

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 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 affects 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 an accounting obligation;
- modifies provisions related to county surveyor duties;
- modifies the circumstances in which an election official is required to notify eligible

29 voters via email about the disqualification of a candidate;

30 ▶ modifies the manner in which a county recorder is required to index recorded instruments;

31 ▶ authorizes a county legislative body to set fees for services of the county recorder;

32 ▶ increases certain statutorily provided fees for certain county recorder services;

33 ▶ provides a method for an individual requesting a record related to military service to

34 demonstrate that the individual is a lineal descendant of the individual who is the subject

35 of the record;

36 ▶ provides that, when a county contracts with a licensed professional land surveyor to fulfill

37 certain county surveyor duties, the licensed professional land surveyor may utilize the

38 county surveyor seal or a personal seal;

39 ▶ modifies provisions related to survey monuments, corners, and boundaries;

40 ▶ authorizes a county surveyor to charge a plat fee to an infrastructure financing district or

41 public infrastructure district;

42 ▶ authorizes a county treasurer to enter an agreement with a special district for the county

43 treasurer to bill and collect assessments on behalf of the special district;

44 ▶ modifies provisions related to merit system employment, including administrative appeals

45 to a career service council or an administrative law judge;

46 ▶ repeals a criminal penalty for individuals who willfully violate provisions related to

47 county personnel management;

48 ▶ renames authority for a county to expend county funds as considered advisable for the

49 development of the county's resources;

50 ▶ repeals sections related to the Title 17 recodification during the 2025 First Special

51 Session; and

52 ▶ makes technical and conforming changes.

53 **Money Appropriated in this Bill:**

54 None

55 **Other Special Clauses:**

56 This bill provides a special effective date.

57 **Utah Code Sections Affected:**

58 **AMENDS:**

59 **11-1-1**, as last amended by Laws of Utah 2024, Chapter 365

60 **11-1-2**, as last amended by Laws of Utah 1993, Chapter 227

61 **17-60-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,
62 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

199 **17-27a-101**, as renumbered and amended by Laws of Utah 2005, Chapter 254
200 **17-27a-409**, as last amended by Laws of Utah 2015, Chapter 310
201 **17-30-24**, as last amended by Laws of Utah 1993, Chapter 227
202 **17-36-1**, as enacted by Laws of Utah 1975, Chapter 22
203 **17-50-317**, as renumbered and amended by Laws of Utah 2000, Chapter 133
204 **17-53-206.5**, as enacted by Laws of Utah 2015, Chapter 196
205 **17-53-215**, as renumbered and amended by Laws of Utah 2000, Chapter 133
206 **17-53-304**, as enacted by Laws of Utah 2000, Chapter 133

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

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

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

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

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

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

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

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

225 (2) Whenever a county legislative body, board of city commissioners, city council, or
226 board of education of any such county, city, or school district [shall find or declare] finds
227 or declares that any appropriation or expenditure for which a warrant or warrants are to
228 be issued was or is for interest upon the bonded debt, for salaries, or for the current
229 expenses of such county, city, or school district, [such] the finding or declaration shall
230 conclusively protect the county [auditor] finance officer, city auditor, or clerk of the
231 board of education of any such county, city, or school district, as to such facts, in
232 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.

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

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

271 **17-60-302 . Initiating a petition to move a county seat -- Certification of petition
272 signatures -- Removal of signature -- Limitation.**

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

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

281 (i) if the county legislative body receives the petition at least 180 days before the next
282 general election, at the next general election[-] ; or
283 (ii) if the county legislative body receives the petition fewer than 180 days before the
284 next general election, at the general election following the next general election.

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

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

290 (i) use the procedures described in Section 20A-1-1002 to determine whether the
291 petition satisfies the requirements of Subsection (1);
292 (ii) certify on the petition whether each name is that of a registered voter in the
293 county; and
294 (iii) deliver the certified petition to the county legislative body.

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

300 (b) A statement described in Subsection (3)(a) shall comply with the requirements

301 described in Subsection 20A-1-1003(2).

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

305 (4) The election shall be conducted and the returns canvassed in all respects as provided by
306 law for the conducting of general elections and canvassing the returns.

307 (5) In accordance with Utah Constitution, Article XI, Section 2, a proposition to move the
308 county seat may not be submitted in the same county more than once in four years, or
309 within four years after the day on which a proposition to move the county seat is
310 submitted to the voters.

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

312 **17-60-401 . Review of claims by county executive -- Auditor review -- Attorney**
313 **review -- Claim requirements -- Approval or disapproval of claim -- Written explanation**
314 **of claim process.**

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

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

320 (a) if the claim is just, lawful, and properly due and owing, approve the claim; or
321 (b) disapprove the claim.

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

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

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

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

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

335 whom served, the number of days engaged, and the number of miles traveled;

336 (c) be duly substantiated as to the claim's correctness and as to the fact that the claim is
337 justly due;

338 (d) if the claim is for materials furnished, state to whom the materials were furnished, by
339 whom ordered, and the quantity and price agreed upon; and

340 (e) be presented to the county executive within a year after the last item of the account or
341 credit accrued.

342 (5) If the county executive refuses to hear or consider a claim because it is not properly
343 made out, the county executive shall cause notice of the refusal to be given to the
344 claimant or the claimant's agent and shall allow a reasonable amount of time for the
345 claim to be properly itemized and substantiated.

346 (6) Each county shall prepare and make available to a person submitting or intending to
347 submit a claim under this part a written explanation, in simple and easy to understand
348 language, of how to submit a claim to the county and of the county's process for
349 receiving, reviewing, and deciding a claim.

350 (7) Upon receiving a claim in accordance with Subsection (3)(b), the county auditor
351 finance officer shall:

352 (a)(i) investigate, examine, review, and inspect the claim; and

353 (ii)(A) recommend that the county executive approve or reject the claim; and
354 (B) endorse the recommendation;

355 (b) after completing the investigation, examination, and inspection, report the claim and
356 the recommendation described in Subsection (7)(a)(ii) to the county executive; and

357 (c) keep a complete record of the claim, the claim recommendation, the reasons for the
358 recommendation, and the county executive's final action as described in Subsection
359 (8).

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

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

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

368 (ii) a county check or other payment mechanism as may be adopted in accordance

369 with Chapter 63, Fiscal Authority and Processes.

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

371 (i) the [auditor] finance officer:

372 (A) receives from the county executive a certified list described in Section
373 17-70-302; and

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

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

377 (10) Nothing in this section may be construed to modify the requirements of Section
378 63G-7-401.

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

380 **17-61-201 . Consolidation of counties -- Petition -- Certification of petition
381 signatures -- Removal of signature -- Election -- Ballot.**

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

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

387 [(a)] (i) signed by a majority of the voters who reside in the originating county;
388 [(b)] (ii) signed by a majority of the voters who reside in the consolidating county; and
389 [(c)] (iii) presented to the county legislative body of the originating county and the
390 county legislative body of the consolidating county before the first Monday in
391 June of any year.

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

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

397 (b) Within 14 days after the day on which a county clerk receives a petition from the
398 county legislative body under Subsection (3)(a), the county clerk shall:

399 (i) use the procedures described in Section 20A-1-1002 to determine whether the
400 petition satisfies the requirements of Subsection (2) in regard to the voters of the
401 county in which the county clerk is an officer;

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

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.

437 Section 8. Section **17-61-301** is amended to read:

438 **17-61-301 . Annexation of portion of county to adjoining county -- Petition --**

439 **Certification of petition signatures -- Removal of signature -- Election -- Ballot.**

440 (1) Except as provided in Section 17-61-306, a voter who desires to have initiating county
441 territory in which the voter resides included within the boundary of an adjoining county,
442 the voter may petition the county legislative body of the initiating county and the county
443 legislative body of the annexing county.

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

445 [(a)] (i) signed by a majority of the voters [living] residing in the portion of the
446 initiating county proposed to be included within the boundaries of an annexing
447 county; and

448 [(b)] (ii) presented before the first Monday in June of a year during which a general
449 election is held.

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

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

455 (b) Within 14 days after the day on which a county clerk of an initiating county receives
456 a petition from the county legislative body under Subsection (3)(a), the county clerk
457 shall:

458 (i) use the procedures described in Section 20A-1-1002 to determine whether the
459 petition satisfies the requirements of Subsection (2);
460 (ii) certify on the petition whether each name is that of a voter in the portion of the
461 initiating county that is proposed to be annexed; and
462 (iii) deliver the certified petition to the county legislative body.

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

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

470 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to

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

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

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

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

481 For annexing a portion of ____ county to ____ county.

482 Against annexing a portion of ____ county to ____ county.

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

484 **17-61-401 . Creating a new county -- Petition -- Certification of petition**

485 **signatures -- Removal of signature -- Election -- Ballots.**

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

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

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

492 (ii) be signed:

493 (A) by at least one-fourth of the voters residing in the portion of the seceding
494 county proposed to be created into a new county; and

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

497 (b) If a petition proposes to take territory from more than one seceding county, the
498 requirements of Subsection (2)(a)(ii) apply to each seceding county affected by the
499 petition.

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

502 (3) A voter shall file a petition for the creation of a new county on or before the first
503 Monday in May of any year with the county legislative body of the seceding county.

504 (4)(a) Within three business days after the day on which a county legislative body

505 receives a petition, the county legislative body shall provide the petition to the county
506 clerk.

507 (b) Within 14 days after the day on which a county clerk receives a petition from the
508 county legislative body under Subsection (4)(a), the county clerk shall:

- 509 (i) use the procedures described in Section 20A-1-1002 to determine whether the
510 petition satisfies the requirements of Subsection (2);
511 (ii) certify on the petition whether each name is that of a registered voter in the
512 seceding county; and
513 (iii) deliver the certified petition to the county legislative body.

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

519 (b) A statement described in Subsection (5)(a) shall comply with the requirements
520 described in Subsection 20A-1-1003(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

551 (d) For a record of any antecedent county that has been compiled or arranged in a
552 manner that the record may be divided by segregating the instruments that relate to or
553 affect exclusively the title to land in the new county or personal property owned by
554 residents of the new county, the record shall be divided and the separate parts of the
555 divided record shall be the property of the county to which the information within the
556 record relates.

557 (2) The county clerk of a seceding county shall transfer to the new county:
558 (a)(i) except as provided in Subsection (2)(a)(ii), original records in the possession of
559 the seceding county of all corporations whose principal place of business is
560 situated in the new county; or
561 (ii) if the original record of a corporation is unavailable, or it is otherwise impractical
562 to transfer an original record, a certified copy of the original record in the
563 possession of the seceding county pertaining to any corporation whose principal
564 place of business is situated in the new county along with all original documents,
565 files, and papers relating to the corporation;
566 (b)(i) except as provided in Subsection (2)(b)(ii), certified copies of all recorded
567 official bonds, if any, of county officers within the new county in force at the time
568 the new county is created; or
569 (ii) if [the] an official bond of a county officer is recorded in such manner that the
570 original record may be transferred to the new county, the official bond;
571 (c) bonds of local officers within the new county which are required by law to be filed, if
572 in the possession of the seceding county;

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

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

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

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

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

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

590 **17-61-406 . Pending civil and criminal actions -- Previous offenses.**

591 (1) All civil and criminal actions that are pending in the territory embraced in a new county [
592 shall] at the time the new county is created may be prosecuted to judgment and execution
593 in the new county.

594 (2) All actions pending in the district court or the juvenile court in any county shall be
595 prosecuted to judgment and execution in the county in which the [same] actions are
596 pending, subject to change of venue as provided by law.

597 (3) An offense that was committed within the boundaries of a new county before the new
598 county was created may be prosecuted to judgment and execution in the new county.

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

600 **17-62-303 . Registered voter initiation of adoption of optional plan --**

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

602 (1)(a) Registered voters of a county may initiate the process of adopting an optional plan
603 by filing with the county clerk a notice of intent to gather signatures for a petition:

604 (i) for the establishment of a study committee described in Section 17-62-402; or
605 (ii) to adopt an optional plan that:

606 (A) accompanies the petition during the signature gathering process and

accompanies the petition in the submission to the county clerk under Subsection (2)(b); and

(B) complies with the requirements described in Sections 17-62-403 and 17-62-404.

(b) A notice of intent described in Subsection (1)(a) shall:

(i) designate five sponsors for the petition;

(ii) designate a contact sponsor to serve as the primary contact for the petition sponsors;

- (iii) list the mailing address and telephone number of each of the sponsors; and
- (iv) be signed by each of the petition sponsors.

(c) Registered voters of a county may not file a notice of intent to gather signatures in bad faith.

(2)(a) The sponsors of a petition may circulate the petition after filing a notice of intent to gather signatures under Subsection (1).

(b)(i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition contains the number of legal signatures required under Subsection 20A-7-501(2)

(ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at least the number of legal signatures equal to 30% of the number of active voters, as defined in Section 20A-7-501, in the county.

(iii) The county clerk may not count a signature that was collected for the petition before the petition sponsors filed a notice of intent under Subsection (1)(a).

(iv) Notwithstanding any other provision of law, an individual may not sign a petition circulated under this section by electronic signature as defined in Section 20A-1-202.

(c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit the completed petition and any amended or supplemental petition described in Subsection (4) with the county clerk [not more] no later than 180 days after the day on which the sponsors file the notice described in Subsection (1).

(d)(i) Within 30 days after the day on which the sponsors submit a petition, the sponsors shall submit financial disclosures to the county clerk that include:

(A) a list of each contribution received by the sponsors and the name of the donor; and

(B) a list of each expenditure for purposes of furthering or sponsoring the petition and the recipient of each expenditure

- (ii) The county clerk shall publish the financial disclosures described in Subsection (2)(d)(i).
- (iii) All sponsors of a petition shall date and sign each list described in Subsection (2)(d)(i).

(3) Within 30 days after the day on which the sponsors submit a petition under Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk shall:

- (a)(i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and
- (ii) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters;

(b)(i) if the petition was signed by a sufficient number of registered voters:

- (A) certify the petition;
- (B) deliver the petition to the county legislative body and county executive; and
- (C) notify the contact sponsor in writing of the certification; or

(ii) if the petition was not signed by a sufficient number of registered voters:

- (A) reject the petition; and
- (B) notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection; and

(c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i), the county clerk shall send a copy of the optional plan that accompanied the petition to the county attorney for review in accordance with Section 17-62-405.

(4) The sponsors of a petition circulated under this section may submit supplemental signatures for the petition:

- (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
- (b) before the earlier of:
 - (i) the deadline described in Subsection (2)(c); or
 - (ii) 20 days after the day on which the county clerk rejects the petition under Subsection (3)(b)(ii).

(5) With the unanimous approval of petition sponsors, a petition filed under this section may be withdrawn at any time within 90 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election under Section 17-62-501 if the petition included a notification to petition

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

677 (6)(a) A voter who signs a petition under this section may have the voter's signature
678 removed from the petition by, no later than three business days after the day on
679 which the sponsors submit the petition to the county clerk, submitting to the county
680 clerk a statement requesting that the voter's signature be removed.
681 (b) A statement described in Subsection (6)(a) shall comply with the requirements
682 described in Subsection 20A-1-1003(2).
683 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
684 determine whether to remove an individual's signature from a petition after receiving
685 a timely, valid statement requesting removal of the signature.

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

687 **17-62-501 . Election on recommended optional plan.**

688 (1) If the county attorney finds under Section 17-62-405 that a proposed optional plan does
689 not violate a statutory or constitutional provision, a county shall hold an election on the
690 optional plan at the next regular general election that is ~~not less than 65~~ no later than
691 180 days after the day on which the county attorney submits to the county clerk the
692 attorney's report described in Section 17-62-405.

693 (2) The county clerk shall prepare the ballot for an election under this section so that the
694 question on the ballot states substantially the following:

695 "Shall _____ County adopt the alternate form of government known as
696 the (insert the proposed form of government) as recommended in the proposed optional plan?"

697 (3) The county clerk shall:

698 (a) publish the complete text of the proposed optional plan in a newspaper of general
699 circulation within the county at least once during two different calendar weeks within
700 the 30-day period immediately before the date of the election described in Subsection
701 (1);

702 (b) post the complete text of the proposed optional plan in a conspicuous place on the
703 county's website during the 45-day period that immediately precedes the election on
704 the optional plan; and

705 (c) make a complete copy of the optional plan and the study committee report available
706 free of charge to any member of the public who requests a copy.

707 (4) A county clerk shall declare an optional plan as adopted by the voters if a majority of
708 voters voting on the optional plan vote in favor of the optional plan.

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

710 **17-63-101 . Definitions.**

711 As used in this chapter:

712 (1) "Accrual basis of accounting" means a method where revenues are recorded when
713 earned and expenditures recorded when they become liabilities notwithstanding that the
714 receipt of the revenue or payment of the expenditure may take place in another
715 accounting period.

716 (2) "Appropriation" means an allocation of money for a specific purpose.

717 (3)(a) "Budget" means a plan for financial operations for a fiscal period, embodying
718 estimates for proposed expenditures for given purposes and the means of financing
719 the expenditures.

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

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

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

725 (6) "Check" means an order in a specific amount drawn upon the depositary by any
726 authorized officer in accordance with:
727 (a) Section 17-69-307; or
728 (b) Section 17-74-301.

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

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

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

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

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

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

742 (13) "Finance officer" means:

743 (a)(i) the county auditor; or

744 (ii) the person selected to provide accounting services for the county in accordance

745 with Section [17-69-304] 17-69-401; or

746 (b) notwithstanding Subsection (13)(a), for the purposes of preparing a tentative budget

747 in a county operating under a county executive-council form of county government,

748 the county executive.

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

750 operations.

751 (15) "Fund" means an independent fiscal and accounting entity comprised of a sum of

752 money or other resources segregated for a specific purpose or objective.

753 (16) "Fund balance" means the excess of the assets over liabilities, reserves, and

754 contributions, as reflected by its books of account.

755 (17) "Fund deficit" means the excess of liabilities, reserves, and contributions over its

756 assets, as reflected by its books of account.

757 (18) "General fund" means the same as that term is defined by the Governmental

758 Accounting Standards Board as reflected in the Uniform Accounting Manual for All

759 Local Governments prepared by the Office of the Utah State Auditor.

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

761 repayment.

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

763 period.

764 (21) "Modified accrual basis of accounting" means a method under which expenditures

765 other than accrued interest on general long-term debt are recorded at the time liabilities

766 are incurred and revenues are recorded when they become measurable and available to

767 finance expenditures of the current period.

768 (22) "Municipal capital project" means the acquisition, construction, or improvement of

769 capital assets that facilitate providing municipal service.

770 (23) "Municipal service" means a service not provided on a countywide basis and not

771 accounted for in an enterprise fund, and includes police patrol, fire protection, culinary

772 or irrigation water retail service, water conservation, local parks, sewers, sewage

773 treatment and disposal, cemeteries, garbage and refuse collection, street lighting,

774 airports, planning and zoning, local streets and roads, curb, gutter, and sidewalk

775 maintenance, and ambulance service.

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

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

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

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

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

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

785 **17-63-503 . Warrants -- Payment -- Registration -- Duty of auditor.**

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

788 (a) the liability for which the warrant is drawn;
789 (b) when the liability accrued; and
790 (c) the funds from which the warrant is to be paid.

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

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

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

797 Section 16. Section **17-63-505** is amended to read:

798 **17-63-505 . Costs between counties from change of venue in civil cases.**

799 (1)(a) Except as provided in Subsection (2), in a civil case where [any]change of venue
800 is granted from one county to another, [-]the costs and expenses connected with the [
801 trial of the action that are payable by the county] proceedings shall be refunded by the
802 county in which the action originated to the county in which the case is [tried, upon]
803 tried or is otherwise resolved.

804 (b) [the county clerk of the county wherein the case is tried certifying] The county
805 attorney of the county that receives a civil case following a change of venue shall
806 certify the amount of costs [so paid] and expenses to the county [clerk] attorney of the
807 county wherein the [action] civil case originated.

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

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

812 **17-63-601 . Financial administration ordinance -- Purposes.**

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

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

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

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

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

828 [(b) that the financial officer be bonded for a reasonable amount; and]
829 [(e)] (b) any other provisions the county legislative body considers advisable.

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

831 **17-63-604 . Presentation of annual report by independent auditor -- Notice that**
832 **audit complete.**

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

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

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

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

website; and

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

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

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

(b) the office of the county auditor.

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

17-63-605 . Internal control structure.

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

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

(a) the proper authorization of transactions and activities;

(b) the appropriate segregation of:

(i) the duty to authorize transactions;

(ii) the duty to record transactions; and

(iii) the duty to maintain custody of assets;

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

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

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

(3) A county shall:

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

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

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

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

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

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

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

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

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

884 **17-63-802 . Operating and capital budget -- Expenditures.**

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

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

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

894 (a) each enterprise fund; and

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

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

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

903 (i) each enterprise fund; and

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

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

907 (i) within the next fiscal period; and

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

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

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

departmental estimate before it is filed with the governing body.

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

- (A) hold a public hearing;
- (B) prepare a written notice of the date, time, place, and purpose of the hearing, in accordance with Subsection (3)(e)(ii); and
- (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund customer at least seven days before the day of the hearing.

(ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B) shall identify:

- (A) the utility enterprise fund from which money is being transferred;
- (B) the amount being transferred; and
- (C) the fund to which the money is being transferred.

(iii) The governing body:

- (A) may print the written notice required under Subsection (3)(e)(i) on the utility enterprise fund customer's bill; and
- (B) shall include the written notice required under Subsection (3)(e)(i) as a separate notification mailed or transmitted with the utility enterprise fund customer's bill.

(iv) The notice and hearing requirements in this Subsection (3)(e) are not required for an allocation or a transfer included in an original budget or in a subsequent budget amendment previously approved by the governing body for the current fiscal year.

(f)(i) The governing body shall review the tentative operating and capital budget at any regular or special meeting called for that purpose.

(ii) In accordance with Subsection (3)(f)(i), the governing body may make any changes to the tentative operating and capital budget that the governing body considers advisable.

(iii) Before the close of the fiscal period, the governing body shall adopt an operating and capital budget for the next fiscal period.

(g)(i) Upon final adoption by the governing body, the operating and capital budget shall be in effect for the budget period subject to amendment.

(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

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

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

985 **17-64-405 . Investigation by legislative body -- Witnesses -- Hearings.**

986 (1) A legislative body may investigate any matter pertaining to the county or county
987 business, or ~~affairs or~~ the actions of any county officer that impact county business or
988 operations, and may require the attendance of witnesses and take evidence in legislative
989 body investigations.

990 (2) At legislative body investigations, any member may administer oaths to witnesses.

991 (3) If the legislative body appoints a member to a committee upon any subject or matter and
992 confers upon that member power to hear or take evidence, the committee shall have the
993 same powers as the legislative body itself.

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

995 **17-66-101 . Definitions.**

996 As used in this chapter:

997 (1) "Compensation" means:

- 998 (a) salary, including salary paid under a contract;
- 999 (b) a budgeted bonus or budgeted incentive pay;
- 1000 (c) a vehicle allowance; and
- 1001 (d) deferred salary.

1002 (2) "Compensation increase" means an increase in any item of compensation listed in
1003 Subsection (1).

1004 (3) "County office" means an office enumerated in Section 17-66-102 that is required to be
1005 filled by an election.

1006 (4) "County officer" means an elected official enumerated in Section 17-66-102.

1007 (5) "Finance officer" means:

- 1008 (a) the county auditor; or
- 1009 (b) if the county council has delegated accounting services under Section 17-69-401, the
1010 person selected by the county council to provide accounting services to the county.

1011 [(5)] (6) "Governing body" means, respectively:

- 1012 (a) a county commission;
- 1013 (b) a county council and county executive; or
- 1014 (c) a county council and county manager.

1015 [(6)] (7) "Legislative body" means the same as that term is defined in Section 17-64-101.

1016 Section 25. Section **17-66-104** is amended to read:

1017 **17-66-104 . Consolidation of county offices -- County clerk to perform duties of**
1018 **county auditor under certain circumstances.**

1019 (1) A legislative body may, unless prohibited by Subsection (2), pass an ordinance that:

1020 (a) consolidates county offices and establishes the duties of consolidated county offices;
1021 (b) separates any previously consolidated offices and reconsolidates county offices; or
1022 (c) separates any previously consolidated county offices without reconsolidating them.

1023 (2) A legislative body may not:

1024 (a) consolidate the offices of county commissioner, county council member, or county
1025 treasurer with the office of county auditor;
1026 (b) consolidate the office of county executive with the office of county auditor, unless a
1027 referendum approving that consolidation passes; or
1028 (c) consolidate the offices of county commissioner, county council member, county
1029 executive, county assessor, or county auditor with the office of county treasurer.

1030 (3) [Each-] Except as provided in Subsection (5), each legislative body shall ensure that any
1031 ordinance consolidating or separating county offices:

1032 (a) is enacted before November 1 of the year before the year in which county officers are
1033 elected; and
1034 (b) takes effect on the first Monday in January after the year in which county officers are
1035 elected.

1036 (4)(a) Each legislative body shall:

1037 (i) enact an ordinance by February 1, 2010, separating any county offices that are
1038 prohibited from consolidation by this section; and
1039 (ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation
1040 in the county identifying the county offices that will be filled in the November
1041 2010 election.

1042 (b) If a legislative body has, by February 1, 2006, enacted an ordinance, in compliance
1043 with this Subsection (4) then in effect, separating county offices that are prohibited
1044 from consolidation by this section, the legislative body may repeal that ordinance.

1045 (5) A county described in Section 17-70-103 may enact an ordinance consolidating the
1046 offices of county clerk and county auditor at any time.

1047 (6) For a county of the first or second class, as classified under Section 17-60-104, an
1048 individual holding a consolidated county office shall meet all of the applicable
1049 statutorily defined qualifications of each county office within the consolidated office,

1050 including possession of any state-regulated license or certification.

1051 [~~(5) Notwithstanding the provisions of this section and Section 17-66-102, in counties~~
1052 ~~having a taxable value of less than \$100,000,000, the county clerk shall be ex officio~~
1053 ~~county auditor and shall perform the duties of the office without extra compensation.~~]

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

1055 **17-66-201 . Eligibility and residency requirements for county office -- Election of**
1056 **county officer to consolidated office.**

1057 (1) An individual filing a declaration of candidacy for a county officer enumerated in
1058 Section 17-66-102 or any other county elected official established by law shall:
1059 (a) be a United States citizen;
1060 (b) except as provided in Section 20A-1-509.2 with respect to the office of county
1061 attorney or district attorney, as of the date of the election, have been a resident for at
1062 least one year of the county, district, precinct, or prosecution district in which the
1063 individual seeks office;
1064 (c) be a registered voter in the county, district, precinct, or prosecution district in which
1065 the individual seeks office;[~~and~~]
1066 (d) if the individual is filing a declaration of candidacy for the office of county auditor in
1067 a county of the first class, meet the qualifications described in Section 17-69-202; and
1068 (e) if the individual is filing a declaration of candidacy for the office of county assessor,
1069 meet the qualifications for filing described in Section 17-67-201.

1070 (2)(a) A county, district, precinct, or prosecution district officer shall maintain residency
1071 within the county, district, precinct, or prosecution district in which the officer was
1072 elected during the officer's term of office.
1073 (b) If a county, district, precinct, or prosecution district officer establishes the officer's
1074 principal place of residence as provided in Section 20A-2-105 outside the county,
1075 district, precinct, or prosecution district in which the officer was elected, the office is
1076 automatically vacant.
1077 (3) When county offices are consolidated, as described in Section 17-66-104:
1078 (a) only one individual shall be elected to fill the consolidated offices; and
1079 (b) the individual elected shall:
1080 (i) take the oath required for each of the offices;
1081 (ii) obtain the crime insurance required for each of the offices, as established under
1082 Section 17-66-105; and
1083 (iii) discharge all the duties of each of the offices.

1084 Section 27. Section **17-66-403** is amended to read:

1085 **17-66-403 . Salaries in case of consolidated offices.**

1086 (1) Whenever the county legislative body consolidates the duties of any county officers, as
1087 described in Section 17-66-104, the salary of the individual discharging the duties of the
1088 consolidated offices shall be fixed at a sum not exceeding the highest salary paid to
1089 either of the county officers whose offices are so consolidated, plus:

1090 [(1)] (a) an amount not exceeding one-half of the salary fixed for the second county
1091 officer, when only two offices are consolidated; or

1092 [(2)] (b) when more than two county offices are consolidated, [-]one-third of the
1093 combined salaries of the other county officers.

1094 (2) Notwithstanding Subsection (1), a county described in Section 17-70-103 may
1095 compensate a county clerk serving as ex officio county auditor as described in Section
1096 17-70-103.

1097 Section 28. Section **17-67-201** is amended to read:

1098 **17-67-201 . Assessor to be state qualified -- Vacancy -- Filling vacancy.**

1099 (1)(a) An individual elected to the office of county assessor shall:

1100 [(a)] (i) meet the requirements described in Section 17-66-201; and
1101 (ii)(A) be a state-licensed or state-certified appraiser; or

1102 (B) if the individual filed a declaration of candidacy under Subsection (1)(b)(ii),
1103 become a state-licensed or state-certified appraiser no later than 36 months
1104 after the day on which the individual's term of office begins.

1105 [(b)(i) ~~except as provided in Subsection (1)(b)(ii), become a state-licensed or~~
1106 ~~state-certified appraiser no later than 36 months after the day on which the~~
1107 ~~individual's term of office begins; or]~~
1108 [(ii) ~~in a county of the first, second, or third class, be a state-licensed or state-certified~~
1109 ~~appraiser before filing a declaration of candidacy for the office of county assessor.~~]

1110 [(2)] (b) An individual may file, and a county clerk may accept, a declaration of
1111 candidacy for the office of county assessor if:
1112 (i) the individual is a state-licensed or state-certified appraiser; or
1113 (ii) in a county of the fourth, fifth, or sixth class, as classified under Section
1114 17-60-104, where no individual who is a state-licensed or state-certified appraiser
1115 files a declaration of candidacy for the office of county assessor within the first
1116 three days after the candidate filing period opens, any individual who meets the
1117 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[~~Seetions~~] :

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 [Subsektion (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;

1152 (b) to give a fair presentation of a county's financial status; and
1153 (c) that conforms to the uniform classification of accounts established by the state
1154 auditor.

1155 (4) "Book" means a financial record of the county, regardless of a record's format.

1156 (5)(a) "Budget" or "budgeting" means the preparation or presentation of a proposed or
1157 tentative budget as provided in Chapter 63, Fiscal Authority and Processes.

1158 (b) "Budget" or "budgeting" includes:

1159 (i) a revenue projection;

1160 (ii) a budget request compilation; or

1161 (iii) the performance of an activity described in Subsection (5)(b)(i) or (ii).

1162 (6)(a) "Claim" means under the color of law:

1163 (i) a demand presented for money or damages; or

1164 (ii) a cause of action presented for money or damages.

1165 (b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill,
1166 purchase, or payroll.

1167 (7)(a) "County auditor" means the county officer elected as the county auditor under [
1168 ~~Chapter 66, County Auditor~~ Chapter 69, County Auditor.

1169 (b) "County auditor" includes an individual given the title of county controller under
1170 Subsection 17-69-301(5).

1171 (8) "County executive" means the elected chief executive officer of a county under Chapter
1172 66, County Officers and Officials Generally.

1173 (9) Finance officer means the same as that term is defined in Section 17-66-101.

1174 [(9)] (10) "Performance audit" means an assessment of whether a county office, officer,
1175 department, division, court, or entity, or any related county program is:

1176 (a) managing public resources and exercising authority in compliance with law and
1177 policy;

1178 (b) achieving objectives and desired outcomes; and

1179 (c) providing services effectively, efficiently, economically, ethically, and equitably.

1180 [(10)] (11) "Renumeration" means a warrant, check, or other payment mechanism.

1181 [(11)] (12) "Warrant" means an order for payment, issued by a county officer or county
1182 employee with the authority to make the order, directing the disbursement of funds.

1183 Section 30. Section **17-69-103** is amended to read:

1184 **17-69-103 . County clerk ex officio county auditor in certain counties.**

1185 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

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

1255 (3) For a county operating under the council-manager form of county government as
1256 described in Section 17-62-204, if the county auditor provides preapproval or
1257 postpayment review for all payments by the county, the county council may by
1258 ordinance passed on or before December 31, 2021, delegate accounting services
1259 provided for or executed on behalf of the entire county:
1260 (a) to the county manager; or
1261 (b) to a county office's or department's officer or director.

1262 (4) If a county council delegates the provision of accounting services to a finance officer in
1263 accordance with Subsection (2) or (3):
1264 (a) the county council shall make the delegation in accordance with good management
1265 practice to foster:
1266 (i) effectiveness;
1267 (ii) efficiency; and
1268 (iii) the adequate protection of a county asset;
1269 (b) the county council shall make the delegation by considering appropriate checks and
1270 balances within county government;[and]
1271 (c) the county entity that is selected to provide accounting services shall prepare the
1272 tentative budget as provided in Chapter 63, Fiscal Authority and Processes[.] ; and
1273 (d) the county auditor is not required to fulfill an accounting obligation described by
1274 statute unless the statute explicitly states that the county auditor shall provide an
1275 accounting obligation.

1276 Section 34. Section **17-69-402**, which is renumbered from Section 17-69-305 is renumbered
1277 and amended to read:

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

1279 (1) A county [auditor] finance officer shall:
1280 (a) maintain the books of the county in a manner that shows the amount of receipts from
1281 and disbursement of a county office, department, division, or entity;
1282 (b) keep accounts current with the county treasurer;
1283 (c) preserve a document, book, record, or paper that the county legislative body requires
1284 the county auditor to keep in the county auditor's office, or ensure preservation of a
1285 document, book, record, or paper that the county legislative body requires the county
1286 auditor to keep in the county auditor's office; and
1287 (d) make an item described in Subsection (1)(c) available for public inspection during

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

1356 having a taxable value of less than \$100,000,000, the county clerk shall:

1357 [¶1] (a) be ex officio auditor of the county, as described in Section 17-69-103; and

1358 [¶2] (b) except as provided in Subsection (2), shall perform the duties of the office
1359 without extra compensation.

1360 (2) The legislative body of a county described in Subsection (1) may elect to pay the county
1361 clerk an additional amount, not to exceed the limits described in Subsection 17-66-403(1).

1362 Section 39. Section **17-70-302** is amended to read:

1363 **17-70-302 . Duties.**

1364 A county clerk shall:

1365 (1) record all proceedings of the county legislative body;

1366 (2) make full entries of all resolutions and decisions of the county legislative body on all
1367 questions concerning the county;

1368 (3) record the vote of each member of the county legislative body on any motion where
1369 there is a division of the county legislative body;

1370 (4) prepare and certify duplicate lists of all claims that:

1371 (a) show the amount of each claim or order;

1372 (b) show the date of each claim or order;

1373 (c) show the date of the county's allowance or rejection of the claim; and

1374 (d) are countersigned by the county executive;

1375 (5) deliver one of the lists referred to in Subsection (4) to the:

1376 (a) county [auditor] finance officer; and

1377 (b) county treasurer;

1378 (6) file and preserve a county officer's report to the county legislative body;

1379 (7) file and preserve all accounts except accounts that are kept by the county [auditor]
1380 finance officer;

1381 (8) file and preserve all petitions and applications for franchises;

1382 (9) record the county legislative body's action on petitions and applications for franchises;

1383 (10) authenticate with the clerk's signature and the seal of the county the county legislative
1384 body's proceedings;

1385 (11) authenticate with the clerk's signature and the seal of the county all ordinances the
1386 county legislative body passes, and record them in the ordinance book;

1387 (12) record all orders levying taxes;

1388 (13) keep at the county clerk's office all county books, records, and accounts that the county
1389 clerk is required by law to keep;

1390 (14) during regular business hours, provide for public inspection all county books, records,
1391 and accounts that the county clerk is required by law to keep;

1392 (15) perform all other duties the county legislative body requires by:
1393 (a) ordinance; or
1394 (b) resolution;

1395 (16) establish policies to issue marriage licenses to county residents and individuals getting
1396 married in the county;

1397 (17) keep a register of marriage licenses the county clerk issues;

1398 (18) establish policies to ensure that the county clerk, or a designee of the county clerk who
1399 is willing, is available during business hours to solemnize a legal marriage for which a
1400 marriage license has been issued;

1401 (19) execute with the county clerk's seal described in Section 17-70-102 all deeds and
1402 conveyances of all real estate conveyed by the county;

1403 (20) take and certify acknowledgments;

1404 (21) administer oaths;

1405 (22) keep a fee schedule as provided by law;

1406 (23) take charge of and safely keep the seal of the county described in Section 17-64-103;
1407 and

1408 (24) keep other records and perform other duties as may be prescribed by law.

1409 Section 40. Section **17-70-403** is amended to read:

1410 **17-70-403 . Campaign financial disclosure in county elections.**

1411 (1) A county shall adopt an ordinance establishing campaign finance disclosure
1412 requirements for:
1413 (a) candidates for county office; and
1414 (b) candidates for local school board office who reside in that county.

1415 (2) The ordinance required by Subsection (1) shall include:
1416 (a) a requirement that each candidate for county office or local school board office
1417 report the candidate's itemized and total campaign contributions and expenditures at
1418 least once within the two weeks before the election and at least once within two
1419 months after the election;

1420 (b) a definition of "contribution" and "expenditure" that requires reporting of
1421 nonmonetary contributions such as in-kind contributions and contributions of
1422 tangible things;

1423 (c) a requirement that the financial reports identify:

1424 (i) for each contribution, the name of the donor of the contribution, if known, and the
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

nominates to fill the vacancy; or

(iv) for a local school board office vacancy, no later than three business days before the day on which the local school board meets to interview each candidate

(h) a requirement that, upon receipt of the financial report described in Subsection (2)(g), the county clerk immediately submit a copy of the report to the county legislative body.

(3)(a) As used in this Subsection (3), "account" means an account in a financial institution;

(i) that is not described in Subsection (2)(d); and

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

(b) The ordinance required by Subsection (1) shall include a requirement that a

candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:

(i) since the last financial report was filed; or

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

(4) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (5) through (10).

(5) A candidate for elective office in a county or local school board office:

- (a) shall deposit a contribution into a separate campaign account in a financial institution; and

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

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

1492 (a) seven days before the date of the regular general election, reporting each contribution
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

1526 shall disburse the amount of the contribution to:

1527 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1528 political subdivision's general fund; or
1529 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
1530 Internal Revenue Code.

1531 (10) Candidates for elective office in any county, and candidates for local school board
1532 office, who are eliminated at a primary election shall file a signed campaign financial
1533 statement containing the information required by this section not later than 30 days after
1534 the primary election.

1535 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or
1536 local school board office shall:

1537 (i) comply with Subsections (5) and (9); and
1538 (ii) file a signed campaign financial statement with the county clerk no later than the
1539 deadline described in Subsection (2)(g).

1540 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),
1541 the county clerk shall immediately submit a copy of the statement to the county
1542 legislative body.

1543 (12) Any individual who fails to comply with this section is guilty of an infraction.

1544 (13)(a) Counties may, by ordinance, enact requirements that:

1545 (i) require greater disclosure of campaign contributions and expenditures; and
1546 (ii) impose additional penalties.

1547 (b) The requirements described in Subsection (13)(a) apply to a local school board office
1548 candidate who resides in that county.

1549 (14) If a candidate fails to file an interim report due before the election, the county clerk:

1550 (a) may send an electronic notice to the candidate and the political party of which the
1551 candidate is a member, if any, that states:

1552 (i) that the candidate failed to timely file the report; and
1553 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
1554 filing the report, the candidate will be disqualified and the political party will not
1555 be permitted to replace the candidate; and

1556 (b) impose a fine of \$100 on the candidate.

1557 (15)(a) The county clerk shall disqualify a candidate and inform the appropriate election
1558 officials that the candidate is disqualified if the candidate fails to file an interim
1559 report described in Subsection (14) within 24 hours after the deadline for filing the

1560 report.

1561 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may
1562 not replace the candidate.

1563 (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county
1564 clerk a complete and accurate campaign finance statement within 30 days after the
1565 day on which the candidate is disqualified.

1566 (16) If a candidate is disqualified under Subsection (15)(a), the election official:

1567 (a) shall:

1568 (i) notify every opposing candidate for the county office that the candidate is
1569 disqualified;

1570 (ii) send an email notification to each voter who is eligible to vote in the county
1571 election office race for whom the election official has an email address informing
1572 the voter that the candidate is disqualified and that votes cast for the candidate will
1573 not be counted, if the candidate is disqualified 65 or fewer days before the election;

1574 (iii) post notice of the disqualification on the county's website; and
1575 (iv) if practicable, remove the candidate's name from the ballot by blacking out the
1576 candidate's name before the ballots are delivered to voters; and

1577 (b) may not count any votes for that candidate.

1578 (17) An election official may fulfill the requirement described in Subsection (16)(a) in
1579 relation to a mailed ballot, including a military or overseas ballot, by including with the
1580 ballot a written notice directing the voter to the county's website to inform the voter
1581 whether a candidate on the ballot is disqualified.

1582 (18) A candidate is not disqualified if:

1583 (a) the candidate files the interim reports described in Subsection (14) no later than 24
1584 hours after the applicable deadlines for filing the reports;

1585 (b) the reports are completed, detailing accurately and completely the information
1586 required by this section except for inadvertent omissions or insignificant errors or
1587 inaccuracies; and

1588 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
1589 next scheduled report.

1590 (19)(a) A report is considered timely filed if:

1591 (i) the report is received in the county clerk's office no later than midnight, Mountain
1592 Time, at the end of the day on which the report is due;

1593 (ii) the report is received in the county clerk's office with a United States Postal

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

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 [(e) 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

1763 office.

1764 (b) A recorder shall [abstract an instrument in the tract] index the legal description
1765 required by Subsection (1)(a)(ii)(D) unless:

1766 (i) the instrument is required to contain a legal description under Section 17-71-402
1767 or Section 57-3-105 and does not contain that legal description; or
1768 (ii) the instrument contains errors, omissions, or defects to the extent that the tract or
1769 parcel to which the instrument relates cannot be determined.

1770 (c) [If a recorder abstracts an instrument in the tract index or another index] To index an
1771 instrument as required by this section, the recorder may:

1772 (i) use a tax parcel number;
1773 (ii) use a site address;
1774 (iii) reference to other instruments of record recited on the instrument; or
1775 (iv) reference another instrument that is recorded concurrently with the instrument.

1776 (d) A recorder is not required to go beyond the face of an instrument to determine the
1777 tract or parcel to which an instrument may relate.

1778 (e) A person may not bring an action against a recorder for injuries or damages suffered
1779 as a result of information contained in an instrument recorded in [a tract index or
1780 other] an index that is required by this section despite errors, omissions, or defects in
1781 the instrument.

1782 (f) The fact that a recorded instrument [described in Subsection (3)(e)] is included in the [
1783 tract] index does not cure a failure to give public notice caused by an error, omission,
1784 or defect.

1785 (g) A document that is indexed in all or part of the indexes required by this section shall
1786 give constructive notice.

1787 [(6)] (5) Nothing in this section prevents the county recorder from using [a single name
1788 index if that index includes all of the indexes required by this section] multiple indexes.

1789 Section 43. Section **17-71-407** is amended to read:

1790 **17-71-407 . Fees -- Fees paid in advance.**

1791 (1) The county recorder may not record any instrument, furnish any copies, or provide any
1792 service connected with the office of the county recorder[,] until the relevant fees
1793 described in this section or established by county ordinance or resolution have been:
1794 (a) paid; or
1795 (b) authorized to be paid electronically.

1796 [(2) The county may determine and collect a fee for all services not enumerated in this

1797 section.]

1798 [③] (2) A county legislative body may set by ordinance or resolution reasonable fees for
1799 the services of the county recorder not described in Subsections (3) and (4), including
1800 for:

1801 (a) copies of any record or document; and
1802 (b) a subscription service described in Subsection (7).

1803 (3)(a) [The-] Subject to Subsection (3)(b), a county recorder shall charge and receive
1804 the following fees:

1805 [①] (i) for recording any instrument, not otherwise provided for, other than bonds of
1806 public officers, \$40;

1807 [②] (ii)[①] (A) for recording any instrument, including those provided for under
1808 Title 70A, Uniform Commercial Code, other than bonds of public officers, and
1809 not otherwise provided for, \$40; and

1810 [③] (B) if an instrument contains more than 10 descriptions, \$2 for each
1811 additional description;

1812 [④] (iii) for recording mining location notices and affidavits of labor affecting
1813 mining claims, \$40;

1814 [⑤] (iv) for an affidavit or proof of labor that contains more than 10 mining claims,
1815 \$2 for each additional mining claim;[-and]

1816 [⑥] (v) for redacting personal information in accordance with Section 17-71-406, \$5[.];

1817 [⑦] (vi) for recording any plat, \$50 for each sheet and \$2 for each lot or unit designation;

1818 [⑧] (vii) for recording any license issued by the Division of Professional Licensing, \$40;

1819 [⑨] (viii) for recording a federal tax lien, \$40; and

1820 [⑩] (ix) for recording the discharge of a federal tax lien, \$40.

1821 (b) A county of the second class, third class, fourth class, fifth class, or sixth class, as
1822 classified under Section 17-60-104, shall charge and receive an additional \$5 for each
1823 service described in Subsection (3)(a), other than for the additional \$2 for each
1824 additional description or mining claim as described in Subsections (3)(a)(ii)(B) and
1825 (iv), unless the county has a balance in the restricted account into which recording
1826 fees are deposited.

1827 (4)(a) Each county recorder shall record the mining rules of the several mining districts
1828 in each county without a fee.

1829 (b) Certified copies of these records shall be received in all tribunals and before all
1830 officers of this state as prima facie evidence of the rules.

1831 (5) [The-] If a county legislative body does not set a different fee by ordinance or resolution
1832 for a service, as described in Subsection (2), the county recorder shall charge and receive
1833 the following fees:

1834 [(a) for copies of any record or document, a reasonable fee as determined by the county
1835 legislative body;]

1836 [(b)] (a) for each certificate under seal, \$5; and

1837 [(e) for recording any plat, \$50 for each sheet and \$2 for each lot or unit designation;]

1838 [(d)] (b) for taking and certifying acknowledgments, including seal, \$5 for one name and
1839 \$2 for each additional name[;] .

1840 [(e) for recording any license issued by the Division of Professional Licensing, \$40;]

1841 [(f) for recording a federal tax lien, \$40; and]

1842 [(g) for recording the discharge of a federal tax lien, \$40.]

1843 (6) A county recorder may not charge more than one recording fee for each instrument,
1844 regardless of whether the instrument bears multiple descriptive titles or includes one or
1845 more attachments as part of the instrument.

1846 (7) A county recorder may provide records or information within records to a requesting
1847 entity on a subscription basis.

1848 [(7)] (8) A county recorder may not be required to collect a fee for services that are
1849 unrelated to the county recorder's office.

1850 Section 44. Section **17-71-408** is amended to read:

1851 **17-71-408 . Notice given by recording.**

1852 (1) Each [certified copy] document from the time of recording [of the original record] gives
1853 notice to all persons of the contents of the recorded document.

1854 (2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the
1855 same notice and effect as if the certified copy was the original document.

1856 Section 45. Section **17-71-503** is amended to read:

1857 **17-71-503 . Military records -- Evidence.**

1858 (1) Upon presentation, the county recorder shall:

1859 (a) record, free of charge:

1860 (i) discharges from the United States military, naval, or marine service; and

1861 (ii) orders, citations, and decorations of honor relating to an individual while the
1862 individual was in the United States military, naval, or marine service; and

1863 (b) give, free of charge, certified copies of a record described in Subsection (1) to:

1864 (i) the individual who is the subject of the record; and

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

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

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

Section 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.

1899 (c) In a county where there is no elected county surveyor, or the individual holding a
1900 consolidated office described in Subsection (1)(b) is not a licensed professional land
1901 surveyor:

1902 (i) the county executive or legislative body may[,-] :

1903 (A) consistent with Section 17-65-402, contract with a licensed professional land
1904 surveyor to perform the duties of a county surveyor; or

1905 (B) hire as a county employee a licensed professional land surveyor to perform the
1906 duties of a county surveyor;

1907 (ii) all county survey work shall be done by a licensed professional land surveyor;

1908 (iii) the county recorder shall assume and perform all statutory functions and duties
1909 of the county surveyor related to the retention, maintenance, and accessibility of
1910 survey records, both physical and digital; and

1911 (iv) the county recorder's office shall act as the county surveyor's office only for the
1912 purpose of accepting, retaining, and managing county survey records.

1913 (d) A licensed professional land surveyor who contracts with or is hired by the county as
1914 described in Subsection (1)(c) shall fulfill the duties of the county surveyor as
1915 described in this chapter or, if applicable, as described in the county contract.

1916 (2) The county surveyor shall execute:

1917 (a) all orders directed to the surveyor by any court; and

1918 (b) all orders of survey required by the county executive or county legislative body.

1919 (3)(a) The county surveyor [of each county] shall:

1920 (i) advise the county executive and county legislative body regarding all surveying
1921 work;

1922 (ii) perform or arrange for the performance of all surveying work for the county;

1923 (iii) permanently keep at county government offices a fair and accurate record of all
1924 surveys made, including legal descriptions and geographic coordinates, all surveys
1925 received in accordance with Section 17-73-504, and all corner files received in
1926 accordance with Section 17-73-505;

1927 (iv) number progressively all surveys received and state by whom and for whom the
1928 surveys were made;

1929 (v) deliver a copy of any survey to any person or court requiring the survey after the
1930 payment of the fee established by the county legislative body;

1931 (vi) ensure that all surveys of legal subdivisions of sections are made according to the
1932 United States Manual of Surveying Instructions in effect at the time the survey is

1933 completed;

1934 (vii) verify the correctness of or establish correct coordinates for all survey reference

1935 monuments set in place and shown on all subdivision maps and plats which have a

1936 spatial relationship with any section or quarter section corner; and

1937 (viii) perform other duties required by law.

1938 (b) In arranging for the performance of surveying work for the county under Subsection

1939 (3)(a)(ii), a surveyor may comply with Section 17-65-402.

1940 (4)(a) The county surveyor or the county surveyor's designee shall establish all corners

1941 of government surveys and reestablish all corners of government surveys where

1942 corners have been destroyed and where witness markers or other evidence of the

1943 government corners remain so that the corners established by government survey can

1944 be positively located.

1945 (b) The corners shall be reestablished in the manner provided in Section 17-73-501 for

1946 establishing corners.

1947 (c) The county surveyor shall keep a separate record of the established and reestablished

1948 corners of government surveys, giving the date and names of persons present and

1949 shall provide those records to the county surveyor's successor when the county

1950 surveyor vacates office.

1951 (d) Established or reestablished corners shall be recognized as the legal and permanent

1952 corners.

1953 (5) The county executive or legislative body may direct the county surveyor or county

1954 surveyor staff to perform engineering and architectural work if the county surveyor or

1955 county surveyor staff is qualified and licensed to perform that work.

1956 Section 48. Section **17-73-502** is amended to read:

1957 **17-73-502 . Disturbed corners -- County surveyor to be notified -- Coordination**

1958 **with certain state agencies.**

1959 (1) A person who finds it necessary to disturb any established government survey

1960 monument or public land survey government corner location for any reason, including

1961 the improvement of a road, shall notify the county surveyor at least five business days

1962 before the day on which the person disturbs the government survey monument or public

1963 land survey government corner location.

1964 (2)(a) A county legislative body may enact an ordinance requiring a person to obtain a

1965 permit before performing construction work within 30 feet of an established

1966 government survey monument or public land survey government corner location.

1967 (b) A county legislative body shall ensure that an ordinance described in Subsection
1968 (2)(a) provides for an exemption from the permitting requirement if an emergency
1969 situation that poses a threat to public health or safety arises.

1970 (c)(i) A county may charge a fee for a permit described in Subsection (2)(a), in
1971 accordance with this Subsection (2)(c).

1972 (ii) The fee described in Subsection (2)(c)(i) may not exceed \$400 per government
1973 survey monument or public land survey government corner location.

1974 ~~[(iii) If, after completion of the construction work, the government survey monument
1975 or public land survey government corner location is undisturbed, the county shall
1976 disburse a partial fee refund of \$250 to the permit holder.]~~

1977 ~~[(iv)]~~ (iii) If the construction work disturbs the government survey monument or
1978 public land survey government corner location related to the permit:
1979 (A) the permit holder is responsible for the necessary construction work and
1980 installation of the government survey monument or public land survey
1981 government corner location; and
1982 (B) the county shall provide to the permit holder the necessary ~~[brass monument,
1983 ring, and lid]~~ monument for the permit holder's work described in Subsection ~~[
1984 (2)(e)(iv)(A)]~~ (2)(c)(iii)(A).

1985 (d) A county shall provide a system allowing a person to apply electronically for and the
1986 county to approve or deny electronically a permit described in Subsection (2)(a).

1987 (3) A person may not perform any construction work within 30 feet of a government survey
1988 monument or public land survey government corner location unless the person obtains
1989 any permit the county requires before beginning construction work within 30 feet of the
1990 government survey monument or public land survey government corner location,
1991 together with any additional permits that applicable law may require.

1992 (4) A person who produces drawings or plans for construction work to be performed within
1993 30 feet of a government survey monument or public land survey government corner
1994 location shall show, on the face of the drawings or plans:
1995 (a) the government survey monument or public land survey government corner location;
1996 and
1997 (b) an accompanying note exhibiting compliance with Subsections (1) and (3).

1998 (5) A person who finds a monument that needs rehabilitation shall notify the county
1999 surveyor within five business days after the day on which the person finds the
2000 monument.

2001 (6) The county surveyor or the county surveyor's designee shall:

2002 (a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the
2003 corner by lowering and witnessing the corner or placing another monument and
2004 witness over the existing monument so that the monument:
2005 (i) is left in a physical condition to remain as permanent a monument as is reasonably
2006 possible; and
2007 (ii) may be reasonably located at all times in the future; and
2008 (b) file the record of each reconstruction or rehabilitation in accordance with Subsection
2009 (6)(a).

2010 (7)(a) The county may, by ordinance, establish a civil penalty for a violation of:
2011 (i) any provision of Subsection (3) or (4); or
2012 (ii) any ordinance that the county adopts under Subsection (2).

2013 (b) It is a defense to the civil penalty described in Subsection (7)(a) if the violation
2014 related to an emergency situation that posed a threat to public health or safety.

2015 Section 49. Section **17-73-504** is amended to read:

2016 **17-73-504 . Map of boundary survey -- Procedure for filing -- Contents --**

2017 **Marking of monuments -- Record of corner changes -- Penalties.**

2018 (1)(a)(i) Each professional land surveyor making a boundary survey of lands within
2019 this state to establish or reestablish a boundary line[~~or to obtain data for~~
2020 ~~constructing a map or plat~~] showing a boundary line shall file a map of the survey
2021 that meets the requirements of this section with the county surveyor or designated
2022 office within 90 days of the establishment or reestablishment of a boundary.

2023 (ii) A professional land surveyor who fails to file a map of the survey as required by
2024 Subsection (1)(a)(i) is guilty of an infraction.

2025 (iii) Each failure to file a map of the survey as required by Subsection (1)(a)(i) is a
2026 separate violation.

2027 (b) The county surveyor or designated office shall file and index the map of the survey.

2028 (c) The map shall be a public record in the office of the county surveyor or designated
2029 office.

2030 (2) This type of map shall show:

2031 (a) the location of survey by quarter section and township and range;

2032 (b) the date of survey;

2033 (c) the scale of drawing and north point;

2034 (d) the distance and course of all lines traced or established, giving the basis of bearing

2035 and the distance and course to two or more section corners or quarter corners,
2036 including township and range, or to identified monuments within a recorded
2037 subdivision;

2038 (e) all measured bearings, angles, and distances separately indicated from those of
2039 record;

2040 (f) a written boundary description of property surveyed;

2041 (g) all monuments set and [their] the monuments' relation to older monuments found;

2042 (h) a detailed description of monuments found and monuments set, indicated separately;

2043 (i) the surveyor's seal or stamp; and

2044 (j) the surveyor's business name and address.

2045 (3)(a) The map shall contain a written narrative that explains and identifies:

2046 (i) the purpose of the survey;

2047 (ii) the basis on which the lines were established; and

2048 (iii) the found monuments and deed elements that controlled the established or
2049 reestablished lines.

2050 (b) If the narrative is a separate document, it shall contain:

2051 (i) the location of the survey by quarter section and by township and range;

2052 (ii) the date of the survey;

2053 (iii) the surveyor's stamp or seal; and

2054 (iv) the surveyor's business name and address.

2055 (c) The map and narrative shall be referenced to each other if they are separate
2056 documents.

2057 (4) The map and narrative shall be created on material of a permanent nature on stable base
2058 reproducible material in the sizes required by the county surveyor.

2059 (5)(a) Any monument set by a licensed professional land surveyor to mark or reference a
2060 point on a property or land line shall be durably and visibly marked or tagged with
2061 the registered business name or the letters "L.S." followed by the registration number
2062 of the surveyor in charge.

2063 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be
2064 marked with the official title of the office.

2065 (6)(a) If, in the performance of a survey, a surveyor finds or makes any changes to the
2066 section corner or quarter-section corner, or their accessories, the surveyor shall
2067 complete and submit to the county surveyor or designated office a record of the
2068 changes made.

2069 (b) The record described in Subsection (6)(a) shall:

2070 (i) be submitted within 45 days of the corner visits; and

2071 (ii) include the surveyor's seal, business name, and address.

2072 (7) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the

2073 license of any professional land surveyor who fails to comply with the requirements of

2074 this section, according to the procedures in Title 58, Chapter 1, Division of Professional

2075 Licensing Act.

2076 (8) Each federal or state agency, board, or commission, special district, special service

2077 district, or municipal corporation that makes a boundary survey of lands within this state

2078 shall comply with this section.

2079 Section 50. Section **17-73-507** is amended to read:

2080 **17-73-507 . Final plats of local entity boundary actions -- County surveyor**

2081 **approval of final plat -- Plat requirements.**

2082 (1) Upon request and in consultation with the county recorder, the county surveyor of each

2083 county in which property depicted on a plat is located shall determine whether the plat is

2084 a final local entity plat.

2085 (2)(a) If a county surveyor determines that a plat meets the requirements of Subsection

2086 (3), the county surveyor shall approve the plat as a final local entity plat.

2087 (b) The county surveyor shall indicate the approval of a plat as a final local entity plat on

2088 the face of the final local entity plat.

2089 (3) A plat may not be approved as a final local entity plat unless the plat:

2090 (a) contains a graphical illustration depicting:

2091 (i) in the case of a proposed creation or incorporation of a local entity, the boundary

2092 of the proposed local entity;

2093 (ii) in the case of a proposed annexation of an area into an existing local entity, the

2094 boundary of the area proposed to be annexed;

2095 (iii) in the case of a proposed adjustment of a boundary between local entities, the

2096 boundary of the area that the boundary adjustment proposes to move from inside

2097 the boundary of one local entity to inside the boundary of another local entity;

2098 (iv) in the case of a proposed withdrawal or disconnection of an area from a local

2099 entity, the boundary of the area that is proposed to be withdrawn or disconnected;

2100 (v) in the case of a proposed consolidation of multiple local entities, the boundary of

2101 the proposed consolidated local entity; and

2102 (vi) in the case of a proposed division of a local entity into multiple local entities, the

boundary of each new local entity created by the proposed division;

- (b) is created on reproducible material that is:
 - (i) permanent in nature; and
 - (ii) the size and type specified by the county recorder;
- (c) is drawn to a scale so that all data are legible;
- (d) contains complete and accurate boundary information, including, as appropriate, calls along existing boundary lines, sufficient to enable:
 - (i) the county surveyor to establish the boundary on the ground, in the event of a dispute about the accurate location of the boundary; and
 - (ii) the county recorder to identify, for tax purposes, each tract or parcel included within the boundary;
- (e) depicts a name for the plat, approved by the county recorder, that is sufficiently unique to distinguish the plat from all other recorded plats in the county;
- (f) contains:
 - (i) the name of the local entity whose boundary is depicted on the plat;
 - (ii) the name of each county within which any property depicted on the plat is located;
 - (iii) the date that the plat was prepared;
 - (iv) a north arrow and legend;
 - (v) a signature block for:
 - (A) the signatures of:
 - (I) the professional land surveyor who prepared the plat; and
 - (II) the local entity's approving authority; and
 - (B) the approval of the county surveyor; and
 - (vi) a three-inch by three-inch block in the lower right hand corner for the county recorder's use when recording the plat;
- (g) has been certified and signed by a professional land surveyor licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
- (h) has been reviewed and signed by the approving authority of the local entity whose boundary is depicted on the plat.

2137 (5) A county surveyor may charge a newly created political subdivision, and a newly
2138 created political subdivision shall pay, a fee described in Subsection (4) following the
2139 lieutenant governor's issuance of a certificate of incorporation for the new political
2140 subdivision:

2141 (a) for survey work the county surveyor completed that was required for or associated
2142 with the formation of the new political subdivision; and
2143 (b) even if the county surveyor conducted the survey work before the certificate of
2144 incorporation is issued.

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

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

2147 As used in this chapter[,] :

2148 (1) "Finance officer" means the same as that term is defined in Section 17-66-101.
2149 (2) ["warrant"] "Warrant" means the same as that term is defined in Section 17-63-101.

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

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

2152 The county treasurer shall:

2153 (1) receive all money belonging to the county and all other money by law directed to be
2154 paid to the treasurer, including proceeds of bonds, notes, or other evidences of
2155 indebtedness issued under Title 11, Chapter 14, Local Government Bonding Act;
2156 (2) deposit and invest all money received under Title 51, Chapter 7, State Money
2157 Management Act;
2158 (3) keep a record of the receipts and expenditures of all such money;
2159 (4) disburse county money:
2160 (a) on a county warrant issued by the county [auditor] finance officer; or
2161 (b) subject to Section [17-69-307] 17-69-404, by a county check or other payment
2162 mechanism as may be adopted in accordance with [Chapter 63, Fiscal Procedures and
2163 Processes] Chapter 63, Fiscal Authority and Processes;
2164 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
2165 Collection of Taxes;
2166 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
2167 been reassigned to the treasurer in an ordinance adopted under Section 17-74-102;
2168 (7) provide the notice required under Section 10-11-4 or 17B-1-902; and
2169 (8) perform other duties that are required by law or ordinance.

2170 Section 53. Section **17-74-302** is amended to read:

2171 **17-74-302 . Payment of warrants in order presented -- Nonpayment and interest.**

2172 (1) The county treasurer shall pay all warrants in the order presented and as funds are
2173 available.

2174 (2) Except as provided in Subsection (4), the county treasurer shall execute payment for a
2175 warrant when:

2176 (a) a warrant is presented for payment; and

2177 (b) there is sufficient money in the county treasury to cover the payment.

2178 (3) Upon receiving the notice from the county [auditor] finance officer under Section [
2179 17-69-307] 17-69-404 and if there is adequate money in the treasury, the treasurer shall,
2180 by check or other payment mechanism, make any payment not already paid by warrant.

2181 (4) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any
2182 warrant or to issue any check or other payment instrument before receiving the certified
2183 list under Section 17-70-302.

2184 (5) Before providing certain funding to a community reinvestment agency created under
2185 Title 17C, Limited Purpose Local Government Entities - Community Reinvestment
2186 Agency Act, a treasurer shall consult with the community reinvestment agency as
2187 described in Section 17C-1-409.

2188 (6) When a warrant is presented to the county treasurer for payment and is not paid due to
2189 a lack of sufficient county funds, the warrant shall bear interest at the rate of 5% per
2190 annum until paid.

2191 Section 54. Section **17-74-304** is enacted to read:

2192 **17-74-304 . Treasurer duties to special district under interlocal agreement.**

2193 The treasurer may enter into an agreement with a special district for the county treasurer
2194 to bill and collect assessments on behalf of the special district, as described in Section
2195 17B-1-901.

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

2197 **17-74-402 . Monthly reconciliation with county auditor -- Assistance to county**
2198 **auditor in making reports.**

2199 (1) The county treasurer shall reconcile with the county [auditor] finance officer by the last
2200 day of each month for the preceding month.

2201 (2) The county treasurer shall assist the county [auditor] finance officer to fulfill the
2202 reporting obligations described in Section [17-69-306] 17-69-403.

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

2204 **17-75-201 . Deputies and employees -- Appointments -- County legislative body**

2205 **consent power -- Liability of principal -- Deputy may serve despite vacancy in office of**
2206 **appointing officer.**

2207 (1)(a) A county or precinct officer, including an elected county executive, except a
2208 county commissioner or county council member, may, with the consent of the county
2209 legislative body, appoint deputies and employees as necessary for the discharge of
2210 the duties of the county officer's office.

2211 (b) The county legislative body's consent power under Subsection (1)(a) shall be defined
2212 in county ordinance and may include consent by:

2213 (i) the budget approval process;

2214 (ii) approval of an allocation of a certain number of positions; or

2215 (iii) approval or disapproval of the hiring of individual applicants for employment.

2216 (c) A county legislative body may by ordinance delegate to the county executive the
2217 authority to consent to the appointment of deputies and employees under this
2218 Subsection (1).

2219 (2) If a county clerk performs district court clerk functions, the legislative body of the
2220 county shall provide the county clerk with deputies and employees for the business of
2221 the district court:

2222 (a) as the district court judge or judges consider necessary and advisable; and

2223 (b) consistent with the level of funding for clerk services from the court administrator's
2224 office.

2225 (3)(a) Each county officer appointing a deputy shall, for each deputy appointed:

2226 (i) sign a document that states that the county officer appointed the deputy; and

2227 (ii) file the signed document with the county clerk.

2228 (b) The county officer appointing the deputy is liable for all the deputy's official acts.

2229 (c) If the office of the county officer who appointed the deputy becomes vacant, the
2230 deputy may continue to serve despite the vacancy.

2231 (4) A sheriff in a county employing more than 100 full-time uniformed peace officers may,
2232 with the consent of [the council and] the county legislative body, appoint more than one
2233 chief deputy or undersheriff.

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

2235 **17-75-403 . Grievance and appeals procedure -- Employees' complaints of**
2236 **discriminatory employment practice.**

2237 (1)(a) Any county to which the provisions of Part 5, Career Service, and Part 6, Office
2238 of Personnel Management, apply shall establish in the county's personnel rules a

2239 grievance and appeals procedure.

2240 (b) A grievance and appeals procedure shall be used to resolve disputes arising from
2241 grievances as defined in the personnel rules, including acts of discrimination.

2242 (c) County employees may use the grievance and appeals procedure if the county
2243 employee is:

2244 (i) dismissed;

2245 (ii) demoted;

2246 (iii) suspended; or

2247 (iv) transferred.

2248 (2)(a) A county career service employee that accuses a county of discriminatory or
2249 prohibited employment practice as prohibited by Section 34A-5-106, may file a
2250 complaint with the Division of Antidiscrimination and Labor created in Section
2251 34A-1-202.

2252 (b) A county employee that files a complaint with the Division of Antidiscrimination
2253 and Labor shall file the complaint within 30 days after the day on which the [eounceil]
2254 body that heard the grievance and appeal issues a written decision on the county
2255 employee's grievance or appeal.

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

2257 **17-75-501 . Career service council or administrative law judge -- Members and
2258 alternate members -- Powers and duties -- Appeals -- Time limit -- Qualifications,
2259 appointment, terms, and compensation of council members -- Career service council
2260 authorized to refer an appeal to an administrative law judge.**

2261 (1)(a)(i) [There shall be in each county establishing a] Each county that establishes a
2262 career service system shall:

2263 (A) establish a service council appointed by the county executive as described in
2264 this section and to fulfill the duties described in this section; or

2265 (B) hire or contract with an administrative law judge, trained and experienced in
2266 personnel matters, to fulfill the duties of a career service council described in
2267 Subsections (1)(b) and (c).

2268 (ii) The members of the council shall be individuals trained and experienced in, and
2269 willing to apply, merit principles to public employment.

2270 (iii)(A) The county executive may appoint alternate members of the council to
2271 hear appeals that one or more regular council members are unable to hear.

2272 (B) The term of an alternate member of the council may not exceed one year.

2273 [({b}) The council shall hear appeals not resolved at lower levels in cases of:]

2274 [({i}) career service employees who the county has:]

2275 [({A}) suspended;]

2276 [({B}) transferred;]

2277 [({C}) demoted; or]

2278 [({D}) dismissed; and]

2279 [({ii}) grievances not resolved by the grievance procedure at the county division or]

2280 [departmental level.]

2281 (b) The council or administrative law judge shall hear appeals not resolved at lower

2282 levels from career service employees who the county has:

2283 (i) suspended;

2284 (ii) transferred;

2285 (iii) demoted; or

2286 (iv) dismissed.

2287 (c) The council or administrative law judge:

2288 (i) may make an initial determination in each appeal whether the appeal is one of the

2289 types of matters under Subsection (1)(b)[over which the council has jurisdiction];

2290 (ii) shall, subject to Subsections (9) through (11), review written appeals in cases of

2291 applicants rejected for examination and [report final binding appeals decisions]

2292 provide recommendations, in writing, to the county legislative body; and

2293 (iii) may not hear any other personnel matter[; and] .

2294 [({iv}) may affirm, modify, vacate, or set aside an order for disciplinary action.] .

2295 (d)(i) An individual adversely affected by a decision of the council or an

2296 administrative law judge may appeal the decision to the [district court] county

2297 governing body.

2298 (ii)(A) After receiving an appeal under Subsection (1)(d)(i), the county governing

2299 body shall issue a final decision, affirming or rejecting the decision of the

2300 council or administrative law judge.

2301 (B) If a county governing body fails to take action on an appeal within 60 days of

2302 the day on which the governing body receives the appeal, the appeal shall be

2303 considered denied as a final decision of a county governing body.

2304 (iii) An individual adversely affected by a final decision of the county governing

2305 body may appeal the decision to the district court.

2306 [({iv}) (iv) An appeal to the district court under this Subsection (1)(d) is barred unless [it]

2307 the appeal is filed within 30 days after the day on which the [council issues the
2308 council's decision] county governing body issues the final decision.

2309 [§(iii)] (v) If there is a record of the [council] proceedings, the district court review
2310 shall be limited to the record[provided by the council].

2311 [§(iv)] (vi) In reviewing a decision of the council or an administrative law judge, the
2312 district court shall presume that the decision is valid and may determine only
2313 whether the decision is arbitrary or capricious.

2314 (e) Notwithstanding Subsection (1)(b), a council that receives an appeal may refer the
2315 appeal to an administrative law judge as described in Subsections (9) through (11).

2316 (2)(a) A council member shall serve a term of three years that expires on June 30, three
2317 years after the county executive appointed the council member.
2318 (b) Notwithstanding Subsection (2)(a), the term for original appointees to a council shall
2319 be staggered so that the term of only one council member expires each year.
2320 (c) A county executive's appointment to fill a vacancy on the council shall be for only
2321 the unexpired term of the appointee's successor.
2322 (d) Each council member shall hold office until the council member's successor is
2323 appointed and confirmed.
2324 (e) The county executive may remove [the] a council member [for cause, after:] after the
2325 county executive gives the council member an opportunity to appeal to the county
2326 legislative body.
2327 [§(i) receiving a copy of the charges against the council member; and]
2328 [§(ii) the council member has had an opportunity to be heard publicly on the charges
2329 before the county legislative body.]

2330 (f) The county shall annually appropriate adequate funds to enable the council to
2331 effectively carry out the council duties under this chapter.

2332 (3) Each county council member and alternate county council member shall be:

2333 (a) a citizen of the United States; and
2334 (b) for a period of at least one year before the day on which the council member is
2335 appointed, an actual and bona fide resident of:
2336 (i) the state of Utah; and
2337 (ii) the county[.].

2338 (4) A council member may not [hold another government office or] be employed by the
2339 county.

2340 (5) The council shall elect a member of the council as chairperson.

2341 (6) Two or more council members constitutes a quorum necessary for carrying on the
2342 council's business and activity.

2343 (7) The council shall have subpoena power to[:]
2344 [(a) compel attendance of witnesses[; and] .
2345 [(b) ~~authorize witness fees when the council deems appropriate, to be paid at the same~~
2346 ~~rate as in justice courts.]~~

2347 (8)(a) A council member shall receive compensation for attending each day or partial
2348 day the council is in session at a per diem rate established in accordance with Section
2349 11-55-103.

2350 (b) An alternate council member shall receive compensation for each day or partial day
2351 that the alternate council member is required to replace a regular council member, at
2352 a per diem rate established in accordance with Section 11-55-103.

2353 (9)(a) A county legislative body may appoint one or more administrative law judges to
2354 hear appeals referred by a council under this section.

2355 (b) Each administrative law judge shall be trained and experienced in personnel matters.

2356 (10)(a) A council may refer an appeal to an administrative law judge appointed under
2357 Subsection (9) if the council determines that the referral is in each party's best interest.

2358 (b) After holding a hearing on an appeal described in Subsection (10)(a), the
2359 administrative law judge shall make:

2360 (i) findings of fact; and
2361 (ii) a recommendation to the council.

2362 (c) After receiving the administrative law judge's recommendation, the council may
2363 request the administrative law judge to hold a further factual hearing before the
2364 council issues a decision.

2365 (d) The council may adopt or reject the administrative law judge's recommendation,
2366 whether before or after a further hearing under Subsection (10)(c).

2367 (11)(a) A council shall refer an appeal to an administrative law judge appointed under
2368 Subsection (9) if the county employee or county official assigned by the county
2369 executive or county legislative body to manage personnel functions requests that the
2370 appeal be referred.

2371 (b) In an appeal described in Subsection (11)(a), the administrative law judge, not the
2372 council, issues a final decision.

2373 Section 59. Section **17-75-502** is amended to read:
2374 **17-75-502 . Career service -- Exempt positions.**

2375 (1) The career service:

2376 (a) is a permanent service to which this part applies; and

2377 (b) comprises all tenured county positions in the public service, except:

2378 (i) subject to Subsection (2):

2379 (A) the county executive, members of the county legislative body, and other
2380 elected officials; and

2381 (B) each major county department head charged directly by the county legislative
2382 body, or by a board appointed by the county legislative body, with the
2383 responsibility of assisting to formulate and carry out policy matters;

2384 (ii) one confidential [secretary] administrative assistant for each elected county officer
2385 and major county department head, if a confidential [secretary] administrative
2386 assistant is assigned;

2387 (iii) an administrative assistant to the county executive, each member of the county
2388 legislative body, and each elected official, if an administrative assistant is
2389 assigned;

2390 (iv) each duly appointed chief deputy of any elected county officer who takes over
2391 and discharges the duties of the elected county officer in the absence or disability
2392 of the elected county officer;

2393 (v) subject to Subsection (3), an individual who is:

2394 (A) appointed by an elected county officer to be a division director, to administer
2395 division functions in furtherance of the performance of the elected officer's
2396 professional duties;

2397 (B) in a confidential relationship with the elected county officer; and

2398 (C) not in a law enforcement rank position of captain or below;

2399 (vi) each person employed to make or conduct a temporary and special inquiry,
2400 investigation, or examination on behalf of the county legislative body or one of its
2401 committees;

2402 (vii) each noncareer employee:

2403 (A) compensated for the employee's services on a seasonal or contractual basis;
2404 and

2405 (B) hired on emergency or seasonal appointment basis, as approved by the council;

2406 (viii) each provisional employee, as defined by the county's policies and procedures
2407 or personnel rules;

2408 (ix) each part-time county employee, as defined by the county's policies and

2409 procedures or personnel rules;

2410 (x) each county employee appointed to perform:

2411 (A) work that does not exceed three years in duration; or

2412 (B) work with limited funding; and

2413 (xi) each county position that, by the position's confidential or key
2414 policy-determining nature, cannot or should not be appropriately included in the
2415 career service.

2416 (2)(a) [Before-] Subject to Subsection (2)(b), before a position under Subsection

2417 (1)(b)(i) may be changed from [its] the position's current status to exempt or tenured,
2418 the [e]ouncil legislative body shall, after giving due notice, hold a public hearing on
2419 the proposed change of status.

2420 (b) A legislative body may change a position under Subsection (2)(a) only after the
2421 position becomes vacant.

2422 (3)(a) Subsection (1)(b)(v) may not be construed to cause an individual serving as a
2423 nonexempt county employee on May 5, 2008, in a position described in that
2424 subsection to lose the nonexempt status.

2425 (b) The elected county officer in a supervisory position over a county employee
2426 described in Subsection (3)(a) shall work with the county's office of personnel
2427 management to develop financial and other incentives to encourage a nonexempt
2428 employee to convert voluntarily to exempt status.

2429 (4)(a) County policies made in conformity with this part shall list by job title and county
2430 department, office or agency, each position designated as exempt under Subsection
2431 (1)(b)(xi).

2432 (b) A change in exempt status of a position designated as being exempt under
2433 Subsection (1)(b)(xi) constitutes an amendment to the personnel rules made under
2434 this chapter.

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

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

2437 **Reappointment register.**

2438 [(f)] Any career service employee accepting an appointment to an exempt position who is
2439 not retained by the appointing officer, unless discharged for cause as provided by this
2440 part or county policies made in conformity with this part, shall:

2441 [(a)] (1) be appointed to any career service position for which the employee qualifies in a
2442 pay grade comparable to the employee's last position in the career service provided an

2443 opening exists; or
2444 [~~(b)~~] (2) be appointed to any lesser career service position for which the employee qualifies
2445 pending the opening of a position described in Subsection (1) of this section.

2446 [~~(2) The director described in Section 17-75-601 shall maintain a reappointment register to~~
2447 ~~facilitate the operation of this section, which shall have precedence over other registers.]~~
2448 Section 61. Section **17-75-602** is amended to read:

2449 **17-75-602 . Director of personnel management responsibilities -- Personnel**
2450 **policies.**

2451 (1) The director shall:

2452 (a) encourage and exercise leadership in the development of expertise in personnel
2453 administration within county departments, offices, and agencies in the county
2454 service;

2455 (b) make available the facilities of the office of personnel management to county
2456 departments, offices, and agencies for the development of expertise in personnel
2457 administration;

2458 (c) advise the county legislative body, county executive, and any county officer on the
2459 use of human resources;

2460 (d) develop and implement programs to improve employee effectiveness, including:
2461 (i) training;
2462 (ii) safety;
2463 (iii) health;
2464 (iv) counseling; and
2465 (v) welfare;

2466 [~~(e)(i) investigate periodically the operation and effect of this chapter and of the~~
2467 ~~policies made under this chapter; and]~~

2468 [~~(ii) report investigation findings and recommendations to the county legislative body;]~~

2469 [~~(f)~~] (e) establish and maintain records of all employees in the county service that
2470 includes each county employee's:

2471 (i) class;
2472 (ii) title;
2473 (iii) pay or status; and
2474 (iv) other relevant data;

2475 [~~(g)~~] (f) make an annual report to the county legislative body and county executive
2476 regarding the work of the office;

2477 [({h})] (g) apply and carry out this chapter and the policies under this chapter; and
2478 [({i})] (h) perform any other lawful acts that are necessary to carry out the provisions of
2479 this chapter.

2480 (2)[(a) The] In a county subject to this chapter:

2481 (a) the director shall recommend personnel policies for the county[-] ; and
2482 (b) [The-] the county legislative body may:
2483 (i) recommend personnel policies for the county; and
2484 (ii) approve, amend, or reject personnel policies for the county before [they] the
2485 personnel policies are adopted.

2486 (3) Personnel policies shall provide for:

2487 (a) recruiting efforts that are planned and carried out in a manner that:
2488 (i) assures open competition; and
2489 (ii) [places special emphasis on] includes recruiting efforts to attract and help assure
2490 that individuals belonging to the following groups will be among the candidates
2491 from whom appointments are made:
2492 (A) minorities;
2493 (B) women;
2494 (C) individuals with a disability as defined by and covered under the Americans
2495 with Disabilities Act of 1990, 42 U.S.C. 12102; or
2496 (D) other groups that are substantially underrepresented in the county workforce;
2497 (b) the establishment of job related minimum requirements, wherever practical, that all
2498 successful candidates are required to meet to be eligible for consideration for
2499 appointment or promotion;
2500 (c) selection procedures that include:
2501 (i) consideration of the relative merit of each applicant for employment;
2502 (ii) a job related method of determining the eligibility or ineligibility of each applicant
2503 for employment; and
2504 (iii) a valid, reliable, and objective system of ranking eligible applicants according to [
2505 their] the eligible applicant's qualifications and merit;
2506 (d) certification procedures that ensure equitable consideration of an appropriate number
2507 of the most qualified eligible applicants based on the ranking system;
2508 (e) appointments to positions in the career service by selection from the most qualified
2509 eligible applicants certified on eligible lists established in accordance with
2510 Subsections (3)(c) and (d);

- 2511 (f) occasional noncompetitive appointments where there is evidence that open or limited
2512 competition is not practical, including for unskilled positions that have no minimum
2513 job requirements;
- 2514 (g) limitation of competition at the discretion of the director for appropriate positions to
2515 facilitate employment of qualified applicants for employment with:
 - 2516 (i) a substantial physical or mental impairment; or
 - 2517 (ii) other groups protected by Title VII of the Civil Rights Act;
- 2518 (h)(i) permanent appointment for entry to the career service that is contingent upon a
2519 probationary county employee's satisfactory performance during a six-month
2520 probationary period;
 - 2521 (ii) a six-month probationary period that the county may extend for a period not to
2522 exceed an additional six months for good cause; and
 - 2523 (iii) an opportunity for a probationary county employee to appeal directly to the
2524 council any undue prolonging of the six-month probationary period by the county
2525 that is designed to thwart merit principles;
- 2526 (i) temporary, provisional, or other noncareer service appointments, which may not:
 - 2527 (i) be used to defeat the purpose of the career service; and
 - 2528 (ii) exceed 270 days;
- 2529 (j) lists of eligible applicants, if available, for filling temporary positions and short-term
2530 emergency appointments that:
 - 2531 (i) are made without regard to the other provisions of law;
 - 2532 (ii) provide for maintenance of essential services in an emergency situation where
2533 normal procedures are not practical; and
 - 2534 (iii) do not exceed 270 days;
- 2535 (k)(i) promotion and career ladder advancement of county employees to higher level
2536 positions; and
 - 2537 (ii) assurance that an individual promoted is qualified for the higher level position;
- 2538 (l) recognition of the equivalency of other merit processes by waiving, at the director's
2539 discretion, the open competitive examination for placement in the career service
2540 positions of applicants for employment who were originally selected through a
2541 competitive examination process in another governmental entity, an individual in
2542 those cases, to serve a probationary orientation period;
- 2543 (m) preparation, maintenance, and revision of a position classification plan for all
2544 positions in the career service that:

2545 (i) is based upon similarity of duties performed and responsibilities assumed;

2546 (ii) for all positions in the same class:

2547 (A) reasonably requires the same qualifications; and

2548 (B) equitably applies the same schedule of pay; and

2549 (iii) includes a compensation plan that, to maintain a high quality public workforce,

2550 accounts for:

2551 (A) the responsibility and difficulty of the work for each position;

2552 (B) the comparative pay and benefits needed to compete in the labor market;

2553 (C) proper alignment with other similar governmental units; and

2554 (D) other factors;

2555 (n)(i) keeping records of performance on all county employees in the career service;

2556 and

2557 (ii) requiring consideration of performance records in determining:

2558 (A) salary increases;

2559 (B) benefits for meritorious service;

2560 (C) promotions;

2561 (D) the order of layoffs and reinstatements;

2562 (E) demotions;

2563 (F) discharges; and

2564 (G) transfers;

2565 (o) establishment of a plan:

2566 (i) governing layoffs of county employees resulting from:

2567 (A) lack of funds or work;

2568 (B) abolition of positions; or

2569 (C) material changes in duties or organization; and

2570 (ii) governing reemployment of former county employees [that] who the county laid

2571 off that takes into account the former county employee's:

2572 (A) relative ability;

2573 (B) seniority; and

2574 (C) merit;

2575 (p) establishment of a plan for resolving employee grievances and complaints with final

2576 and binding decisions;

2577 (q) establishment of disciplinary measures including:

2578 (i) suspension;

- (ii) demotion in rank or grade;
- (iii) discharge; and
- (iv) presentation of charges, hearing rights, and appeals for all permanent employees in the career service to the council;
- (r) establishment of a procedure for employee development and improvement of poor performance;
- (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 rolls.

- (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:

2613 [(a)] (1) be ineligible for appointment to or employment in a county position; and
2614 [(b)] (2) if a county officer or employee, forfeit the county office or position.

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

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

2617 (1) This section does not apply to a county subject to Part 3, Peace Officer Merit System in
2618 Counties of the First Class.

2619 (2) The legislative body of a county that employs a nonexempt employee engaged in law
2620 enforcement activities may, except as otherwise required by a contract or a collective
2621 bargaining agreement or federal law, enact an ordinance or pass a resolution that:
2622 (a) designates a work period for the nonexempt employee that is the same as, or
2623 equivalent to, a work period described in Subsection 63A-17-502(2); and
2624 (b) compensates the nonexempt employee for overtime at a rate of one and one-half
2625 times the nonexempt employee's regular hourly rate.

2626 Section 65. Section **17-78-201** is amended to read:

2627 **17-78-201 . Development of county resources.**

2628 (1) A county may provide for the development of the county's mineral, water, [
2629 manpower] personnel, industrial, historical, cultural, and other resources.

2630 (2) A county may expend county funds as are considered advisable to carry out the
2631 purposes of Subsection (1).

2632 Section 66. Section **17-78-605** is amended to read:

2633 **17-78-605 . Fees for constables -- Criminal.**

2634 (1)(a) Except as provided in Subsections (3) and (6), a constable shall be paid in
2635 criminal matters for each copy of a summons, subpoena, notice, court order, or other
2636 criminal paper as follows:
2637 (i) \$5 for each defendant served; and
2638 (ii) mileage of \$1 per mile for each mile necessarily traveled in going only, to be
2639 computed from either the courthouse, or when transmitted by mail, from the post
2640 office where received.
2641 (b) If more than one trip is necessary to serve, or diligently attempt to serve, service of
2642 process, a constable may collect mileage charges for more than two trips only if the
2643 party requesting the service of process has approved the additional mileage charges.
2644 (c) A constable shall individually document each charge under this Subsection (1) on the
2645 affidavit of return of service.
2646 (2) If a constable serves process in a county other than the county where the process

2647 originated, travel expenses may not exceed the fee that would be charged if served by
2648 the sheriff of that county under Chapter 72, County Sheriff.

2649 (3)(a) A constable may charge a county a fee of \$1 for each mile traveled for the purpose
2650 of serving, or to diligently attempt service of, a warrant of arrest, both in going to and
2651 returning from the defendant's address.

2652 (b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of
2653 arrest, a constable may collect no more than two additional mileage charges.

2654 (c) A constable shall individually document each charge under this Subsection (3) on
2655 the affidavit of return of service.

2656 (4) For arresting a prisoner and bringing the prisoner into court, or otherwise satisfying a
2657 warrant, a constable may charge a fee of \$15.

2658 (5)(a) Accounts against the county filed by constables for services in criminal cases shall
2659 be:

2660 (i) certified as correct by the county attorney or district attorney; and
2661 (ii) presented to the county auditor or county finance officer, as that term is defined
2662 in Section 17-66-101.

2663 (b) The county legislative body may reject constable bills in all causes or proceedings in
2664 which the county attorney or district attorney has not authorized the issuance of the
2665 warrant of arrest in writing.

2666 (6) A county may, by contract with a constable, establish lower fees for services than the
2667 fees described in this section.

2668 Section 67. Section **17-78-807** is amended to read:

2669 **17-78-807 . Annual report -- Financial statement.**

2670 (1) To the extent that independent accounting records are prepared and maintained by the
2671 planetarium, the planetarium board of directors shall make, or in the case of a
2672 contracting entity, require that there be made, an annual report to the county executive
2673 and the county legislative body on the condition and operation of the planetarium,
2674 including a financial statement.

2675 (2) The financial statement described in Subsection (1) shall be:

2676 (a) prepared in accordance with generally accepted accounting principles; and
2677 (b) reviewed by the county [auditor] finance officer, as that term is defined in Section
2678 17-66-101.

2679 (3) The planetarium shall be included in the annual audit of the county conducted by an
2680 independent public accountant as required by Title 51, Chapter 2a, Accounting Reports

2681 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

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

2683 **17B-1-901 . Providing and billing for multiple commodities, services, or facilities**

2684 **-- Suspending service to a delinquent customer.**

2685 (1) If a special district provides more than one commodity, service, or facility, the district
2686 may bill for the fees and charges for all commodities, services, and facilities in a single
2687 bill.

2688 (2) Regardless of the number of commodities, services, or facilities furnished by a special
2689 district, the special district may suspend furnishing any commodity, service, or facility
2690 to a customer if the customer fails to pay all fees and charges when due.

2691 (3)(a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a
2692 special district may not suspend furnishing any commodity, service, or facility to a
2693 customer if discontinuance of the service is requested by a private third party,
2694 including an individual, a private business, or a nonprofit organization, that is not the
2695 customer.

2696 (b)(i) An owner of land or the owner's agent may request that service be temporarily
2697 discontinued for maintenance-related activities.

2698 (ii) An owner of land or the owner's agent may not request temporary discontinuance
2699 of service under Subsection (3)(b)(i) if the request is for the purpose of debt
2700 collection, eviction, or any other unlawful purpose.

2701 (4) A special district and a county, with the approval or consent of the county treasurer,
2702 may enter into an agreement for the county treasurer to bill and collect assessments on
2703 behalf of the special district.

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

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

2706 The duties of the commission [and county auditors]relative to:

2707 (1) the assessment of mines, mining claims, and mining property;
2708 (2) the statements and returns to be made; and
2709 (3) the equalization thereof are the same as those provided for the assessment of public
2710 utilities.

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

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

2713 **Costs of collection.**

2714 (1) If any person moves from one county to another after being assessed on personal

2715 property, the county in which the person was assessed may sue for and collect the tax in
2716 the name of the county where the assessment was made.

2717 (2) At the trial, a certified copy of the assessment from the county where the assessment
2718 was made, with a signed statement attached that the tax has not been paid, describing it
2719 as on the assessment book or delinquent list, is *prima facie* evidence that the tax and the
2720 interest are due, and entitles the county to judgment, unless the defendant proves that the
2721 tax was paid.

2722 (3) The county treasurer shall be credited and the county [auditor] finance officer, as that
2723 term is defined in Section 17-66-101, shall allow the expenses of collecting the tax and
2724 permit a deduction from the amount collected, not to exceed 1/3 of the amount of the tax
2725 collected.

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

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

2728 (1) As used in this section, "finance officer" means the same as that term is defined in
2729 Section 17-66-101.

2730 (2) Whenever a judge of a court of record of this state issues a certificate under the
2731 provisions of this chapter to obtain the attendance of a witness for the prosecution from [
2732 without] outside the state in a criminal prosecution or grand jury investigation
2733 commenced or about to commence[he] , the judge shall designate [therein]a suitable
2734 peace officer of this state to[-] :
2735 (a) present the certificate to the proper officer or tribunal of the state wherein the witness
2736 is found; and
2737 (b) [to] tender to the witness [his] the witness's per diem and mileage fees.
2738 (3) The peace officer designated as described in Subsection (2) shall exhibit the certificate
2739 to the county [auditor] finance officer of the county in which the criminal proceeding is
2740 pending and the [auditor] finance officer shall draw [his] a warrant upon the county
2741 treasurer in favor of the peace officer in the amount to be tendered to the witness.
2742 (4) The peace officer shall be liable upon [his] the peace officer's official bond for the proper
2743 disposition of the money received under Subsection (3).
2744 (5) In all cases in which the peace officer is required to travel in order to present the
2745 certificate and tender fees, [his] the peace officer's actual and necessary traveling
2746 expenses shall be paid out of the fund from which witnesses for the prosecution in the
2747 criminal proceeding are paid.

2748 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.[-]

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

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

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

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

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

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

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

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

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

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

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

78B-1-124 . Jurors and witnesses -- Statement of certificates -- Contents --**Payment by state.**

(1) At the end of each quarter it shall be the duty of the county treasurer and the county

2786 auditor of each [eounty] finance officer, as that term is defined in Section 17-66-101, to
2787 prepare in duplicate and verify under oath a full and complete itemized statement of all
2788 certificates issued by the clerk of the district court since the date of the last statement for
2789 mileage and attendance of:

2790 (a) grand jurors;
2791 (b) trial jurors engaged in the trial of criminal causes in the district court; and
2792 (c) witnesses summoned by or on behalf of the state in criminal causes in the district
2793 court.

2794 (2) The statement shall set forth in detail for each certificate:

2795 (a) the number of the certificate;
2796 (b) the date issued;
2797 (c) the name of the person in whose favor it was issued;
2798 (d) the nature of the service rendered; and
2799 (e) any other information as may be necessary and required by the state auditor.

2800 (3)(a) Within 30 days of the end of the quarter[~~one of these statements~~] :

2801 (i) a statement described in Subsection (2) shall be transmitted to the state auditor; and[
2802 ~~the other]~~
2803 (ii) an identical statement shall be filed in the office of the county clerk.

2804 (b) Upon the timely receipt of [this] a statement, the state auditor shall, unless [it] the
2805 statement is found to be incorrect, draw a warrant in favor of the county treasurer
2806 upon the state treasurer for the whole amount of jurors' and witnesses' certificates as
2807 shown by the statement, and transmit [it] the warrant and statement to the county
2808 treasurer.

2809 (4) The county treasurer shall hold the funds drawn from the state treasury upon the
2810 certificates for mileage and attendance of jurors and witnesses as a separate fund for the
2811 redemption of jurors' and witnesses' certificates.

2812 **Section 75. Repealer.**

2813 This bill repeals:

2814 **Section 10-9a-520, Licensing of residences for persons with a disability.**

2815 **Section 17-2-102, Definitions.**

2816 **Section 17-2-202, Definitions.**

2817 **Section 17-16-201, Title.**

2818 **Section 17-22-14, Failure to levy execution -- Penalty.**

2819 **Section 17-27a-101, Title.**

2820 Section **17-27a-409**, State to indemnify county regarding refusal to site nuclear waste --

2821 **Terms and conditions.**

2822 Section **17-30-24**, More than one chief deputy in larger county departments.

2823 Section **17-36-1**, Title.

2824 Section **17-50-317**, Expenditure of county funds authorized to develop county resources.

2825 Section **17-53-206.5**, Expulsion of members prohibited -- Exception for disorderly
2826 conduct.

2827 Section **17-53-215**, Seal for clerk of district court.

2828 Section **17-53-304**, Commanding services of sheriff.

2829 Section 76. **Effective Date.**

2830 This bill takes effect:

2831 (1) except as provided in Subsection (2), May 6, 2026; or

2832 (2) if approved by two-thirds of all members elected to each house:

2833 (a) upon approval by the governor;

2834 (b) without the governor's signature, the day following the constitutional time limit of
2835 Utah Constitution, Article VII, Section 8; or

2836 (c) in the case of a veto, the date of veto override.