

1 **Disposition of Public Property Modifications**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill deals with the disposition of certain publicly owned real property.

5 **Highlighted Provisions:**

6 This bill:

- 7 ▶ defines terms and modifies definitions;
- 8 ▶ provides a process for a local governmental entity to dispose of public property;
- 9 ▶ requires a local governmental entity to determine if public property constitutes a
- 10 significant parcel;
- 11 ▶ requires the governing body of a local governmental entity to approve the disposal of a
- 12 significant parcel in a public meeting;
- 13 ▶ provides that a local governmental entity shall comply with statutory provisions specific
- 14 to the type of local governmental entity in addition to the provisions of Title 11, Chapter
- 15 1, Part 2, Disposal of Public Property, when disposing of public property;
- 16 ▶ requires the School and Institutional Trust Lands Administration (administration) to
- 17 comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property,
- 18 the same as if the administration were a local governmental entity, if the provisions are
- 19 not expressly contradicted by another provision;
- 20 ▶ authorizes a school district to sell surplus property in accordance with Title 11, Chapter 1,
- 21 Part 2, Disposal of Public Property, if no eligible entity purchases the surplus property
- 22 within one year;
- 23 ▶ repeals a criminal penalty; and
- 24 ▶ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **10-8-2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
 33 **11-13-227**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
 34 **17-60-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 35 Chapter 13
 36 **17-78-103**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 37 Chapter 14
 38 **17-79-812**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 39 Chapter 14
 40 **17B-1-103**, as last amended by Laws of Utah 2024, Chapter 388
 41 **17C-1-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 42 **35A-8-407**, as renumbered and amended by Laws of Utah 2012, Chapter 212
 43 **53C-4-101**, as last amended by Laws of Utah 2011, Chapter 247
 44 **53G-4-902**, as last amended by Laws of Utah 2025, Chapter 391

45 ENACTS:

- 46 **11-1-201**, Utah Code Annotated 1953
 47 **11-1-202**, Utah Code Annotated 1953
 48 **11-1-203**, Utah Code Annotated 1953
 49 **11-1-204**, Utah Code Annotated 1953
 50 **11-1-205**, Utah Code Annotated 1953

51 RENUMBERS AND AMENDS:

- 52 **11-1-101**, (Renumbered from 11-1-1, as last amended by Laws of Utah 2024, Chapter
 53 365)
 54 **11-1-102**, (Renumbered from 11-1-2, as last amended by Laws of Utah 1993, Chapter
 55 227)
 56 **11-1-103**, (Renumbered from 11-1-4, as last amended by Laws of Utah 1992, Chapter
 57 285)
 58 **11-1-104**, (Renumbered from 11-1-5, Utah Code Annotated 1953)

59 REPEALS:

- 60 **11-1-3**, as last amended by Laws of Utah 1986, Chapter 178
 61 **11-1-6**, as last amended by Laws of Utah 2018, Chapter 148

62

63 *Be it enacted by the Legislature of the state of Utah:*64 Section 1. Section **10-8-2** is amended to read:

10-8-2 . Appropriations -- Acquisition and disposal of property -- Municipal authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.

(1)(a) Subject to Section 11-41-103, a municipal legislative body may:

- (i) appropriate money for corporate purposes only;
- (ii) provide for payment of debts and expenses of the corporation;
- (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law;
- (iv) improve, protect, and do any other thing in relation to this property that an individual could do; and
- (v) subject to Subsection (2) and after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, regardless of whether [~~or not~~]the municipality receives consideration in return.

(b) A municipality may:

- (i) furnish all necessary local public services within the municipality;
- (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities located and operating within and operated by the municipality; and
- (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the municipality and necessary for any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

(c) Each municipality that intends to acquire property by eminent domain under Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.

(d) Subsection (1)(b) may not be construed to diminish any other authority a municipality may claim to have under the law to acquire by eminent domain property located inside or outside the municipality.

(2)(a) Services or assistance provided in accordance with Subsection (1)(a)(v) is not subject to the provisions of Subsection (3).

(b) The total amount of services or other nonmonetary assistance provided or fees waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the municipality's budget for that fiscal year.

- 99 (3) It is considered a corporate purpose to appropriate money for any purpose that, in the
100 judgment of the municipal legislative body, provides for the safety, health, prosperity,
101 moral well-being, peace, order, comfort, or convenience of the inhabitants of the
102 municipality subject to this Subsection (3).
- 103 (a) The net value received for any money appropriated shall be measured on a
104 project-by-project basis over the life of the project.
- 105 (b)(i) A municipal legislative body shall establish the criteria for a determination
106 under this Subsection (3).
- 107 (ii) A municipal legislative body's determination of value received is presumed valid
108 unless a person can show that the determination was arbitrary, capricious, or
109 illegal.
- 110 (c) The municipality may consider intangible benefits received by the municipality in
111 determining net value received.
- 112 (d)(i) Before the municipal legislative body makes any decision to appropriate any
113 funds for a corporate purpose under this section, the municipal legislative body
114 shall hold a public hearing.
- 115 (ii) For at least 14 days before the date of the hearing, the municipal legislative body
116 shall publish a notice of the hearing described in Subsection (3)(d)(i) for the
117 municipality, as a class A notice under Section 63G-30-102.
- 118 (e)(i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
119 municipality shall perform a study that analyzes and demonstrates the purpose for
120 an appropriation described in this Subsection (3) in accordance with Subsection
121 (3)(e)(iii).
- 122 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
123 the municipality for review by interested parties at least 14 days immediately
124 before the public hearing described in Subsection (3)(d)(i).
- 125 (iii) A municipality shall consider the following factors when conducting the study
126 described in Subsection (3)(e)(i):
- 127 (A) what identified benefit the municipality will receive in return for any money
128 or resources appropriated;
- 129 (B) the municipality's purpose for the appropriation, including an analysis of the
130 way the appropriation will be used to enhance the safety, health, prosperity,
131 moral well-being, peace, order, comfort, or convenience of the inhabitants of
132 the municipality; and

133 (C) whether the appropriation is necessary and appropriate to accomplish the
 134 reasonable goals and objectives of the municipality in the area of economic
 135 development, job creation, affordable housing, elimination of a development
 136 impediment, job preservation, the preservation of historic structures and
 137 property, and any other public purpose.

138 (f)(i) An appeal may be taken from a final decision of the municipal legislative body,
 139 to make an appropriation.

140 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
 141 court within 30 days after the day on which the municipal legislative body makes
 142 a decision.

143 (iii) Any appeal shall be based on the record of the proceedings before the legislative
 144 body.

145 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
 146 the appealing party shows that the decision was arbitrary, capricious, or illegal.

147 (g) The provisions of this Subsection (3) apply only to those appropriations made after
 148 May 6, 2002.

149 (h) This section applies only to appropriations not otherwise approved in accordance
 150 with Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10,
 151 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.

152 (4)(a) As used in this Subsection (4), "proposed disposition" means an offering to sell or
 153 lease real property, or enter into a joint venture regarding real property, that includes
 154 information about the terms of the purchase or sale, including price and proposed
 155 time frame for closing.

156 (b) Before a municipality may dispose of a significant parcel of real property, the
 157 municipality shall:

158 (i) comply with the publication requirements of Section 11-1-203 before selecting or
 159 making a proposed disposition;

160 (ii) provide notice of the proposed disposition for the municipality, as a class A
 161 notice under Section 63G-30-102, for at least 14 days before the opportunity for
 162 public comment under Subsection [(4)(a)(ii)] (4)(b)(iii); and

163 [(ii)] (iii) allow an opportunity for public comment on the proposed disposition.

164 [(b)] (c) Each municipality shall, by ordinance, define what constitutes a significant
 165 parcel of real property for purposes of Subsection [(4)(a)] (4)(b).

166 (d) Before a municipality may dispose of a parcel of real property that is not a

167 significant parcel, the municipality shall comply with the requirements of Subsection
168 11-1-203(2).

169 (5)(a) Except as provided in Subsection (5)(d), each municipality intending to acquire
170 real property for the purpose of expanding the municipality's infrastructure or other
171 facilities used for providing services that the municipality offers or intends to offer
172 shall provide written notice, as provided in this Subsection (5), of its intent to acquire
173 the property if:

174 (i) the property is located:

175 (A) outside the boundaries of the municipality; and

176 (B) in a county of the first or second class; and

177 (ii) the intended use of the property is contrary to:

178 (A) the anticipated use of the property under the general plan of the county in
179 whose unincorporated area or the municipality in whose boundaries the
180 property is located; or

181 (B) the property's current zoning designation.

182 (b) Each notice under Subsection (5)(a) shall:

183 (i) indicate that the municipality intends to acquire real property;

184 (ii) identify the real property; and

185 (iii) be sent to:

186 (A) each county in whose unincorporated area and each municipality in whose
187 boundaries the property is located; and

188 (B) each affected entity.

189 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
190 63G-2-305(8).

191 (d)(i) The notice requirement of Subsection (5)(a) does not apply if the municipality
192 previously provided notice under Section 10-20-203 identifying the general
193 location within the municipality or unincorporated part of the county where the
194 property to be acquired is located.

195 (ii) If a municipality is not required to comply with the notice requirement of
196 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality
197 shall provide the notice specified in Subsection (5)(a) as soon as practicable after
198 its acquisition of the real property.

199 Section 2. Section **11-1-101**, which is renumbered from Section 11-1-1 is renumbered
200 and amended to read:

201 **CHAPTER 1. Bonds, Warrants, and Property Disposal**

202 **Part 1. Bonds and Warrants**

203 **[11-1-1] 11-1-101 . Auditor's certificate to show obligation within debt limit.**

204
 205 (1) The county auditor of each county, the auditor of each city, and the clerk of each board
 206 of education in this state shall endorse a certificate upon every bond, warrant or other
 207 evidence of debt, issued pursuant to law by any such officer, that the same is within the
 208 lawful debt limit of such county, city or school district, respectively, and is issued
 209 according to law.

210 (2) The officer shall sign such certificate in the officer's official character.

211 Section 3. Section **11-1-102**, which is renumbered from Section 11-1-2 is renumbered
 212 and amended to read:

213 **[11-1-2] 11-1-102 . Auditors may rely on certain facts.**

214 (1) As used in this section:

215 (a) "Legislative body" means:

216 (i) a county legislative body;

217 (ii) a municipal legislative body; or

218 (iii) a school district board.

219 (b) "Local government entity" means:

220 (i) a county;

221 (ii) a municipality; or

222 (iii) a school district.

223 (2) Whenever ~~[a county legislative body, board of city commissioners, city council, or~~
 224 ~~board of education of any such county, city, or school district shall find or declare] a~~
 225 legislative body finds or declares that any appropriation or expenditure for which a
 226 warrant ~~[or warrants are] is~~ to be issued was or is for interest upon the bonded debt, for
 227 salaries, or for the current expenses of ~~[such county, city, or school district, such] the~~
 228 local government entity, the legislative body's finding or declaration shall conclusively
 229 protect ~~[the county auditor, city auditor, or clerk of the board of education of any such~~
 230 ~~county, city, or school district, as to such facts, in certifying any warrant or warrants~~
 231 ~~therefor to be within the lawful debt limit of such county, city, or school district] local~~
 232 government entity officers or employees who:

233 (a) act in accordance with the legislative body's finding or declaration; and

234 (b) certify the warrant to be within the lawful debt limit of the local government entity.

235 Section 4. Section **11-1-103**, which is renumbered from Section 11-1-4 is renumbered
236 and amended to read:

237 **[~~11-1-4~~ 11-1-103 . Sinking fund -- Investment.**

238 The legislative body of any county, municipality, school district, or taxing unit of Utah
239 shall invest any sinking fund created by authority of law by following the procedures and
240 requirements of Title 51, Chapter 7, State Money Management Act.

241 Section 5. Section **11-1-104**, which is renumbered from Section 11-1-5 is renumbered
242 and amended to read:

243 **[~~11-1-5~~ 11-1-104 . Form, time, and place of payment -- Held in trust.**

244 (1)(a) Whenever any county, municipality, school district or taxing unit within this
245 state is authorized to issue and sell its bonds, they may be issued in serial form or in
246 the form of term bonds and made payable in such manner and at such times, within
247 legal limits, as such county, municipality, school district or taxing unit may
248 determine.

249 (b) Principal and interest shall be made payable only at a duly incorporated bank or trust
250 company operating under state or national banking laws or principal and interest may be made
251 payable at such a bank or trust company or at the office of the treasurer of the issuer, at the
252 option of the holder; provided, such alternative places of payment are designated in the bonds
253 by the issuer at the time such bonds are issued.

254 ~~(2)~~(a) All payments of funds either as principal or interest on any bonds issued by any
255 county, municipality, school district or other taxing unit within this state paid to
256 anyone other than the owner of such bonds shall be regarded and held as trust funds,
257 and the person, firm or corporation so receiving the same shall be held as a trustee of
258 such funds holding the same for the benefit of the owners and holders of such bonds
259 until the same are fully paid over.

261 (b) Until such funds are paid over by the person, firm or corporation collecting the same,
262 they shall be set up and held in a separate trust account and not commingled or used
263 by the collector in any manner whatever.

264 Section 6. Section **11-1-201** is enacted to read:

265 **Part 2. Disposal of Public Property**

266 **11-1-201 . Definitions.**

267 As used in this part:

268 (1) "Dispose" means to sell, convey, donate, or otherwise permanently change the

- 269 ownership of real property.
- 270 (2) "Governing body" means:
- 271 (a) for a municipality or a county, the legislative body;
- 272 (b) for an agency, the agency board;
- 273 (c) for a special district, special service district, local building authority, conservation
- 274 district, or public infrastructure district, the board of trustees;
- 275 (d) for a housing authority, the board of commissioners; and
- 276 (e) for a school district, the school board.
- 277 (3) "Local governmental entity" means:
- 278 (a) a municipality;
- 279 (b) a county;
- 280 (c) an agency, as that term is defined in Section 17C-1-102;
- 281 (d) a special district created under Title 17B, Limited Purpose Local Government
- 282 Entities - Special Districts;
- 283 (e) a special service district, local building authority, or conservation district created
- 284 under Title 17D, Limited Purpose Local Government Entities - Other Entities;
- 285 (f) a housing authority, other than a housing authority described in Section 35A-8-403;
- 286 and
- 287 (g) a school district.
- 288 (4) "Public property" means real property owned by a local governmental entity.
- 289 (5) "Real estate offering website" means any publicly accessible website that describes real
- 290 property that is for sale.
- 291 (6)(a) "Significant parcel" means real property that has an estimated fair market value of
- 292 \$500,000 or more.
- 293 (b) "Significant parcel" also means the same as that term is defined in a relevant local
- 294 governmental entity ordinance or resolution, as described in Subsection 11-1-202(2).
- 295 Section 7. Section **11-1-202** is enacted to read:
- 296 **11-1-202 . Initiating disposal of public property -- Determination of a significant**
- 297 **parcel -- Determination of fair market value.**
- 298 (1) Before disposing of public property, a local governmental entity shall:
- 299 (a) subject to Subsection (2), determine if the public property constitutes a significant
- 300 parcel; and
- 301 (b) comply with:
- 302 (i) any statutory requirements specific to the local governmental entity and the local

- 303 governmental entity's public property; and
 304 (ii) the applicable requirements of this part.
- 305 (2) Notwithstanding the definition of significant parcel in Section 11-1-201:
- 306 (a) a municipality may apply the municipality's ordinance, as described in Subsection
 307 10-8-2(4), when determining whether a public property constitutes a significant
 308 parcel;
- 309 (b) a county may apply the county's ordinance, as described in Subsection 17-78-103(4),
 310 when determining whether a public property constitutes a significant parcel;
- 311 (c) if a local governmental entity not described in Subsection (2)(a) or (b) has an
 312 ordinance or resolution defining "significant parcel," the local governmental entity
 313 may apply that definition if the definition recognizes a value of at least \$500,000; and
- 314 (d) if the School and Institutional Trust Lands Administration, complying with this part
 315 in accordance with Section 53C-4-101, makes a rule defining significant parcel, the
 316 School and Institutional Trust Lands Administration may apply the rule when
 317 determining whether a public property constitutes a significant parcel.

318 Section 8. Section **11-1-203** is enacted to read:

319 **11-1-203 . Publication requirements.**

- 320 (1) Before disposing of public property that the local governmental entity has classified as a
 321 significant parcel, as described in Section 11-1-202, a local governmental entity shall:
- 322 (a) publish an announcement of the local governmental entity's intent to dispose of the
 323 public property on the local governmental entity's website or a real estate offering
 324 website for a minimum of 45 consecutive days;
- 325 (b) post a physical sign on the public property indicating that:
- 326 (i) the public property is for sale; and
- 327 (ii) offers on the public property may be made to the local governmental entity; and
- 328 (c) announce the local governmental entity's intent to dispose of the public property
 329 during a public meeting.
- 330 (2) A local governmental entity may offer the public property for sale on one or more real
 331 estate offering websites.
- 332 (3) Before disposing of public property that the local governmental entity has not classified
 333 as a significant parcel, a local governmental entity shall post a physical sign on the
 334 public property indicating that:
- 335 (a) the public property is for sale; and
- 336 (b) offers on the public property may be made to the local governmental entity.

337 Section 9. Section **11-1-204** is enacted to read:

338 **11-1-204 . Public meeting to approve disposal.**

339 (1) For a significant parcel, the local governmental entity may approve disposal after:

340 (a) complying with any statutory provisions outside this part that govern the local

341 governmental entity and the local governmental entity's public property; and

342 (b) the governing body approves the disposal by majority vote in a public meeting.

343 (2) In the public meeting, the governing body shall disclose the details of the proposed
344 offer, including:

345 (a) if a sale, the proposed purchaser and proposed price; and

346 (b) if a lease or a joint venture, the terms of the offer and the proposed conveyee.

347 Section 10. Section **11-1-205** is enacted to read:

348 **11-1-205 . Exceptions.**

349 The requirements of this part do not apply to:

350 (1) a school district selling surplus property to an eligible entity, or to a county or
351 municipality reselling surplus property to a school district, in accordance with Title 53G,
352 Chapter 4, Part 9, Surplus School District Land;

353 (2) a local governmental entity offering public property back to the party the local
354 governmental entity received the public property from, if required to do so by another
355 provision of law; or

356 (3) a local governmental entity conveying public property to another local governmental
357 entity.

358 Section 11. Section **11-13-227** is amended to read:

359 **11-13-227 . Transportation reinvestment zones.**

360 (1) Subject to the provisions of this part, any two or more public agencies may enter into an
361 agreement with one another to create a transportation reinvestment zone as described in
362 this section.

363 (2) To create a transportation reinvestment zone, two or more public agencies, at least one
364 of which has land use authority over the transportation reinvestment zone area, shall:

365 (a) define the transportation infrastructure need and proposed improvement;

366 (b) define the boundaries of the zone;

367 (c) establish terms for sharing sales tax revenue among the members of the agreement;

368 (d) establish a base year to calculate the increase of property tax revenue within the zone;

369 (e) establish terms for sharing any increase in property tax revenue within the zone; and

370 (f) before an agreement is approved as required in Section 11-13-202.5, hold a public

- 371 hearing regarding the details of the proposed transportation reinvestment zone.
- 372 (3) Any agreement to establish a transportation reinvestment zone is subject to the
373 requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.
- 374 (4)(a) Each public agency that is party to an agreement under this section shall annually
375 publish a report including a statement of the increased tax revenue and the
376 expenditures made in accordance with the agreement.
- 377 (b) Each public agency that is party to an agreement under this section shall transmit a
378 copy of the report described in Subsection (4)(a) to the state auditor.
- 379 (5) If any surplus revenue remains in a tax revenue account created as part of a
380 transportation reinvestment zone agreement, the parties may use the surplus for other
381 purposes as determined by agreement of the parties.
- 382 (6)(a) An action taken under this section that does not result in a conveyance of real
383 property from a local governmental entity, as defined in Section 11-1-201, is not
384 subject to:
- 385 (i) Section 10-8-2;
- 386 (ii) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;
- 387 (iii) Title 17, Chapter 79, County Land Use, Development, and Management Act; or
- 388 (iv) Section 17-78-103.
- 389 (b) An ordinance, resolution, or agreement adopted under this title is not a land use
390 regulation as defined in Sections 10-20-102 and 17-79-102.
- 391 Section 12. Section **17-60-202** is amended to read:
- 392 **17-60-202 . Counties authorized to levy and collect taxes, sue and be sued, and**
393 **acquire property.**
- 394 (1)(a) Except as provided in Subsection (1)(b), a county may:
- 395 (i) as prescribed by statute:
- 396 (A) levy a tax;
- 397 (B) perform an assessment;
- 398 (C) collect a tax;
- 399 (D) borrow money; or
- 400 (E) levy and collect a special assessment for a conferred benefit; or
- 401 (ii) provide a service, exercise a power, or perform a function that is reasonably
402 related to the safety, health, morals, and welfare of county inhabitants.
- 403 (b) A county or a governmental instrumentality of a county may not perform an action
404 described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a

405 function described in Subsection (1)(a)(ii) in another county or a municipality within
 406 the other county without first entering into an agreement under Title 11, Chapter 13,
 407 Interlocal Cooperation Act, or other contract with the other county to perform the
 408 action, provide the service, exercise the power, or perform the function.

409 (2) A county may:

410 (a) sue and be sued;

411 (b)(i) subject to Subsection (4), acquire real property by tax sale, purchase, lease,
 412 contract, or gift; and

413 (ii) hold the real property acquired under Subsection (2)(b)(i) as necessary and
 414 proper for county purposes;

415 (c)(i) subject to Subsections (3)(a) and (b), acquire real property by condemnation, as
 416 provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and

417 (ii) hold the real property acquired under Subsection (2)(c)(i) as necessary and proper
 418 for county purposes;

419 (d) as may be necessary to the exercise of its powers, acquire personal property by
 420 purchase, lease, contract, or gift, and hold such personal property; and

421 (e) manage and dispose of its property as the interests of its inhabitants may require.

422 (3)(a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do
 423 not constitute real property that may be acquired by the county through
 424 condemnation.

425 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by
 426 condemnation the rights to water unless the land to which those water rights are
 427 appurtenant is acquired by condemnation.

428 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county
 429 intending to acquire real property for the purpose of expanding the county's
 430 infrastructure or other facilities used for providing services that the county offers or
 431 intends to offer shall provide written notice of the county's intent to acquire the property
 432 if:

433 (a) the property is located:

434 (i) outside the boundaries of the unincorporated area of the county; and

435 (ii) in a county of the first or second class; and

436 (b) the intended use of the property is contrary to:

437 (i) the anticipated use of the property under the general plan of the county in whose
 438 unincorporated area or the municipality in whose boundaries the property is

- 439 located; or
- 440 (ii) the property's current zoning designation.
- 441 (5)(a) Each notice under Subsection (4) shall:
- 442 (i) indicate that the county intends to acquire real property;
- 443 (ii) identify the real property; and
- 444 (iii) be sent to:
- 445 (A) each county in whose unincorporated area and each municipality in whose
- 446 boundaries the property is located; and
- 447 (B) each affected entity.
- 448 (b) A notice under Subsection (4) is a protected record as provided in Subsection
- 449 63G-2-305(8).
- 450 (6) The notice requirement of Subsection (4) does not apply if the county previously
- 451 provided notice under Section 17-79-203 identifying the general location within the
- 452 municipality or unincorporated part of the county where the property to be acquired is
- 453 located.
- 454 (7) If a county is not required to comply with the notice requirement of Subsection (4)
- 455 because of application of Subsection (6), the county shall provide the notice specified in
- 456 Subsection (4) as soon as practicable after the county's acquisition of the real property.
- 457 Section 13. Section **17-78-103** is amended to read:
- 458 **17-78-103 . Acquisition, management, and disposal of property.**
- 459 (1) [~~Subject to Subsection (4), a~~] A county may purchase, receive, hold, sell, lease, convey,
- 460 or otherwise acquire and dispose of any real or personal property or any interest in [sueh]
- 461 real or personal property if the action:
- 462 (a) is in the public interest; and
- 463 (b) complies with:
- 464 (i) this section; and
- 465 (ii) other law, including, as applicable, Title 11, Chapter 1, Part 2, Disposal of Public
- 466 Property.
- 467 (2) Any property interest acquired by the county shall be held in the name of the county
- 468 unless specifically otherwise provided by law.
- 469 (3) The county legislative body shall provide by ordinance, resolution, rule, or regulation
- 470 for the manner in which property shall be acquired, managed, and disposed of.
- 471 (4)(a) Before a county may dispose of a significant parcel of real property, the county
- 472 shall:

- 473 (i) provide reasonable notice of the proposed disposition at least 14 days before the
 474 opportunity for public comment under Subsection (4)(a)(ii); and
 475 (ii) allow an opportunity for public comment on the proposed disposition.
- 476 (b) Each county shall, by ordinance, define what constitutes:
 477 (i) a significant parcel of real property for purposes of Subsection (4)(a); and
 478 (ii) reasonable notice for purposes of Subsection (4)(a)(i).
- 479 (5)(a) A county may dispose of a significant parcel of real property in exchange for less
 480 than the present fair market value of the significant parcel of real property if the
 481 adjusted present value of the significant parcel of real property is equal to or greater
 482 than the present fair market value of the significant parcel of real property.
- 483 (b) Subsection (5)(a) does not affect a county's authority to dispose of a significant
 484 parcel of real property in a manner different from Subsection (5)(a) and in
 485 accordance with applicable law.
- 486 (6) Before a county agrees to dispose of a significant parcel of real property, the county
 487 may require the potential purchaser or lessee to provide evidence that:
 488 (a) the potential purchaser's or lessee's offer is bona fide;
 489 (b) the potential purchaser or lessee has the ability to pay the disposition price; or
 490 (c) any future benefits to the county from the disposal of the significant parcel of real
 491 property are reasonably anticipated.
- 492 (7) If a county receives an unsolicited offer to purchase or lease a significant parcel of real
 493 property:
 494 (a) the county is not required to consider the offer; and
 495 (b) a person may not consider the offer in determining the present fair market value of
 496 the significant parcel of real property, unless considering the offer is warranted under
 497 generally accepted standards of professional appraisal practice.
- 498 (8) A county may presume that the present fair market value of a significant parcel of real
 499 property is equal to the average of two appraised values each of which is based upon fair
 500 market value and calculated by a unique, independent appraiser who is licensed or
 501 certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and
 502 Certification Act.

503 Section 14. Section **17-79-812** is amended to read:

504 **17-79-812 . Exactions -- Exaction for water interest -- Requirement to offer to**
 505 **original owner property acquired by exaction.**

- 506 (1) A county may impose an exaction or exactions on development proposed in a land use

- 507 application, including, subject to Subsection (3), an exaction for a water interest, if:
- 508 (a) an essential link exists between a legitimate governmental interest and each exaction;
- 509 and
- 510 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
- 511 proposed development.
- 512 (2) If a land use authority imposes an exaction for another governmental entity:
- 513 (a) the governmental entity shall request the exaction; and
- 514 (b) the land use authority shall transfer the exaction to the governmental entity for which
- 515 it was exacted.
- 516 (3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if applicable,
- 517 the county's culinary water authority shall base any exaction for a water interest
- 518 on the culinary water authority's established calculations of projected water
- 519 interest requirements.
- 520 (ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base
- 521 an exaction for a culinary water interest on:
- 522 (A) consideration of the system-wide minimum sizing standards established for
- 523 the culinary water authority by the Division of Drinking Water in accordance
- 524 with Section 19-4-114; and
- 525 (B) the number of equivalent residential connections associated with the culinary
- 526 water demand for each specific development proposed in the development's
- 527 land use application, applying lower exactions for developments with lower
- 528 equivalent residential connections as demonstrated by at least five years of
- 529 usage data for like land uses within the county.
- 530 (iii) A county or culinary water authority may impose an exaction for a culinary
- 531 water interest that results in less water being exacted than would otherwise be
- 532 exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the
- 533 county's or culinary water authority's sole discretion, determines there is good
- 534 cause to do so.
- 535 (iv) A county shall make public the methodology used to comply with Subsection
- 536 (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an
- 537 exaction calculation used by the county or the county's culinary water authority
- 538 under Subsection (3)(a)(ii). A land use applicant may present data and other
- 539 information that illustrates a need for an exaction recalculation and the county's
- 540 governing body shall respond with due process.

- 541 (v) Upon an applicant's request, the culinary water authority shall provide the
542 applicant with the basis for the culinary water authority's calculations under
543 Subsection (3)(a)(i) on which an exaction for a water interest is based.
- 544 (b) A county or the county's culinary water authority may not impose an exaction for a
545 water interest if the culinary water authority's existing available water interests
546 exceed the water interests needed to meet the reasonable future water requirement of
547 the public, as determined under Subsection 73-1-4(2)(f).
- 548 (4)(a) If a county plans to dispose of surplus real property under Section 17-78-103 that
549 was acquired under this section and has been owned by the county for less than 15
550 years, the county shall first offer to reconvey the property, without receiving
551 additional consideration, to the person who granted the property to the county.
- 552 (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has
553 90 days to accept or reject the county's offer.
- 554 (c) If a person to whom a county offers to reconvey property declines the offer, the
555 county may offer the property for sale in accordance with the requirements of Title
556 11, Chapter 1, Part 2, Disposal of Public Property.
- 557 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by
558 a community development or urban renewal agency.
- 559 (5)(a) A county may not, as part of an infrastructure improvement, require the
560 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 561 (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in
562 excess of 32 feet:
- 563 (i) in a vehicle turnaround area;
- 564 (ii) in a cul-de-sac;
- 565 (iii) to address specific traffic flow constraints at an intersection, mid-block
566 crossings, or other areas;
- 567 (iv) to address an applicable general or master plan improvement, including
568 transportation, bicycle lanes, trails, or other similar improvements that are not
569 included within an impact fee area;
- 570 (v) to address traffic flow constraints for service to or abutting higher density
571 developments or uses that generate higher traffic volumes, including community
572 centers, schools, and other similar uses;
- 573 (vi) as needed for the installation or location of a utility which is maintained by the
574 county and is considered a transmission line or requires additional roadway width;

- 575 (vii) for third-party utility lines that have an easement preventing the installation of
 576 utilities maintained by the county within the roadway;
- 577 (viii) for utilities over 12 feet in depth;
- 578 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 579 (x) as needed for flood and stormwater routing;
- 580 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 581 (xii) as needed to accommodate street parking.
- 582 (c) Nothing in this section shall be construed to prevent a county from approving a road
 583 cross section with a pavement width less than 32 feet.
- 584 (d)(i) A land use applicant may appeal a municipal requirement for pavement in
 585 excess of 32 feet on a residential roadway.
- 586 (ii) A land use applicant that has appealed a municipal specification for a residential
 587 roadway pavement width in excess of 32 feet may request that the county
 588 assemble a panel of qualified experts to serve as the appeal authority for purposes
 589 of determining the technical aspects of the appeal.
- 590 (iii) Unless otherwise agreed by the applicant and the county, the panel described in
 591 Subsection (5)(d)(ii) shall consist of the following three experts:
- 592 (A) one licensed engineer, designated by the county;
- 593 (B) one licensed engineer, designated by the land use applicant; and
- 594 (C) one licensed engineer, agreed upon and designated by the two designated
 595 engineers under Subsections (5)(d)(iii)(A) and (B).
- 596 (iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may
 597 not have an interest in the application that is the subject of the appeal.
- 598 (v) The land use applicant shall pay:
- 599 (A) 50% of the cost of the panel; and
- 600 (B) the county's published appeal fee.
- 601 (vi) The decision of the panel is a final decision, subject to a petition for review under
 602 Subsection (5)(d)(vii).
- 603 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may
 604 file a petition for review of the decision with the district court within 30 days after
 605 the date that the decision is final.

606 Section 15. Section **17B-1-103** is amended to read:

607 **17B-1-103 . Special district status and powers -- Registration as a limited**
 608 **purpose entity.**

- 609 (1) A special district:
- 610 (a) is:
- 611 (i) a body corporate and politic with perpetual succession;
- 612 (ii) a quasi-municipal corporation;
- 613 (iii) a political subdivision of the state; and
- 614 (iv) separate and distinct from and independent of any other political subdivision of
- 615 the state; and
- 616 (b) may sue and be sued.
- 617 (2) A special district may:
- 618 (a) acquire, by any lawful means, or lease any real property, personal property, or a
- 619 groundwater right necessary or convenient to the full exercise of the district's powers;
- 620 (b) acquire, by any lawful means, any interest in real property, personal property, or a
- 621 groundwater right necessary or convenient to the full exercise of the district's powers;
- 622 (c) subject to Subsection (8), transfer an interest in or dispose of any property or interest
- 623 described in Subsections (2)(a) and (b);
- 624 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 625 the full exercise of the district's powers, and operate, control, maintain, and use those
- 626 works, facilities, and improvements;
- 627 (e) borrow money and incur indebtedness for any lawful district purpose;
- 628 (f) issue bonds, including refunding bonds:
- 629 (i) for any lawful district purpose; and
- 630 (ii) as provided in and subject to Part 11, Special District Bonds;
- 631 (g) levy and collect property taxes:
- 632 (i) for any lawful district purpose or expenditure, including to cover a deficit
- 633 resulting from tax delinquencies in a preceding year; and
- 634 (ii) as provided in and subject to Part 10, Special District Property Tax Levy;
- 635 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
- 636 domain property necessary to the exercise of the district's powers;
- 637 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 638 (j)(i) impose fees or other charges for commodities, services, or facilities provided by
- 639 the district, to pay some or all of the district's costs of providing the commodities,
- 640 services, and facilities, including the costs of:
- 641 (A) maintaining and operating the district;
- 642 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;

- 643 (C) issuing bonds and paying debt service on district bonds; and
644 (D) providing a reserve established by the board of trustees; and
645 (ii) take action the board of trustees considers appropriate and adopt regulations to
646 assure the collection of all fees and charges that the district imposes;
647 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
648 property to district facilities in order for the district to provide service to the property;
649 (l) enter into a contract that the special district board of trustees considers necessary,
650 convenient, or desirable to carry out the district's purposes, including a contract:
651 (i) with the United States or any department or agency of the United States;
652 (ii) to indemnify and save harmless; or
653 (iii) to do any act to exercise district powers;
654 (m) purchase supplies, equipment, and materials;
655 (n) encumber district property upon terms and conditions that the board of trustees
656 considers appropriate;
657 (o) exercise other powers and perform other functions that are provided by law;
658 (p) construct and maintain works and establish and maintain facilities, including works
659 or facilities:
660 (i) across or along any public street or highway, subject to Subsection (3) and if the
661 district:
662 (A) promptly restores the street or highway, as much as practicable, to its former
663 state of usefulness; and
664 (B) does not use the street or highway in a manner that completely or
665 unnecessarily impairs the usefulness of it;
666 (ii) in, upon, or over any vacant public lands that are or become the property of the
667 state, including school and institutional trust lands, as defined in Section
668 53C-1-103, if the director of the School and Institutional Trust Lands
669 Administration, acting under Sections 53C-1-102 and 53C-1-303, consents; or
670 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
671 (q) perform any act or exercise any power reasonably necessary for the efficient
672 operation of the special district in carrying out its purposes;
673 (r)(i) except for a special district described in Subsection (2)(r)(ii), designate an
674 assessment area and levy an assessment on land within the assessment area, as
675 provided in Title 11, Chapter 42, Assessment Area Act; or
676 (ii) for a special district created to assess a groundwater right in a critical

- 677 management area described in Subsection 17B-1-202(1), designate an assessment
678 area and levy an assessment, as provided in Title 11, Chapter 42, Assessment Area
679 Act, on a groundwater right to facilitate a groundwater management plan;
- 680 (s) contract with another political subdivision of the state to allow the other political
681 subdivision to use the district's surplus water or capacity or have an ownership
682 interest in the district's works or facilities, upon the terms and for the consideration,
683 whether monetary or nonmonetary consideration or no consideration, that the
684 district's board of trustees considers to be in the best interests of the district and the
685 public;
- 686 (t) upon the terms and for the consideration, whether monetary or nonmonetary
687 consideration or no consideration, that the district's board of trustees considers to be
688 in the best interests of the district and the public, agree:
- 689 (i)(A) with another political subdivision of the state; or
690 (B) with a public or private owner of property on which the district has a
691 right-of-way or adjacent to which the district owns fee title to property; and
692 (ii) to allow the use of property:
693 (A) owned by the district; or
694 (B) on which the district has a right-of-way; and
- 695 (u) if the special district receives, as determined by the special district board of trustees,
696 adequate monetary or nonmonetary consideration in return:
- 697 (i) provide services or nonmonetary assistance to a nonprofit entity;
698 (ii) waive fees required to be paid by a nonprofit entity; or
699 (iii) provide monetary assistance to a nonprofit entity, whether from the special
700 district's own funds or from funds the special district receives from the state or any
701 other source.
- 702 (3) With respect to a special district's use of a street or highway, as provided in Subsection
703 (2)(p)(i):
- 704 (a) the district shall comply with the reasonable rules and regulations of the
705 governmental entity, whether state, county, or municipal, with jurisdiction over the
706 street or highway, concerning:
- 707 (i) an excavation and the refilling of an excavation;
708 (ii) the relaying of pavement; and
709 (iii) the protection of the public during a construction period; and
710 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over

- 711 the street or highway:
- 712 (i) may not require the district to pay a license or permit fee or file a bond; and
- 713 (ii) may require the district to pay a reasonable inspection fee.
- 714 (4)(a) A special district may:
- 715 (i) acquire, lease, or construct and operate electrical generation, transmission, and
- 716 distribution facilities, if:
- 717 (A) the purpose of the facilities is to harness energy that results inherently from
- 718 the district's operation of a project or facilities that the district is authorized to
- 719 operate or from the district providing a service that the district is authorized to
- 720 provide;
- 721 (B) the generation of electricity from the facilities is incidental to the primary
- 722 operations of the district; and
- 723 (C) operation of the facilities will not hinder or interfere with the primary
- 724 operations of the district; and
- 725 (ii)(A) use electricity generated by the facilities described in Subsection (4)(a)(i);
- 726 or
- 727 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an
- 728 electric utility or municipality with an existing system for distributing
- 729 electricity.
- 730 (b) A district may not act as a retail distributor or seller of electricity.
- 731 (c) Revenue that a district receives from the sale of electricity from electrical generation
- 732 facilities [it] the district owns or operates under this section may be used for any
- 733 lawful district purpose, including the payment of bonds issued to pay some or all of
- 734 the cost of acquiring or constructing the facilities.
- 735 (5) A special district may adopt and, after adoption, alter a corporate seal.
- 736 (6)(a) Each special district shall register and maintain the special district's registration as
- 737 a limited purpose entity, in accordance with Section 67-1a-15.
- 738 (b) A special district that fails to comply with Subsection (6)(a) or Section 67-1a-15 is
- 739 subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 740 (7)(a) As used in this Subsection (7), "knife" means a cutting instrument that includes a
- 741 sharpened or pointed blade.
- 742 (b) The authority to regulate a knife is reserved to the state except where the Legislature
- 743 specifically delegates responsibility to a special district.
- 744 (c) Unless specifically authorized by the Legislature by statute, a special district may not

745 adopt or enforce a regulation or rule pertaining to a knife.

746 (8) A special district that disposes of or conveys real property shall comply with Title 11,
747 Chapter 1, Part 2, Disposal of Public Property.

748 Section 16. Section **17C-1-202** is amended to read:

749 **17C-1-202 . Agency powers.**

750 (1) An agency may:

751 (a) sue and be sued;

752 (b) enter into contracts generally;

753 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real
754 or personal property;

755 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal
756 property, subject to the requirements of Title 11, Chapter 1, Part 2, Disposal of Public
757 Property;

758 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may
759 include the use of agency funds or the collection of revenue;

760 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;

761 (g) provide for project area development as provided in this title;

762 (h) receive and use agency funds as provided in this title;

763 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants
764 running with the land consistent with the project area plan;

765 (j) accept financial or other assistance from any public or private source for the agency's
766 activities, powers, and duties, and expend any funds the agency receives for any
767 purpose described in this title;

768 (k) borrow money or accept financial or other assistance from a public entity or any
769 other source for any of the purposes of this title and comply with any conditions of
770 any loan or assistance;

771 (l) issue bonds to finance the undertaking of any project area development or for any of
772 the agency's other purposes, including:

773 (i) reimbursing an advance made by the agency or by a public entity to the agency;

774 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and

775 (iii) refunding bonds to pay or retire bonds previously issued by the community that
776 created the agency for expenses associated with project area development;

777 (m) pay an impact fee, exaction, or other fee imposed by a community in connection
778 with land development;

- 779 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
780 (o) transact other business and exercise all other powers described in this title.
- 781 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a
782 public purpose.
- 783 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project
784 area only if the board determines that the property will benefit a project area.
- 785 (4) An agency is not subject to Section 10-8-2, governing municipal appropriations and the
786 acquisition and disposal of municipal property, or Section 17-78-103, governing the
787 acquisition, management, and disposal of county property.
- 788 (5)(a) An agency may, subject to Subsection (5)(c), enter into a participation agreement
789 with a person to govern the development the person will undertake within a project
790 area.
- 791 (b) A participation agreement under Subsection (5)(a) shall include a description of:
792 (i) the project area development that the person will undertake;
793 (ii) the amount of project area funds the agency agrees to pay to the person to
794 facilitate the development; and
795 (iii) the terms and conditions under which the agency agrees to pay project area funds
796 to the person.
- 797 (c)(i) A participation agreement under Subsection (5)(a) is subject to board approval
798 by resolution of the board.
- 799 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board
800 describing how the project area development described in the participation
801 agreement will contribute to achieving the goals, policies, and purposes of the
802 project area plan.
- 803 (d)(i) Beginning on May 7, 2025, any participation agreement under this Subsection
804 (5) shall include a provision authorizing the agency, directly or through the county
805 in which the agency operates, to use funding that would otherwise be provided to
806 the participant to pay a participant's delinquent property tax or privilege tax or
807 resolve a political subdivision lien against the participant, as described in
808 Subsection 17C-1-409(6).
- 809 (ii) An agency that has entered into a participation agreement before May 7, 2025,
810 shall, as soon as reasonably practical, enter into an amendment to the participation
811 agreement with a participant to include a provision authorizing the agency to use
812 funding that would otherwise be provided to the participant to pay a participant's

813 delinquent property tax or privilege tax or resolve a political subdivision lien
814 against the participant, as described in Subsection 17C-1-409(6).

815 Section 17. Section **35A-8-407** is amended to read:

816 **35A-8-407 . Powers of housing authority.**

- 817 (1) An authority has perpetual succession and all the powers necessary to carry out the
818 purposes of this part.
- 819 (2) An authority may:
- 820 (a) sue and be sued;
 - 821 (b) have a seal and alter [~~it~~] the seal;
 - 822 (c) make and execute contracts and other instruments necessary to the exercise of its
823 powers;
 - 824 (d) make, amend, and repeal bylaws and rules;
 - 825 (e) within its area of operation, prepare, carry out, and operate projects and provide for
826 the acquisition, construction, reconstruction, rehabilitation, improvement, extension,
827 alteration or repair of any project;
 - 828 (f) undertake and carry out studies and analyses of housing needs within its area of
829 operation and ways of meeting those needs, including data with respect to population
830 and family groups and its distribution according to income groups, the amount and
831 quality of available housing, including accessible housing, and its distribution
832 according to rentals and sales prices, employment, wages and other factors affecting
833 the local housing needs and meeting these needs;
 - 834 (g)(i) make the results of studies and analyses available to the public and the
835 building, housing, and supply industries; and
836 (ii) engage in research and disseminate information on housing programs;
 - 837 (h) utilize, contract with, act through, assist, and cooperate or deal with any person,
838 agency, institution, or organization, public or private, for the provision of services,
839 privileges, works, or facilities, or in connection with its projects;
 - 840 (i) notwithstanding anything to the contrary contained in this part or in any other
841 provision of law:
 - 842 (i) agree to any conditions attached to federal financial assistance relating to the
843 determination of prevailing salaries or wages or payment of not less than
844 prevailing salaries or wages or compliance with labor standards in the
845 development or administration of projects;
 - 846 (ii) include in any contract awarded or entered into in connection with a project

- 847 stipulations requiring that the contractor and all subcontractors comply with
848 requirements as to minimum salaries or wages and maximum hours of labor; and
849 (iii) comply with any conditions attached to the financial aid of the project;
- 850 (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings,
851 structures, or facilities embraced in a project;
- 852 (k) subject to the limitations contained in this part with respect to the rental or charges
853 for dwellings in housing projects, establish and revise the rents or charges for the
854 dwellings;
- 855 (l) own, hold, and improve real or personal property;
- 856 (m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or
857 otherwise any real or personal property or any interest in it;
- 858 (n) sell, lease, exchange, transfer, assign, pledge, or dispose of real or personal property
859 or any interest in it;
- 860 (o) make loans for the provision of housing for occupancy by persons of medium and
861 low income;
- 862 (p) make loans or grants for the development and construction of accessible housing;
- 863 (q) insure or provide for the insurance, in stock or mutual companies, of real or personal
864 property or operations of the authority against any risks or hazards;
- 865 (r) procure or agree to the procurement of government insurance or guarantees of the
866 payment of any bonds, in whole or in part, issued by the authority, including the
867 power to pay premiums on the insurance;
- 868 (s) invest money held in reserves, sinking funds, or any funds not required for immediate
869 disbursement in property or securities in which savings banks may legally invest
870 money subject to their control;
- 871 (t) redeem its bonds at the redemption price established or purchase its bonds at less than
872 redemption price, with all bonds that are redeemed or purchased to be canceled;
- 873 (u) within its area of operation, determine where blighted areas exist or where there is
874 unsafe, insanitary, or overcrowded housing;
- 875 (v) make studies and recommendations relating to the problem of clearing, replanning,
876 and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary,
877 or overcrowded housing and providing dwelling accommodations and maintaining a
878 wholesome living environment for persons of medium and low income, and
879 cooperate with any public body or the private sector in action taken in connection
880 with those problems;

- 881 (w) acting through one or more commissioners or other persons designated by the
 882 authority, conduct examinations and investigations and hear testimony and take proof
 883 under oath at public or private hearings on any matter material for its information;
- 884 (x) administer oaths, issue subpoenas requiring the attendance of witnesses or the
 885 production of books and papers, and issue commissions for the examination of
 886 witnesses outside the state who are unable to appear before the authority or are
 887 excused from attendance;
- 888 (y) make available to appropriate agencies, including those charged with the duty of
 889 abating or requiring the correction of nuisances or like conditions or of demolishing
 890 unsafe or insanitary structures within its area of operation, its findings and
 891 recommendations with regard to any building or property where conditions exist that
 892 are dangerous to the public health, morals, safety, or welfare; and
- 893 (z) exercise all or any part or combination of the powers granted under this part.
- 894 (3)(a) If there are two or more housing authorities established within a county of the first
 895 or second class, then those housing authorities shall create a uniform online
 896 application for the housing choice voucher program with links to each of the housing
 897 authorities within the county.
- 898 (b) As used in Subsection (3)(a), "housing choice voucher program" means the federal
 899 government's housing assistance program administered by a housing authority, which
 900 enables low-income families, the elderly, and the disabled to secure decent, safe, and
 901 sanitary housing in the private market.
- 902 (4)(a) No provision of law with respect to the acquisition, operation, or disposition of
 903 property by other public bodies is applicable to an authority unless the Legislature
 904 specifically states that it is.
- 905 (b) An authority, other than a housing authority described in Section 35A-8-403, shall
 906 comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property.
 907 Section 18. Section **53C-4-101** is amended to read:
- 908 **53C-4-101 . Criteria for sale, lease, exchange, or other disposition of trust lands.**
- 909 (1)(a) The director shall establish criteria by rule for the sale, exchange, lease, or other
 910 disposition or conveyance of trust lands, including procedures for determining fair
 911 market value of those lands.
- 912 (b)(i) Nothing in this title or in the administration's rules and procedures shall be
 913 considered to require the director or the administration to execute any transaction
 914 for the disposition of trust lands on terms that the director determines by a written

- 915 finding to be unfavorable to the beneficiaries.
- 916 (ii) The director shall send a copy of the written finding to each board member for
917 review and comment.
- 918 (c) Before the administration sells or conveys trust lands, the administration shall
919 comply with the provisions of Title 11, Chapter 1, Part 2, Disposal of Public Property:
920 (i) the same as if the administration were a local governmental entity, as that term is
921 defined in Section 11-1-201, except the requirement to publish an announcement,
922 as described in Section 11-1-203, does not apply and Subsection 53C-4-102(3)
923 applies; and
- 924 (ii) to the extent that the requirements in Title 11, Chapter 1, Part 2, Disposal of
925 Public Property, are not expressly contradicted by another provision in this title.
- 926 (2) The governor, with the consent of the board, may participate in efforts and initiatives
927 related to school and institutional trust lands inholdings.
- 928 Section 19. Section **53G-4-902** is amended to read:
- 929 **53G-4-902 . Purchase of surplus property.**
- 930 (1) An eligible entity may purchase, and each school district shall sell, surplus property as
931 provided in this section.
- 932 (2)(a) Upon declaring land to be surplus property, each school district shall give written
933 notice to each eligible entity in which the surplus property is located.
- 934 (b) Each notice under Subsection (2)(a) shall:
- 935 (i) state that the school district has declared the land to be surplus property; and
936 (ii) describe the surplus property.
- 937 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by
938 paying the school district the purchase price.
- 939 (4)(a) The legislative body of each eligible entity desiring to purchase surplus property
940 under this section shall:
- 941 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt
942 a resolution declaring the intent to purchase the surplus property and deliver a
943 copy of the resolution to the school district; and
- 944 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
945 to the school district, deliver to the school district an earnest money offer to
946 purchase the surplus property at the purchase price.
- 947 (b) If an eligible entity fails to comply with either of the requirements under Subsection
948 (4)(a) within the applicable time period, the eligible entity forfeits the right to

949 purchase the surplus property.

950 (5)(a) An eligible entity may waive the eligible entity's right to purchase surplus
951 property under this part by submitting a written waiver to the school district.

952 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
953 no further obligation under this part to sell the surplus property to the eligible entity.

954 (6) Surplus property acquired by an eligible entity may not be used for any purpose other
955 than:

956 (a) a county, city, or town hall;

957 (b) a park or other open space;

958 (c) a cultural center or community center;

959 (d) a facility for the promotion, creation, or retention of public or private jobs within the
960 state through planning, design, development, construction, rehabilitation, business
961 relocation, or any combination of these, within a county, city, or town;

962 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
963 or private facilities, or other improvements that benefit the state or a county, city, or
964 town;

965 (f) a facility for a charter school under Chapter 5, Charter Schools; or

966 (g) the sale, use, or lease for moderate income housing, as defined in Section 63L-12-101.

967 (7) If no eligible entity purchases, or enters into an agreement with the school district to
968 purchase, the surplus property within one year of the day on which the school district
969 notifies eligible entities under Subsection (2), the school district may sell surplus
970 property in accordance with Title 11, Chapter 1, Part 2, Disposal of Public Property.

971 [~~7~~] (8)(a) A school district that sells surplus property under this part may use proceeds
972 from the sale only for bond debt reduction or school district capital facilities.

973 (b) Each school district that sells surplus property under this part shall place all proceeds
974 from the sale that are not used for bond debt reduction in a capital facilities fund of
975 the school district for use for school district capital facilities.

976 Section 20. **Repealer.**

977 This bill repeals:

978 Section 11-1-3, **False certificate -- Class A misdemeanor.**

979 Section 11-1-6, **Violation of act a misdemeanor.**

980 Section 21. **Effective Date.**

981 This bill takes effect on May 6, 2026.