
334 this Subsection (5).
- 335 (b) Except as otherwise provided, the election shall be held, the results canvassed, and
336 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 6. 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:

(i) propose the name and define the boundaries of the new county; and

(ii) be signed:

(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

(B) by no less than one-fourth of the voters residing in the remaining portion of the seceding county.

(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.

(c) The number of voters residing in a county shall be determined using the canvassed election results from the most recent general election.

(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.

(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.

(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:

(i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (2);

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

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

- (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.
- (b) A statement described in Subsection (5)(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.
- (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.
- (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.
- (8) The form of ballot to be used at the special election shall be:
- For the creation of (supplying the name proposed) county.
- Against the creation of (supplying the name proposed) county.
- (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.
- (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.
- Section 7. Section **17-61-404** is amended to read:
- 17-61-404 . Records to be transmitted -- Expenses for transcribing and transfer.**
- (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.
- (b) The certified copies described in Subsection (1)(a) shall be complete as of the effective creation date of the new county.
- (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.

- (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 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.

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

- (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
- (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;
- (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
- (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;
- (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;
- (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;
- (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;
- (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

(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.

- (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.

Section 8. 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 9. 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

- 473 (iv) be signed by each of the petition sponsors.
- 474 (c) Registered voters of a county may not file a notice of intent to gather signatures in
475 bad faith.
- 476 (2)(a) The sponsors of a petition may circulate the petition after filing a notice of intent
477 to gather signatures under Subsection (1).
- 478 (b)(i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition
479 contains the number of legal signatures required under Subsection 20A-7-501(2).
- 480 (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains
481 at least the number of legal signatures equal to 30% of the number of active
482 voters, as defined in Section 20A-7-501, in the county.
- 483 (iii) The county clerk may not count a signature that was collected for the petition
484 before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 485 (iv) Notwithstanding any other provision of law, an individual may not sign a petition
486 circulated under this section by electronic signature as defined in Section
487 20A-1-202.
- 488 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
489 the completed petition and any amended or supplemental petition described in
490 Subsection (4) with the county clerk [~~not more~~] no later than 180 days after the day on
491 which the sponsors file the notice described in Subsection (1).
- 492 (d)(i) Within 30 days after the day on which the sponsors submit a petition, the
493 sponsors shall submit financial disclosures to the county clerk that include:
- 494 (A) a list of each contribution received by the sponsors and the name of the donor;
495 and
- 496 (B) a list of each expenditure for purposes of furthering or sponsoring the petition
497 and the recipient of each expenditure.
- 498 (ii) The county clerk shall publish the financial disclosures described in Subsection
499 (2)(d)(i).
- 500 (iii) All sponsors of a petition shall date and sign each list described in Subsection
501 (2)(d)(i).
- 502 (3) Within 30 days after the day on which the sponsors submit a petition under Subsection
503 (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk
504 shall:
- 505 (a)(i) use the procedures described in Section 20A-1-1002 to determine whether a
506 signer is a registered voter; and

- 507 (ii) determine whether the petition or amended or supplemental petition has been
508 signed by the required number of registered voters;
- 509 (b)(i) if the petition was signed by a sufficient number of registered voters:
- 510 (A) certify the petition;
- 511 (B) deliver the petition to the county legislative body and county executive; and
- 512 (C) notify the contact sponsor in writing of the certification; or
- 513 (ii) if the petition was not signed by a sufficient number of registered voters:
- 514 (A) reject the petition; and
- 515 (B) notify the county legislative body and the contact sponsor in writing of the
516 rejection and the reasons for the rejection; and
- 517 (c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on
518 which the county clerk certifies the petition under Subsection (3)(b)(i), the county
519 clerk shall send a copy of the optional plan that accompanied the petition to the
520 county attorney for review in accordance with Section 17-62-405.
- 521 (4) The sponsors of a petition circulated under this section may submit supplemental
522 signatures for the petition:
- 523 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
- 524 (b) before the earlier of:
- 525 (i) the deadline described in Subsection (2)(c); or
- 526 (ii) 20 days after the day on which the county clerk rejects the petition under
527 Subsection (3)(b)(ii).
- 528 (5) With the unanimous approval of petition sponsors, a petition filed under this section
529 may be withdrawn at any time within 90 days after the day on which the county clerk
530 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an
531 election under Section 17-62-501 if the petition included a notification to petition
532 signers, in conspicuous language and in a conspicuous location, that the petition
533 sponsors are authorized to withdraw the petition.
- 534 (6)(a) A voter who signs a petition under this section may have the voter's signature
535 removed from the petition by, no later than three business days after the day on
536 which the sponsors submit the petition to the county clerk, submitting to the county
537 clerk a statement requesting that the voter's signature be removed.
- 538 (b) A statement described in Subsection (6)(a) shall comply with the requirements
539 described in Subsection 20A-1-1003(2).
- 540 (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.

Section 10. 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 11. Section **17-63-505** is amended to read:

17-63-505 . Costs between counties from change of venue in civil cases.

- (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.
- (b) ~~[-the]~~ The county clerk of the county ~~[wherein the case is tried certifying]~~ that receives a civil case following a change of venue shall certify the amount of costs ~~[so paid]~~ and

575 expenses to the county clerk of the county wherein the ~~[action]~~ civil case originated.

- 576 (2) Subsection (1) does not apply to a civil case where the change of venue is granted
577 because the civil action should have been filed in the county to which the case is taken
578 for trial.

579 Section 12. Section **17-63-601** is amended to read:

580 **17-63-601 . Financial administration ordinance -- Purposes.**

- 581 (1) The county legislative body, after consultation with the county auditor, may adopt a
582 financial administration ordinance authorizing the county auditor, county executive,
583 county manager, or, in the case of county-operated hospitals or mental health districts,
584 an appointed administrator, to act as the financial officer for the purpose of approving:
585 (a) payroll checks, if the checks are prepared in accordance with a salary schedule
586 established in a personnel ordinance or resolution; or
587 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies,
588 materials, and payments on county-approved contracts and capital expenditures
589 which are referenced in the budget document and approved by an appropriation
590 resolution adopted for the current fiscal year.
591 (2) A financial administration ordinance adopted in accordance with Subsection (1) shall
592 provide:
593 (a) a maximum amount over which purchases may not be made without the approval of
594 the county executive; and
595 ~~[(b) that the financial officer be bonded for a reasonable amount; and]~~
596 ~~[(e)]~~ (b) any other provisions the county legislative body considers advisable.

597 Section 13. Section **17-63-604** is amended to read:

598 **17-63-604 . Presentation of annual report by independent auditor -- Notice that**
599 **audit complete.**

- 600 (1) The annual report required by Section 17-63-603 may be satisfied by a county by the
601 presentation of the report of the independent auditor on the results of operations for the
602 year and financial condition at the midpoint of the fiscal period or at the close of the
603 fiscal period if it is prepared in conformity with the uniform system of budgeting,
604 accounting, and reporting.
605 (2) Independent audits are required for all counties as provided in Title 51, Chapter 2a,
606 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other
607 Local Entities Act.
608 (3) Within 10 days after the receipt of the audit report furnished by the independent auditor,
609

the county auditor 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 county audit may be inspected at the office of the county auditor.

Section 14. 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 15. 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 16. Section **17-66-104** is amended to read:

17-66-104 . Consolidation of county offices -- County clerk to perform duties of county auditor under certain circumstances.

(1) A legislative body may, unless prohibited by Subsection (2), pass an ordinance that:

(a) consolidates county offices and establishes the duties of consolidated county offices;

(b) separates any previously consolidated offices and reconsolidates county offices; or

(c) separates any previously consolidated county offices without reconsolidating them.

(2) A legislative body may not:

- 644 (a) consolidate the offices of county commissioner, county council member, or county
645 treasurer with the office of county auditor;
- 646 (b) consolidate the office of county executive with the office of county auditor, unless a
647 referendum approving that consolidation passes; or
- 648 (c) consolidate the offices of county commissioner, county council member, county
649 executive, county assessor, or county auditor with the office of county treasurer.
- 650 (3) ~~[Each]~~ Except as provided in Subsection (5), each legislative body shall ensure that any
651 ordinance consolidating or separating county offices:
- 652 (a) is enacted before November 1 of the year before the year in which county officers are
653 elected; and
- 654 (b) takes effect on the first Monday in January after the year in which county officers are
655 elected.
- 656 (4)(a) Each legislative body shall:
- 657 (i) enact an ordinance by February 1, 2010, separating any county offices that are
658 prohibited from consolidation by this section; and
- 659 (ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation
660 in the county identifying the county offices that will be filled in the November
661 2010 election.
- 662 (b) If a legislative body has, by February 1, 2006, enacted an ordinance, in compliance
663 with this Subsection (4) then in effect, separating county offices that are prohibited
664 from consolidation by this section, the legislative body may repeal that ordinance.
- 665 (5) A county described in Section 17-70-103 may enact an ordinance consolidating the
666 offices of county clerk and county auditor at any time.
- 667 (6) For a county of the first or second class, as classified under Section 17-60-104, an
668 individual holding a consolidated county office shall meet all of the applicable
669 statutorily defined qualifications of each county office within the consolidated office,
670 including possession of any state-regulated license or certification.
- 671 ~~[(5) Notwithstanding the provisions of this section and Section 17-66-102, in counties~~
672 ~~having a taxable value of less than \$100,000,000, the county clerk shall be ex officio~~
673 ~~county auditor and shall perform the duties of the office without extra compensation.]~~
- 674 Section 17. Section **17-66-201** is amended to read:
- 675 **17-66-201 . Eligibility and residency requirements for county office -- Election of**
676 **county officer to consolidated office.**
- 677 (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:

- (a) be a United States citizen;
- (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;
- (c) be a registered voter in the county, district, precinct, or prosecution district in which the individual seeks office; ~~and~~
- (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
- (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.

(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.

- (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.

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

- (a) only one individual shall be elected to fill the consolidated offices; and
- (b) the individual elected shall:
 - (i) take the oath required for each of the offices;
 - (ii) obtain the crime insurance required for each of the offices, as established under Section 17-66-105; and
 - (iii) discharge all the duties of each of the offices.

Section 18. Section **17-66-403** is amended to read:

17-66-403 . Salaries in case of consolidated offices.

(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:

- ~~(1+)~~ (a) an amount not exceeding one-half of the salary fixed for the second county officer, when only two offices are consolidated; or

712 [(2)] (b) when more than two county offices are consolidated, [-]one-third of the
 713 combined salaries of the other county officers.

714 (2) Notwithstanding Subsection (1), a county described in Section 17-70-103 may
 715 compensate a county clerk serving as ex officio county auditor as described in Section
 716 17-70-103.

717 Section 19. Section **17-67-201** is amended to read:

718 **17-67-201 . Assessor to be state qualified -- Vacancy -- Filling vacancy.**

719 (1)(a) An individual elected to the office of county assessor shall:

720 [(a)] (i) meet the requirements described in Section 17-66-201; and

721 (ii)(A) be a state-licensed or state-certified appraiser; or

722 (B) if the individual filed a declaration of candidacy under Subsection (1)(b)(ii),

723 become a state-licensed or state-certified appraiser no later than 36 months

724 after the day on which the individual's term of office begins.

725 [(b)(i) except as provided in Subsection (1)(b)(ii), become a state-licensed or

726 state-certified appraiser no later than 36 months after the day on which the

727 individual's term of office begins; or]

728 [(ii) in a county of the first, second, or third class, be a state-licensed or state-certified

729 appraiser before filing a declaration of candidacy for the office of county assessor.]

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

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

733 (ii) in a county of the fourth, fifth, or sixth class, as classified under Section

734 17-60-104, where no individual who is a state-licensed or state-certified appraiser

735 files a declaration of candidacy for the office of county assessor within the first

736 three days after the candidate filing period opens, any individual who meets the

737 requirements of Section 17-66-201.

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

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

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

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

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

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

745 (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).

(b) ~~[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 20. 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 21. Section **17-70-103** is amended to read:

17-70-103 . Ex officio auditor in certain counties.

~~(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:

~~[(1)]~~ (a) be ex officio auditor of the county, as described in Section 17-69-103; and

~~[(2)]~~ (b) except as provided in Subsection (2), shall perform the duties of the office without extra compensation.

~~(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).

Section 22. Section **17-70-403** is amended to read:

17-70-403 . Campaign financial disclosure in county elections.

(1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:

(a) candidates for county office; and

(b) candidates for local school board office who reside in that county.

(2) The ordinance required by Subsection (1) shall include:

(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;

- (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things;
- (c) a requirement that the financial reports identify:
 - (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the contribution; and
 - (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
- (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;
- (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;
- (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:
 - (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- (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:
 - (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;
 - (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;

- 814 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
815 (A) no later than the deadline for the candidate to submit an application to fill the
816 vacancy under Subsection 20A-1-509.2(2)(c); and
817 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an
818 application to fill the vacancy, no later than three business days before the day
819 on which the political party of the prior officeholder submits the candidate's
820 name to the county legislative body as one of the three individuals the party
821 nominates to fill the vacancy; or
822 (iv) for a local school board office vacancy, no later than three business days before
823 the day on which the local school board meets to interview each candidate
824 interested in filling the vacancy in accordance with Section 20A-1-511; and
825 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g),
826 the county clerk immediately submit a copy of the report to the county legislative
827 body.
- 828 (3)(a) As used in this Subsection (3), "account" means an account in a financial
829 institution:
- 830 (i) that is not described in Subsection (2)(d); and
831 (ii) into which or from which a person who, as a candidate for an office, other than a
832 county office for which the person files a declaration of candidacy or federal
833 office, or as a holder of an office, other than a county office for which the person
834 files a declaration of candidacy or federal office, deposits a contribution or makes
835 an expenditure.
- 836 (b) The ordinance required by Subsection (1) shall include a requirement that a
837 candidate for county office or local school board office include on a financial report
838 filed in accordance with the ordinance a contribution deposited in or an expenditure
839 made from an account:
- 840 (i) since the last financial report was filed; or
841 (ii) that has not been reported under a statute or ordinance that governs the account.
- 842 (4) If any county fails to adopt a campaign finance disclosure ordinance described in
843 Subsection (1), candidates for county office, other than community council office, and
844 candidates for local school board office shall comply with the financial reporting
845 requirements contained in Subsections (5) through (10).
- 846 (5) A candidate for elective office in a county or local school board office:
847 (a) shall deposit a contribution into a separate campaign account in a financial

848 institution; and

849 (b) may not deposit or mingle any contributions received into a personal or business
850 account.

851 (6) Each candidate for elective office in any county who is not required to submit a
852 campaign financial statement to the lieutenant governor, and each candidate for local
853 school board office, shall file a signed campaign financial statement with the county
854 clerk:

855 (a) seven days before the date of the regular general election, reporting each contribution
856 and each expenditure as of 10 days before the date of the regular general election; and

857 (b) no later than 30 days after the date of the regular general election.

858 (7)(a) The statement filed seven days before the regular general election shall include:

859 (i) a list of each contribution received by the candidate, and the name of the donor, if
860 known; and

861 (ii) a list of each expenditure for political purposes made during the campaign period,
862 and the recipient of each expenditure.

863 (b) The statement filed 30 days after the regular general election shall include:

864 (i) a list of each contribution received after the cutoff date for the statement filed
865 seven days before the election, and the name of the donor; and

866 (ii) a list of all expenditures for political purposes made by the candidate after the
867 cutoff date for the statement filed seven days before the election, and the recipient
868 of each expenditure.

869 (8)(a) As used in this Subsection (8), "account" means an account in a financial
870 institution:

871 (i) that is not described in Subsection (5)(a); and

872 (ii) into which or from which a person who, as a candidate for an office, other than a
873 county office for which the person filed a declaration of candidacy or federal
874 office, or as a holder of an office, other than a county office for which the person
875 filed a declaration of candidacy or federal office, deposits a contribution or makes
876 an expenditure.

877 (b) A county office candidate and a local school board office candidate shall include on
878 any campaign financial statement filed in accordance with Subsection (6) or (7):

879 (i) a contribution deposited into an account:

880 (A) since the last campaign finance statement was filed; or

881 (B) that has not been reported under a statute or ordinance that governs the

- 882 account; or
- 883 (ii) an expenditure made from an account:
- 884 (A) since the last campaign finance statement was filed; or
- 885 (B) that has not been reported under a statute or ordinance that governs the
- 886 account.
- 887 (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 888 exceeds \$50, and is from a donor whose name is unknown, a county office candidate
- 889 shall disburse the amount of the contribution to:
- 890 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 891 political subdivision's general fund; or
- 892 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 893 Internal Revenue Code.
- 894 (10) Candidates for elective office in any county, and candidates for local school board
- 895 office, who are eliminated at a primary election shall file a signed campaign financial
- 896 statement containing the information required by this section not later than 30 days after
- 897 the primary election.
- 898 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or
- 899 local school board office shall:
- 900 (i) comply with Subsections (5) and (9); and
- 901 (ii) file a signed campaign financial statement with the county clerk no later than the
- 902 deadline described in Subsection (2)(g).
- 903 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),
- 904 the county clerk shall immediately submit a copy of the statement to the county
- 905 legislative body.
- 906 (12) Any individual who fails to comply with this section is guilty of an infraction.
- 907 (13)(a) Counties may, by ordinance, enact requirements that:
- 908 (i) require greater disclosure of campaign contributions and expenditures; and
- 909 (ii) impose additional penalties.
- 910 (b) The requirements described in Subsection (13)(a) apply to a local school board office
- 911 candidate who resides in that county.
- 912 (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 913 (a) may send an electronic notice to the candidate and the political party of which the
- 914 candidate is a member, if any, that states:
- 915 (i) that the candidate failed to timely file the report; and

- 916 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
917 filing the report, the candidate will be disqualified and the political party will not
918 be permitted to replace the candidate; and
- 919 (b) impose a fine of \$100 on the candidate.
- 920 (15)(a) The county clerk shall disqualify a candidate and inform the appropriate election
921 officials that the candidate is disqualified if the candidate fails to file an interim
922 report described in Subsection (14) within 24 hours after the deadline for filing the
923 report.
- 924 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may
925 not replace the candidate.
- 926 (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county
927 clerk a complete and accurate campaign finance statement within 30 days after the
928 day on which the candidate is disqualified.
- 929 (16) If a candidate is disqualified under Subsection (15)(a), the election official:
- 930 (a) shall:
- 931 (i) notify every opposing candidate for the county office that the candidate is
932 disqualified;
- 933 (ii) send an email notification to each voter who is eligible to vote in the county
934 election office race for whom the election official has an email address informing
935 the voter that the candidate is disqualified and that votes cast for the candidate will
936 not be counted, if the candidate is disqualified 65 or fewer days before the election;
- 937 (iii) post notice of the disqualification on the county's website; and
- 938 (iv) if practicable, remove the candidate's name from the ballot by blacking out the
939 candidate's name before the ballots are delivered to voters; and
- 940 (b) may not count any votes for that candidate.
- 941 (17) An election official may fulfill the requirement described in Subsection (16)(a) in
942 relation to a mailed ballot, including a military or overseas ballot, by including with the
943 ballot a written notice directing the voter to the county's website to inform the voter
944 whether a candidate on the ballot is disqualified.
- 945 (18) A candidate is not disqualified if:
- 946 (a) the candidate files the interim reports described in Subsection (14) no later than 24
947 hours after the applicable deadlines for filing the reports;
- 948 (b) the reports are completed, detailing accurately and completely the information
949 required by this section except for inadvertent omissions or insignificant errors or

- 950 inaccuracies; and
- 951 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
- 952 next scheduled report.
- 953 (19)(a) A report is considered timely filed if:
- 954 (i) the report is received in the county clerk's office no later than midnight, Mountain
- 955 Time, at the end of the day on which the report is due;
- 956 (ii) the report is received in the county clerk's office with a United States Postal
- 957 Service postmark three days or more before the date that the report was due; or
- 958 (iii) the candidate has proof that the report was mailed, with appropriate postage and
- 959 addressing, three days before the report was due.
- 960 (b) For a county clerk's office that is not open until midnight at the end of the day on
- 961 which a report is due, the county clerk shall permit a candidate to file the report via
- 962 email or another electronic means designated by the county clerk.
- 963 (20)(a) Any private party in interest may bring an action in a court with jurisdiction
- 964 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
- 965 this section or any ordinance adopted under this section.
- 966 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and
- 967 attorney fees to the prevailing party.
- 968 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
- 969 and Management Act, the county clerk shall:
- 970 (a) make each campaign finance statement filed by a candidate available for public
- 971 inspection and copying no later than one business day after the statement is filed; and
- 972 (b) make the campaign finance statement filed by a candidate available for public
- 973 inspection by:
- 974 (i) posting an electronic copy or the contents of the statement on the county's website
- 975 no later than seven business days after the day on which the statement is filed; and
- 976 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing
- 977 the lieutenant governor with a link to the electronic posting described in
- 978 Subsection (21)(b)(i) no later than two business days after the day the statement is
- 979 filed.

980 Section 23. Section **17-71-103** is amended to read:

981 **17-71-103 . County recorder duties in certain counties.**

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

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

Section 24. 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;]~~
- ~~[(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:]~~
 - ~~[(i) the instrument's entry number in the county recorder's entry record;]~~
 - ~~[(ii) each grantor's name in alphabetical order;]~~
 - ~~[(iii) the grantee's name;]~~
 - ~~[(iv) the instrument's date;]~~
 - ~~[(v) the time the county recorder recorded the instrument;]~~
 - ~~[(vi) the kind of instrument;]~~
 - ~~[(vii) the book and page of the entry record where the county recorder entered the instrument; and]~~
 - ~~[(viii) a brief description of the instrument;]~~
- ~~[(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:]~~
 - ~~[(i) the instrument's entry number in the county recorder's entry record;]~~
 - ~~[(ii) each grantee's name in alphabetical order;]~~
 - ~~[(iii) the grantor's name;]~~
 - ~~[(iv) the instrument's date;]~~
 - ~~[(v) the time the county recorder recorded the instrument;]~~

1018 [(vi) the kind of instrument;-]
1019 [(vii) the book and page of the entry record where the county recorder entered the
1020 instrument; and]
1021 [(viii) a brief description of the instrument;]
1022 [(d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of
1023 trust, liens, and other instruments in the nature of an encumbrance upon real estate,
1024 which shall show:-]
1025 [(i) the instrument's entry number in the county recorder's entry record;-]
1026 [(ii) the name of each mortgagor, debtor, or person charged with the encumbrance in
1027 alphabetical order;-]
1028 [(iii) the name of the mortgagee, lien holder, creditor, or claimant;-]
1029 [(iv) the instrument's date;-]
1030 [(v) the time the county recorder recorded the instrument;-]
1031 [(vi) the kind of instrument;-]
1032 [(vii) the consideration;-]
1033 [(viii) the book and page of the entry record where the county recorder entered the
1034 instrument; and]
1035 [(ix) a brief description of the instrument;]
1036 [(e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of
1037 trust, liens, and other instruments in the nature of an encumbrance upon real estate,
1038 which shall show:-]
1039 [(i) the instrument's entry number in the county recorder's entry record;-]
1040 [(ii) the name of each mortgagee, lien holder, creditor, or claimant in alphabetical
1041 order;-]
1042 [(iii) the name of the mortgagor or person charged with the encumbrance;-]
1043 [(iv) the instrument's date;-]
1044 [(v) the time the county recorder recorded the instrument;-]
1045 [(vi) the kind of instrument;-]
1046 [(vii) the consideration;-]
1047 [(viii) the book and page of the entry record where the county recorder entered the
1048 instrument; and]
1049 [(ix) a brief description;-]
1050 [(f) subject to Subsection (4), keep a tract index, which shall show by description for
1051 every recorded instrument:-]

1052 ~~[(i) the instrument's date;-]~~
1053 ~~[(ii) the kind of instrument;-]~~
1054 ~~[(iii) the time the county recorder recorded the instrument;-]~~
1055 ~~[(iv) the book and page of the entry record where the county recorder entered the~~
1056 ~~instrument; and]~~
1057 ~~[(v) the instrument's entry number in the county recorder's entry record;]~~
1058 ~~[(g) keep an index of recorded maps, plats, and subdivisions;]~~
1059 ~~[(h) keep an index of powers of attorney showing:-]~~
1060 ~~[(i) the date and time the county recorder recorded the power of attorney;-]~~
1061 ~~[(ii) the book and page of the entry record where the county recorder entered the~~
1062 ~~power of attorney; and]~~
1063 ~~[(iii) the power of attorney's entry number in the county recorder's entry record;]~~
1064 ~~[(i) keep a miscellaneous index, in which the county recorder shall enter all instruments~~
1065 ~~of a miscellaneous character not otherwise provided for in this section, showing:-]~~
1066 ~~[(i) the date the county recorder recorded the instrument;-]~~
1067 ~~[(ii) the book and page of the entry record where the county recorder entered the~~
1068 ~~instrument;-]~~
1069 ~~[(iii) the instrument's entry number in the county recorder's entry record;-]~~
1070 ~~[(iv) the kind of instrument; and]~~
1071 ~~[(v) the parties to the instrument;]~~
1072 ~~[(j) keep an index of judgments showing:-]~~
1073 ~~[(i) the judgment debtors;-]~~
1074 ~~[(ii) the judgment creditors;-]~~
1075 ~~[(iii) the judgment amount;-]~~
1076 ~~[(iv) the date and time the county recorder recorded the judgment;-]~~
1077 ~~[(v) the satisfaction;-]~~
1078 ~~[(vi) the book and page of the entry record where the county recorder entered the~~
1079 ~~instrument; and]~~
1080 ~~[(vii) the instrument's entry number in the county recorder's entry record;]~~
1081 ~~[(k) keep a general recording index in which the county recorder shall index all~~
1082 ~~executions and writs of attachment, and any other instruments not required by law to~~
1083 ~~be spread upon the records, and in separate columns the county recorder shall enter~~
1084 ~~the names of the plaintiffs in the execution and the names of the defendants in the~~
1085 ~~execution;]~~

~~[(1) keep an index of water right numbers that are included on an instrument recorded on or after May 13, 2014, showing:]~~

~~[(i) the date and time the county recorder recorded the instrument;]~~

~~[(ii)(A) the book and page of the entry record where the county recorder entered the instrument; or]~~

~~[(B) the instrument's entry number in the county recorder's entry record; and]~~

~~[(iii) the kind of instrument; and]~~

~~[(m)]~~ (a) upon acceptance and recording of an instrument:

(i) endorse on the instrument:

(A) an entry number corresponding with the acceptance and recording;

(B) the date of acceptance and recording, including the hour, day, month, and year; and

(C) the recording fee;

(ii) index each instrument:

(A) by entry number;

(B) if applicable, by each grantor, mortgagor, trustor, debtor, plaintiff, or person charged with encumbrance under the instrument;

(C) if applicable, by each grantee, mortgagee, trustee, lien holder, creditor, claimant, or defendant described in the instrument;

(D) if applicable, by each legal description, as described in Section 57-3-105;

(E) by type of instrument; and

(F) if applicable, by water right number; and

(b) beginning January 1, 2025:

(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

(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.

(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.

(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.

~~[(4) The recorder shall alphabetically arrange the indexes required by this section and keep a reverse index.]~~

~~[(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.

(b) A recorder shall ~~[abstract an instrument in the tract]~~ index the legal description required by Subsection (1)(a)(ii)(D) unless:

(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

(ii) the instrument contains errors, omissions, or defects to the extent that the tract or parcel to which the instrument relates cannot be determined.

(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:

(i) use a tax parcel number;

(ii) use a site address;

(iii) reference to other instruments of record recited on the instrument; or

(iv) reference another instrument that is recorded concurrently with the instrument.

(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.

(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.

(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.

(g) A document that is indexed in all or part of the indexes required by this section shall give constructive notice.

~~[(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.

Section 25. Section **17-71-407** is amended to read:

17-71-407 . Fees -- Fees paid in advance.

- 1154 (1) The county recorder may not record any instrument, furnish any copies, or provide any
 1155 service connected with the office of the county recorder[;] until the relevant fees
 1156 described in this section or established by county ordinance or resolution have been:
 1157 (a) paid; or
 1158 (b) authorized to be paid electronically.
- 1159 ~~[(2) The county may determine and collect a fee for all services not enumerated in this~~
 1160 ~~section.]~~
- 1161 ~~[(3)]~~ (2) A county legislative body may set by ordinance or resolution reasonable fees for
 1162 the services of the county recorder not described in Subsections (3) and (4), including
 1163 for:
 1164 (a) copies of any record or document; and
 1165 (b) a subscription service described in Subsection (7).
- 1166 (3) The county recorder shall charge and receive the following fees:
 1167 (a) for recording any instrument, not otherwise provided for, other than bonds of public
 1168 officers, ~~[\$40]~~ \$45;
 1169 (b)(i) for recording any instrument, including those provided for under Title 70A,
 1170 Uniform Commercial Code, other than bonds of public officers, and not otherwise
 1171 provided for, ~~[\$40]~~ \$45; and
 1172 (ii) if an instrument contains more than 10 descriptions, \$2 for each additional
 1173 description;
 1174 (c) for recording mining location notices and affidavits of labor affecting mining claims, [
 1175 ~~\$40]~~ \$45;
 1176 (d) for an affidavit or proof of labor that contains more than 10 mining claims, \$2 for
 1177 each additional mining claim;~~[and]~~
 1178 (e) for redacting personal information in accordance with Section 17-71-406, \$5[-] ;
 1179 (f) for recording any plat, \$55 for each sheet and \$2 for each lot or unit designation;
 1180 (g) for recording any license issued by the Division of Professional Licensing, \$45;
 1181 (h) for recording a federal tax lien, \$45; and
 1182 (i) for recording the discharge of a federal tax lien, \$45.
- 1183 (4)(a) Each county recorder shall record the mining rules of the several mining districts
 1184 in each county without a fee.
 1185 (b) Certified copies of these records shall be received in all tribunals and before all
 1186 officers of this state as prima facie evidence of the rules.
- 1187 (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:

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

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

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

~~[(d)] (b) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2 for each additional name[;] .~~

~~[(e) for recording any license issued by the Division of Professional Licensing, \$40;]~~

~~[(f) for recording a federal tax lien, \$40; and]~~

~~[(g) for recording the discharge of a federal tax lien, \$40.]~~

(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.

(7) A county recorder may provide records or information within records to a requesting entity on a subscription basis.

~~[(7)] (8)~~ A county recorder may not be required to collect a fee for services that are unrelated to the county recorder's office.

Section 26. Section **17-71-408** is amended to read:

17-71-408 . Notice given by recording.

(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.

(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.

Section 27. Section **17-71-503** is amended to read:

17-71-503 . Military records -- Evidence.

(1) Upon presentation, the county recorder shall:

(a) record, free of charge:

(i) discharges from the United States military, naval, or marine service; and

(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

(b) give, free of charge, certified copies of a record described in Subsection (1) to:

(i) the individual who is the subject of the record; and

(ii) a father, mother, brother, sister, or lineal descendant of the individual who is the

subject of the record.

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

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

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

Section 29. 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 who contracts with the county.

(c) In a county where there is no elected county surveyor:

(i) the county executive or legislative body may, consistent with Section 17-65-402, contract with a licensed professional land surveyor to perform the duties of a county surveyor;

- 1256 (ii) all county survey work shall be done by a licensed professional land surveyor;
- 1257 (iii) the county recorder shall assume and perform all statutory functions and duties
- 1258 of the county surveyor related to the retention, maintenance, and accessibility of
- 1259 survey records, both physical and digital; and
- 1260 (iv) the county recorder's office shall act as the county surveyor's office only for the
- 1261 purpose of accepting, retaining, and managing county survey records.
- 1262 (d) A licensed professional land surveyor who contracts with the county as described in
- 1263 Subsections (1)(b) and (c) shall fulfill the duties of the county surveyor as described
- 1264 in this chapter or as described in the county contract.
- 1265 (2) The county surveyor shall execute:
- 1266 (a) all orders directed to the surveyor by any court; and
- 1267 (b) all orders of survey required by the county executive or county legislative body.
- 1268 (3)(a) The county surveyor [~~of each county~~] shall:
- 1269 (i) advise the county executive and county legislative body regarding all surveying
- 1270 work;
- 1271 (ii) perform or arrange for the performance of all surveying work for the county;
- 1272 (iii) permanently keep at county government offices a fair and accurate record of all
- 1273 surveys made, including legal descriptions and geographic coordinates, all surveys
- 1274 received in accordance with Section 17-73-504, and all corner files received in
- 1275 accordance with Section 17-73-505;
- 1276 (iv) number progressively all surveys received and state by whom and for whom the
- 1277 surveys were made;
- 1278 (v) deliver a copy of any survey to any person or court requiring the survey after the
- 1279 payment of the fee established by the county legislative body;
- 1280 (vi) ensure that all surveys of legal subdivisions of sections are made according to the
- 1281 United States Manual of Surveying Instructions in effect at the time the survey is
- 1282 completed;
- 1283 (vii) verify the correctness of or establish correct coordinates for all survey reference
- 1284 monuments set in place and shown on all subdivision maps and plats which have a
- 1285 spatial relationship with any section or quarter section corner; and
- 1286 (viii) perform other duties required by law.
- 1287 (b) In arranging for the performance of surveying work for the county under Subsection
- 1288 (3)(a)(ii), a surveyor may comply with Section 17-65-402.
- 1289 (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.

(b) The corners shall be reestablished in the manner provided in Section 17-73-501 for establishing corners.

(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.

(d) Established or reestablished corners shall be recognized as the legal and permanent corners.

(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.

Section 30. Section **17-73-502** is amended to read:

17-73-502 . Disturbed corners -- County surveyor to be notified -- Coordination with certain state agencies.

(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.

(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.

(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.

(c)(i) A county may charge a fee for a permit described in Subsection (2)(a), in accordance with this Subsection (2)(c).

(ii) The fee described in Subsection (2)(c)(i) may not exceed \$400 per government survey monument or public land survey government corner location.

~~[(iii) If, after completion of the construction work, the government survey monument~~

- 1324 or public land survey government corner location is undisturbed, the county shall
1325 disburse a partial fee refund of \$250 to the permit holder.]
- 1326 ~~[(iv)]~~ (iii) If the construction work disturbs the government survey monument or
1327 public land survey government corner location related to the permit:
- 1328 (A) the permit holder is responsible for the necessary construction work and
1329 installation of the government survey monument or public land survey
1330 government corner location; and
- 1331 (B) the county shall provide to the permit holder the necessary ~~[brass monument,~~
1332 ~~ring, and lid]~~ monument for the permit holder's work described in Subsection [
1333 ~~(2)(c)(iv)(A)]~~ (2)(c)(iii)(A).
- 1334 (d) A county shall provide a system allowing a person to apply electronically for and the
1335 county to approve or deny electronically a permit described in Subsection (2)(a).
- 1336 (3) A person may not perform any construction work within 30 feet of a government survey
1337 monument or public land survey government corner location unless the person obtains
1338 any permit the county requires before beginning construction work within 30 feet of the
1339 government survey monument or public land survey government corner location,
1340 together with any additional permits that applicable law may require.
- 1341 (4) A person who produces drawings or plans for construction work to be performed within
1342 30 feet of a government survey monument or public land survey government corner
1343 location shall show, on the face of the drawings or plans:
- 1344 (a) the government survey monument or public land survey government corner location;
1345 and
- 1346 (b) an accompanying note exhibiting compliance with Subsections (1) and (3).
- 1347 (5) A person who finds a monument that needs rehabilitation shall notify the county
1348 surveyor within five business days after the day on which the person finds the
1349 monument.
- 1350 (6) The county surveyor or the county surveyor's designee shall:
- 1351 (a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the
1352 corner by lowering and witnessing the corner or placing another monument and
1353 witness over the existing monument so that the monument:
- 1354 (i) is left in a physical condition to remain as permanent a monument as is reasonably
1355 possible; and
- 1356 (ii) may be reasonably located at all times in the future; and
- 1357 (b) file the record of each reconstruction or rehabilitation in accordance with Subsection

(6)(a).

(7)(a) The county may, by ordinance, establish a civil penalty for a violation of:

(i) any provision of Subsection (3) or (4); or

(ii) any ordinance that the county adopts under Subsection (2).

(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.

Section 31. Section **17-73-504** is amended to read:

**17-73-504 . Map of boundary survey -- Procedure for filing -- Contents --
Marking of monuments -- Record of corner changes -- Penalties.**

(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.

(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.

(iii) Each failure to file a map of the survey as required by Subsection (1)(a)(i) is a separate violation.

(b) The county surveyor or designated office shall file and index the map of the survey.

(c) The map shall be a public record in the office of the county surveyor or designated office.

(2) This type of map shall show:

(a) the location of survey by quarter section and township and range;

(b) the date of survey;

(c) the scale of drawing and north point;

(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;

(e) all measured bearings, angles, and distances separately indicated from those of record;

(f) a written boundary description of property surveyed;

(g) all monuments set and [their] the monuments' relation to older monuments found;

(h) a detailed description of monuments found and monuments set, indicated separately;

- 1392 (i) the surveyor's seal or stamp; and
1393 (j) the surveyor's business name and address.
- 1394 (3)(a) The map shall contain a written narrative that explains and identifies:
1395 (i) the purpose of the survey;
1396 (ii) the basis on which the lines were established; and
1397 (iii) the found monuments and deed elements that controlled the established or
1398 reestablished lines.
- 1399 (b) If the narrative is a separate document, it shall contain:
1400 (i) the location of the survey by quarter section and by township and range;
1401 (ii) the date of the survey;
1402 (iii) the surveyor's stamp or seal; and
1403 (iv) the surveyor's business name and address.
- 1404 (c) The map and narrative shall be referenced to each other if they are separate
1405 documents.
- 1406 (4) The map and narrative shall be created on material of a permanent nature on stable base
1407 reproducible material in the sizes required by the county surveyor.
- 1408 (5)(a) Any monument set by a licensed professional land surveyor to mark or reference a
1409 point on a property or land line shall be durably and visibly marked or tagged with
1410 the registered business name or the letters "L.S." followed by the registration number
1411 of the surveyor in charge.
- 1412 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be
1413 marked with the official title of the office.
- 1414 (6)(a) If, in the performance of a survey, a surveyor finds or makes any changes to the
1415 section corner or quarter-section corner, or their accessories, the surveyor shall
1416 complete and submit to the county surveyor or designated office a record of the
1417 changes made.
- 1418 (b) The record described in Subsection (6)(a) shall:
1419 (i) be submitted within 45 days of the corner visits; and
1420 (ii) include the surveyor's seal, business name, and address.
- 1421 (7) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
1422 license of any professional land surveyor who fails to comply with the requirements of
1423 this section, according to the procedures in Title 58, Chapter 1, Division of Professional
1424 Licensing Act.
- 1425 (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 32. 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;
 - (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;
 - (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;
 - (v) in the case of a proposed consolidation of multiple local entities, the boundary of the proposed consolidated local entity; and
 - (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;
 - (b) is created on reproducible material that is:
 - (i) permanent in nature; and
 - (ii) the size and type specified by the county recorder;
 - (c) is drawn to a scale so that all data are legible;
 - (d) contains complete and accurate boundary information, including, as appropriate, calls along existing boundary lines, sufficient to enable:
 - (i) the county surveyor to establish the boundary on the ground, in the event of a

- 1460 dispute about the accurate location of the boundary; and
- 1461 (ii) the county recorder to identify, for tax purposes, each tract or parcel included
- 1462 within the boundary;
- 1463 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently
- 1464 unique to distinguish the plat from all other recorded plats in the county;
- 1465 (f) contains:
- 1466 (i) the name of the local entity whose boundary is depicted on the plat;
- 1467 (ii) the name of each county within which any property depicted on the plat is located;
- 1468 (iii) the date that the plat was prepared;
- 1469 (iv) a north arrow and legend;
- 1470 (v) a signature block for:
- 1471 (A) the signatures of:
- 1472 (I) the professional land surveyor who prepared the plat; and
- 1473 (II) the local entity's approving authority; and
- 1474 (B) the approval of the county surveyor; and
- 1475 (vi) a three-inch by three-inch block in the lower right hand corner for the county
- 1476 recorder's use when recording the plat;
- 1477 (g) has been certified and signed by a professional land surveyor licensed under Title 58,
- 1478 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- 1479 and
- 1480 (h) has been reviewed and signed by the approving authority of the local entity whose
- 1481 boundary is depicted on the plat.
- 1482 (4) The county surveyor may charge and collect a reasonable fee for the costs associated
- 1483 with:
- 1484 (a) the process of determining whether a plat is a final local entity plat; and
- 1485 (b) the approval of a plat as a final local entity plat.
- 1486 (5)(a) A county surveyor may charge a fee described in Subsection (4) to an
- 1487 infrastructure financing district created under Title 17B, Chapter 2a, Part 13,
- 1488 Infrastructure Financing District, or a public infrastructure district created under Title
- 1489 17D, Chapter 4, Public Infrastructure District Act, following the lieutenant governor's
- 1490 issuance of a certificate of incorporation of the infrastructure financing district or
- 1491 public infrastructure district, even if the county surveyor incurred the cost before the
- 1492 certificate of incorporation is issued.
- 1493 (b) An infrastructure financing district and a public infrastructure district shall pay a fee

1494 described in Subsection (5)(a).

1495 Section 33. Section **17-74-303** is enacted to read:

1496 **17-74-303 . Treasurer duties to special district under interlocal agreement.**

1497 The treasurer may approve of or consent to the county entering an interlocal agreement
1498 with a special district for the county treasurer to bill and collect service fees on behalf of the
1499 special district, as described in Section 17B-1-901.

1500 Section 34. Section **17-75-201** is amended to read:

1501 **17-75-201 . Deputies and employees -- Appointments -- County legislative body**
1502 **consent power -- Liability of principal -- Deputy may serve despite vacancy in office of**
1503 **appointing officer.**

1504 (1)(a) A county or precinct officer, including an elected county executive, except a
1505 county commissioner or county council member, may, with the consent of the county
1506 legislative body, appoint deputies and employees as necessary for the discharge of
1507 the duties of the county officer's office.

1508 (b) The county legislative body's consent power under Subsection (1)(a) shall be defined
1509 in county ordinance and may include consent by:

1510 (i) the budget approval process;

1511 (ii) approval of an allocation of a certain number of positions; or

1512 (iii) approval or disapproval of the hiring of individual applicants for employment.

1513 (c) A county legislative body may by ordinance delegate to the county executive the
1514 authority to consent to the appointment of deputies and employees under this
1515 Subsection (1).

1516 (2) If a county clerk performs district court clerk functions, the legislative body of the
1517 county shall provide the county clerk with deputies and employees for the business of
1518 the district court:

1519 (a) as the district court judge or judges consider necessary and advisable; and

1520 (b) consistent with the level of funding for clerk services from the court administrator's
1521 office.

1522 (3)(a) Each county officer appointing a deputy shall, for each deputy appointed:

1523 (i) sign a document that states that the county officer appointed the deputy; and

1524 (ii) file the signed document with the county clerk.

1525 (b) The county officer appointing the deputy is liable for all the deputy's official acts.

1526 (c) If the office of the county officer who appointed the deputy becomes vacant, the
1527 deputy may continue to serve despite the vacancy.

(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.

Section 35. Section **17-75-403** is amended to read:

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

(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.

(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.

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

(i) dismissed;

(ii) demoted;

(iii) suspended; or

(iv) transferred.

(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.

(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.

Section 36. Section **17-75-501** is amended to read:

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.

(1)(a)(i) ~~[There shall be in each county establishing a]~~ Each county that establishes a career service system shall:

(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

(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).

(ii) The members of the council shall be individuals trained and experienced in, and willing to apply, merit principles to public employment.

(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.

(B) The term of an alternate member of the council may not exceed one year.

~~[(b) The council shall hear appeals not resolved at lower levels in cases of:]~~

~~[(i) career service employees who the county has:]~~

~~[(A) suspended;]~~

~~[(B) transferred;]~~

~~[(C) demoted; or]~~

~~[(D) dismissed; and]~~

~~[(ii) grievances not resolved by the grievance procedure at the county division or departmental level.]~~

(b) The council or administrative law judge shall hear appeals not resolved at lower levels from career service employees who the county has:

(i) suspended;

(ii) transferred;

(iii) demoted; or

(iv) dismissed.

(c) The council or administrative law judge:

(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;

(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

(iii) may not hear any other personnel matter[; and] .

~~[(iv) may affirm, modify, vacate, or set aside an order for disciplinary action.]~~

(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.

(ii) 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 or administrative

- 1596 law judge issues the council's or administrative law judge's decision.
- 1597 (iii) If there is a record of the ~~[council]~~ proceedings, the district court review shall be
- 1598 limited to the record ~~[- provided by the council]~~.
- 1599 (iv) In reviewing a decision of the council or an administrative law judge, the district
- 1600 court shall presume that the decision is valid and may determine only whether the
- 1601 decision is arbitrary or capricious.
- 1602 (e) Notwithstanding Subsection (1)(b), a council that receives an appeal may refer the
- 1603 appeal to an administrative law judge as described in Subsections (9) through (11).
- 1604 (2)(a) A council member shall serve a term of three years that expires on June 30, three
- 1605 years after the county executive appointed the council member.
- 1606 (b) Notwithstanding Subsection (2)(a), the term for original appointees to a council shall
- 1607 be staggered so that the term of only one council member expires each year.
- 1608 (c) A county executive's appointment to fill a vacancy on the council shall be for only
- 1609 the unexpired term of the appointee's successor.
- 1610 (d) Each council member shall hold office until the council member's successor is
- 1611 appointed and confirmed.
- 1612 (e) The county executive may remove ~~[the]~~ a council member ~~[for cause, after:]~~ after the
- 1613 county executive gives the council member an opportunity to appeal to the county
- 1614 legislative body.
- 1615 ~~[(i) receiving a copy of the charges against the council member; and]~~
- 1616 ~~[(ii) the council member has had an opportunity to be heard publicly on the charges~~
- 1617 ~~before the county legislative body.]~~
- 1618 (f) The county shall annually appropriate adequate funds to enable the council to
- 1619 effectively carry out the council duties under this chapter.
- 1620 (3) Each county council member and alternate county council member shall be:
- 1621 (a) a citizen of the United States; and
- 1622 (b) for a period of at least one year before the day on which the council member is
- 1623 appointed, an actual and bona fide resident of:
- 1624 (i) the state of Utah; and
- 1625 (ii) the county~~[-]~~.
- 1626 (4) A council member may not ~~[hold another government office or]~~ be employed by the
- 1627 county.
- 1628 (5) The council shall elect a member of the council as chairperson.
- 1629 (6) Two or more council members constitutes a quorum necessary for carrying on the

council's business and activity.

(7) The council shall have subpoena power to[:]

~~[(a)]~~ compel attendance of witnesses~~[; and]~~ .

~~[(b) authorize witness fees when the council deems appropriate, to be paid at the same rate as in justice courts.]~~

(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.

(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.

(9)(a) A county legislative body may appoint one or more administrative law judges to hear appeals referred by a council under this section.

(b) Each administrative law judge shall be trained and experienced in personnel matters.

(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.

(b) After holding a hearing on an appeal described in Subsection (10)(a), the administrative law judge shall make:

(i) findings of fact; and

(ii) a recommendation to the council.

(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.

(d) The council may adopt or reject the administrative law judge's recommendation, whether before or after a further hearing under Subsection (10)(c).

(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.

(b) In an appeal described in Subsection (11)(a), the administrative law judge, not the council, issues a final decision.

Section 37. Section **17-75-502** is amended to read:

17-75-502 . Career service -- Exempt positions.

(1) The career service:

- 1664 (a) is a permanent service to which this part applies; and
- 1665 (b) comprises all tenured county positions in the public service, except:
- 1666 (i) subject to Subsection (2):
- 1667 (A) the county executive, members of the county legislative body, and other
- 1668 elected officials; and
- 1669 (B) each major county department head charged directly by the county legislative
- 1670 body, or by a board appointed by the county legislative body, with the
- 1671 responsibility of assisting to formulate and carry out policy matters;
- 1672 (ii) one confidential [~~secretary~~] administrative assistant for each elected county officer
- 1673 and major county department head, if a confidential [~~secretary~~] administrative
- 1674 assistant is assigned;
- 1675 (iii) an administrative assistant to the county executive, each member of the county
- 1676 legislative body, and each elected official, if an administrative assistant is
- 1677 assigned;
- 1678 (iv) each duly appointed chief deputy of any elected county officer who takes over
- 1679 and discharges the duties of the elected county officer in the absence or disability
- 1680 of the elected county officer;
- 1681 (v) subject to Subsection (3), an individual who is:
- 1682 (A) appointed by an elected county officer to be a division director, to administer
- 1683 division functions in furtherance of the performance of the elected officer's
- 1684 professional duties;
- 1685 (B) in a confidential relationship with the elected county officer; and
- 1686 (C) not in a law enforcement rank position of captain or below;
- 1687 (vi) each person employed to make or conduct a temporary and special inquiry,
- 1688 investigation, or examination on behalf of the county legislative body or one of its
- 1689 committees;
- 1690 (vii) each noncareer employee:
- 1691 (A) compensated for the employee's services on a seasonal or contractual basis;
- 1692 and
- 1693 (B) hired on emergency or seasonal appointment basis, as approved by the council;
- 1694 (viii) each provisional employee, as defined by the county's policies and procedures
- 1695 or personnel rules;
- 1696 (ix) each part-time county employee, as defined by the county's policies and
- 1697 procedures or personnel rules;

(x) each county employee appointed to perform:

(A) work that does not exceed three years in duration; or

(B) work with limited funding; and

(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.

(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.

(b) A legislative body may change a position under Subsection (2)(a) only after the position becomes vacant.

(3)(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.

(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.

(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).

(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.

Section 38. Section **17-75-503** is amended to read:

17-75-503 . Acceptance of exempt position by career service employee --

Reappointment register.

~~[(4)]~~ 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:

~~[(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

[~~(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.

[~~(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.~~]

Section 39. Section **17-75-602** is amended to read:

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

(1) The director shall:

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

(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;

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

(d) develop and implement programs to improve employee effectiveness, including:

(i) training;

(ii) safety;

(iii) health;

(iv) counseling; and

(v) welfare;

[~~(e)(i) investigate periodically the operation and effect of this chapter and of the policies made under this chapter; and]~~

[~~(ii) report investigation findings and recommendations to the county legislative body;~~]

[~~(f)~~] (e) establish and maintain records of all employees in the county service that includes each county employee's:

(i) class;

(ii) title;

(iii) pay or status; and

(iv) other relevant data;

[~~(g)~~] (f) make an annual report to the county legislative body and county executive regarding the work of the office;

[~~(h)~~] (g) apply and carry out this chapter and the policies under this chapter; and

[~~(f)~~] (h) perform any other lawful acts that are necessary to carry out the provisions of this chapter.

(2)[~~(a)~~ ~~The~~] In a county subject to this chapter:

(a) the director shall recommend personnel policies for the county~~[-]~~ ; and

(b) [~~The~~] the county legislative body may:

(i) recommend personnel policies for the county; and

(ii) approve, amend, or reject personnel policies for the county before [~~they~~] the personnel policies are adopted.

(3) Personnel policies shall provide for:

(a) recruiting efforts that are planned and carried out in a manner that:

(i) assures open competition; and

(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:

(A) minorities;

(B) women;

(C) individuals with a disability as defined by and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102; or

(D) other groups that are substantially underrepresented in the county workforce;

(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;

(c) selection procedures that include:

(i) consideration of the relative merit of each applicant for employment;

(ii) a job related method of determining the eligibility or ineligibility of each applicant for employment; and

(iii) a valid, reliable, and objective system of ranking eligible applicants according to [~~their~~] the eligible applicant's qualifications and merit;

(d) certification procedures that ensure equitable consideration of an appropriate number of the most qualified eligible applicants based on the ranking system;

(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);

(f) occasional noncompetitive appointments where there is evidence that open or limited

- 1800 competition is not practical, including for unskilled positions that have no minimum
1801 job requirements;
- 1802 (g) limitation of competition at the discretion of the director for appropriate positions to
1803 facilitate employment of qualified applicants for employment with:
- 1804 (i) a substantial physical or mental impairment; or
1805 (ii) other groups protected by Title VII of the Civil Rights Act;
- 1806 (h)(i) permanent appointment for entry to the career service that is contingent upon a
1807 probationary county employee's satisfactory performance during a six-month
1808 probationary period;
- 1809 (ii) a six-month probationary period that the county may extend for a period not to
1810 exceed an additional six months for good cause; and
- 1811 (iii) an opportunity for a probationary county employee to appeal directly to the
1812 council any undue prolonging of the six-month probationary period by the county
1813 that is designed to thwart merit principles;
- 1814 (i) temporary, provisional, or other noncareer service appointments, which may not:
- 1815 (i) be used to defeat the purpose of the career service; and
1816 (ii) exceed 270 days;
- 1817 (j) lists of eligible applicants, if available, for filling temporary positions and short-term
1818 emergency appointments that:
- 1819 (i) are made without regard to the other provisions of law;
1820 (ii) provide for maintenance of essential services in an emergency situation where
1821 normal procedures are not practical; and
1822 (iii) do not exceed 270 days;
- 1823 (k)(i) promotion and career ladder advancement of county employees to higher level
1824 positions; and
1825 (ii) assurance that an individual promoted is qualified for the higher level position;
- 1826 (l) recognition of the equivalency of other merit processes by waiving, at the director's
1827 discretion, the open competitive examination for placement in the career service
1828 positions of applicants for employment who were originally selected through a
1829 competitive examination process in another governmental entity, an individual in
1830 those cases, to serve a probationary orientation period;
- 1831 (m) preparation, maintenance, and revision of a position classification plan for all
1832 positions in the career service that:
- 1833 (i) is based upon similarity of duties performed and responsibilities assumed;

- 1834 (ii) for all positions in the same class:
- 1835 (A) reasonably requires the same qualifications; and
- 1836 (B) equitably applies the same schedule of pay; and
- 1837 (iii) includes a compensation plan that, to maintain a high quality public workforce,
- 1838 accounts for:
- 1839 (A) the responsibility and difficulty of the work for each position;
- 1840 (B) the comparative pay and benefits needed to compete in the labor market;
- 1841 (C) proper alignment with other similar governmental units; and
- 1842 (D) other factors;
- 1843 (n)(i) keeping records of performance on all county employees in the career service;
- 1844 and
- 1845 (ii) requiring consideration of performance records in determining:
- 1846 (A) salary increases;
- 1847 (B) benefits for meritorious service;
- 1848 (C) promotions;
- 1849 (D) the order of layoffs and reinstatements;
- 1850 (E) demotions;
- 1851 (F) discharges; and
- 1852 (G) transfers;
- 1853 (o) establishment of a plan:
- 1854 (i) governing layoffs of county employees resulting from:
- 1855 (A) lack of funds or work;
- 1856 (B) abolition of positions; or
- 1857 (C) material changes in duties or organization; and
- 1858 (ii) governing reemployment of former county employees [~~that~~] who the county laid
- 1859 off ~~that~~ takes into account the former county employee's:
- 1860 (A) relative ability;
- 1861 (B) seniority; and
- 1862 (C) merit;
- 1863 (p) establishment of a plan for resolving employee grievances and complaints with final
- 1864 and binding decisions;
- 1865 (q) establishment of disciplinary measures including:
- 1866 (i) suspension;
- 1867 (ii) demotion in rank or grade;

- 1868 (iii) discharge; and
1869 (iv) presentation of charges, hearing rights, and appeals for all permanent employees
1870 in the career service to the council;
1871 (r) establishment of a procedure for employee development and improvement of poor
1872 performance;
1873 (s) establishment of:
1874 (i) hours of work;
1875 (ii) holidays; and
1876 (iii) attendance requirements in various classes of positions in the career service;
1877 (t) establishment and publicizing of fringe benefits including:
1878 (i) insurance;
1879 (ii) retirement; and
1880 (iii) leave programs; and
1881 (u) any other requirements authorized by the county governing body not inconsistent
1882 with this chapter that are proper for the chapter's enforcement.

1883 Section 40. Section **17-75-604** is amended to read:

1884 **17-75-604 . Certification of eligibility by director -- Power of director to examine**
1885 **payrolls.**

- 1886 (1) The director, or the director's designee, shall certify:
1887 (a) a new county employee hired to a position covered by this chapter; and
1888 (b) a change in a county employee's compensation, title, or status.
1889 (2) The director, or the director's designee, shall certify an employee as eligible to be paid
1890 under this chapter, or personnel rules made under this chapter.
1891 (3) The director may examine payrolls at any time to determine conformity with this
1892 chapter and the personnel rules.

1893 Section 41. Section **17-75-702** is amended to read:

1894 **17-75-702 . Violations -- Misdemeanor -- Ineligibility for employment and**
1895 **forfeiture of position.**

- 1896 [~~(1) An individual who willfully violates any provision of this chapter or the personnel~~
1897 ~~rules made under this chapter is guilty of a class A misdemeanor.~~]
1898 [(2) In addition to the sanctions of Subsection (1), an-] An individual who has been
1899 adjudged guilty of violating any of the provisions of this chapter or the personnel rules
1900 made [under] in accordance with this chapter shall, for a period of five years:
1901 [(a)] (1) be ineligible for appointment to or employment in a county position; and

[~~(b)~~] (2) if a county officer or employee, forfeit the county office or position.

Section 42. Section **17-76-402** is amended to read:

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

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

(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 43. 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 44. Section **17B-1-901** is amended to read:

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

(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.

(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.

(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.

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

(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.

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

(b) If the county enters into an interlocal agreement with a special district under Subsection (4)(a), the amount of any service fees that the special district imposes annually may be added to the property tax notice as set forth in Subsection 59-2-1317(3)(c).

Section 45. Repealer.

This bill repeals:

Section **10-9a-520, Licensing of residences for persons with a disability.**

Section **17-2-102, Definitions.**

Section **17-2-202, Definitions.**

Section **17-16-201, Title.**

Section **17-22-14, Failure to levy execution -- Penalty.**

Section **17-27a-101, Title.**

Section **17-27a-409, State to indemnify county regarding refusal to site nuclear waste --**

Terms and conditions.

Section **17-30-24, More than one chief deputy in larger county departments.**

Section **17-36-1, Title.**

Section **17-50-317, Expenditure of county funds authorized to develop county resources.**

Section **17-53-206.5, Expulsion of members prohibited -- Exception for disorderly conduct.**

Section **17-53-215, Seal for clerk of district court.**

Section **17-53-304, Commanding services of sheriff.**

Section **46. Effective Date.**

This bill takes effect:

(1) except as provided in Subsection (2), May 6, 2026; or

(2) if approved by two-thirds of all members elected to each house:

(a) upon approval by the governor;

(b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

1970 (c) in the case of a veto, the date of veto override.