

James A. Dunnigan proposes the following substitute bill:

County Government Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor:

LONG TITLE

General Description:

This bill deals with provisions related to counties.

Highlighted Provisions:

This bill:

- defines the term "finance officer" and modifies definitions;
- describes when a county legislative body shall submit the question of moving the county seat to the county's voters;
- modifies provisions related to the annexation or consolidation of counties and the creation of a new county;
- addresses pending criminal and civil proceedings following the creation of a new county;
- provides that a county shall hold an election on an optional plan to change the form of county government at the next regular general election that is no less than 180 days after the day on which the county attorney submits to the county clerk the attorney's report;
- modifies provisions related to county costs following a change of venue;
- repeals a requirement that a county financial officer be bonded;
- 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;
- provides that, if a county council delegates the provision of accounting services to a finance officer, the county auditor is not required to fulfill an accounting obligation described in statute unless statute explicitly states that the county auditor shall provide the accounting obligation;
- 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 enter an agreement with a special district for the county treasurer to bill and collect assessments on behalf of the special district;

- modifies provisions related to merit system employment, including administrative 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:

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

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

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

63 **17-60-103**, as renumbered and amended by Laws of Utah 2025, First Special Session,
64 Chapter 13
65 **17-60-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,
66 Chapter 13
67 **17-60-401**, as renumbered and amended by Laws of Utah 2025, First Special Session,
68 Chapter 13
69 **17-61-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
70 Chapter 13
71 **17-61-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,
72 Chapter 13
73 **17-61-401**, as renumbered and amended by Laws of Utah 2025, First Special Session,
74 Chapter 13
75 **17-61-404**, as renumbered and amended by Laws of Utah 2025, First Special Session,
76 Chapter 13
77 **17-61-406**, as renumbered and amended by Laws of Utah 2025, First Special Session,
78 Chapter 13
79 **17-62-303**, as renumbered and amended by Laws of Utah 2025, First Special Session,
80 Chapter 13
81 **17-62-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
82 Chapter 13
83 **17-63-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,
84 Chapter 13
85 **17-63-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,
86 Chapter 13
87 **17-63-505**, as renumbered and amended by Laws of Utah 2025, First Special Session,
88 Chapter 13
89 **17-63-601**, as renumbered and amended by Laws of Utah 2025, First Special Session,
90 Chapter 13
91 **17-63-604**, as renumbered and amended by Laws of Utah 2025, First Special Session,
92 Chapter 13
93 **17-63-605**, as renumbered and amended by Laws of Utah 2025, First Special Session,
94 Chapter 13
95 **17-63-702**, as renumbered and amended by Laws of Utah 2025, First Special Session,
96 Chapter 13

97 **17-63-802**, as renumbered and amended by Laws of Utah 2025, First Special Session,
98 Chapter 13
99 **17-64-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,
100 Chapter 13
101 **17-64-405**, as renumbered and amended by Laws of Utah 2025, First Special Session,
102 Chapter 13
103 **17-66-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
104 **17-66-104**, as renumbered and amended by Laws of Utah 2025, First Special Session,
105 Chapter 13
106 **17-66-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
107 Chapter 13
108 **17-66-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
109 Chapter 13
110 **17-67-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
111 Chapter 13
112 **17-69-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,
113 Chapter 13
114 **17-69-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
115 **17-69-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,
116 Chapter 13
117 **17-70-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
118 **17-70-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
119 **17-70-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,
120 Chapter 13
121 **17-70-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
122 Chapter 13
123 **17-71-103**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
124 **17-71-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,
125 Chapter 13
126 **17-71-407**, as renumbered and amended by Laws of Utah 2025, First Special Session,
127 Chapter 13
128 **17-71-408**, as renumbered and amended by Laws of Utah 2025, First Special Session,
129 Chapter 13
130 **17-71-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,

131 Chapter 13
132 **17-73-102**, as renumbered and amended by Laws of Utah 2025, First Special Session,
133 Chapter 13
134 **17-73-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
135 Chapter 13
136 **17-73-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
137 Chapter 13
138 **17-73-504**, as renumbered and amended by Laws of Utah 2025, First Special Session,
139 Chapter 13
140 **17-73-507**, as renumbered and amended by Laws of Utah 2025, First Special Session,
141 Chapter 13
142 **17-74-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 13
143 **17-74-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,
144 Chapter 13
145 **17-74-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,
146 Chapter 13
147 **17-74-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,
148 Chapter 13
149 **17-75-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
150 Chapter 14
151 **17-75-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
152 Chapter 14
153 **17-75-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
154 Chapter 14
155 **17-75-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
156 Chapter 14
157 **17-75-503**, as renumbered and amended by Laws of Utah 2025, First Special Session,
158 Chapter 14
159 **17-75-602**, as renumbered and amended by Laws of Utah 2025, First Special Session,
160 Chapter 14
161 **17-75-604**, as renumbered and amended by Laws of Utah 2025, First Special Session,
162 Chapter 14
163 **17-75-702**, as renumbered and amended by Laws of Utah 2025, First Special Session,
164 Chapter 14

165 **17-76-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,
166 Chapter 14

167 **17-78-201**, as renumbered and amended by Laws of Utah 2025, First Special Session,
168 Chapter 14

169 **17-78-605**, as renumbered and amended by Laws of Utah 2025, First Special Session,
170 Chapter 14

171 **17-78-807**, as renumbered and amended by Laws of Utah 2025, First Special Session,
172 Chapter 14

173 **17B-1-901**, as last amended by Laws of Utah 2023, Chapter 15

174 **59-2-208**, as enacted by Laws of Utah 1987, Chapter 4

175 **59-2-1306**, as last amended by Laws of Utah 2000, Chapter 86

176 **77-21-4**, as enacted by Laws of Utah 1980, Chapter 15

177 **78A-7-121**, as last amended by Laws of Utah 2012, Chapter 205

178 **78B-1-123**, as renumbered and amended by Laws of Utah 2008, Chapter 3

179 **78B-1-124**, as renumbered and amended by Laws of Utah 2008, Chapter 3

180 ENACTS:

181 **17-74-304**, Utah Code Annotated 1953

182 RENUMBERS AND AMENDS:

183 **17-69-304.1**, (Renumbered from 17-69-308, as renumbered and amended by Laws of
184 Utah 2025, First Special Session, Chapter 13)

185 **17-69-401**, (Renumbered from 17-69-304, as renumbered and amended by Laws of
186 Utah 2025, First Special Session, Chapter 13)

187 **17-69-402**, (Renumbered from 17-69-305, as renumbered and amended by Laws of
188 Utah 2025, First Special Session, Chapter 13)

189 **17-69-403**, (Renumbered from 17-69-306, as renumbered and amended by Laws of
190 Utah 2025, First Special Session, Chapter 13)

191 **17-69-404**, (Renumbered from 17-69-307, as renumbered and amended by Laws of
192 Utah 2025, First Special Session, Chapter 13)

193 REPEALS:

194 **10-9a-520**, as last amended by Laws of Utah 2023, Chapter 327

195 **17-2-102**, as last amended by Laws of Utah 2023, Chapter 116

196 **17-2-202**, as last amended by Laws of Utah 2023, Chapter 116

197 **17-16-201**, as enacted by Laws of Utah 2016, Chapter 50

198 **17-22-14**, as last amended by Laws of Utah 2024, Chapter 365

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 **11-1-1** is amended to read:

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

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

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

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

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

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

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

233 county, city, or school district.

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

235 **17-60-101 . Definitions.**

236 As used in this title:

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

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

257 **17-60-103 . Relationship to special districts -- Use of "county" prohibited -- Legal**
258 **action to compel compliance.**

- 259 (1) For purposes of this section, "special district" means the same as that term is defined in
260 Section 17B-1-102.[—]
- 261 (2) The county legislative body's statutory authority to appoint members to the governing
262 body of a special district does not alone make the special district subject to the direction
263 and control of that county.
- 264 (3) A local entity may not use the word "county" in the local entity's name unless the
265 county whose name is used by the local entity gives or has given the local entity the
266 county's written consent.

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

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

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

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

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

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

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

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

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

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

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

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

(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 6. Section **17-60-401** is amended to read:

17-60-401 . Review of claims by county executive -- Auditor review -- Attorney review -- Claim requirements -- Approval or disapproval of claim -- Written explanation of claim process.

(1) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall deliver the notice of claim to the county executive described in Chapter 65, County Executive.

(2) Subject to Subsection (3), each county executive shall review each claim, as defined in Section 17-69-101, against the county and:

(a) if the claim is just, lawful, and properly due and owing, approve the claim; or

(b) disapprove the claim.

(3)(a) The county executive shall forward all claims to the county attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney for the attorney's review and recommendation to the county executive regarding liability and payment.

(b) Except as provided in Section 17-60-405, the county executive shall forward all claims requesting payment for goods or services to the county ~~[auditor]~~ finance officer, as that term is defined in Section 17-66-101, for the county ~~[auditor's]~~ finance officer's review~~[-and recommendation, subject to Subsection (7), to the county executive]~~.

(4) Each claim for goods or services against a county shall:

(a) itemize the claim, giving applicable names, dates, and particular goods provided or services rendered;

(b) if the claim is for service of process, state the character of process served, upon

- whom served, the number of days engaged, and the number of miles traveled;
- (c) be duly substantiated as to the claim's correctness and as to the fact that the claim is justly due;
- (d) if the claim is for materials furnished, state to whom the materials were furnished, by whom ordered, and the quantity and price agreed upon; and
- (e) be presented to the county executive within a year after the last item of the account or credit accrued.
- (5) If the county executive refuses to hear or consider a claim because it is not properly made out, the county executive shall cause notice of the refusal to be given to the claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized and substantiated.
- (6) Each county shall prepare and make available to a person submitting or intending to submit a claim under this part a written explanation, in simple and easy to understand language, of how to submit a claim to the county and of the county's process for receiving, reviewing, and deciding a claim.
- (7) Upon receiving a claim in accordance with Subsection (3)(b), the county ~~auditor~~ finance officer shall:
- (a)(i) investigate, examine, review, and inspect the claim; and
- (ii)(A) recommend that the county executive approve or reject the claim; and
- (B) endorse the recommendation;
- (b) after completing the investigation, examination, and inspection, report the claim and the recommendation described in Subsection (7)(a)(ii) to the county executive; and
- (c) keep a complete record of the claim, the claim recommendation, the reasons for the recommendation, and the county executive's final action as described in Subsection (8).
- (8) After receiving the county or district attorney's recommendation in accordance with Subsection (3)(a), and the county ~~auditor's~~ finance officer's recommendation in accordance with Subsection ~~[(3)(b)]~~ (7), the county executive shall decide whether to approve or reject a claim.
- (9)(a) The county ~~auditor~~ finance officer shall pay, subject to Subsection (9)(b), a claim approved by the county executive in accordance with Subsection (8) by:
- (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled to payment; or
- (ii) a county check or other payment mechanism as may be adopted in accordance

with Chapter 63, Fiscal Authority and Processes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(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

- 403 county in which the county clerk is an officer; and
- 404 (iii) deliver the certified petition to the county legislative body.
- 405 (4)(a) An individual who signs a petition under this section may have the individual's
- 406 signature removed from the petition by, no later than three business days after the day
- 407 on which the county legislative body provides the petition to the county clerk,
- 408 submitting to the county clerk a statement requesting that the individual's signature
- 409 be removed.
- 410 (b) A statement described in Subsection (4)(a) shall comply with the requirements
- 411 described in Subsection 20A-1-1003(2).
- 412 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
- 413 determine whether to remove an individual's signature from a petition after receiving
- 414 a timely, valid statement requesting removal of the signature.
- 415 (5) If the county clerks of the originating county and consolidating county each determine
- 416 that the petition meets the requirements of Subsection (2)(a), each county clerk shall
- 417 ensure that the petition is submitted to the voters of the respective counties as described
- 418 in Subsection (6).
- 419 (6)(a) If a petition under Subsection (1) is presented in a year during which a regular
- 420 general election is held, the county legislative body of the originating county and the
- 421 county legislative body of the consolidating county shall cause the proposition to be
- 422 submitted to the legal voters of the respective counties at the next regular general
- 423 election.
- 424 (b) If a petition under Subsection (1) is presented during a year in which there is no
- 425 regular general election, the county legislative body of the originating county and the
- 426 county legislative body of the consolidating county shall:
- 427 (i) call a special election to be held on the first Tuesday after the first Monday in
- 428 November following the presentation of the petition; and
- 429 (ii) cause the proposition to be submitted to the voters of the respective counties
- 430 during the special election.
- 431 (c) Except as otherwise provided in this part, an election under this Subsection (6) shall
- 432 be held, the results canvassed, and returns made under the provisions of the general
- 433 election laws of the state.
- 434 (d) The ballot language to be used at an election under this Subsection (6) shall be:
- 435 For combining ____ county with ____ county.
- 436 Against combining ____ county with ____ county.

Section 8. 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 initiating county proposed to be included within the boundaries of an annexing county; and
 - [(b)] (ii) presented before the first Monday in June of a year during which a general election is held.
- (b) The number of voters residing in a portion of the county is the same as the number of active voters, as defined in Section 20A-7-501, for that area.
- (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 of an initiating county 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);
 - (ii) certify on the petition whether each name is that of a voter in the portion of the initiating county that is proposed to be annexed; and
 - (iii) deliver the certified petition to the county legislative body.
- (4)(a) An individual who signs a petition under this section may have the individual's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the individual's signature be removed.
- (b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to

determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

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

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

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

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.

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

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

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

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

(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 portion of the county is the same as the number of active voters, as defined in Section 20A-7-501, for that area.

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

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

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

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

17-62-303 . Registered voter initiation of adoption of optional plan --

Certification of petition signatures -- Removal of signature -- Procedure.

- (1)(a) Registered voters of a county may initiate the process of adopting an optional plan by filing with the county clerk a notice of intent to gather signatures for a petition:
- (i) for the establishment of a study committee described in Section 17-62-402; or
- (ii) to adopt an optional plan that:
- (A) accompanies the petition during the signature gathering process and

- 607 accompanies the petition in the submission to the county clerk under
608 Subsection (2)(b); and
- 609 (B) complies with the requirements described in Sections 17-62-403 and
610 17-62-404.
- 611 (b) A notice of intent described in Subsection (1)(a) shall:
- 612 (i) designate five sponsors for the petition;
- 613 (ii) designate a contact sponsor to serve as the primary contact for the petition
614 sponsors;
- 615 (iii) list the mailing address and telephone number of each of the sponsors; and
616 (iv) be signed by each of the petition sponsors.
- 617 (c) Registered voters of a county may not file a notice of intent to gather signatures in
618 bad faith.
- 619 (2)(a) The sponsors of a petition may circulate the petition after filing a notice of intent
620 to gather signatures under Subsection (1).
- 621 (b)(i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition
622 contains the number of legal signatures required under Subsection 20A-7-501(2).
- 623 (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains
624 at least the number of legal signatures equal to 30% of the number of active
625 voters, as defined in Section 20A-7-501, in the county.
- 626 (iii) The county clerk may not count a signature that was collected for the petition
627 before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 628 (iv) Notwithstanding any other provision of law, an individual may not sign a petition
629 circulated under this section by electronic signature as defined in Section
630 20A-1-202.
- 631 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
632 the completed petition and any amended or supplemental petition described in
633 Subsection (4) with the county clerk ~~[not more]~~ no later than 180 days after the day on
634 which the sponsors file the notice described in Subsection (1).
- 635 (d)(i) Within 30 days after the day on which the sponsors submit a petition, the
636 sponsors shall submit financial disclosures to the county clerk that include:
- 637 (A) a list of each contribution received by the sponsors and the name of the donor;
638 and
- 639 (B) a list of each expenditure for purposes of furthering or sponsoring the petition
640 and the recipient of each expenditure.

- 641 (ii) The county clerk shall publish the financial disclosures described in Subsection
642 (2)(d)(i).
- 643 (iii) All sponsors of a petition shall date and sign each list described in Subsection
644 (2)(d)(i).
- 645 (3) Within 30 days after the day on which the sponsors submit a petition under Subsection
646 (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk
647 shall:
- 648 (a)(i) use the procedures described in Section 20A-1-1002 to determine whether a
649 signer is a registered voter; and
- 650 (ii) determine whether the petition or amended or supplemental petition has been
651 signed by the required number of registered voters;
- 652 (b)(i) if the petition was signed by a sufficient number of registered voters:
- 653 (A) certify the petition;
- 654 (B) deliver the petition to the county legislative body and county executive; and
- 655 (C) notify the contact sponsor in writing of the certification; or
- 656 (ii) if the petition was not signed by a sufficient number of registered voters:
- 657 (A) reject the petition; and
- 658 (B) notify the county legislative body and the contact sponsor in writing of the
659 rejection and the reasons for the rejection; and
- 660 (c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on
661 which the county clerk certifies the petition under Subsection (3)(b)(i), the county
662 clerk shall send a copy of the optional plan that accompanied the petition to the
663 county attorney for review in accordance with Section 17-62-405.
- 664 (4) The sponsors of a petition circulated under this section may submit supplemental
665 signatures for the petition:
- 666 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
- 667 (b) before the earlier of:
- 668 (i) the deadline described in Subsection (2)(c); or
- 669 (ii) 20 days after the day on which the county clerk rejects the petition under
670 Subsection (3)(b)(ii).
- 671 (5) With the unanimous approval of petition sponsors, a petition filed under this section
672 may be withdrawn at any time within 90 days after the day on which the county clerk
673 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an
674 election under Section 17-62-501 if the petition included a notification to petition

signers, in conspicuous language and in a conspicuous location, that the petition sponsors are authorized to withdraw the petition.

- (6)(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors submit the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
- (b) A statement described in Subsection (6)(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.

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

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

- (1) If the county attorney finds under Section 17-62-405 that a proposed optional plan does not violate a statutory or constitutional provision, a county shall hold an election on the optional plan at the next regular general election that is ~~[not less than 65]~~ no later than 180 days after the day on which the county attorney submits to the county clerk the attorney's report described in Section 17-62-405.
- (2) The county clerk shall prepare the ballot for an election under this section so that the question on the ballot states substantially the following:
- "Shall _____ County adopt the alternate form of government known as the (insert the proposed form of government) as recommended in the proposed optional plan?"
- (3) The county clerk shall:
- (a) publish the complete text of the proposed optional plan in a newspaper of general circulation within the county at least once during two different calendar weeks within the 30-day period immediately before the date of the election described in Subsection (1);
- (b) post the complete text of the proposed optional plan in a conspicuous place on the county's website during the 45-day period that immediately precedes the election on the optional plan; and
- (c) make a complete copy of the optional plan and the study committee report available free of charge to any member of the public who requests a copy.
- (4) A county clerk shall declare an optional plan as adopted by the voters if a majority of voters voting on the optional plan vote in favor of the optional plan.

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

17-63-101 . Definitions.

As used in this chapter:

- (1) "Accrual basis of accounting" means a method where revenues are recorded when earned and expenditures recorded when they become liabilities notwithstanding that the receipt of the revenue or payment of the expenditure may take place in another accounting period.
- (2) "Appropriation" means an allocation of money for a specific purpose.
- (3)(a) "Budget" means a plan for financial operations for a fiscal period, embodying estimates for proposed expenditures for given purposes and the means of financing the expenditures.
- (b) "Budget" may refer to the budget of a fund for which a budget is required by law, or collectively to the budgets for all those funds.
- (4) "Budgetary fund" means a fund for which a budget is required, such as those described in Section 17-63-301.
- (5) "Budget period" means the fiscal period for which a budget is prepared.
- (6) "Check" means an order in a specific amount drawn upon the depositary by any authorized officer in accordance with:
 - (a) Section 17-69-307; or
 - (b) Section 17-74-301.
- (7) "County general fund" means the general fund used by a county.
- (8) "Countywide service" means a service provided in both incorporated and unincorporated areas of a county.
- (9) "Current period" means the fiscal period in which a budget is prepared and adopted.
- (10) "Department" means any functional unit within a fund which carries on a specific activity.
- (11) "Encumbrance system" means a method of budgetary control where part of an appropriation is reserved to cover a specific expenditure by charging obligations, such as purchase orders, contracts, or salary commitments to an appropriation account. An expenditure ceases to be an encumbrance when paid or when the actual liability is entered in the books of account.
- (12) "Estimated revenue" means any revenue estimated to be received during the budget period in any fund for which a budget is prepared.
- (13) "Finance officer" means:

(a)(i) the county auditor; or

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

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

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

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

(16) "Fund balance" means the excess of the assets over liabilities, reserves, and contributions, as reflected by its books of account.

(17) "Fund deficit" means the excess of liabilities, reserves, and contributions over its assets, as reflected by its books of account.

(18) "General fund" means the same as that term is defined by the Governmental Accounting Standards Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office of the Utah State Auditor.

(19) "Interfund loan" means a loan of cash from one fund to another, subject to future repayment.

(20) "Last completed fiscal period" means the fiscal period immediately before the current period.

(21) "Modified accrual basis of accounting" means a method under which expenditures other than accrued interest on general long-term debt are recorded at the time liabilities are incurred and revenues are recorded when they become measurable and available to finance expenditures of the current period.

(22) "Municipal capital project" means the acquisition, construction, or improvement of capital assets that facilitate providing municipal service.

(23) "Municipal service" means a service not provided on a countywide basis and not accounted for in an enterprise fund, and includes police patrol, fire protection, culinary or irrigation water retail service, water conservation, local parks, sewers, sewage treatment and disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.

(24) "Retained earnings" means that part of the net earnings retained by an enterprise or

internal service fund which is not segregated or reserved for any specific purpose.

(25) "Special fund" means any fund other than the county general fund.

(26) "Unappropriated surplus" means that part of a fund which is not appropriated for an ensuing budget period.

(27) "Warrant" means an order for payment in a specific amount, issued by a county officer or county employee with the authority to make the order, directing the disbursement of funds.

Section 15. Section **17-63-503** is amended to read:

17-63-503 . Warrants -- Payment -- Registration -- Duty of auditor.

(1) Warrants drawn by order of the county executive on the county treasurer for current expenses during each year shall specify:

(a) the liability for which the warrant is drawn;

(b) when the liability accrued; and

(c) the funds from which the warrant is to be paid.

(2) Warrants shall be paid in the order of presentation to the treasurer.

(3) If a fund is insufficient to pay any warrant, the warrant shall be registered and then paid in the order of registration.

(4) Accounts for county charges of every description shall be presented to the county auditor or county finance officer and county executive to be audited as prescribed in this chapter or Chapter 69, County Auditor.

Section 16. 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 county clerk of the county wherein the case is tried certifying]~~ The county attorney of the county that receives a civil case following a change of venue shall certify the amount of costs [so paid] and expenses to the county [clerk] attorney of the county wherein the [action] civil case originated.

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

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

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

(1) The county legislative body, after consultation with the county ~~auditor~~ finance officer, may adopt a financial administration ordinance authorizing the county ~~auditor~~ finance officer, county executive, county manager, or, in the case of county-operated hospitals or mental health districts, an appointed administrator, to act as the financial officer for the purpose of approving:

(a) payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution; or

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

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

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

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

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

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

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

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

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

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

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

846 website; and

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

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

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

851 (b) the office of the county auditor.

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

853 **17-63-605 . Internal control structure.**

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

858 (2) The objectives of the internal control structure described in Subsection (1) shall be to
859 ensure:

860 (a) the proper authorization of transactions and activities;

861 (b) the appropriate segregation of:

862 (i) the duty to authorize transactions;

863 (ii) the duty to record transactions; and

864 (iii) the duty to maintain custody of assets;

865 (c) the design and use of adequate documents and records to ensure the proper recording
866 of events;

867 (d) adequate safeguards over access to and use of assets and records; and

868 (e) independent checks on performance and proper valuation of recorded amounts.

869 (3) A county shall:

870 (a) assist the state auditor in complying with Section 17E-2-404; and

871 (b) consider and implement improvements and updates to the internal control structure,
872 as recommended by the state auditor under Section 17E-2-404.

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

874 **17-63-702 . Taxation for county purposes -- Statement of county debt required.**

875 (1) A county legislative body may levy taxes upon the taxable property, real or personal,
876 within the county for any and all county purposes.

877 (2)(a) The county auditor or county finance officer shall prepare a statement showing the
878 indebtedness of the county, funded and floating, stating the amount of each class and
879 the rate of interest borne by such indebtedness or any part of the indebtedness before

the annual meeting of the county legislative body for levying taxes.

(b) The statement described in Subsection (2)(a) shall be prepared under the direction of the county legislative body.

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

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

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

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

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

(a) each enterprise fund; and

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

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

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

(i) each enterprise fund; and

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

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

(i) within the next fiscal period; and

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

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

(ii) After complying with Subsection (3)(d)(i), the finance officer may revise any

- 914 departmental estimate before it is filed with the governing body.
- 915 (e)(i) Except as provided in Subsection (3)(e)(iv), if a governing body includes in a
916 tentative budget, or an amendment to a budget, allocations or transfers between a
917 utility enterprise fund and another fund that are not reasonable allocations of costs
918 between the utility enterprise fund and the other fund, the governing body shall:
- 919 (A) hold a public hearing;
- 920 (B) prepare a written notice of the date, time, place, and purpose of the hearing, in
921 accordance with Subsection (3)(e)(ii); and
- 922 (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund
923 customer at least seven days before the day of the hearing.
- 924 (ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B)
925 shall identify:
- 926 (A) the utility enterprise fund from which money is being transferred;
- 927 (B) the amount being transferred; and
- 928 (C) the fund to which the money is being transferred.
- 929 (iii) The governing body:
- 930 (A) may print the written notice required under Subsection (3)(e)(i) on the utility
931 enterprise fund customer's bill; and
- 932 (B) shall include the written notice required under Subsection (3)(e)(i) as a
933 separate notification mailed or transmitted with the utility enterprise fund
934 customer's bill.
- 935 (iv) The notice and hearing requirements in this Subsection (3)(e) are not required for
936 an allocation or a transfer included in an original budget or in a subsequent budget
937 amendment previously approved by the governing body for the current fiscal year.
- 938 (f)(i) The governing body shall review the tentative operating and capital budget at
939 any regular or special meeting called for that purpose.
- 940 (ii) In accordance with Subsection (3)(f)(i), the governing body may make any
941 changes to the tentative operating and capital budget that the governing body
942 considers advisable.
- 943 (iii) Before the close of the fiscal period, the governing body shall adopt an operating
944 and capital budget for the next fiscal period.
- 945 (g)(i) Upon final adoption by the governing body, the operating and capital budget
946 shall be in effect for the budget period subject to amendment.
- 947 (ii) The governing body shall:

- 948 (A) certify a copy of the operating and capital budget for each fund with the
 949 county finance officer; and
- 950 (B) make a copy available to the public during business hours in the ~~[offices of the]~~
 951 office of the county finance officer, if the county finance officer has an office
 952 at the county seat, or the office of the county auditor.
- 953 (iii) The governing body shall file a copy of the operating and capital budget with the
 954 state auditor within 30 days after the day on which the operating and capital
 955 budget is adopted.
- 956 (iv) The governing body may during the budget period amend the operating and
 957 capital budget of an enterprise or other special fund by resolution.
- 958 (v) A copy of the operating and capital budget as amended shall be filed with the
 959 state auditor.
- 960 (4) Any expenditure from an operating and capital budget shall conform to the requirements
 961 for budgets specified by Sections 17-63-401, 17-63-403, and 17-63-501.
- 962 Section 22. Section **17-64-402** is amended to read:
- 963 **17-64-402 . Records to be kept.**
- 964 A legislative body shall ensure the following records are kept:
- 965 (1) a minute record, in which shall be recorded:
- 966 (a) all orders and decisions made by the legislative body; and
 967 (b) the daily proceedings had at all regular and special meetings;
- 968 (2) an allowance record, in which shall be recorded all orders for the allowance of money
 969 from the county treasury, to whom made and on what account, dating, numbering, and
 970 indexing the same through each year;
- 971 (3) a road record, containing all proceedings and adjudications relating to the establishment,
 972 maintenance, charge, and discontinuance of roads and road districts, and all contracts
 973 and other matters pertaining thereto;
- 974 (4) a franchise record, containing all franchises granted by the board, for what purpose, the
 975 length of time, and to whom granted, the amount of bond and license tax required or
 976 other consideration to be paid;
- 977 (5) an ordinance record, in which shall be entered all ordinances and resolutions adopted by
 978 the legislative body in accordance with Part 5, Ordinances and Policies; and
- 979 (6) a warrant record, to be kept by the county ~~[auditor]~~ finance officer, as that term is
 980 defined in Section 17-66-101, in which shall be entered in the order of drawing all
 981 warrants drawn on the treasurer, with ~~[their]~~ the warrant number and reference to the

order on the minute record, with date, amount, on what account, and the name of the payee.

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

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

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

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

17-66-101 . Definitions.

As used in this chapter:

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

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

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:

- (a) consolidate the offices of county commissioner, county council member, or county treasurer with the office of county auditor;
- (b) consolidate the office of county executive with the office of county auditor, unless a referendum approving that consolidation passes; or
- (c) consolidate the offices of county commissioner, county council member, county executive, county assessor, or county auditor with the office of county treasurer.

(3) ~~[Each-]~~ Except as provided in Subsection (5), each legislative body shall ensure that any ordinance consolidating or separating county offices:

- (a) is enacted before November 1 of the year before the year in which county officers are elected; and
- (b) takes effect on the first Monday in January after the year in which county officers are elected.

(4)(a) Each legislative body shall:

- (i) enact an ordinance by February 1, 2010, separating any county offices that are prohibited from consolidation by this section; and
- (ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation in the county identifying the county offices that will be filled in the November 2010 election.

(b) If a legislative body has, by February 1, 2006, enacted an ordinance, in compliance with this Subsection (4) then in effect, separating county offices that are prohibited from consolidation by this section, the legislative body may repeal that ordinance.

(5) A county described in Section 17-70-103 may enact an ordinance consolidating the offices of county clerk and county auditor at any time.

(6) For a county of the first or second class, as classified under Section 17-60-104, an individual holding a consolidated county office shall meet all of the applicable statutorily defined qualifications of each county office within the consolidated office,

including possession of any state-regulated license or certification.

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

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

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

(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 27. 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

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

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

Section 28. Section **17-67-201** is amended to read:

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

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

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

~~[(ii)(A)]~~ be a state-licensed or state-certified appraiser; or

~~[(B)]~~ if the individual filed a declaration of candidacy under Subsection (1)(b)(ii), become a state-licensed or state-certified appraiser no later than 36 months after the day on which the individual's term of office begins.

~~[(b)(i)]~~ except as provided in Subsection (1)(b)(ii), become a state-licensed or state-certified appraiser no later than 36 months after the day on which the individual's term of office begins; or]

~~[(ii)]~~ in a county of the first, second, or third class, be a state-licensed or state-certified appraiser before filing a declaration of candidacy for the office of county assessor.]

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

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

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

- 1118 (2) The county assessor's office is vacant if:
- 1119 (a) an assessor fails to meet the requirements described in Subsection (1); or
- 1120 (b) no individual who meets the requirements described in Subsection (1) timely files a
- 1121 declaration of candidacy for the office of county assessor.
- 1122 (3)(a) If a vacancy described in Subsection (2) occurs, the county legislative body shall:
- 1123 (i) fill the vacancy in accordance with~~[-Sections]~~ :
- 1124 (A) Section 17-66-203~~[-and-]~~ ;
- 1125 (B) Section 20A-1-508[-] ; and
- 1126 (C) Subsection (3)(b); or
- 1127 (ii) if it is not possible to fill the vacancy, contract with an individual to fulfill the
- 1128 duties of the vacant office as described in Subsection (4).
- 1129 (b) ~~[The-]~~ An individual who the county legislative body selects to fill ~~[the]~~ a vacancy as
- 1130 described in Subsection (3)(a)(i) shall be a state-licensed or state-certified appraiser
- 1131 before the individual assumes the office of county assessor.
- 1132 (4) If the county legislative body cannot find an individual who meets the requirements
- 1133 described in ~~[Subsection (1)]~~ this section to fill a vacancy described in Subsection (2),
- 1134 the county legislative body may contract with a state-licensed or state-certified appraiser
- 1135 from outside the county to ~~[fill]~~ fulfill the duties of the county assessor for the remainder
- 1136 of the county assessor's term of office.
- 1137 Section 29. Section **17-69-101** is amended to read:
- 1138 **17-69-101 . Definitions.**
- 1139 As used in this chapter:
- 1140 (1) "Account" or "accounting" means:
- 1141 (a) the systematic recording, classification, or summarizing of a financial transaction or
- 1142 event; and
- 1143 (b) the interpretation or presentation of the result of an action described in Subsection
- 1144 (1)(a).
- 1145 (2)(a) "Accounting services" means the creation, modification, or deletion of
- 1146 transactions and records in a financial accounting system, including the preparation
- 1147 of a county's annual financial report.
- 1148 (b) "Accounting services" does not include the creation of a purchase order.
- 1149 (3) "Audit" or "auditing" means an examination that is a formal analysis of a county
- 1150 account or county financial record:
- 1151 (a) to verify accuracy, completeness, or compliance with an internal control;

(b) to give a fair presentation of a county's financial status; and

(c) that conforms to the uniform classification of accounts established by the state auditor.

(4) "Book" means a financial record of the county, regardless of a record's format.

(5)(a) "Budget" or "budgeting" means the preparation or presentation of a proposed or tentative budget as provided in Chapter 63, Fiscal Authority and Processes.

(b) "Budget" or "budgeting" includes:

(i) a revenue projection;

(ii) a budget request compilation; or

(iii) the performance of an activity described in Subsection (5)(b)(i) or (ii).

(6)(a) "Claim" means under the color of law:

(i) a demand presented for money or damages; or

(ii) a cause of action presented for money or damages.

(b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill, purchase, or payroll.

(7)(a) "County auditor" means the county officer elected as the county auditor under [~~Chapter 66, County Auditor~~] Chapter 69, County Auditor.

(b) "County auditor" includes an individual given the title of county controller under Subsection 17-69-301(5).

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

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

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

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

(b) achieving objectives and desired outcomes; and

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

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

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

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

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

In accordance with Section ~~[17-66-104]~~ 17-70-103, in counties having a taxable value of

1186 less than \$100,000,000, the county clerk shall[;]
1187 [(1)] be ex officio auditor of the county[;and] .
1188 [(2) shall perform the duties of the office without extra compensation.]

1189 Section 31. Section **17-69-301** is amended to read:

1190 **17-69-301 . Duties and services.**

1191 (1) A county auditor shall perform:

1192 (a) in accordance with Section [~~17-69-304~~] 17-69-401, an accounting duty or service
1193 described in this chapter;

1194 (b) an auditing duty or service described in this chapter; and

1195 (c) other duties as may be required by law.

1196 (2) A county auditor shall provide to the county legislative body a statement of county debt
1197 in accordance with Section 17-63-702.

1198 (3) A county auditor may conduct, in relation to any county officer or county office,
1199 department, division, court, or entity, as the county auditor considers necessary, the
1200 following duties and services:

1201 (a) financial audits;

1202 (b) attestation-level examinations, reviews, and agreed-upon procedures, engagements,
1203 or reviews of financial statements;

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

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

1206 (e) other duties as required by law.

1207 (4) In a county of the first class, the county auditor shall conduct the services under
1208 Subsections (3)(a) through (c) in accordance with generally accepted government
1209 auditing standards.

1210 (5) A county legislative body may change the title of county auditor to county controller for
1211 a county auditor's office that predominantly performs accounting services.

1212 (6) The county auditor may not conduct the services described in Subsections (3)(a)
1213 through (c) with respect to the auditor's own office, accounts, or financial records.

1214 (7) Nothing in this chapter limits a county legislative body's authority under Section
1215 17-64-404 or a county executive's authority under Section 17-65-304.

1216 Section 32. Section **17-69-304.1**, which is renumbered from Section 17-69-308 is renumbered
1217 and amended to read:

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

1219 (1)(a) A county auditor:

- 1220 (i) may conduct an investigation of an issue or action associated with or related to the
 1221 county auditor's statutory duties, including investigating a book or account of a
 1222 county office, officer, department, division, court, or entity; and
 1223 (ii) may not conduct an investigation of an issue or action that is not associated with
 1224 or related to the county auditor's statutory duties.
- 1225 (b) A county officer, employee, or other county administrative entity shall grant the
 1226 county auditor complete and free access to a book the county auditor requests in
 1227 accordance with Subsection (1)(a)(i).
- 1228 (c) A county auditor, with the assistance of the county attorney or district attorney, may:
 1229 (i) administer an oath or affirmation; or
 1230 (ii) issue an administrative subpoena for a witness or document necessary to the
 1231 performance of the county auditor's statutory duties.
- 1232 (2) A county auditor, after a complete investigation, shall prepare a report of the county
 1233 auditor's findings and submit the report to the county executive if the county auditor
 1234 finds that:
 1235 (a) a book or account of a county office, officer, department, division, court, or entity is
 1236 not kept in accordance to law; or
 1237 (b) a county office, officer, department, division, court, or entity has made an incorrect
 1238 or improper financial report.
- 1239 (3) A county auditor, after a complete investigation, shall prepare a report of the county
 1240 auditor's findings and submit a copy of the report to the state court administrator, the
 1241 county executive, and the county legislative body if the county auditor finds that:
 1242 (a) a justice court judge has not kept a book or account according to law; or
 1243 (b) a justice court judge has made an incorrect or improper financial report.
- 1244 Section 33. Section **17-69-401**, which is renumbered from Section 17-69-304 is renumbered
 1245 and amended to read:

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

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

- 1248 (1) Except as provided in Subsections (2) and (3), the county auditor shall provide
 1249 accounting services for the county.
- 1250 (2) For a county operating under the county executive-council form of government as
 1251 described in Section 17-62-203, the county council may, by ordinance, delegate
 1252 accounting services provided for or executed on behalf of the entire county:
 1253 (a) to the county executive; or

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

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

(a) to the county manager; or

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

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

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

(i) effectiveness;

(ii) efficiency; and

(iii) the adequate protection of a county asset;

(b) the county council shall make the delegation by considering appropriate checks and balances within county government; ~~and~~

(c) the county entity that is selected to provide accounting services shall prepare the tentative budget as provided in Chapter 63, Fiscal Authority and Processes~~[-]~~ ; and

(d) the county auditor is not required to fulfill an accounting obligation described by statute unless the statute explicitly states that the county auditor shall provide an accounting obligation.

Section 34. Section **17-69-402**, which is renumbered from Section 17-69-305 is renumbered and amended to read:

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

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

(a) maintain the books of the county in a manner that shows the amount of receipts from and disbursement of a county office, department, division, or entity;

(b) keep accounts current with the county treasurer;

(c) preserve a document, book, record, or paper that the county legislative body requires the county auditor to keep in the county auditor's office, or ensure preservation of a document, book, record, or paper that the county legislative body requires the county auditor to keep in the county auditor's office; and

(d) make an item described in Subsection (1)(c) available for public inspection during

1288 office hours.

- 1289 (2) The county [~~auditor~~] finance officer shall, in accordance with Title 63G, Chapter 2,
1290 Government Records Access and Management Act, remove from the county [~~auditor's~~]
1291 finance officer's files and destroy or otherwise dispose of:
1292 (a) fee statements of a county officer;
1293 (b) county warrants; and
1294 (c) claims against the county.

1295 Section 35. Section **17-69-403**, which is renumbered from Section 17-69-306 is renumbered
1296 and amended to read:

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

- 1298 (1) On or before the last day of each month, the county finance officer shall submit a report
1299 to the state treasurer regarding the county's collection, care, and disbursement of state
1300 money during the preceding month.
1301 (2) The county [~~auditor~~] finance officer and the county treasurer shall, as required by the
1302 county legislative body, make a joint report to the county executive and the county
1303 legislative body accounting for the county's financial condition.
1304 (3) If a county auditor determines that a county office, officer, department, division, court,
1305 or entity has not implemented a county auditor's prior recommendation in connection
1306 with a previous financial audit, performance audit, examination, or review, the county
1307 auditor shall notify the county legislative body that the county entity has not
1308 implemented the recommendation.

1309 Section 36. Section **17-69-404**, which is renumbered from Section 17-69-307 is renumbered
1310 and amended to read:

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

- 1312 (1)(a) Subject to Subsection (1)(b), if a debt or demand against a county is fixed by law,
1313 the debt or demand shall be paid by:
1314 (i) subject to Subsection (2)(a), a warrant drawn by the county [~~auditor~~] finance officer
1315 or the county treasurer; or
1316 (ii) subject to Subsection (2)(b), a check or other payment mechanism as may be
1317 adopted in accordance with Chapter 63, Fiscal Authority and Processes.
1318 (b) Subsection (1)(a) does not apply to a debt or demand against the county that is, in
1319 accordance with law, audited by another person or tribunal.
1320 (2)(a) The county [~~auditor~~] finance officer shall:
1321 (i) distinctly specify on a warrant the liability for which the warrant is made and

- 1322 when the liability accrued; and
- 1323 (ii) notify the county treasurer:
- 1324 (A) as described in Subsection (3), of the date, amount, payee of, and number
- 1325 assigned to a warrant; and
- 1326 (B) of the aggregate amount of all contemporaneous payments by warrant.
- 1327 (b) The county [~~auditor~~] finance officer shall notify the county treasurer and county
- 1328 executive:
- 1329 (i) as described in Subsection (3), of the amount and payee of all payments made by
- 1330 check or other payment mechanism;
- 1331 (ii) as described in Subsection (3), the date of and number assigned to a check or
- 1332 other payment mechanism; and
- 1333 (iii) the aggregate amount of a contemporaneous payment.
- 1334 (3) For a remuneration issued by the [~~county auditor, the auditor~~] county finance officer, the
- 1335 finance officer shall:
- 1336 (a) number each remuneration consecutively, commencing annually on the first day of
- 1337 January; and
- 1338 (b) state on the remuneration:
- 1339 (i) the number of the remuneration;
- 1340 (ii) the date of payment;
- 1341 (iii) the amount of the payment made;
- 1342 (iv) the name of the person to whom payable; and
- 1343 (v) the purpose for which the remuneration was made.
- 1344 (4) The county [~~auditor~~] finance officer shall dispose of a payment not presented for
- 1345 collection in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed
- 1346 Property Act.
- 1347 [~~(5) The county legislative body may delegate by ordinance the processing of payments and~~
- 1348 ~~warrants in accordance with Section 17-69-304.]~~
- 1349 Section 37. Section **17-70-101** is amended to read:
- 1350 **17-70-101 . Definitions.**
- 1351 [~~Reserved.~~] As used in this chapter, "finance officer" means the same as that term is
- 1352 defined in Section 17-66-101.
- 1353 Section 38. Section **17-70-103** is amended to read:
- 1354 **17-70-103 . Ex officio auditor in certain counties.**
- 1355 (1) In accordance with [~~Section 17-66-102~~] Sections 17-66-104 and 17-66-403, in counties

having a taxable value of less than \$100,000,000, the county clerk shall:

~~[(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 39. Section **17-70-302** is amended to read:

17-70-302 . Duties.

A county clerk shall:

- (1) record all proceedings of the county legislative body;
- (2) make full entries of all resolutions and decisions of the county legislative body on all questions concerning the county;
- (3) record the vote of each member of the county legislative body on any motion where there is a division of the county legislative body;
- (4) prepare and certify duplicate lists of all claims that:
 - (a) show the amount of each claim or order;
 - (b) show the date of each claim or order;
 - (c) show the date of the county's allowance or rejection of the claim; and
 - (d) are countersigned by the county executive;
- (5) deliver one of the lists referred to in Subsection (4) to the:
 - (a) county ~~[auditor]~~ finance officer; and
 - (b) county treasurer;
- (6) file and preserve a county officer's report to the county legislative body;
- (7) file and preserve all accounts except accounts that are kept by the county ~~[auditor]~~ finance officer;
- (8) file and preserve all petitions and applications for franchises;
- (9) record the county legislative body's action on petitions and applications for franchises;
- (10) authenticate with the clerk's signature and the seal of the county the county legislative body's proceedings;
- (11) authenticate with the clerk's signature and the seal of the county all ordinances the county legislative body passes, and record them in the ordinance book;
- (12) record all orders levying taxes;
- (13) keep at the county clerk's office all county books, records, and accounts that the county clerk is required by law to keep;

- (14) during regular business hours, provide for public inspection all county books, records, and accounts that the county clerk is required by law to keep;
- (15) perform all other duties the county legislative body requires by:
- (a) ordinance; or
 - (b) resolution;
- (16) establish policies to issue marriage licenses to county residents and individuals getting married in the county;
- (17) keep a register of marriage licenses the county clerk issues;
- (18) establish policies to ensure that the county clerk, or a designee of the county clerk who is willing, is available during business hours to solemnize a legal marriage for which a marriage license has been issued;
- (19) execute with the county clerk's seal described in Section 17-70-102 all deeds and conveyances of all real estate conveyed by the county;
- (20) take and certify acknowledgments;
- (21) administer oaths;
- (22) keep a fee schedule as provided by law;
- (23) take charge of and safely keep the seal of the county described in Section 17-64-103; and
- (24) keep other records and perform other duties as may be prescribed by law.

Section 40. 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:

- 1424 (i) for each contribution, the name of the donor of the contribution, if known, and the
1425 amount of the contribution; and
- 1426 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
- 1427 (d) a requirement that a candidate for county office or local school board office deposit a
1428 contribution in a separate campaign account into a financial institution;
- 1429 (e) a prohibition against a candidate for county office or local school board office
1430 depositing or mingling any contributions received into a personal or business account;
- 1431 (f) a requirement that a candidate for county office who receives a contribution that is
1432 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is
1433 unknown, shall, within 30 days after receiving the contribution, disburse the amount
1434 of the contribution to:
- 1435 (i) the treasurer of the state or a political subdivision for deposit into the state's or
1436 political subdivision's general fund; or
- 1437 (ii) an organization that is exempt from federal income taxation under Section
1438 501(c)(3), Internal Revenue Code;
- 1439 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a
1440 county office or local school board office file the financial report described in
1441 Subsection (2)(c) with the county clerk:
- 1442 (i) for a county office vacancy described in Subsection 20A-1-508(3) or (7), no later
1443 than three business days before the day on which the political party of the prior
1444 officeholder submits the candidate's name to the county legislative body as the
1445 individual the political party selects to fill the vacancy;
- 1446 (ii) for a county or district attorney office vacancy described in Subsection
1447 20A-1-509.1(5)(a), no later than three business days before the day on which the
1448 political party of the prior officeholder submits the candidate's name to the county
1449 legislative body as one of the three individuals the party nominates to fill the
1450 vacancy;
- 1451 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
1452 (A) no later than the deadline for the candidate to submit an application to fill the
1453 vacancy under Subsection 20A-1-509.2(2)(c); and
1454 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an
1455 application to fill the vacancy, no later than three business days before the day
1456 on which the political party of the prior officeholder submits the candidate's
1457 name to the county legislative body as one of the three individuals the party

- 1458 nominates to fill the vacancy; or
- 1459 (iv) for a local school board office vacancy, no later than three business days before
- 1460 the day on which the local school board meets to interview each candidate
- 1461 interested in filling the vacancy in accordance with Section 20A-1-511; and
- 1462 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g),
- 1463 the county clerk immediately submit a copy of the report to the county legislative
- 1464 body.
- 1465 (3)(a) As used in this Subsection (3), "account" means an account in a financial
- 1466 institution:
- 1467 (i) that is not described in Subsection (2)(d); and
- 1468 (ii) into which or from which a person who, as a candidate for an office, other than a
- 1469 county office for which the person files a declaration of candidacy or federal
- 1470 office, or as a holder of an office, other than a county office for which the person
- 1471 files a declaration of candidacy or federal office, deposits a contribution or makes
- 1472 an expenditure.
- 1473 (b) The ordinance required by Subsection (1) shall include a requirement that a
- 1474 candidate for county office or local school board office include on a financial report
- 1475 filed in accordance with the ordinance a contribution deposited in or an expenditure
- 1476 made from an account:
- 1477 (i) since the last financial report was filed; or
- 1478 (ii) that has not been reported under a statute or ordinance that governs the account.
- 1479 (4) If any county fails to adopt a campaign finance disclosure ordinance described in
- 1480 Subsection (1), candidates for county office, other than community council office, and
- 1481 candidates for local school board office shall comply with the financial reporting
- 1482 requirements contained in Subsections (5) through (10).
- 1483 (5) A candidate for elective office in a county or local school board office:
- 1484 (a) shall deposit a contribution into a separate campaign account in a financial
- 1485 institution; and
- 1486 (b) may not deposit or mingle any contributions received into a personal or business
- 1487 account.
- 1488 (6) Each candidate for elective office in any county who is not required to submit a
- 1489 campaign financial statement to the lieutenant governor, and each candidate for local
- 1490 school board office, shall file a signed campaign financial statement with the county
- 1491 clerk:

1492 (a) seven days before the date of the regular general election, reporting each contribution
1493 and each expenditure as of 10 days before the date of the regular general election; and

1494 (b) no later than 30 days after the date of the regular general election.

1495 (7)(a) The statement filed seven days before the regular general election shall include:

1496 (i) a list of each contribution received by the candidate, and the name of the donor, if
1497 known; and

1498 (ii) a list of each expenditure for political purposes made during the campaign period,
1499 and the recipient of each expenditure.

1500 (b) The statement filed 30 days after the regular general election shall include:

1501 (i) a list of each contribution received after the cutoff date for the statement filed
1502 seven days before the election, and the name of the donor; and

1503 (ii) a list of all expenditures for political purposes made by the candidate after the
1504 cutoff date for the statement filed seven days before the election, and the recipient
1505 of each expenditure.

1506 (8)(a) As used in this Subsection (8), "account" means an account in a financial
1507 institution:

1508 (i) that is not described in Subsection (5)(a); and

1509 (ii) into which or from which a person who, as a candidate for an office, other than a
1510 county office for which the person filed a declaration of candidacy or federal
1511 office, or as a holder of an office, other than a county office for which the person
1512 filed a declaration of candidacy or federal office, deposits a contribution or makes
1513 an expenditure.

1514 (b) A county office candidate and a local school board office candidate shall include on
1515 any campaign financial statement filed in accordance with Subsection (6) or (7):

1516 (i) a contribution deposited into an account:

1517 (A) since the last campaign finance statement was filed; or

1518 (B) that has not been reported under a statute or ordinance that governs the
1519 account; or

1520 (ii) an expenditure made from an account:

1521 (A) since the last campaign finance statement was filed; or

1522 (B) that has not been reported under a statute or ordinance that governs the
1523 account.

1524 (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
1525 exceeds \$50, and is from a donor whose name is unknown, a county office candidate

shall disburse the amount of the contribution to:

- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(10) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

(11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board office shall:

- (i) comply with Subsections (5) and (9); and
- (ii) file a signed campaign financial statement with the county clerk no later than the deadline described in Subsection (2)(g).

(b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii), the county clerk shall immediately submit a copy of the statement to the county legislative body.

(12) Any individual who fails to comply with this section is guilty of an infraction.

(13)(a) Counties may, by ordinance, enact requirements that:

- (i) require greater disclosure of campaign contributions and expenditures; and
- (ii) impose additional penalties.

(b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who resides in that county.

(14) If a candidate fails to file an interim report due before the election, the county clerk:

- (a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
 - (i) that the candidate failed to timely file the report; and
 - (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified and the political party will not be permitted to replace the candidate; and
- (b) impose a fine of \$100 on the candidate.

(15)(a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file an interim report described in Subsection (14) within 24 hours after the deadline for filing the

report.

(b) The political party of a candidate who is disqualified under Subsection (15)(a) may not replace the candidate.

(c) A candidate who is disqualified under Subsection (15)(a) shall file with the county clerk a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.

(16) If a candidate is disqualified under Subsection (15)(a), the election official:

(a) shall:

(i) notify every opposing candidate for the county office that the candidate is disqualified;

(ii) send an email notification to each voter who is eligible to vote in the county election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted, if the candidate is disqualified 65 or fewer days before the election;

(iii) post notice of the disqualification on the county's website; and

(iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and

(b) may not count any votes for that candidate.

(17) An election official may fulfill the requirement described in Subsection (16)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the county's website to inform the voter whether a candidate on the ballot is disqualified.

(18) A candidate is not disqualified if:

(a) the candidate files the interim reports described in Subsection (14) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(19)(a) A report is considered timely filed if:

(i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the end of the day on which the report is due;

(ii) the report is received in the county clerk's office with a United States Postal

Service postmark three days or more before the date that the report was due; or

(iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

(b) For a county clerk's office that is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.

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

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

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

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

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

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

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

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

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

In counties where there is no elected surveyor, the county recorder shall fulfill the duties of
a county surveyor as described in ~~[Section 17-73-201]~~ Subsection 17-73-201(1)(c).

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

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

(1) The county recorder shall:

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

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

1627 the instrument;-]

1628 [(ii) include in the entry record for the instrument:]

1629 [(A) the names of the parties to the instrument;-]

1630 [(B) the date, hour, day of the month, and year the county recorder recorded the

1631 instrument; and-]

1632 [(C) a brief description of the instrument; and-]

1633 [(iii) endorse upon the instrument a number corresponding with the number of the

1634 entry;]

1635 [(b) keep a grantors' index, in which the county recorder shall index deeds and final

1636 judgments or decrees partitioning or affecting the title to or possession of real

1637 property, which shall show:-]

1638 [(i) the instrument's entry number in the county recorder's entry record;-]

1639 [(ii) each grantor's name in alphabetical order;-]

1640 [(iii) the grantee's name;-]

1641 [(iv) the instrument's date;-]

1642 [(v) the time the county recorder recorded the instrument;-]

1643 [(vi) the kind of instrument;-]

1644 [(vii) the book and page of the entry record where the county recorder entered the

1645 instrument; and-]

1646 [(viii) a brief description of the instrument;]

1647 [(c) keep a grantees' index, in which the county recorder shall index deeds and final

1648 judgments or decrees partitioning or affecting the title to or possession of real

1649 property, which shall show:-]

1650 [(i) the instrument's entry number in the county recorder's entry record;-]

1651 [(ii) each grantee's name in alphabetical order;-]

1652 [(iii) the grantor's name;-]

1653 [(iv) the instrument's date;-]

1654 [(v) the time the county recorder recorded the instrument;-]

1655 [(vi) the kind of instrument;-]

1656 [(vii) the book and page of the entry record where the county recorder entered the

1657 instrument; and-]

1658 [(viii) a brief description of the instrument;]

1659 [(d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of

1660 trust, liens, and other instruments in the nature of an encumbrance upon real estate,

1661 which shall show:-]

1662 [(i) the instrument's entry number in the county recorder's entry record;]

1663 [(ii) the name of each mortgagor, debtor, or person charged with the encumbrance in

1664 alphabetical order;]

1665 [(iii) the name of the mortgagee, lien holder, creditor, or claimant;]

1666 [(iv) the instrument's date;]

1667 [(v) the time the county recorder recorded the instrument;]

1668 [(vi) the kind of instrument;]

1669 [(vii) the consideration;]

1670 [(viii) the book and page of the entry record where the county recorder entered the

1671 instrument; and]

1672 [(ix) a brief description of the instrument;]

1673 [(e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of

1674 trust, liens, and other instruments in the nature of an encumbrance upon real estate,

1675 which shall show:-]

1676 [(i) the instrument's entry number in the county recorder's entry record;]

1677 [(ii) the name of each mortgagee, lien holder, creditor, or claimant in alphabetical

1678 order;]

1679 [(iii) the name of the mortgagor or person charged with the encumbrance;]

1680 [(iv) the instrument's date;]

1681 [(v) the time the county recorder recorded the instrument;]

1682 [(vi) the kind of instrument;]

1683 [(vii) the consideration;]

1684 [(viii) the book and page of the entry record where the county recorder entered the

1685 instrument; and]

1686 [(ix) a brief description;]

1687 [(f) subject to Subsection (4), keep a tract index, which shall show by description for

1688 every recorded instrument:-]

1689 [(i) the instrument's date;]

1690 [(ii) the kind of instrument;]

1691 [(iii) the time the county recorder recorded the instrument;]

1692 [(iv) the book and page of the entry record where the county recorder entered the

1693 instrument; and]

1694 [(v) the instrument's entry number in the county recorder's entry record;]

- 1695 ~~[(g) keep an index of recorded maps, plats, and subdivisions;]~~
1696 ~~[(h) keep an index of powers of attorney showing:-]~~
1697 ~~[(i) the date and time the county recorder recorded the power of attorney;]~~
1698 ~~[(ii) the book and page of the entry record where the county recorder entered the~~
1699 ~~power of attorney; and]~~
1700 ~~[(iii) the power of attorney's entry number in the county recorder's entry record;]~~
1701 ~~[(i) keep a miscellaneous index, in which the county recorder shall enter all instruments~~
1702 ~~of a miscellaneous character not otherwise provided for in this section, showing:-]~~
1703 ~~[(i) the date the county recorder recorded the instrument;]~~
1704 ~~[(ii) the book and page of the entry record where the county recorder entered the~~
1705 ~~instrument;]~~
1706 ~~[(iii) the instrument's entry number in the county recorder's entry record;]~~
1707 ~~[(iv) the kind of instrument; and]~~
1708 ~~[(v) the parties to the instrument;]~~
1709 ~~[(j) keep an index of judgments showing:-]~~
1710 ~~[(i) the judgment debtors;]~~
1711 ~~[(ii) the judgment creditors;]~~
1712 ~~[(iii) the judgment amount;]~~
1713 ~~[(iv) the date and time the county recorder recorded the judgment;]~~
1714 ~~[(v) the satisfaction;]~~
1715 ~~[(vi) the book and page of the entry record where the county recorder entered the~~
1716 ~~instrument; and]~~
1717 ~~[(vii) the instrument's entry number in the county recorder's entry record;]~~
1718 ~~[(k) keep a general recording index in which the county recorder shall index all~~
1719 ~~executions and writs of attachment, and any other instruments not required by law to~~
1720 ~~be spread upon the records, and in separate columns the county recorder shall enter~~
1721 ~~the names of the plaintiffs in the execution and the names of the defendants in the~~
1722 ~~execution;]~~
1723 ~~[(l) keep an index of water right numbers that are included on an instrument recorded on~~
1724 ~~or after May 13, 2014, showing:-]~~
1725 ~~[(i) the date and time the county recorder recorded the instrument;]~~
1726 ~~[(ii)(A) the book and page of the entry record where the county recorder entered~~
1727 ~~the instrument; or]~~
1728 ~~[(B) the instrument's entry number in the county recorder's entry record; and]~~

- 1729 [(iii) the kind of instrument; and]
- 1730 ~~[(m)]~~ (a) upon acceptance and recording of an instrument:
- 1731 (i) endorse on the instrument:
- 1732 (A) an entry number corresponding with the acceptance and recording;
- 1733 (B) the date of acceptance and recording, including the hour, day, month, and
- 1734 year; and
- 1735 (C) the recording fee;
- 1736 (ii) index each instrument:
- 1737 (A) by entry number;
- 1738 (B) if applicable, by each grantor, mortgagor, trustor, debtor, plaintiff, or person
- 1739 charged with encumbrance under the instrument;
- 1740 (C) if applicable, by each grantee, mortgagee, trustee, lien holder, creditor,
- 1741 claimant, or defendant described in the instrument;
- 1742 (D) if applicable, by each legal description, as described in Section 57-3-105;
- 1743 (E) by type of instrument; and
- 1744 (F) if applicable, by water right number; and
- 1745 (b) beginning January 1, 2025:
- 1746 (i) maintain a system that allows a property owner to receive, upon the property
- 1747 owner's election, an electronic notice when the county recorder records a deed or
- 1748 mortgage, as defined in Section 70D-1-102, on the property owner's real property;
- 1749 and
- 1750 (ii) if a property owner elects to receive electronic notice as described in Subsection [
- 1751 ~~(1)(m)(i)]~~ (1)(b)(i), within 30 days after the day on which the county recorder
- 1752 records a deed or a mortgage as defined in Section 70D-1-102 on real property,
- 1753 provide an electronic notice of the recording to each property owner.
- 1754 (2) Upon request, a county recorder may provide the notice described in Subsection [
- 1755 ~~(1)(m)(ii)]~~ (1)(b)(ii) to a property owner by a means other than electronic.
- 1756 (3) Subsection ~~[(1)(m)]~~ (1)(b) applies only to real property for which the county treasurer
- 1757 provides a tax notice described in Section 59-2-1317.
- 1758 ~~[(4) The recorder shall alphabetically arrange the indexes required by this section and keep~~
- 1759 ~~a reverse index.]~~
- 1760 ~~[(5)]~~ (4)(a) The ~~[tract]~~ index required by Subsection ~~[(1)(f)]~~ (1) shall be kept so that [it]
- 1761 the index shows a true chain of title to each tract or parcel, together with each
- 1762 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 43. Section **17-71-407** is amended to read:

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

(1) The county recorder may not record any instrument, furnish any copies, or provide any service connected with the office of the county recorder~~[-]~~ until the relevant fees described in this section or established by county ordinance or resolution have been:

(a) paid; or

(b) authorized to be paid electronically.

~~[(2) The county may determine and collect a fee for all services not enumerated in this~~

section.]

[~~(3)~~] (2) A county legislative body may set by ordinance or resolution reasonable fees for the services of the county recorder not described in Subsections (3) and (4), including for:

(a) copies of any record or document; and

(b) a subscription service described in Subsection (7).

(3) The county recorder shall charge and receive the following fees:

(a) for recording any instrument, not otherwise provided for, other than bonds of public officers, [~~\$40~~] \$45;

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

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

(c) for recording mining location notices and affidavits of labor affecting mining claims, [~~\$40~~] \$45;

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

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

(f) for recording any plat, \$55 for each sheet and \$2 for each lot or unit designation;

(g) for recording any license issued by the Division of Professional Licensing, \$45;

(h) for recording a federal tax lien, \$45; and

(i) for recording the discharge of a federal tax lien, \$45.

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

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

(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;]

1831 ~~[(d)]~~ (b) for taking and certifying acknowledgments, including seal, \$5 for one name and
 1832 \$2 for each additional name[;] .

1833 ~~[(e) for recording any license issued by the Division of Professional Licensing, \$40;]~~

1834 ~~[(f) for recording a federal tax lien, \$40; and]~~

1835 ~~[(g) for recording the discharge of a federal tax lien, \$40.]~~

1836 (6) A county recorder may not charge more than one recording fee for each instrument,
 1837 regardless of whether the instrument bears multiple descriptive titles or includes one or
 1838 more attachments as part of the instrument.

1839 (7) A county recorder may provide records or information within records to a requesting
 1840 entity on a subscription basis.

1841 ~~[(7)]~~ (8) A county recorder may not be required to collect a fee for services that are
 1842 unrelated to the county recorder's office.

1843 Section 44. Section **17-71-408** is amended to read:

1844 **17-71-408 . Notice given by recording.**

1845 (1) Each ~~[certified copy]~~ document from the time of recording ~~[of the original record]~~ gives
 1846 notice to all persons of the contents of the recorded document.

1847 (2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the
 1848 same notice and effect as if the certified copy was the original document.

1849 Section 45. Section **17-71-503** is amended to read:

1850 **17-71-503 . Military records -- Evidence.**

1851 (1) Upon presentation, the county recorder shall:

1852 (a) record, free of charge:

1853 (i) discharges from the United States military, naval, or marine service; and

1854 (ii) orders, citations, and decorations of honor relating to an individual while the
 1855 individual was in the United States military, naval, or marine service; and

1856 (b) give, free of charge, certified copies of a record described in Subsection (1) to:

1857 (i) the individual who is the subject of the record; and

1858 (ii) a father, mother, brother, sister, or lineal descendant of the individual who is the
 1859 subject of the record.

1860 (2) A requesting individual may provide, and a county recorder may accept, an affidavit
 1861 indicating how the requesting individual is a lineal descendant of the individual who is
 1862 the subject of a requested record as sufficient proof of the relationship between the
 1863 requesting individual and the individual who is the subject of the record.

1864 (3) Certified copies of records kept by the county recorder may be read in evidence with the

same effect as the original in an action or proceeding before a court, commission, or other tribunal in this state.

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

17-73-102 . County surveyor seal.

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

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

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

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

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

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

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

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

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

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

(i) election; and

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

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

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

(i) the county executive or legislative body may~~[-]~~ :

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

(B) hire as a county employee a licensed professional land surveyor to perform the

1899 duties of a county surveyor;

1900 (ii) all county survey work shall be done by a licensed professional land surveyor;

1901 (iii) the county recorder shall assume and perform all statutory functions and duties
1902 of the county surveyor related to the retention, maintenance, and accessibility of
1903 survey records, both physical and digital; and

1904 (iv) the county recorder's office shall act as the county surveyor's office only for the
1905 purpose of accepting, retaining, and managing county survey records.

1906 (d) A licensed professional land surveyor who contracts with or is hired by the county as
1907 described in Subsection (1)(c) shall fulfill the duties of the county surveyor as
1908 described in this chapter or, if applicable, as described in the county contract.

1909 (2) The county surveyor shall execute:

1910 (a) all orders directed to the surveyor by any court; and

1911 (b) all orders of survey required by the county executive or county legislative body.

1912 (3)(a) The county surveyor [~~of each county~~] shall:

1913 (i) advise the county executive and county legislative body regarding all surveying
1914 work;

1915 (ii) perform or arrange for the performance of all surveying work for the county;

1916 (iii) permanently keep at county government offices a fair and accurate record of all
1917 surveys made, including legal descriptions and geographic coordinates, all surveys
1918 received in accordance with Section 17-73-504, and all corner files received in
1919 accordance with Section 17-73-505;

1920 (iv) number progressively all surveys received and state by whom and for whom the
1921 surveys were made;

1922 (v) deliver a copy of any survey to any person or court requiring the survey after the
1923 payment of the fee established by the county legislative body;

1924 (vi) ensure that all surveys of legal subdivisions of sections are made according to the
1925 United States Manual of Surveying Instructions in effect at the time the survey is
1926 completed;

1927 (vii) verify the correctness of or establish correct coordinates for all survey reference
1928 monuments set in place and shown on all subdivision maps and plats which have a
1929 spatial relationship with any section or quarter section corner; and

1930 (viii) perform other duties required by law.

1931 (b) In arranging for the performance of surveying work for the county under Subsection

1932 (3)(a)(ii), a surveyor may comply with Section 17-65-402.

- 1933 (4)(a) The county surveyor or the county surveyor's designee shall establish all corners
1934 of government surveys and reestablish all corners of government surveys where
1935 corners have been destroyed and where witness markers or other evidence of the
1936 government corners remain so that the corners established by government survey can
1937 be positively located.
- 1938 (b) The corners shall be reestablished in the manner provided in Section 17-73-501 for
1939 establishing corners.
- 1940 (c) The county surveyor shall keep a separate record of the established and reestablished
1941 corners of government surveys, giving the date and names of persons present and
1942 shall provide those records to the county surveyor's successor when the county
1943 surveyor vacates office.
- 1944 (d) Established or reestablished corners shall be recognized as the legal and permanent
1945 corners.
- 1946 (5) The county executive or legislative body may direct the county surveyor or county
1947 surveyor staff to perform engineering and architectural work if the county surveyor or
1948 county surveyor staff is qualified and licensed to perform that work.

1949 Section 48. Section **17-73-502** is amended to read:

1950 **17-73-502 . Disturbed corners -- County surveyor to be notified -- Coordination**
1951 **with certain state agencies.**

- 1952 (1) A person who finds it necessary to disturb any established government survey
1953 monument or public land survey government corner location for any reason, including
1954 the improvement of a road, shall notify the county surveyor at least five business days
1955 before the day on which the person disturbs the government survey monument or public
1956 land survey government corner location.
- 1957 (2)(a) A county legislative body may enact an ordinance requiring a person to obtain a
1958 permit before performing construction work within 30 feet of an established
1959 government survey monument or public land survey government corner location.
- 1960 (b) A county legislative body shall ensure that an ordinance described in Subsection
1961 (2)(a) provides for an exemption from the permitting requirement if an emergency
1962 situation that poses a threat to public health or safety arises.
- 1963 (c)(i) A county may charge a fee for a permit described in Subsection (2)(a), in
1964 accordance with this Subsection (2)(c).
- 1965 (ii) The fee described in Subsection (2)(c)(i) may not exceed \$400 per government
1966 survey monument or public land survey government corner location.

~~[(iii) If, after completion of the construction work, the government survey monument or public land survey government corner location is undisturbed, the county shall disburse a partial fee refund of \$250 to the permit holder.]~~

~~[(iv)]~~ (iii) If the construction work disturbs the government survey monument or public land survey government corner location related to the permit:

(A) the permit holder is responsible for the necessary construction work and installation of the government survey monument or public land survey government corner location; and

(B) the county shall provide to the permit holder the necessary ~~[brass monument, ring, and lid]~~ monument for the permit holder's work described in Subsection [~~(2)(c)(iv)(A)]~~ (2)(c)(iii)(A).

(d) A county shall provide a system allowing a person to apply electronically for and the county to approve or deny electronically a permit described in Subsection (2)(a).

(3) A person may not perform any construction work within 30 feet of a government survey monument or public land survey government corner location unless the person obtains any permit the county requires before beginning construction work within 30 feet of the government survey monument or public land survey government corner location, together with any additional permits that applicable law may require.

(4) A person who produces drawings or plans for construction work to be performed within 30 feet of a government survey monument or public land survey government corner location shall show, on the face of the drawings or plans:

(a) the government survey monument or public land survey government corner location; and

(b) an accompanying note exhibiting compliance with Subsections (1) and (3).

(5) A person who finds a monument that needs rehabilitation shall notify the county surveyor within five business days after the day on which the person finds the monument.

(6) The county surveyor or the county surveyor's designee shall:

(a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the corner by lowering and witnessing the corner or placing another monument and witness over the existing monument so that the monument:

(i) is left in a physical condition to remain as permanent a monument as is reasonably possible; and

(ii) may be reasonably located at all times in the future; and

2001 (b) file the record of each reconstruction or rehabilitation in accordance with Subsection
 2002 (6)(a).

2003 (7)(a) The county may, by ordinance, establish a civil penalty for a violation of:

2004 (i) any provision of Subsection (3) or (4); or

2005 (ii) any ordinance that the county adopts under Subsection (2).

2006 (b) It is a defense to the civil penalty described in Subsection (7)(a) if the violation
 2007 related to an emergency situation that posed a threat to public health or safety.

2008 Section 49. Section **17-73-504** is amended to read:

2009 **17-73-504 . Map of boundary survey -- Procedure for filing -- Contents --**

2010 **Marking of monuments -- Record of corner changes -- Penalties.**

2011 (1)(a)(i) Each professional land surveyor making a boundary survey of lands within
 2012 this state to establish or reestablish a boundary line[~~or to obtain data for~~
 2013 ~~constructing a map or plat~~] showing a boundary line shall file a map of the survey
 2014 that meets the requirements of this section with the county surveyor or designated
 2015 office within 90 days of the establishment or reestablishment of a boundary.

2016 (ii) A professional land surveyor who fails to file a map of the survey as required by
 2017 Subsection (1)(a)(i) is guilty of an infraction.

2018 (iii) Each failure to file a map of the survey as required by Subsection (1)(a)(i) is a
 2019 separate violation.

2020 (b) The county surveyor or designated office shall file and index the map of the survey.

2021 (c) The map shall be a public record in the office of the county surveyor or designated
 2022 office.

2023 (2) This type of map shall show:

2024 (a) the location of survey by quarter section and township and range;

2025 (b) the date of survey;

2026 (c) the scale of drawing and north point;

2027 (d) the distance and course of all lines traced or established, giving the basis of bearing
 2028 and the distance and course to two or more section corners or quarter corners,
 2029 including township and range, or to identified monuments within a recorded
 2030 subdivision;

2031 (e) all measured bearings, angles, and distances separately indicated from those of
 2032 record;

2033 (f) a written boundary description of property surveyed;

2034 (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;
- (i) the surveyor's seal or stamp; and
- (j) the surveyor's business name and address.

(3)(a) The map shall contain a written narrative that explains and identifies:

- (i) the purpose of the survey;
- (ii) the basis on which the lines were established; and
- (iii) the found monuments and deed elements that controlled the established or reestablished lines.

(b) If the narrative is a separate document, it shall contain:

- (i) the location of the survey by quarter section and by township and range;
- (ii) the date of the survey;
- (iii) the surveyor's stamp or seal; and
- (iv) the surveyor's business name and address.

(c) The map and narrative shall be referenced to each other if they are separate documents.

(4) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

(5)(a) Any monument set by a licensed professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.

(b) If the monument is set by a licensed land surveyor who is a public officer, it shall be marked with the official title of the office.

(6)(a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.

(b) The record described in Subsection (6)(a) shall:

- (i) be submitted within 45 days of the corner visits; and
- (ii) include the surveyor's seal, business name, and address.

(7) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any professional land surveyor who fails to comply with the requirements of this section, according to the procedures in Title 58, Chapter 1, Division of Professional Licensing Act.

- (8) Each federal or state agency, board, or commission, special district, special service district, or municipal corporation that makes a boundary survey of lands within this state shall comply with this section.

Section 50. Section **17-73-507** is amended to read:

17-73-507 . Final plats of local entity boundary actions -- County surveyor approval of final plat -- Plat requirements.

- (1) Upon request and in consultation with the county recorder, the county surveyor of each county in which property depicted on a plat is located shall determine whether the plat is a final local entity plat.
- (2)(a) If a county surveyor determines that a plat meets the requirements of Subsection (3), the county surveyor shall approve the plat as a final local entity plat.
- (b) The county surveyor shall indicate the approval of a plat as a final local entity plat on the face of the final local entity plat.
- (3) A plat may not be approved as a final local entity plat unless the plat:
- (a) contains a graphical illustration depicting:
- (i) in the case of a proposed creation or incorporation of a local entity, the boundary of the proposed local entity;
 - (ii) in the case of a proposed annexation of an area into an existing local entity, the boundary of the area proposed to be annexed;
 - (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:

- 2103 (i) the county surveyor to establish the boundary on the ground, in the event of a
2104 dispute about the accurate location of the boundary; and
- 2105 (ii) the county recorder to identify, for tax purposes, each tract or parcel included
2106 within the boundary;
- 2107 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently
2108 unique to distinguish the plat from all other recorded plats in the county;
- 2109 (f) contains:
- 2110 (i) the name of the local entity whose boundary is depicted on the plat;
- 2111 (ii) the name of each county within which any property depicted on the plat is located;
- 2112 (iii) the date that the plat was prepared;
- 2113 (iv) a north arrow and legend;
- 2114 (v) a signature block for:
- 2115 (A) the signatures of:
- 2116 (I) the professional land surveyor who prepared the plat; and
- 2117 (II) the local entity's approving authority; and
- 2118 (B) the approval of the county surveyor; and
- 2119 (vi) a three-inch by three-inch block in the lower right hand corner for the county
2120 recorder's use when recording the plat;
- 2121 (g) has been certified and signed by a professional land surveyor licensed under Title 58,
2122 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
2123 and
- 2124 (h) has been reviewed and signed by the approving authority of the local entity whose
2125 boundary is depicted on the plat.
- 2126 (4) The county surveyor may charge and collect a reasonable fee for the costs associated
2127 with:
- 2128 (a) the process of determining whether a plat is a final local entity plat; and
- 2129 (b) the approval of a plat as a final local entity plat.
- 2130 (5) A county surveyor may charge a newly created political subdivision, and a newly
2131 created political subdivision shall pay, a fee described in Subsection (4) following the
2132 lieutenant governor's issuance of a certificate of incorporation for the new political
2133 subdivision:
- 2134 (a) for survey work the county surveyor completed that was required for or associated
2135 with the formation of the new political subdivision; and
- 2136 (b) even if the county surveyor conducted the survey work before the certificate of

2137 incorporation is issued.

2138 Section 51. Section **17-74-101** is amended to read:

2139 **17-74-101 . Definitions.**

2140 As used in this chapter[;] :

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

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

2143 Section 52. Section **17-74-301** is amended to read:

2144 **17-74-301 . General duties.**

2145 The county treasurer shall:

2146 (1) receive all money belonging to the county and all other money by law directed to be
2147 paid to the treasurer, including proceeds of bonds, notes, or other evidences of
2148 indebtedness issued under Title 11, Chapter 14, Local Government Bonding Act;

2149 (2) deposit and invest all money received under Title 51, Chapter 7, State Money
2150 Management Act;

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

2152 (4) disburse county money:

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

2154 (b) subject to Section [~~17-69-307~~] 17-69-404, by a county check or other payment
2155 mechanism as may be adopted in accordance with [~~Chapter 63, Fiscal Procedures and~~
2156 ~~Processes~~] Chapter 63, Fiscal Authority and Processes;

2157 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
2158 Collection of Taxes;

2159 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
2160 been reassigned to the treasurer in an ordinance adopted under Section 17-74-102;

2161 (7) provide the notice required under Section 10-11-4 or 17B-1-902; and

2162 (8) perform other duties that are required by law or ordinance.

2163 Section 53. Section **17-74-302** is amended to read:

2164 **17-74-302 . Payment of warrants in order presented -- Nonpayment and interest.**

2165 (1) The county treasurer shall pay all warrants in the order presented and as funds are
2166 available.

2167 (2) Except as provided in Subsection (4), the county treasurer shall execute payment for a
2168 warrant when:

2169 (a) a warrant is presented for payment; and

2170 (b) there is sufficient money in the county treasury to cover the payment.

- (3) Upon receiving the notice from the county [~~auditor~~] finance officer under Section [~~17-69-307~~] 17-69-404 and if there is adequate money in the treasury, the treasurer shall, by check or other payment mechanism, make any payment not already paid by warrant.
- (4) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any warrant or to issue any check or other payment instrument before receiving the certified list under Section 17-70-302.
- (5) Before providing certain funding to a community reinvestment agency created under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act, a treasurer shall consult with the community reinvestment agency as described in Section 17C-1-409.
- (6) When a warrant is presented to the county treasurer for payment and is not paid due to a lack of sufficient county funds, the warrant shall bear interest at the rate of 5% per annum until paid.

Section 54. Section **17-74-304** is enacted to read:

17-74-304 . Treasurer duties to special district under interlocal agreement.

The treasurer may enter into an agreement with a special district for the county treasurer to bill and collect assessments on behalf of the special district, as described in Section 17B-1-901.

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

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

- (1) The county treasurer shall reconcile with the county [~~auditor~~] finance officer by the last day of each month for the preceding month.
- (2) The county treasurer shall assist the county [~~auditor~~] finance officer to fulfill the reporting obligations described in Section [~~17-69-306~~] 17-69-403.

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

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

- (1)(a) A county or precinct officer, including an elected county executive, except a county commissioner or county council member, may, with the consent of the county legislative body, appoint deputies and employees as necessary for the discharge of the duties of the county officer's office.
- (b) The county legislative body's consent power under Subsection (1)(a) shall be defined

- 2205 in county ordinance and may include consent by:
- 2206 (i) the budget approval process;
- 2207 (ii) approval of an allocation of a certain number of positions; or
- 2208 (iii) approval or disapproval of the hiring of individual applicants for employment.
- 2209 (c) A county legislative body may by ordinance delegate to the county executive the
- 2210 authority to consent to the appointment of deputies and employees under this
- 2211 Subsection (1).
- 2212 (2) If a county clerk performs district court clerk functions, the legislative body of the
- 2213 county shall provide the county clerk with deputies and employees for the business of
- 2214 the district court:
- 2215 (a) as the district court judge or judges consider necessary and advisable; and
- 2216 (b) consistent with the level of funding for clerk services from the court administrator's
- 2217 office.
- 2218 (3)(a) Each county officer appointing a deputy shall, for each deputy appointed:
- 2219 (i) sign a document that states that the county officer appointed the deputy; and
- 2220 (ii) file the signed document with the county clerk.
- 2221 (b) The county officer appointing the deputy is liable for all the deputy's official acts.
- 2222 (c) If the office of the county officer who appointed the deputy becomes vacant, the
- 2223 deputy may continue to serve despite the vacancy.
- 2224 (4) A sheriff in a county employing more than 100 full-time uniformed peace officers may,
- 2225 with the consent of ~~[the council and]~~ the county legislative body, appoint more than one
- 2226 chief deputy or undersheriff.
- 2227 Section 57. Section **17-75-403** is amended to read:
- 2228 **17-75-403 . Grievance and appeals procedure -- Employees' complaints of**
- 2229 **discriminatory employment practice.**
- 2230 (1)(a) Any county to which the provisions of Part 5, Career Service, and Part 6, Office
- 2231 of Personnel Management, apply shall establish in the county's personnel rules a
- 2232 grievance and appeals procedure.
- 2233 (b) A grievance and appeals procedure shall be used to resolve disputes arising from
- 2234 grievances as defined in the personnel rules, including acts of discrimination.
- 2235 (c) County employees may use the grievance and appeals procedure if the county
- 2236 employee is:
- 2237 (i) dismissed;
- 2238 (ii) demoted;

2239 (iii) suspended; or

2240 (iv) transferred.

2241 (2)(a) A county career service employee that accuses a county of discriminatory or
2242 prohibited employment practice as prohibited by Section 34A-5-106, may file a
2243 complaint with the Division of Antidiscrimination and Labor created in Section
2244 34A-1-202.

2245 (b) A county employee that files a complaint with the Division of Antidiscrimination
2246 and Labor shall file the complaint within 30 days after the day on which the [council]
2247 body that heard the grievance and appeal issues a written decision on the county
2248 employee's grievance or appeal.

2249 Section 58. Section **17-75-501** is amended to read:

2250 **17-75-501 . Career service council or administrative law judge -- Members and**
2251 **alternate members -- Powers and duties -- Appeals -- Time limit -- Qualifications,**
2252 **appointment, terms, and compensation of council members -- Career service council**
2253 **authorized to refer an appeal to an administrative law judge.**

2254 (1)(a)(i) ~~[There shall be in each county establishing a]~~ Each county that establishes a
2255 career service system shall:

2256 (A) establish a service council appointed by the county executive as described in
2257 this section and to fulfill the duties described in this section; or

2258 (B) hire or contract with an administrative law judge, trained and experienced in
2259 personnel matters, to fulfill the duties of a career service council described in
2260 Subsections (1)(b) and (c).

2261 (ii) The members of the council shall be individuals trained and experienced in, and
2262 willing to apply, merit principles to public employment.

2263 (iii)(A) The county executive may appoint alternate members of the council to
2264 hear appeals that one or more regular council members are unable to hear.

2265 (B) The term of an alternate member of the council may not exceed one year.

2266 ~~[(b) The council shall hear appeals not resolved at lower levels in cases of:]~~

2267 ~~[(i) career service employees who the county has:]~~

2268 ~~[(A) suspended;]~~

2269 ~~[(B) transferred;]~~

2270 ~~[(C) demoted; or]~~

2271 ~~[(D) dismissed; and]~~

2272 ~~[(ii) grievances not resolved by the grievance procedure at the county division or~~

- 2273 ~~departmental level.]~~
- 2274 (b) The council or administrative law judge shall hear appeals not resolved at lower
- 2275 levels from career service employees who the county has:
- 2276 (i) suspended;
- 2277 (ii) transferred;
- 2278 (iii) demoted; or
- 2279 (iv) dismissed.
- 2280 (c) The council or administrative law judge:
- 2281 (i) may make an initial determination in each appeal whether the appeal is one of the
- 2282 types of matters under Subsection (1)(b)[over which the council has jurisdiction];
- 2283 (ii) shall, subject to Subsections (9) through (11), review written appeals in cases of
- 2284 applicants rejected for examination and [report final binding appeals decisions]
- 2285 provide recommendations, in writing, to the county legislative body; and
- 2286 (iii) may not hear any other personnel matter[; and] .
- 2287 ~~[(iv) may affirm, modify, vacate, or set aside an order for disciplinary action.]~~
- 2288 (d)(i) An individual adversely affected by a decision of the council or an
- 2289 administrative law judge may appeal the decision to the [district court] county
- 2290 governing body.
- 2291 (ii)(A) After receiving an appeal under Subsection (1)(d)(i), the county governing
- 2292 body shall issue a final decision, affirming or rejecting the decision of the
- 2293 council or administrative law judge.
- 2294 (B) If a county governing body fails to take action on an appeal within 60 days of
- 2295 the day on which the governing body receives the appeal, the appeal shall be
- 2296 considered denied as a final decision of a county governing body.
- 2297 (iii) An individual adversely affected by a final decision of the county governing
- 2298 body may appeal the decision to the district court.
- 2299 ~~[(iii)]~~ (iv) An appeal to the district court under this Subsection (1)(d) is barred unless [it]
- 2300 the appeal is filed within 30 days after the day on which the [council issues the
- 2301 council's decision] county governing body issues the final decision.
- 2302 ~~[(iii)]~~ (v) If there is a record of the [council] proceedings, the district court review
- 2303 shall be limited to the record[provided by the council].
- 2304 ~~[(iv)]~~ (vi) In reviewing a decision of the council or an administrative law judge, the
- 2305 district court shall presume that the decision is valid and may determine only
- 2306 whether the decision is arbitrary or capricious.

(e) Notwithstanding Subsection (1)(b), a council that receives an appeal may refer the appeal to an administrative law judge as described in Subsections (9) through (11).

(2)(a) A council member shall serve a term of three years that expires on June 30, three years after the county executive appointed the council member.

(b) Notwithstanding Subsection (2)(a), the term for original appointees to a council shall be staggered so that the term of only one council member expires each year.

(c) A county executive's appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's successor.

(d) Each council member shall hold office until the council member's successor is appointed and confirmed.

(e) The county executive may remove ~~[the] a~~ council member ~~[for cause, after:]~~ after the county executive gives the council member an opportunity to appeal to the county legislative body.

~~[(i) receiving a copy of the charges against the council member; and]~~

~~[(ii) the council member has had an opportunity to be heard publicly on the charges before the county legislative body.]~~

(f) The county shall annually appropriate adequate funds to enable the council to effectively carry out the council duties under this chapter.

(3) Each county council member and alternate county council member shall be:

(a) a citizen of the United States; and

(b) for a period of at least one year before the day on which the council member is appointed, an actual and bona fide resident of:

(i) the state of Utah; and

(ii) the county[-].

(4) A council member may not ~~[hold another government office or]~~ be employed by the county.

(5) The council shall elect a member of the council as chairperson.

(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

2341 day the council is in session at a per diem rate established in accordance with Section
2342 11-55-103.

2343 (b) An alternate council member shall receive compensation for each day or partial day
2344 that the alternate council member is required to replace a regular council member, at
2345 a per diem rate established in accordance with Section 11-55-103.

2346 (9)(a) A county legislative body may appoint one or more administrative law judges to
2347 hear appeals referred by a council under this section.

2348 (b) Each administrative law judge shall be trained and experienced in personnel matters.

2349 (10)(a) A council may refer an appeal to an administrative law judge appointed under
2350 Subsection (9) if the council determines that the referral is in each party's best interest.

2351 (b) After holding a hearing on an appeal described in Subsection (10)(a), the
2352 administrative law judge shall make:

2353 (i) findings of fact; and

2354 (ii) a recommendation to the council.

2355 (c) After receiving the administrative law judge's recommendation, the council may
2356 request the administrative law judge to hold a further factual hearing before the
2357 council issues a decision.

2358 (d) The council may adopt or reject the administrative law judge's recommendation,
2359 whether before or after a further hearing under Subsection (10)(c).

2360 (11)(a) A council shall refer an appeal to an administrative law judge appointed under
2361 Subsection (9) if the county employee or county official assigned by the county
2362 executive or county legislative body to manage personnel functions requests that the
2363 appeal be referred.

2364 (b) In an appeal described in Subsection (11)(a), the administrative law judge, not the
2365 council, issues a final decision.

2366 Section 59. Section **17-75-502** is amended to read:

2367 **17-75-502 . Career service -- Exempt positions.**

2368 (1) The career service:

2369 (a) is a permanent service to which this part applies; and

2370 (b) comprises all tenured county positions in the public service, except:

2371 (i) subject to Subsection (2):

2372 (A) the county executive, members of the county legislative body, and other
2373 elected officials; and

2374 (B) each major county department head charged directly by the county legislative

body, or by a board appointed by the county legislative body, with the responsibility of assisting to formulate and carry out policy matters;

(ii) one confidential [~~secretary~~] administrative assistant for each elected county officer and major county department head, if a confidential [~~secretary~~] administrative assistant is assigned;

(iii) an administrative assistant to the county executive, each member of the county legislative body, and each elected official, if an administrative assistant is assigned;

(iv) each duly appointed chief deputy of any elected county officer who takes over and discharges the duties of the elected county officer in the absence or disability of the elected county officer;

(v) subject to Subsection (3), an individual who is:

(A) appointed by an elected county officer to be a division director, to administer division functions in furtherance of the performance of the elected officer's professional duties;

(B) in a confidential relationship with the elected county officer; and

(C) not in a law enforcement rank position of captain or below;

(vi) each person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees;

(vii) each noncareer employee:

(A) compensated for the employee's services on a seasonal or contractual basis; and

(B) hired on emergency or seasonal appointment basis, as approved by the council;

(viii) each provisional employee, as defined by the county's policies and procedures or personnel rules;

(ix) each part-time county employee, as defined by the county's policies and 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 60. 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 61. Section **17-75-602** is amended to read:

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

2443 **policies.**

2444 (1) The director shall:

2445 (a) encourage and exercise leadership in the development of expertise in personnel

2446 administration within county departments, offices, and agencies in the county

2447 service;

2448 (b) make available the facilities of the office of personnel management to county

2449 departments, offices, and agencies for the development of expertise in personnel

2450 administration;

2451 (c) advise the county legislative body, county executive, and any county officer on the

2452 use of human resources;

2453 (d) develop and implement programs to improve employee effectiveness, including:

2454 (i) training;

2455 (ii) safety;

2456 (iii) health;

2457 (iv) counseling; and

2458 (v) welfare;

2459 ~~[(e)(i) investigate periodically the operation and effect of this chapter and of the~~

2460 ~~policies made under this chapter; and]~~

2461 ~~[(ii) report investigation findings and recommendations to the county legislative body;]~~

2462 ~~[(f)]~~ (e) establish and maintain records of all employees in the county service that

2463 includes each county employee's:

2464 (i) class;

2465 (ii) title;

2466 (iii) pay or status; and

2467 (iv) other relevant data;

2468 ~~[(g)]~~ (f) make an annual report to the county legislative body and county executive

2469 regarding the work of the office;

2470 ~~[(h)]~~ (g) apply and carry out this chapter and the policies under this chapter; and

2471 ~~[(i)]~~ (h) perform any other lawful acts that are necessary to carry out the provisions of

2472 this chapter.

2473 (2)~~[(a) The]~~ In a county subject to this chapter:

2474 (a) the director shall recommend personnel policies for the county[-] ; and

2475 (b) ~~[The-]~~ the county legislative body may:

2476 (i) recommend personnel policies for the county; and

- 2477 (ii) approve, amend, or reject personnel policies for the county before ~~[they]~~ the
2478 personnel policies are adopted.
- 2479 (3) Personnel policies shall provide for:
- 2480 (a) recruiting efforts that are planned and carried out in a manner that:
- 2481 (i) assures open competition; and
- 2482 (ii) ~~[places special emphasis on]~~ includes recruiting efforts to attract and help assure
2483 that individuals belonging to the following groups will be among the candidates
2484 from whom appointments are made:
- 2485 (A) minorities;
- 2486 (B) women;
- 2487 (C) individuals with a disability as defined by and covered under the Americans
2488 with Disabilities Act of 1990, 42 U.S.C. 12102; or
- 2489 (D) other groups that are substantially underrepresented in the county workforce;
- 2490 (b) the establishment of job related minimum requirements, wherever practical, that all
2491 successful candidates are required to meet to be eligible for consideration for
2492 appointment or promotion;
- 2493 (c) selection procedures that include:
- 2494 (i) consideration of the relative merit of each applicant for employment;
- 2495 (ii) a job related method of determining the eligibility or ineligibility of each applicant
2496 for employment; and
- 2497 (iii) a valid, reliable, and objective system of ranking eligible applicants according to [
2498 ~~their~~] the eligible applicant's qualifications and merit;
- 2499 (d) certification procedures that ensure equitable consideration of an appropriate number
2500 of the most qualified eligible applicants based on the ranking system;
- 2501 (e) appointments to positions in the career service by selection from the most qualified
2502 eligible applicants certified on eligible lists established in accordance with
2503 Subsections (3)(c) and (d);
- 2504 (f) occasional noncompetitive appointments where there is evidence that open or limited
2505 competition is not practical, including for unskilled positions that have no minimum
2506 job requirements;
- 2507 (g) limitation of competition at the discretion of the director for appropriate positions to
2508 facilitate employment of qualified applicants for employment with:
- 2509 (i) a substantial physical or mental impairment; or
- 2510 (ii) other groups protected by Title VII of the Civil Rights Act;

- 2511 (h)(i) permanent appointment for entry to the career service that is contingent upon a
2512 probationary county employee's satisfactory performance during a six-month
2513 probationary period;
- 2514 (ii) a six-month probationary period that the county may extend for a period not to
2515 exceed an additional six months for good cause; and
- 2516 (iii) an opportunity for a probationary county employee to appeal directly to the
2517 council any undue prolonging of the six-month probationary period by the county
2518 that is designed to thwart merit principles;
- 2519 (i) temporary, provisional, or other noncareer service appointments, which may not:
- 2520 (i) be used to defeat the purpose of the career service; and
- 2521 (ii) exceed 270 days;
- 2522 (j) lists of eligible applicants, if available, for filling temporary positions and short-term
2523 emergency appointments that:
- 2524 (i) are made without regard to the other provisions of law;
- 2525 (ii) provide for maintenance of essential services in an emergency situation where
2526 normal procedures are not practical; and
- 2527 (iii) do not exceed 270 days;
- 2528 (k)(i) promotion and career ladder advancement of county employees to higher level
2529 positions; and
- 2530 (ii) assurance that an individual promoted is qualified for the higher level position;
- 2531 (l) recognition of the equivalency of other merit processes by waiving, at the director's
2532 discretion, the open competitive examination for placement in the career service
2533 positions of applicants for employment who were originally selected through a
2534 competitive examination process in another governmental entity, an individual in
2535 those cases, to serve a probationary orientation period;
- 2536 (m) preparation, maintenance, and revision of a position classification plan for all
2537 positions in the career service that:
- 2538 (i) is based upon similarity of duties performed and responsibilities assumed;
- 2539 (ii) for all positions in the same class:
- 2540 (A) reasonably requires the same qualifications; and
- 2541 (B) equitably applies the same schedule of pay; and
- 2542 (iii) includes a compensation plan that, to maintain a high quality public workforce,
2543 accounts for:
- 2544 (A) the responsibility and difficulty of the work for each position;

- 2545 (B) the comparative pay and benefits needed to compete in the labor market;
2546 (C) proper alignment with other similar governmental units; and
2547 (D) other factors;
- 2548 (n)(i) keeping records of performance on all county employees in the career service;
2549 and
2550 (ii) requiring consideration of performance records in determining:
2551 (A) salary increases;
2552 (B) benefits for meritorious service;
2553 (C) promotions;
2554 (D) the order of layoffs and reinstatements;
2555 (E) demotions;
2556 (F) discharges; and
2557 (G) transfers;
- 2558 (o) establishment of a plan:
2559 (i) governing layoffs of county employees resulting from:
2560 (A) lack of funds or work;
2561 (B) abolition of positions; or
2562 (C) material changes in duties or organization; and
2563 (ii) governing reemployment of former county employees [~~that~~] who the county laid
2564 off ~~that~~ takes into account the former county employee's:
2565 (A) relative ability;
2566 (B) seniority; and
2567 (C) merit;
- 2568 (p) establishment of a plan for resolving employee grievances and complaints with final
2569 and binding decisions;
- 2570 (q) establishment of disciplinary measures including:
2571 (i) suspension;
2572 (ii) demotion in rank or grade;
2573 (iii) discharge; and
2574 (iv) presentation of charges, hearing rights, and appeals for all permanent employees
2575 in the career service to the council;
- 2576 (r) establishment of a procedure for employee development and improvement of poor
2577 performance;
- 2578 (s) establishment of:

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

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

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

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

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

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

- ~~[(1) An individual who willfully violates any provision of this chapter or the personnel rules made under this chapter is guilty of a class A misdemeanor.]~~
- ~~[(2) In addition to the sanctions of Subsection (1), an-]~~ An individual who has been adjudged guilty of violating any of the provisions of this chapter or the personnel rules made ~~[under]~~ in accordance with this chapter shall, for a period of five years:
 - ~~[(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 64. 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 65. Section **17-78-201** is amended to read:

17-78-201 . Development of county resources.

- (1) A county may provide for the development of the county's mineral, water, [manpower] personnel, industrial, historical, cultural, and other resources.
- (2) A county may expend county funds as are considered advisable to carry out the purposes of Subsection (1).

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

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

- (1)(a) Except as provided in Subsections (3) and (6), a constable shall be paid in criminal matters for each copy of a summons, subpoena, notice, court order, or other criminal paper as follows:
 - (i) \$5 for each defendant served; and
 - (ii) mileage of \$1 per mile for each mile necessarily traveled in going only, to be computed from either the courthouse, or when transmitted by mail, from the post office where received.
 - (b) If more than one trip is necessary to serve, or diligently attempt to serve, service of process, a constable may collect mileage charges for more than two trips only if the party requesting the service of process has approved the additional mileage charges.
 - (c) A constable shall individually document each charge under this Subsection (1) on the affidavit of return of service.
- (2) If a constable serves process in a county other than the county where the process originated, travel expenses may not exceed the fee that would be charged if served by the sheriff of that county under Chapter 72, County Sheriff.
 - (3)(a) A constable may charge a county a fee of \$1 for each mile traveled for the purpose of serving, or to diligently attempt service of, a warrant of arrest, both in going to and returning from the defendant's address.
 - (b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of arrest, a constable may collect no more than two additional mileage charges.

(c) A constable shall individually document each charge under this Subsection (3) on the affidavit of return of service.

(4) For arresting a prisoner and bringing the prisoner into court, or otherwise satisfying a warrant, a constable may charge a fee of \$15.

(5)(a) Accounts against the county filed by constables for services in criminal cases shall be:

(i) certified as correct by the county attorney or district attorney; and

(ii) presented to the county auditor or county finance officer, as that term is defined in Section 17-66-101.

(b) The county legislative body may reject constable bills in all causes or proceedings in which the county attorney or district attorney has not authorized the issuance of the warrant of arrest in writing.

(6) A county may, by contract with a constable, establish lower fees for services than the fees described in this section.

Section 67. Section **17-78-807** is amended to read:

17-78-807 . Annual report -- Financial statement.

(1) To the extent that independent accounting records are prepared and maintained by the planetarium, the planetarium board of directors shall make, or in the case of a contracting entity, require that there be made, an annual report to the county executive and the county legislative body on the condition and operation of the planetarium, including a financial statement.

(2) The financial statement described in Subsection (1) shall be:

(a) prepared in accordance with generally accepted accounting principles; and

(b) reviewed by the county ~~[auditor]~~ finance officer, as that term is defined in Section 17-66-101.

(3) The planetarium shall be included in the annual audit of the county conducted by an independent public accountant as required by Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Section 68. 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 special district and a county, with the approval or consent of the county treasurer, may enter into an agreement for the county treasurer to bill and collect assessments on behalf of the special district.

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

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

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

- (1) the assessment of mines, mining claims, and mining property;
- (2) the statements and returns to be made; and
- (3) the equalization thereof are the same as those provided for the assessment of public utilities.

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

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

- (1) If any person moves from one county to another after being assessed on personal property, the county in which the person was assessed may sue for and collect the tax in the name of the county where the assessment was made.
- (2) At the trial, a certified copy of the assessment from the county where the assessment was made, with a signed statement attached that the tax has not been paid, describing it as on the assessment book or delinquent list, is prima facie evidence that the tax and the interest are due, and entitles the county to judgment, unless the defendant proves that the tax was paid.

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

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

77-21-4 . Fees.

- (1) As used in this section, "finance officer" means the same as that term is defined in Section 17-66-101.
- (2) Whenever a judge of a court of record of this state issues a certificate under the provisions of this chapter to obtain the attendance of a witness for the prosecution from [~~without~~] outside the state in a criminal prosecution or grand jury investigation commenced or about to commence[~~he~~] , the judge shall designate [~~therein~~] a suitable peace officer of this state to[~~-~~] :
- (a) present the certificate to the proper officer or tribunal of the state wherein the witness is found; and
- (b) [~~to~~] tender to the witness [his] the witness's per diem and mileage fees.
- (3) The peace officer designated as described in Subsection (2) shall exhibit the certificate to the county [auditor] finance officer of the county in which the criminal proceeding is pending and the [auditor] finance officer shall draw [his] a warrant upon the county treasurer in favor of the peace officer in the amount to be tendered to the witness.
- (4) The peace officer shall be liable upon [his] the peace officer's official bond for the proper disposition of the money received under Subsection (3).
- (5) In all cases in which the peace officer is required to travel in order to present the certificate and tender fees, [his] the peace officer's actual and necessary traveling expenses shall be paid out of the fund from which witnesses for the prosecution in the criminal proceeding are paid.

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

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

Accounting.

- (1) As used in this section, "finance officer" means the same as that term is defined in Section 17-66-101.
- (2)(a) Justice courts shall deposit public funds in accordance with Section 51-4-2.
- (b) The city or county treasurer shall report to the city recorder or county ~~[auditor]~~ finance officer, as appropriate, the sums collected and deposited.[~~-~~]

2751 (c) The city recorder or ~~[auditor]~~ county finance officer shall then apportion and remit the
2752 collected proceeds as provided in Section 78A-7-120.

2753 ~~[(2)]~~ (3) Money received or collected on any civil process or order issued from a justice
2754 court shall be paid within seven days to the party entitled or authorized to receive ~~[it]~~ the
2755 money.

2756 ~~[(3)]~~ (4)(a) With the approval of the governing body a trust or revolving account may be
2757 established in the name of the justice court and the city or county treasurer for the
2758 deposit of money collected including bail, restitution, unidentified receipts, and other
2759 money that requires special accounting.

2760 (b) Disbursements from this account do not require the approval of the ~~[auditor]~~ county
2761 finance officer, city auditor, recorder, or governing body.

2762 (c) The account shall be reconciled at least quarterly by the city auditor or county
2763 finance officer of the governing body, as appropriate.

2764 Section 73. Section **78B-1-123** is amended to read:

2765 **78B-1-123 . Jurors and witnesses -- Limit of time for presentation of certificate.**

2766 (1) As used in this section, "finance officer" means the same as that term is defined in
2767 Section 17-66-101.

2769 (2) Any holder of a witness's or juror's certificate specified in this title shall be required to
2770 present ~~[it]~~ the certificate to the county treasurer or to the county ~~[auditor]~~ finance officer,
2771 as the case may be, of the county where the certificate was issued within one year from
2772 the date of ~~[its-]~~issuance.

2773 (3) If the ~~[same]~~ certificate is not presented for payment within ~~[that]~~ the time described in
2774 Subsection (2), [it] the certificate is invalid and will not be paid.

2775 Section 74. Section **78B-1-124** is amended to read:

2776 **78B-1-124 . Jurors and witnesses -- Statement of certificates -- Contents --**

2777 **Payment by state.**

2778 (1) At the end of each quarter it shall be the duty of the county treasurer and the county
2779 auditor of each ~~[county]~~ finance officer, as that term is defined in Section 17-66-101, to
2780 prepare in duplicate and verify under oath a full and complete itemized statement of all
2781 certificates issued by the clerk of the district court since the date of the last statement for
2782 mileage and attendance of:

2783 (a) grand jurors;

2784 (b) trial jurors engaged in the trial of criminal causes in the district court; and

2785 (c) witnesses summoned by or on behalf of the state in criminal causes in the district

2786 court.

2787 (2) The statement shall set forth in detail for each certificate:

2788 (a) the number of the certificate;

2789 (b) the date issued;

2790 (c) the name of the person in whose favor it was issued;

2791 (d) the nature of the service rendered; and

2792 (e) any other information as may be necessary and required by the state auditor.

2793 (3)(a) Within 30 days of the end of the quarter[~~one of these statements~~] :

2794 (i) a statement described in Subsection (2) shall be transmitted to the state auditor; and[
2795 ~~the other~~]

2796 (ii) an identical statement shall be filed in the office of the county clerk.

2797 (b) Upon the timely receipt of [this] a statement, the state auditor shall, unless [it] the
2798 statement is found to be incorrect, draw a warrant in favor of the county treasurer
2799 upon the state treasurer for the whole amount of jurors' and witnesses' certificates as
2800 shown by the statement, and transmit [it] the warrant and statement to the county
2801 treasurer.

2802 (4) The county treasurer shall hold the funds drawn from the state treasury upon the
2803 certificates for mileage and attendance of jurors and witnesses as a separate fund for the
2804 redemption of jurors' and witnesses' certificates.

2805 Section 75. **Repealer.**

2806 This bill repeals:

2807 Section **10-9a-520, Licensing of residences for persons with a disability.**

2808 Section **17-2-102, Definitions.**

2809 Section **17-2-202, Definitions.**

2810 Section **17-16-201, Title.**

2811 Section **17-22-14, Failure to levy execution -- Penalty.**

2812 Section **17-27a-101, Title.**

2813 Section **17-27a-409, State to indemnify county regarding refusal to site nuclear waste --**

2814 **Terms and conditions.**

2815 Section **17-30-24, More than one chief deputy in larger county departments.**

2816 Section **17-36-1, Title.**

2817 Section **17-50-317, Expenditure of county funds authorized to develop county resources.**

2818 Section **17-53-206.5, Expulsion of members prohibited -- Exception for disorderly**
2819 **conduct.**

2820 Section **17-53-215, Seal for clerk of district court.**

2821 Section **17-53-304, Commanding services of sheriff.**

2822 Section 76. **Effective Date.**

2823 This bill takes effect:

2824 (1) except as provided in Subsection (2), May 6, 2026; or

2825 (2) if approved by two-thirds of all members elected to each house:

2826 (a) upon approval by the governor;

2827 (b) without the governor's signature, the day following the constitutional time limit of

2828 Utah Constitution, Article VII, Section 8; or

2829 (c) in the case of a veto, the date of veto override.