



COUNTY CLASSIFICATION

A DIGEST OF STATUTES

Office of Legislative Research and General Counsel

Political Subdivisions Interim Committee

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DIGEST OF STATUTES AFFECTING FIRST-CLASS COUNTIES

*A county with a population of 700,000
or more is a county of the first class*

SCOPE & LIMITATIONS

This digest includes summaries of statutes that currently differentiate first-class counties from one or more other county classes.

This digest *does not* comprehensively include (1) legislation affecting specific counties and (2) legislation affecting counties with a specific population outside of the county classification scheme. Statutes that differentiate a county class historically but not presently are excluded.

For more context or information on a provision that is mentioned in the digest, see the corresponding reference in the right column.

HIGHLIGHTS

- **More Burdensome Annexation Process:** Areas in first-class counties have a more burdensome annexation process, including additional notification, additional ways for citizens to protest annexation, and a required feasibility study in some circumstances.
- **Metro Townships:** Areas in first-class counties can become metro townships. Doing so affects the metro township's leadership and election requirements, classification, taxing power, and municipal services.
- **Provide Municipal-Type Services:** A first-class county may provide municipal-type services and shall provide emergency services to other areas. In exchange, a service tax is imposed.
- **Transit District of Utah:** First-class county public transit districts have a specific name (Transit District of Utah)¹ and have additional representation on transit boards.² Transit projects serving a first-class county have additional assistance.
- **Homeless Shelter Grant:** First-class counties are given priority for a grant related to a homeless shelter that provides temporary shelter to at least 200 individuals per night.
- **Tax Breaks:** First-class counties have tax breaks for urban farming³ and airport fuels under certain conditions, and specific limits and requirements for taxes related to tourism.
- **Different Optional Tax Scheme:** First-class county taxing entities have different optional tax schemes, including a botanical tax and transportation tax.
- **Additional Board and Commission Members:** First-class counties have additional resident representation on certain commissions and boards.
- **Transportation Funds:** First-class counties have specific transportation funds and disbursement requirements, including the County of the First Class Highway Projects Fund.

¹ The Transit District of Utah statute is being discussed in the Transportation and Tax Review Task Force and will likely be repealed.

² The provisions regarding the board of trustees is being discussed in the Transportation and Tax Review Task Force and will likely change.

³ On January 1, 2019, urban farming provisions will no longer be county-specific.

TITLE 7 FINANCIAL INSTITUTIONS ACT

- Chapter 9 Utah Credit Union Act** – A credit union becomes nonexempt when its field of membership includes all residents of two or more counties and at least two of those counties are first- or second-class counties. § 7-9-55

TITLE 10 UTAH MUNICIPAL CODE

Chapter 2 Classification, Boundaries, Consolidation, and Dissolution of Municipalities

Part 4 Annexation –

- **Notification:** Additional notification is required for petitions proposing to annex areas located in counties of the first class. § 10-2-401, -403, -406
- **Protest:** Qualifying property owners affected by a proposed annexation within a first-class county may file a protest and are entitled to written notification of protest results. When a petition is protested, more entities in a county of the first class are required to provide the boundary commission with records and other relevant materials upon request than in other counties. §§ 10-2-407 (1)
- **Boundary Commission Disqualification:** A member of the boundary commission is disqualified with respect to a protest if that member owns certain land. When owning land in a county of the first class, disqualification standards are more stringent. § 10-2-411
- **Feasibility Study:** If a proposed annexation in a first-class county is protested, the boundary commission must—with exceptions—conduct a feasibility study within 45 days of receiving a protest. If the results of the feasibility study do not meet certain requirements, sponsors of the annexation petition may file a modified annexation petition. If the results of the feasibility study meet certain requirements, the boundary commission shall hold a public hearing within 30 days of the receipt of those results subject to certain notice requirements. §§ 10-2-413 (1), 10-2-414 (1), and 10-2-415 (1)
- **Annexation Without Petition:** Under § 10-2-425, a municipality may annex unincorporated land without property owner consent if the area is an island within or peninsula contiguous to the municipality and, for an area outside of a county of the first class, is no more than 50 acres. Under § 10-2-418, a municipality may annex an unincorporated area without petition if, among other requirements, the municipality has provided municipal-type services to the unincorporated area for over a year. Finally, a county of the first class may annex an area if the majority of private property owners give written consent to the recorder. §§ 10-2-425 (2) and § 10-2-418
- **Division of Municipal-Type Service Revenues:** The legislative body of a first-class county in which an area proposed for annexation is located shall, until the date of annexation, continue to levy and collect ad valorem property tax and other revenues and provide the same services to the area the county provided before the annexation proceedings began. After annexation, the county legislative body shall share pro rata with the annexing municipality the taxes and service charges or fees levied and collected by the county during the year of annexation under certain circumstances. Regarding annexation in a county of the first class, § 10-2-426 and §§ 10-2-418 (1)

"municipal-type services" does not include a service provided pursuant to a contract.

Chapter 2a Municipal Incorporation

Part 2 ***Incorporation of a City*** – In counties of the first class and second class, the lieutenant governor is required to send notice to owners of real property in proposed incorporation boundaries. § 10-2a-203

Part 3 ***Incorporation of a Town*** – For purposes of incorporating a town, an area within a first-class county is not considered contiguous if it meets certain population, voting eligibility, location, and geographic requirements. §§ 10-2a-302.5 (2)

Part 4 ***Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015*** – This entire part sets procedures for incorporating a metro township and pertains to a planning township and unincorporated areas in a county of the first class. Becoming a metro township affects the metro township’s leadership and election requirements, classification, taxing power, and municipal services. § 10-2a-402

Chapter 3 Municipal Government – For cities incorporated under Chapter 2a, Part 4, (Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015) council members are elected by district and the mayor is elected at large. Council districts must have substantially equal populations. §§ 10-3-205.5 (4)

Chapter 3c Administration of Metro Townships – A metro township—which must be in a first-class county—is a body corporate and politic with perpetual succession; a municipal corporation; and a political subdivision of the state. Metro townships may sue and be sued and exercise any power granted to a municipality, except where prohibited. §§ 10-3c-102 (2)

Chapter 7 Miscellaneous Powers of Cities and Towns – There is specific criteria for determining just compensation in a condemnation proceeding in a municipality within a first-class county. §§ 10-7-4 (3)

Chapter 8 Powers and Duties of Municipalities – Each municipality intending to acquire real property located in a first- or second-class county for the purpose of expanding the municipality's infrastructure or other services offered by the municipality is subject to certain notice requirements. §§ 10-8-2 (5)

Chapter 9a Municipal Land Use, Development, and Management Act

Part 2 ***Notice*** – Each municipality in a first- or second-class county shall provide 10 calendar days’ notice of its intent to prepare a proposed general plan or comprehensive general plan amendment subject to certain requirements. § 10-9a-203

Part 4 ***General Plan*** – Certain cities and metro townships within first-, second-, or third-class counties shall, on or before July 1, 2019, amend the general plan of the municipality to plan for moderate income housing growth if not already done. §§ 10-9a-401 (3)

TITLE 11 CITIES, COUNTIES, AND LOCAL TAXING UNITS

Chapter 36a	Impact Fees Act – A private entity—which is defined in Chapter 36a as a privately owned entity in a county of the first, second, third, or fourth class that provides water—may impose an impact fee under the requirements of Title 11, Chapter 36a.	§§ 11-36a-102 (13)
Chapter 38	Quality Growth Act – Regarding Quality Growth Commission membership, three of the six members who are elected officials at the local government level and two of the five private sector members may not be from first- or second-class counties.	§§ 11-38-201 (1)
Chapter 53	Residential Property Reimbursement – In a county of the first class, funds may be provided to reimburse eligible property owners for all or some of the costs incurred if a property owner transfers an eligible property title to a single-family fee simple ownership.	§ 11-53-201

TITLE 17 COUNTIES

Chapter 17	County Assessor – The county assessor in a first-, second-, or third-class county shall be a state-licensed or state-certified appraiser before filing a declaration of candidacy.	§ 17-17-2 (2)
Chapter 27a	County Land Use, Development, and Management Act	
<i>Part 1</i>	<i>General Provisions</i> – The definition of "subdivision" in this chapter excludes certain divisions or partitions of land in a county other than a first-class county.	§§ 17-27a-103 (62)
<i>Part 2</i>	<i>Notice</i> – Each county of the first or second class shall provide notice of intent to prepare a general plan or comprehensive general plan amendment.	§ 17-27a-203
<i>Part 9</i>	<i>Mountainous Planning District</i> – First-class counties may designate an area within the county as a mountainous planning district under certain circumstances. A planning commission with jurisdiction over the mountainous planning district must submit an annual report to the Legislature's Natural Resources, Agriculture, and Environment Interim Committee.	§§ 17-27a-901 (1) and (3)
Chapter 30	Deputy Sheriffs - Merit System – This chapter—which requires each county with a population of 20,000 or more to establish a merit system commission—does not apply to first-class counties or interlocal entities in which a first-class county is a party to an interlocal agreement to provide law enforcement service.	§§ 17-30-2 (1) and 17-30-3 (1)
Chapter 30a	Peace Officer Merit System in Counties of the First Class Act – This chapter applies to a county of the first class or a police interlocal entity in which a county of the first class is a party to an interlocal agreement to provide law enforcement service. This chapter requires a Merit System Commission to be established and provides for membership, employment, and disciplinary actions.	Title 17, Chapter 30a
Chapter 34	Municipal-Type Services to Unincorporated Areas – In a county of the first class, advanced life support and paramedic services and detective investigative services are	§§ 17-34-1 (1) and (4)

included in the definition of "Municipal-type services." First-class counties shall provide advanced life support and paramedic services and detective investigative services to the area of the county outside the limits of cities and towns. The costs of municipal-type services are defrayed by taxes imposed outside the limits of incorporated towns or cities and service charges paid by benefitting individuals.

Chapter 36	Uniform Fiscal Procedures Act for Counties – First-, second-, and third-class counties that provide municipal-type services shall establish a fund and budget appropriations from that fund. The county may deposit any taxes, fund income, federal money, or fees into the fund, except for depositing a countywide source into a municipal fund.	§§ 17-36-9 (2)
Chapter 50	General Provisions for Counties	
<i>Part 1</i>	<i>General Provisions</i> – A county of the first and second class must create an inventory of county activities that compete with another entity and efforts that have been made to privatize aspects of the activity. The governing body shall update the inventory every two years and make the inventory electronically available.	§ 17-50-107
<i>Part 3</i>	<i>County Powers</i> – A county must provide notice when intending to acquire property for the purpose of expanding the county’s infrastructure if the property is located in a county of the first or second class and outside the boundaries of the unincorporated area of the county; and when the intended use of the property is contrary to the anticipated use in the general plan or the current zoning designation.	§§ 17-50-302 (2)
<i>Part 5</i>	<i>Classification</i> – A county with a population of 700,000 or more is a county of the first class.	§§ 17-50-501 (2)(a)
Chapter 52a	Changing Forms of County Government – First- and second-class counties may adopt an alternative process for filing county commissioner vacancies.	§§ 17-52a-201 (6)

TITLE 17B LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - LOCAL DISTRICTS

Chapter 1	Provisions Applicable to All Local Districts	
<i>Part 1</i>	<i>General Provisions</i> – Local districts within a first- and second-class county are required to provide notice of its intent before preparing or amending a long-range plan.	§§ 17B-1-106 (2) and (3)
<i>Part 4</i>	<i>Annexation</i> – "Fire district annexation" means an annexation under this part of an area located in a county of the first class to a local district that was created to provide fire protection, paramedic, and emergency services and did not require an election.	§§ 17B-1-414 (3)
<i>Part 5</i>	<i>Withdrawal</i> – An area within the boundaries of a local district in a first-class county is automatically withdrawn from the local district by the incorporation of a municipality whose boundaries include that area if certain conditions are met.	§§ 17B-1-502 (3)
<i>Part 10</i>	<i>Local District Property Tax Levy</i> – Property tax for a service area in a county of the first or second class that provides fire protection, paramedic, and emergency services or law enforcement services is capped at .0023.	§§ 17B-1-1002 (1)

Chapter 2a	Provisions Applicable to Different Types of Local Districts	
	<ul style="list-style-type: none"> • Transit-Oriented District: Under certain conditions, a public transit district may assist in a transit-oriented development. A “transit-oriented district” includes the development of land owned by a public transit district that serves a first-class county. §§ 17B-2a-802 (18) • Transit District of Utah: Beginning May 8, 2018, the large public transit district with a portion of the district within a county of the first class shall be called Transit District of Utah.⁴ §§ 17B-2a-803.1 (2) • Board of Trustees: The chief executive officer of a first-class county within a large public transit district shall nominate two or more individuals to the governor for appointment to the board of trustees, with approval of the county legislative body.⁵ §§ 17B-2a-807.1 (1)(b) • Local Advisory Board: The council of governments of a first-class county with a large public transit district shall appoint three members to the local advisory board. The chief executive officer of a city that is the county seat of a first-class county within a large public transit district shall appoint one member. §§ 17B-2a-808.2 (2) • Service Districts: With exceptions, a municipal services district may only be created in unincorporated areas of first-class counties. If a municipal services district is created in a county of the first class with the county executive-council form of government, the initial governance of the municipal services district is provided in § 17B-2a-1106. § 17B-2a-1103 	

TITLE 17C LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - COMMUNITY REINVESTMENT AGENCY ACT

Chapter 1	Agency Operations – For a taxing entity committee of a community reinvestment agency in a first-class county, one representative shall be appointed by the county executive and one representative shall be appointed by the county legislative body of the county in which the agency is located.	§§ 17C-1-402 (2)
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TITLE 17D LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - OTHER ENTITIES

Chapter 1 Special Service District Act

<i>Part 2</i>	<i>Creating a Special Service District, Powers, and Governance</i> – First-class counties may create a special service district to provide extended police protection.	§§ 17D-1-201 (15)
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Part 3 Administrative Control Board –

- **Number of Members:** An administrative control board for a special service district established by a county of the first class to provide jail service has nine members, as opposed to a minimum of three for other counties. §§ 17D-1-302 (2)
- **Appointment:** The legislative body of a first-class county shall appoint specified members to an administrative review board created for a special service district created to provide jail services.

⁴ This provision is being discussed in the Transportation and Tax Review Task Force and will likely be repealed.

⁵ This provision is being discussed in the Transportation and Tax Review Task Force and will likely be revised.

- **Board Review:** An administrative control board created in a county of the first class may review and approve certain reimbursements for services before the amount is included in the special service district budget. §§ 17D-1-303 (5)

§ 17D-1-306

TITLE 19 ENVIRONMENTAL QUALITY CODE

Chapter 4 Safe Drinking Water Act

- **Fluoridated Water:** Counties of the first and second class have a different process for electing to have fluoride added or removed from the water supply, in which an election is held upon the passage of a resolution by the county legislative body to place an opinion question on the ballot. §§ 19-4-111 (2)
- **Supplying Fluoridated Water:** A public water system in a county of the first or second class may supply fluoridated water to a residence or business located in both a county that has approved fluoridation and a county that has not under the conditions specified in this statute. § 19-4-111.1
- **Water Source Protection Ordinance:** First- and second-class counties are required to adopt a water source protection ordinance in compliance with § 19-4-113. Municipalities in a first- or second-class county may adopt such an ordinance as well by following the same procedure. §§ 19-4-113 (1)

TITLE 20A ELECTION CODE

Chapter 3 **Voting** – Counties of the first class shall ensure that early voting polling places are approximately proportionately distributed based on population within the county for each regular general election and regular primary election. §§ 20A-3-603 (3)

Chapter 7 **Issues Submitted to the Voters** – Sponsors of a statewide initiative must hold at least two of the seven geographically distributed public hearings in a county of the first or second class, but not in the same county. §§ 20A-7-204.1 (1)

TITLE 26 UTAH HEALTH CODE

Chapter 8a Utah Emergency Medical Services System Act

- **Political Subdivision:** A political subdivision may provide ambulance and paramedic services to another area. A "political subdivision" is defined to include a city or town in a county of the first or second class, a county of the first or second class, and certain districts in a county of the first or second class. §§ 26-8a-102 (17)
- **Fire District:** A "fire district" means a local district that is located in a county of the first or second class and provides fire protection, paramedic, and emergency services. §§ 26-8a-405.2 (1)

Chapter 8b **Utah Sudden Cardiac Arrest Survival Act** – A county or municipality of the first, second, or third class can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 50%. §§ 26-8b-602 (6)

Chapter 39 Utah Child Care Licensing Act – At least one of the three members appointed by the governor in §§ 26-39-200(1)(b) for the Child Care Center Licensing Committee shall reside in a county that is not of the first class. §§ 26-39-200 (1)

TITLE 34A UTAH LABOR CODE

Chapter 2 Workers' Compensation Act – For a specified time period, a workers' compensation insurance carrier or self-insured employer that is reimbursing a hospital in a county of the first, second, or third class for covered medical services shall reimburse the hospital at 75% of the billed hospital fees for the covered medical services. §§ 34A-2-407 (11)

TITLE 35A UTAH WORKFORCE SERVICES CODE

Chapter 8 Housing and Community Development Division

- **Multiple Housing Authorities:** If there are two or more housing authorities established in a county of the first or second class, those housing authorities shall create a uniform online application for the housing choice voucher program with links to each of the housing authorities in the county. §§ 35A-8-407 (3)
- **Shelter Location Grant:** The county executive of a first-class county may recommend a site location, acquire a site, and hold title to property and resources for the homeless shelter if the facility is or will be located outside of Salt Lake City. Such a recommendation was required to be made before March 30, 2017. The homeless shelter grant described in §§ 35A-8-604(9) gives priority to homeless shelters located in a county of the first class that can provide temporary shelter to at least 200 individuals per night. §§ 35A-8-604 (6), (7), and (9)
- **Commission Member:** One of the individuals appointed to the Commission on Housing Affordability under §§ 35A-8-2202(2)(h)(vii) must be from a county of the first class. §§ 35A-8-2202 (2)(h)(vii)

TITLE 41 MOTOR VEHICLES

Chapter 1a Motor Vehicle Act

- Vehicles used in a Highway Patrol operation within a county of the first or second class do not need to display an identification mark or "EX" on their license plate in certain circumstances. §§ 41-1a-407 (1) and (2)
- Seventy percent of fees generated under § 41-1a-1222 in a county of the first class shall be deposited in the County of the First Class Highway Projects Fund. Thirty percent shall be deposited in the Local Highway and Transportation Corridor Preservation Fund. §§ 41-1a-1222 (2)

Chapter 6a Traffic Code – All-terrain type I, type II, and type III vehicles cannot be operated on certain highways in a county of the first class. §§ 41-6a-1509 (1)

TITLE 51 PUBLIC FUNDS AND ACCOUNTS

Chapter 7 State Money Management Act – Public funds that are deposited or invested by a city of the first class or a county of the first class in certain specified bonds, notes, obligations, or other evidences of indebtedness listed in § 51-7-11 must have a remaining term to final maturity of 10 years or less, unless the funds invested are pledged or otherwise deposited in an irrevocable trust escrow account. § 51-2-306

TITLE 53 PUBLIC SAFETY CODE

Chapter 7 Utah Fire Prevention and Safety Act – One of the members of the Utah Fire Prevention Board shall be a fire executive from a full-time fire department in a county of the first class. §§ 53-7-203 (2)

TITLE 53G PUBLIC EDUCATION SYSTEM -- LOCAL ADMINISTRATION

Chapter 3 School District Creation and Change – A school district located in a county of the first or second class shall provide written notice of its intent before preparing a long-range plan or amendments to an existing long-range plan. Each school district intending to acquire real property in a county of the first or second class to expand the district's infrastructure or other facilities shall provide written notice of its intent if the intended use of the property is contrary to the county or municipality's general plan or the property's zoning designation. §§ 53G-3-204 (2) and (3)

TITLE 54 PUBLIC UTILITIES

Chapter 3 Duties of Public Utilities – A public utility that prepares or amends a proposed long-range plan for facilities in a county of the first or second class shall first provide written notice of its intent. A public utility intending to acquire real property in a county of the first or second class to expand its infrastructure or other facilities shall provide written notice of its intent if the use is contrary to the county or municipality's general plan or the property's zoning designation. §§ 54-3-28 (2) and (3)

TITLE 59 REVENUE AND TAXATION

Chapter 2 Property Tax Act

Part 3 County Assessment –

- **Signed Statement by Taxpayers:** A county assessor may request a signed statement from any taxpayer setting forth all the real and personal property owned by the tax payer that is assessable by the assessor. The signed statements are due on May 15. For a county of the first class, the signed statement shall be filed on the later of 60 days after requested by the assessor or on or before May 15 if the county legislative body adopts the revised deadline. § 59-2-306
- **Deadline Leniency:** The assessor of a county of the first class shall make a subsequent request for the signed statement if an owner neglects or refuses to file. The penalty for failure to file a signed statement or testify may not be imposed § 59-2-307

until 30 days after subsequent notice if the statement is requested by a county assessor of a county of the first class.

Part 9 Levies –

- **Tax for Convention Complex:** Unlike other counties, a county of the first class may continue to impose a property tax levy upon retirement of bonds issued for the development of a convention complex. § 59-2-911
- **Certified Tax Rate Calculation:** The certified tax rate for a municipality in a first-, second-, or third-class county that was incorporated on or after July 1, 1996, is the levy imposed for municipal-type services under § 17-34-1 and 17-36-9. § 59-2-924
- **Police District:** Counties and municipalities covered by a police district will be subject to a property tax to cover law enforcement costs. For §§ 59-2-924.2 (6), "police district" means a service area within a county of the first class that was created without an election to provide law enforcement. § 59-2-924.2

Part 17⁶ Urban Farming Assessment Act – This act provides that certain land used for urban farming can be assessed based on agricultural value—a lower value, thus a lower tax—and that a rollback tax is imposed if the land is withdrawn from urban farming activity. As defined for Title 59, Chapter 2, Part 17, "Urban farming" can only occur in a county of the first class or a county of the second class that is at least 98% urban. Title 59, Chapter 2, Part 17

Chapter 12 Sales and Use Tax Act

Part 1 Tax Collection – The sale of construction materials purchased for the benefit of an international airport that has a United States customs office and is within a county of the first class is exempt from sales and use tax if certain conditions are met, under §§ 59-12-104(66). §§ 59-12-104(66)

Part 3 Transient Room Tax – Fifteen percent of a county transient room tax imposed at a rate not to exceed 4.25% for certain accommodations and services by the legislative body of a first-class county shall be deposited into the Transient Room Tax Fund until June 30, 2027. § 59-12-301

Part 6 Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act – A county of the first class may impose a tax that may not exceed .5% on charges for certain accommodations and services. If such a tax is imposed, the county of the first class shall expend at least \$450,000 of revenue yearly to fund a marketing and ticketing system for ski tourism. Regardless of whether the county has created a tourism tax advisory board under § 17-31-8, the legislative body for a county of the first class shall create a tax advisory board, which shall advise the county legislative body of expenditures of this tax revenue. § 59-12-403

Part 7 County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities –

- **Botanical and Cultural Org. Tax:** A county of the first class shall allocate a tax imposed under Title 59, Chapter 12, Part 7, in a manner that provides adequate § 59-12-701

⁶ Beginning January 1, 2019, the definition for "urban farming" will no longer be county specific. Also, any county will be able to adopt an ordinance implementing the Urban Farming Assessment Act within that county. (See § 59-2-1714).

predictable support to a fixed number of botanical and cultural organizations and discretion to allocate to other botanical and cultural organizations.

- **Definitions:** A radio or television broadcasting network or station, cable communications system, newspaper, or magazine is excluded from the definition of "cultural organization" if it is in a county of the first or second class. "Zoological facility" is defined for counties of the first class. A "zoological organization" in a county of the first class is defined by different criteria than other counties. § 59-12-702
- **Allocation:** Taxes collected under Title 59, Chapter 12, Part 7, in a county of the first class must be distributed by the county legislative body as follows: 30% to support cultural facilities and recreational facilities; 16% to support zoological facilities and organizations, including zoos, aquariums, and aviaries; 45% to support no more than 22 botanical and cultural organizations with operation expenses that exceed \$250,000; 9% to support other botanical and cultural organizations. § 59-12-704
- **Advisory Board:** Two members of the advisory board for the county's disbursement of funds to botanical organizations and cultural organizations in a county of the first class shall be from the Utah Arts Council. § 59-12-704
- **Expense Report:** To be eligible to receive money, a botanical, cultural, or zoological organization or zoological facility located within a county of the first class shall submit annual expense reports, unless waived. § 59-12-704
- **Misc.:** The county legislative body of a first-class county may index the threshold amount of a facility's operating expenses for purposes of allocating tax revenue but may not disperse funds by ordinance. § 59-12-704

Part 20

Supplemental State Sales and Use Tax Act – The state shall impose a tax in a city, town, or unincorporated area of a county of the first or second class if on January 1, 2008, there was a public transit district in any portion of the county. The state may not impose this tax if there is already a sales and use tax of .30% under § 59-12-2213, -2215, or -2216. If the state imposes this public transit tax, it must be a percentage equal to the difference between .30% and the highest rate imposed under § 59-12-2213, -2215, and -2216. § 59-12-2003

Part 22

Local Option Sales and Use Taxes for Transportation Act –

- **Regionally Significant Transp. Facility:** In a county of the first or second class, a "regionally significant transportation facility" means a principal or minor arterial highway, certain fixed guideways, or an airport of regional significance. § 59-12-2202
- **Tax for Sys. of Transp.:** A county of the first class that imposes a sales and use tax of 0.25% under § 59-12-2214 shall expend 80% on a system for public transit and deposit 20% into the County of the First Class Highway Projects Fund. § 59-12-2214
- **Tax for Transp. Project:** A county that chooses to impose a tax under § 59-12-2217 may only expend tax revenue on a project or service for new capacity or congestion mitigation if it is performed in a county of the first or second class. Such a project will be part of the county/municipal master plan and statewide long-range plan or regional transportation plan if the project is a principal or minor arterial highway in a county of the first or second class. A project or service on a regionally significant transportation facility in a county of the first or second class shall have a funded year priority designation if the project is a principle or minor arterial highway or a major collector highway in a rural area. § 59-12-2217

Of the revenues collected under § 59-12-2217 within a county of the first class, 25% or more shall be expended for corridor preservation. Revenue allocated to corridor preservation in a county of the first class shall be deposited in County of the First Class Highway Projects Fund. A council of governments of a county of the first or second class shall submit a written prioritization process to the Executive Appropriations Committee for approval prior to taking final action.

- **Revenue Disbursement:** If a city or town within a county is annexed into the same single public transit district as a county of the first class, revenue under § 59-12-2219 will be distributed in accordance with § 59-12-2219(5). If a county of the first or second class is not annexed into a single public transit district, revenue under § 59-12-2219 will be distributed in accordance with §§ 59-12-2219(6). Beginning July 1, 2020, if a county has not imposed a sales and use tax under § 59-12-2219, the legislative body of a city or town may impose a .25% sales and use tax on certain transactions if the city or town is in a county of the first, second, or third class and has been annexed into a public transit district or is an eligible political subdivision as defined in §§ 59-12-2219(1).

§ 59-12-2219

Chapter 13 Motor and Special Fuel Tax Act

Part 4 Aviation Fuel –

- **Aviation Fuel Tax:** Aviation fuel purchased for use by a federally certificated air carrier and in a county of the first class at a location with an on-premise United States customs office is subject to a reduced tax of 2.5 cents per gallon at an international airport and 4 cents per gallon elsewhere.
- **Allocation:** The aviation fuel tax collected under § 59-13-401 is allocated differently to airports located in a county of the first class with an on-premise United States customs. Reports and returns from distributors, retail dealers, and users are required for revenue disbursement.

§ 59-13-401

§ 59-13-402

TITLE 61 SECURITIES DIVISION - REAL ESTATE DIVISION

- Chapter 2f Real Estate Licensing and Practices Act –** At least one member of the Real Estate Commission shall reside in a county that is not a county of the first or second class.

§§ 61-2f-103 (3)

TITLE 62A UTAH HUMAN SERVICES CODE

- Chapter 15 Substance Abuse and Mental Health Act –** Of the five mobile crisis outreach grants, the Division of Substance Abuse and Mental Health may award a grant to a team in a county of the first class if no more than two mobile crisis outreach teams are operating or have already been awarded in that county.

§ 62A-15-116

TITLE 63A UTAH ADMINISTRATIVE SERVICES CODE

- Chapter 5 State Building Board - Division of Facilities Construction and Management –** The division may transfer land it owns in a county of the first class to a public transit district to develop a commuter rail transit station and associated development if location and consideration requirements are met.

§ 63A-5-224

TITLE 63C STATE COMMISSIONS AND COUNCILS CODE

- Chapter 4a** **Constitutional and Federalism Defense Act** – The membership of the Constitutional Defense Council shall include four county commissioners, at least one of whom shall be from a county of the first or second class. §§ 63C-4a-202 (2)
- Chapter 18** **Mental Health Crisis Line Commission** – The Mental Health Crisis Line Commission shall include one individual who represents a county of the first or second class, appointed by the Utah Association of Counties. §§ 63C-18-202 (1)

TITLE 63G GENERAL GOVERNMENT

- Chapter 6a** **Utah Procurement Code** – A transportation agency may award a design-build transportation project contract for a project with an estimated cost of at least \$50,000,000 by following the requirements of § 63G-6a-1402. A "transportation agency" includes the Dept. of Transp., a county of the first or second class, a municipality of the first class, a large public transit district, or a public airport. §§ 63G-6a-1402 (1)

TITLE 63H INDEPENDENT STATE ENTITIES

- Chapter 7a** **Utah Communications Authority Act** – The Utah Communications Authority may expend funds to create a shared interoperable computer aided dispatch platform selected by a county of the first class when authorized through an interlocal agreement and when county interface with such a platform is possible. §§ 63H-7a-303 (2)

TITLE 63N GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

- Chapter 2** **Tax Credit Incentives for Economic Development** – Except in a county of the first or second class, tax incentives under Title 63N, Chapter 2, Part 2, are not available to a business entity that closes or permanently curtails operations if the closure would diminish employment in that part of the state. § 63N-2-211
- Chapter 3** **Economic Development Programs** – The executive director shall expend or pledge the money deposited into the Transient Room Tax Fund to mitigate the impacts of traffic and parking relating to a convention facility within a county of the first class. The executive director may not expend more than \$20,000,000. § 63N-3-403

TITLE 72 TRANSPORTATION CODE

- Chapter 2** **Transportation Finances Act**
- **Local Highway and Transp. Corridor Preservation Fund:** In a county of the first or second class, the Local Highway and Transportation Corridor Preservation Fund shall only be used to preserve a principal or minor arterial highway, collector highway, or transit facility. §§ 72-2-117.5 (6)

- **County of the First Class Highway Projects Fund:** Section 72-2-121 creates the County of the First Class Highway Projects Fund and provides for the fund's contributions, interest, allocation, administrative costs, and other necessary provisions. A county of the first class is required to create a county transportation advisory committee to review and rank proposed projects, and the county executive is required to provide an annual report on the fund. § 72-2-121
- **2010 Salt Lake County Revenue Bond Sinking Fund:** Section 72-2-121.3 creates the 2010 Salt Lake County Revenue Bond Sinking Fund—a special revenue fund within the County of the First Class Highway Projects Fund—and provides for contributions, interest, allocation, and the transfer of lapsing funds. § 72-2-121.3
- **Salt Lake County and Utah Interlocal Agreement:** Section 72-2-121.4 provides that the state of Utah and Salt Lake County may enter into an interlocal agreement. This section also provides covenants that Salt Lake City and the state of Utah would be required to make in the interlocal agreement. The section touches on costs of transportation projects and funding, including money from the County of the First Class Highway Projects Fund. §72-2-121.4 (7)–(9)
- **Transportation Investment Fund of 2005:** Section 72-2-124 creates the Transportation Investment Fund of 2005 and provides for its interaction with other funds, including the County of the First Class Highway Projects Fund and 2010 Salt Lake County Revenue Bond Sinking Fund. §§ 72-2-124 (4)

Chapter 3 Highway Jurisdiction and Classification Act – The state and city have joint undivided interest in the title to all rights-of-way for all city streets, except for city streets within counties of the first and second class. §§ 72-3-104 (3)

Chapter 7 Protection of Highways Act – Size, weight, and load limitations in Title 72, Chapter 3, apply to highway construction and maintenance equipment temporarily being operated between a material site and a highway maintenance site or a highway construction project in a county of the first or second class. §§ 72-7-401 (2)

TITLE 73 WATER AND IRRIGATION

Chapter 5 Administration and Distribution – The state engineer is required to inventory all water conveyances. When inventorying a county of the first or second class, the state engineer shall include enclosed segments of each open, human-made water conveyance system in addition to the other required items. §§ 73-5-7 (2)

TITLE 77 UTAH CODE OF CRIMINAL PROCEDURE

Chapter 32 Indigent Defense Act – The Utah Association of Counties shall recommend one member of the Utah Indigent Defense Commission from a first- or second-class county. §§ 77-32-802 (1)

TITLE 78A JUDICIARY AND JUDICIAL ADMINISTRATION

Chapter 7 Justice Court

- **Justice Court Creation:** A county of the first or second class may create a justice court by filing a written declaration with the Judicial Council—unlike other counties which must also demonstrate a need. §§ 78A-7-102 (2)
- **Judge Qualification:** In first- and second-class counties, justice court judges shall have a degree from a law school that makes one eligible for bar admission in any state. If there are not at least three applicants who meet this requirement, the justice court nominating commission shall readvertise the position and may accept applicants who do not meet this requirement as well as certain residency requirements. § 78A-7-201
- **Justice Judge Reduction and Addition:** Political subdivisions in first- and second-class counties may initiate a reduction in force of justice court judges under certain circumstances and may only add new justice court judge positions if the Judicial Council approves of the creation of the position. §§ 78A-7-203 (5) and (6)

TITLE 79 NATURAL RESOURCES

- Chapter 5 Recreational Trails** – The Division of Parks and Recreation may plan and develop urban trails that connect parks, scenic and natural areas, historical sites, and neighboring communities within first- or second-class counties. § 79-5-302

DIGEST OF STATUTES AFFECTING SECOND-CLASS COUNTIES

*A county with a population between 125,000
and 700,000 is a county of the second class.*

SCOPE & LIMITATIONS

This digest includes summaries of statutes that currently differentiate second-class counties from one or more other county classes.

This digest *does not* comprehensively include (1) legislation affecting specific counties and (2) legislation affecting counties with a specific population outside of the county classification scheme. Statutes that differentiate a county class historically but not presently are excluded.

For more context or information on a provision that is mentioned in the digest, see the corresponding reference in the right column.

HIGHLIGHTS

- **Planning Advisory Area Population:** The required percentage of population to establish a planning advisory area in a county of the second class is lower than other eligible counties.
- **Small Health Care Facility:** Certain small health care facilities in counties of the second class may apply for a license under a pilot program.
- **Transportation Funds:** Second-class counties have specific transportation funds and disbursement requirements, including the County of the Second Class State Highway Projects Fund.
- **Shared Provisions with First-Class Counties:**
 - Both counties may choose an optional election plan for county commissioners.
 - Both counties are required to pass a resolution and hold an election to add or remove fluoride to the water supply.
 - Both counties are required to create a uniform online application for the housing choice voucher program under certain conditions.
 - Both counties have additional resident representation on certain commissions and boards.
- **Shared Provisions Between Counties of the First – Third Class:**
 - County assessors must be a state-licensed or state-certified appraiser before declaring candidacy.
 - Workers' compensation shall reimburse the hospital at 75% of hospital fees.
 - These counties can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 50%.
 - If the county provides municipal-type services, it shall establish a fund and budget appropriations from that fund.

TITLE 7 FINANCIAL INSTITUTIONS ACT

Chapter 9 Utah Credit Union Act – A credit union becomes nonexempt when its field of membership includes all residents of two or more counties and at least two of those counties are first- or second-class counties. § 7-9-55

TITLE 10 UTAH MUNICIPAL CODE

Chapter 2 Classification, Boundaries, Consolidation, and Dissolution of Municipalities

Part 4 Annexation –

- **Definitions:** The definition for an "affected entity"—which creates extra notification requirements for the annexation of an unincorporated area—includes third-, fourth-, fifth-, and sixth-class counties in whose unincorporated area the area proposed for annexation is located if the area contains residents or commercial or industrial development. A "specified county"—which cannot have unincorporated land annexed unless it first adopts an annexation policy plan—means a county of the second, third, fourth, fifth, or sixth class. §§ 10-2-401 (1)
- **Annexation Without Petition:** A municipality may annex unincorporated land without a petition if the area consists only of one or more unincorporated islands in a county of the second class, is located in the expansion area of a municipality, and the county legislative body provides notice to property owners. §§ 10-2-418 (2)

Chapter 2a Municipal Incorporation

Part 2 Incorporation of a City – In counties of the first and second class, the lieutenant governor is required to send notice to owners of real property in proposed incorporation boundaries. Certain property shall be excluded from the proposed incorporation boundary. § 10-2a-203

Chapter 8 Powers and Duties of Municipalities – Each municipality intending to acquire real property located in a first- or second-class county for the purpose of expanding the municipality's infrastructure or other services offered by the municipality is subject to certain notice requirements. §§ 10-8-2 (5)

Chapter 9a Municipal Land Use, Development, and Management Act

Part 2 Notice – Each municipality in a first- or second-class county shall provide 10 calendar days' notice of its intent to prepare a proposed general plan or comprehensive general plan amendment subject to certain requirements. § 10-9a-203

Part 4 General Plan – Certain cities and metro townships within first-, second-, or third-class counties shall, on or before July 1, 2019, amend the general plan of the municipality to plan for moderate income housing growth if not already done. §§ 10-9a-401 (3)

TITLE 11 CITIES, COUNTIES, AND LOCAL TAXING UNITS

Chapter 36a	Impact Fees Act – A private entity—which is defined in Chapter 36a as a privately owned entity in a county of the first, second, third, or fourth class that provides water—may impose an impact fee under the requirements Title 11, Chapter 36a.	§§ 11-36a-102 (13)
Chapter 38	Quality Growth Act – Regarding Quality Growth Commission membership, three of the six members who are elected officials at the local government level and two of the five private sector members may not be from first- or second-class counties.	§§ 11-38-201 (1)

TITLE 17 COUNTIES

Chapter 17	County Assessor – The county assessor in a first-, second-, or third-class county shall be a state-licensed or state-certified appraiser before filing a declaration of candidacy.	§ 17-17-2 (2)
Chapter 27a	County Land Use, Development, and Management Act	
<i>Part 2</i>	<i>Notice</i> – Each county of the first or second class shall provide notice of intent to prepare a general plan or comprehensive general plan amendment.	§ 17-27a-203
<i>Part 3</i>	<i>General Land Use Provisions</i> – A planning advisory area may not be established unless the area to be included is unincorporated, is contiguous, and—in a county of the second class—contains at least 5% of the total unincorporated population. Within seven days of a petition initiating this process, a second-class county clerk shall provide notice and may exclude all or part of an owner's land under certain conditions.	§§ 17-27a-306 (1)
<i>Part 5</i>	<i>Land Use Regulations</i> – A second-, third-, fourth-, fifth-, or sixth-class county may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling unless certain hazards exist.	§§ 17-27a-505 (1)(d)
Chapter 36	Uniform Fiscal Procedures Act for Counties – First-, second-, and third-class counties that provide municipal-type services shall establish a fund and budget appropriations from that fund. The county may deposit any taxes, fund income, federal money, or fees into the fund, except for depositing a countywide source into a municipal fund.	§§ 17-36-9 (2)
Chapter 50	General Provisions for Counties	
<i>Part 1</i>	<i>General Provisions</i> – A county of the first and second class must create an inventory of county activities that compete with another entity and efforts that have been made to privatize aspects of the activity. The governing body shall update the inventory every two years and make the inventory electronically available.	§ 17-50-107
<i>Part 3</i>	<i>County Powers</i> – A county must provide notice when intending to acquire property that is located in a county of the first or second class and outside the boundaries of the unincorporated area of the county and when the intended use of the property is contrary to the anticipated use in the general plan or the current zoning designation.	§§ 17-50-302 (2)

<i>Part 5</i>	<i>Classification</i> – A county with a population between 125,000 and 700,000 is a county of the second class.	§§ 17-50-501 (2)(b)
Chapter 52a	Changing Forms of County Government – First- and second-class counties may adopt an alternative process for filing county commissioner vacancies.	§§ 17-52a-201 (6)

TITLE 17B LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - LOCAL DISTRICTS

Chapter 1 Provisions Applicable to All Local Districts

<i>Part 1</i>	<i>General Provisions</i> – A local district within a first- and second-class county is required to provide notice of its intent before preparing or amending a long-range plan.	§§ 17B-1-106 (2) and (3)
<i>Part 10</i>	<i>Local District Property Tax Levy</i> – Property tax for a service area in a county of the first or second class that provides fire protection, paramedic, and emergency services or law enforcement services is capped at .0023.	§§ 17B-1-1002 (1)

Chapter 2a Provisions Applicable to Different Types of Local Districts

<i>Part 8</i>	<i>Public Transit District Act</i> –	
	<ul style="list-style-type: none"> • Board of Trustees: Counties of the second class with a population over 500,000 within a large public transit district shall nominate two or more individuals to the board of trustees. Second-class counties that have a population of less than 500,000 within a large public transit district shall do the same. • Local Advisory Board: Counties of the second class with a population over 500,000 within a large public transit district shall appoint two members to the local advisory board. Second-class counties that have a population of less than 500,000 within a large public transit district shall do the same. 	§§ 17B-2a-807.1 (1)(b) §§ 17B-2a-808.2 (2)

TITLE 17C LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - COMMUNITY REINVESTMENT AGENCY ACT

Chapter 1	Agency Operations – Each taxing entity committee in a county of the second, third, fourth, fifth, or sixth class shall be composed of two representatives appointed by resolution of the legislative body of the county.	§§ 17C-1-402 (2)
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TITLE 19 ENVIRONMENTAL QUALITY CODE

Chapter 4 Safe Drinking Water Act

- **Fluoridated Water:** Counties of the first and second class have a different process for electing to have fluoride added or removed from the water supply, in which an election is held upon the passage of a resolution by the county legislative body to place an opinion question on the ballot. §§ 19-4-111 (2)
- **Supplying Fluoridated Water:** A public water system in a county of the first or second class may supply fluoridated water to a residence or business located in § 19-4-111.1

both a county that has approved fluoridation and a county that has not under the conditions specified in this statute.

- **Water Source Protection Ordinance:** First- and second-class counties are required to adopt a water source protection ordinance in compliance with § 19-4-113. Municipalities in a first- or second-class county may adopt such an ordinance as well by following the same procedure. §§ 19-4-113 (1)

TITLE 20A ELECTION CODE

- Chapter 7 Issues Submitted to the Voters** – Sponsors of a statewide initiative must hold at least two of the seven geographically required public hearings in a county of the first or second class, but not in the same county. §§ 20A-7-204.1 (1)

TITLE 26 UTAH HEALTH CODE

- Chapter 8a Utah Emergency Medical Services System Act**
- **Political Subdivision:** A political subdivision may provide ambulance and paramedic services to another area. A "political subdivision" is defined to include a city or town in a county of the first or second class, a county of the first or second class, and certain districts in a county of the first or second class. §§ 26-8a-102 (17)
 - **Fire District:** A "fire district" means a local district that is located in a county of the first or second class and provides fire protection, paramedic, and emergency services. §§ 26-8a-405.2 (1)
- Chapter 8b Utah Sudden Cardiac Arrest Survival Act** – A county or municipality of the first, second, or third class can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 50%. §§ 26-8b-602 (6)
- Chapter 21 Health Care Facility Licensing and Inspection Act** – A small health care facility with 4 to 16 beds that functions as a skilled nursing facility may apply for a license under the pilot program in § 26-21-28 if the facility will be, among other conditions, located in a county of the second class. §§ 26-21-28 (3)

TITLE 34A UTAH LABOR CODE

- Chapter 2 Workers' Compensation Act** – For a specified time period, a workers' compensation insurance carrier or self-insured employer that is reimbursing a hospital in a county of the first, second, or third class for covered medical services shall reimburse the hospital at 75% of the billed hospital fees for the covered medical services. §§ 34A-2-407 (11)

TITLE 35A UTAH WORKFORCE SERVICES CODE

- Chapter 8 Housing and Community Development Division** – If there are two or more housing authorities established in a county of the first or second class, those housing §§ 35A-8-407 (3)

authorities shall create a uniform online application for the housing choice voucher program with links to each of the housing authorities in the county.

- Chapter 9 Intergenerational Poverty Mitigation Act** – The Department of Workforce Services shall select at least one county of the second class and at least one county of the third, fourth, fifth, or sixth class to receive a grant. §§ 35A-9-501 (5)

TITLE 41 MOTOR VEHICLES

- Chapter 1a Motor Vehicle Act** – Vehicles used in a Highway Patrol operation within a county of the first or second class do not need to display an identification mark or "EX" on their license plate in certain circumstances. §§ 41-1a-407 (1) and (2)

TITLE 53 PUBLIC SAFETY CODE

- Chapter 7 Utah Fire Prevention and Safety Act** – One of the members of the Utah Fire Prevention Board shall be a fire executive from a full-time fire department in a county of the second class. §§ 53-7-203 (2)

TITLE 53G PUBLIC EDUCATION SYSTEM -- LOCAL ADMINISTRATION

- Chapter 3 School District Creation and Change** – A school district located in a county of the first or second class shall provide written notice of its intent before preparing a long-range plan or amendments to an existing long-range plan. Each school district intending to acquire real property in a county of the first or second class to expand the district's infrastructure or other facilities shall provide written notice of its intent if the intended use of the property is contrary to the county or municipality's general plan or the property's zoning designation. §§ 53G-3-204 (2) and (3)

TITLE 54 PUBLIC UTILITIES

- Chapter 3 Duties of Public Utilities** – A public utility that prepares or amends a proposed long-range plan for facilities in a county of the first or second class shall first provide written notice of its intent. A public utility intending to acquire real property in a county of the first or second class to expand its infrastructure or other facilities shall provide written notice of its intent if the use is contrary to the county or municipality's general plan or the property's zoning designation. §§ 54-3-28 (2) and (3)

TITLE 59 REVENUE AND TAXATION

- Chapter 2 Property Tax Act**
- **Certified Tax Rate Calculation:** The certified tax rate for a municipality in a first-, second-, or third-class county that was incorporated on or after July 1, 1996, is the levy imposed for municipal-type services under § 17-34-1 and 17-36-9. § 59-2-924
 - **Urban Farming Assessment Act:** Title 59, Chapter 2, Part 17, provides that certain land used for urban farming can be assessed based on agricultural value—

a lower value, thus a lower tax—and that a rollback tax is imposed if the land is withdrawn from urban farming activity. As defined for this part, "Urban farming" can only occur in a county of the first class or a county of the second class that is at least 98% urban.

Title 59,
Chapter 2,
Part 17

Chapter 12 Sales and Use Tax Act

- Part 1* **Tax Collection** – The sale of certain construction materials on or after July 1, 2008 for the benefit of a new airport within a county of the second class that is owned and operated by the city are exempt from sales and use tax under §§ 59-12-104(67). §§ 59-12-104(67)
- Part 7* **County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities** – For the purpose of distributing tax revenue collected under Title 59, Chapter 12, Part 7, a radio or television broadcasting network or station, cable communications system, newspaper, or magazine is excluded from the definition of "cultural organization" if it is in a county of the first or second class. § 59-12-1401 and -1402
- Part 14* **City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities** – Title 59, Chapter 12, Part 14, the optional botanical and cultural organization tax that authorizes cities and towns to adopt the tax, only applies to cities and towns that are located in a county of the second, third, fourth, fifth, or sixth class. § 59-12-1401
- Part 20* **Supplemental State Sales and Use Tax Act** – The state shall impose a tax in a city, town, or unincorporated area of a county of the first or second class if on January 1, 2008, a public transit district in any portion of the county. The state may not impose this tax if there is already a sales and use tax of .30% under § 59-12-2213, -2215, or -2216. If the state imposes this public transit tax, it must be a percentage equal to the difference between .30% and the highest rate imposed under § 59-12-2213, -2215, and -2216. § 59-12-2003
- Part 22* **Local Option Sales and Use Taxes for Transportation Act** –
- **Regionally Significant Transp. Facility:** In a county of the first or second class, a "regionally significant transportation facility" means a principal or minor arterial highway, certain fixed guideways, or an airport of regional significance. § 59-12-2202
 - **Optional Tax for Airport Facility:** Section 59-12-2214 provides an optional tax of .25% that can, among other uses, fund a project or service related to an airport facility. While any *county* can use the revenue for an airport facility if it is part of the area's regional transportation plan, a *city or town* may only expend the tax revenues to fund a project or service related to an airport if (1) the city or town is located in a county of the second class; (2) the city or town operates an airport; and (3) the city or town has an airline headquartered within it. § 59-12-2214
 - **Tax for Transp. Project:** A county that chooses to impose a tax under § 59-12-2217 may only expend tax revenue on a project or service for new capacity or congestion mitigation if it is performed in a county of the first or second class. Such a project will be part of the county/municipal master plan and statewide long-range plan or regional transportation plan if the project is a principal or minor arterial highway or a collector road in a county of the second class. A project or service on a regionally significant transportation facility in a county of the second class shall have a funded year priority designation if the project is a § 59-12-2217

principal or minor arterial highway, a major collector highway in a rural area, or a collector road. A council of governments of a county of the first or second class shall submit a written prioritization process to the Executive Appropriations Committee for approval prior to taking final action.

- **Optional Public Transp. Fund Tax:** The legislative body of a second-class county may impose a sales and use tax under § 59-12-2218. If the county does not, a city or town within the second-class county may. Revenues from such a tax may be deposited into the County of the Second Class State Highway Projects Fund, spent on airport facility projects or services, or both. § 59-12-2218
- **Revenue Disbursement:** If a county of the first or second class is not annexed into a single public transit district, revenue under § 59-12-2219 will be distributed in accordance with §§ 59-12-2219(6). If a county has not imposed a sales and use tax under § 59-12-2219, the legislative body of a city or town may impose a .25% sales and use tax on certain transactions if the city or town is in a county of the first, second, or third class and has been annexed into a public transit district or is an eligible political subdivision, as defined in §§ 59-12-2219(1). § 59-12-2219

TITLE 61 SECURITIES DIVISION - REAL ESTATE DIVISION

- Chapter 2f Real Estate Licensing and Practices Act** – At least one member of the Real Estate Commission shall reside in a county that is not a county of the first or second class. §§ 61-2f-103 (3)

TITLE 62A UTAH HUMAN SERVICES CODE

- Chapter 15 Substance Abuse and Mental Health Act** – The Division of Substance Abuse and Mental Health shall award grants for the development of up to five mobile crisis outreach teams in counties of the second, third, fourth, fifth, or sixth class. One of the five awards may be given to a team in a county of the first class under eligible conditions. § 62A-15-116

TITLE 63C STATE COMMISSIONS AND COUNCILS CODE

- Chapter 4a Constitutional and Federalism Defense Act** – The membership of the Constitutional Defense Council shall include four county commissioners, at least one of whom shall be from a county of the first or second class. §§ 63C-4a-202 (2)
- Chapter 18 Mental Health Crisis Line Commission** – The Mental Health Crisis Line Commission shall include one individual who represents a county of the first or second class, appointed by the Utah Association of Counties. §§ 63C-18-202 (1)

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\$50,000,000 by following the requirements of § 63G-6a-1402. A "transportation agency" includes the Dept. of Transp., a county of the first or second class, a municipality of the first class, a large public transit district, or a public airport.

TITLE 63N GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Chapter 2 Tax Credit Incentives for Economic Development – Except in a county of the first or second class, tax incentives under Title 63N, Chapter 2, Part 2, are not available to a business entity that closes or permanently curtails operations if the closure would diminish employment in that part of the state. § 63N-2-211

TITLE 72 TRANSPORTATION CODE

- Chapter 2 Transportation Finances Act**
- **Transp. Fund Uses:** Sales and use tax revenues from the optional tax under § 59-12-2218 shall be allocated to the second-class counties or cities or towns within the county that have opted in. In a county of the first or second class, the Local Highway and Transportation Corridor Preservation Fund shall only be used to preserve a principal or minor arterial highway, collector highway, or transit facility. §§ 72-2-117.5 (4) and (6)
 - **County of the Second Class State Highway Projects Fund:** Section 72-2-121.2 creates and provides for the County of the Second Class State Highway Projects Fund and provides for the fund's contributions, accounting, interest, and allocation. § 72-2-121.2
- Chapter 3 Highway Jurisdiction and Classification Act** – The state and city have joint undivided interest in the title to all rights-of-way for all city streets, except for city streets within counties of the first and second class. §§ 72-3-104 (3)
- Chapter 7 Protection of Highways Act** – Size, weight, and load limitations in Title 72, Chapter 3, apply to highway construction and maintenance equipment temporarily being operated between a material site and a highway maintenance site or a highway construction project in a county of the first or second class. §§ 72-7-401 (2)

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Chapter 5 Administration and Distribution – The state engineer is required to inventory all water conveyances. When inventorying a county of the first or second class, the state engineer shall include enclosed segments of each open, human-made water conveyance system in addition to the other required items. §§ 73-5-7 (2)

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TITLE 78A JUDICIARY AND JUDICIAL ADMINISTRATION

Chapter 7 Justice Court

- **Justice Court Creation:** A county of the first or second class may create a justice court by filing a written declaration with the Judicial Council—unlike other counties which must also demonstrate a need. §§ 78A-7-102 (2)
- **Judge Qualification:** In first- and second-class counties, justice court judges shall have a degree from a law school that makes one eligible for bar admission in any state. If there are not at least three applicants who meet this requirement, the justice court nominating commission shall readvertise the position and may accept applicants who do not meet this requirement as well as certain residency requirements. § 78A-7-201
- **Justice Judge Reduction and Addition:** Political subdivisions in first- and second-class counties may initiate a reduction in force of justice court judges under certain circumstances and may only add new justice court judge positions if the Judicial Council approves of the creation of the position. §§ 78A-7-203 (5) and (6)

TITLE 79 NATURAL RESOURCES

Chapter 5 Recreational Trails – The Division of Parks and Recreation may plan and develop urban trails that connect parks, scenic and natural areas, historical sites, and neighboring communities within first- or second-class counties. § 79-5-302

DIGEST OF STATUTES AFFECTING THIRD-CLASS COUNTIES

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SCOPE & LIMITATIONS

This digest includes summaries of statutes that currently differentiate third-class counties from one or more other county classes.

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For more context or information on a provision that is mentioned in the digest, see the corresponding reference in the right column.

HIGHLIGHTS

- **Rural Health Care Funds:** Funds to counties of the third and fourth class from the Rural Health Care Facilities Account are restricted to funding county health care facilities.
- **Officer Career Advancement Reimbursement Program:** Twenty-five percent of funds from the Officer Career Advancement Reimbursement Program are to be awarded to employees in counties of the third and fourth class.
- **Shared Provisions Between Counties of the First – Third Class:**
 - County assessors must be a state-licensed or state-certified appraiser before declaring candidacy.
 - Workers' compensation shall reimburse the hospital at 75% of hospital fees.
 - These counties can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 50%.
 - If the county provides municipal-type services, it shall establish a fund and budget appropriations from that fund.
- **Shared Provisions Between Counties of the Third – Sixth Class:**
 - An owner of at least 100 contiguous acres of agricultural land may make a minor subdivision.
 - A minimum number of county residents on certain boards and committees must be from a county of the third, fourth, fifth, or sixth class.
 - These counties may contract with an outside housing authority.
 - Funding and tax credits are available to support rural health care in these counties.
 - These counties have access to the Mineral Release Fund, the Rural Fast Track Program, and grants through the Business Development for Disadvantaged Business Communities.
 - These counties are required to contract with the Indigent Defense Funds Board.

TITLE 7 FINANCIAL INSTITUTIONS ACT

Chapter 9 Utah Credit Union Act – A credit union may have a less restrictive field of membership if it includes no more than the residents of two counties that are of the third, fourth, fifth, or sixth class. § 7-9-55

TITLE 10 UTAH MUNICIPAL CODE

Chapter 2 Classification, Boundaries, Consolidation, and Dissolution of Municipalities

Part 4 Annexation – The definition for an "affected entity"—which creates extra notification requirements for the annexation of an unincorporated area—includes third-, fourth-, fifth-, and sixth-class counties in whose unincorporated area the area proposed for annexation is located if the area contains residents or commercial or industrial development. A "specified county"—which cannot have unincorporated land annexed unless it first adopts an annexation policy plan—means a county of the second, third, fourth, fifth, or sixth class. §§ 10-2-401 (1)

Chapter 9a Municipal Land Use, Development, and Management Act

Part 4 General Plan – Certain cities and metro townships within first-, second-, or third-class counties shall, on or before July 1, 2019, amend the general plan of the municipality to plan for moderate income housing growth if not already done. §§ 10-9a-401 (3)

TITLE 11 CITIES, COUNTIES, AND LOCAL TAXING UNITS

Chapter 36a Impact Fees Act – A private entity—which is defined in Chapter 36a as a privately owned entity in a county of the first, second, third, or fourth class that provides water—may impose an impact fee under the requirements Title 11, Chapter 36a. §§ 11-36a-102 (13)

TITLE 17 COUNTIES

Chapter 17 County Assessor – The county assessor in a first-, second-, or third-class county shall be a state-licensed or state-certified appraiser before filing a declaration of candidacy. § 17-17-2 (2)

Chapter 27a County Land Use, Development, and Management Act

Part 3 General Land Use Provisions – A planning advisory area may not be established unless the area to be included is unincorporated, is contiguous, and—in a county of the third class—contains at least 5% of the total unincorporated population. §§ 17-27a-306 (1)

Part 5 Land Use Regulations – A second-, third-, fourth-, fifth-, or sixth-class county may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling unless certain hazards exist. §§ 17-27a-505 (1)(d)

Part 6 *Subdivisions* – An owner of at least 100 contiguous acres of agricultural land may make a minor subdivision. For §§ 17-27a-605(4), a "minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class that is separate from the remainder of the original 100 or more contiguous acres of agricultural land. §§ 17-27a-605 (4)

Chapter 36 **Uniform Fiscal Procedures Act for Counties** – First-, second-, and third-class counties that provide municipal-type services shall establish a fund and budget appropriations from that fund. The county may deposit any taxes, fund income, federal money, or fees into the fund, except for depositing a countywide source into a municipal fund. §§ 17-36-9 (2)

Chapter 50 **General Provisions for Counties** – A county with a population between 31,000 and 125,000 is a county of the third class. §§ 17-50-501 (2)(c)

TITLE 17B LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - LOCAL DISTRICTS

Chapter 2a Provisions Applicable to Different Types of Local Districts

Part 8 *Public Transit District Act* –

- **Board of Trustees:** Counties of the second class shall consult with counties of the third, fourth, fifth, and sixth class that are within their large public transit district about the second-class counties’ nominations to the board of trustees. §§ 17B-2a-807.1 (1)(b)
- **Local Advisory Board:** Third-, fourth-, fifth-, and sixth-class counties within a large public transit district shall jointly appoint one member to the local advisory board. §§ 17B-2a-808.2 (2)

TITLE 17C LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - COMMUNITY REINVESTMENT AGENCY ACT

Chapter 1 **Agency Operations** – Each taxing entity committee in a county of the second, third, fourth, fifth, or sixth class shall be composed of two representatives appointed by resolution of the legislative body of the county. §§ 17C-1-402 (2)

TITLE 26 UTAH HEALTH CODE

Chapter 8a **Utah Emergency Medical Services System Act** – At least 6 of the 17 members of the State Emergency Medical Services Committee shall be residents of a county of the third, fourth, fifth, or sixth class. §§ 26-8a-103 (1)

Chapter 8b **Utah Sudden Cardiac Arrest Survival Act** – A county or municipality of the first, second, or third class can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 50%. § 26-8b-602

Chapter 9 Rural Health Services

- **Funding Rural County Health Care Facilities:** A county legislative body of the third or fourth class shall use the money received under §§ 26-9-4(5) and (6) to fund rural county health care facilities in that county. §§ 26-9-4 (7)
- **Grants to Rural Health Districts:** "Rural county health care special service district" means a special service district formed to provide health care in a third-, fourth-, fifth-, or sixth-class county. The Utah Health Department shall make grants available to these districts. § 26-9-5

TITLE 34A UTAH LABOR CODE

- Chapter 2 Workers' Compensation Act** – For a specified time period, a workers' compensation insurance carrier or self-insured employer that is reimbursing a hospital in a county of the first, second, or third class for covered medical services shall reimburse the hospital at 75% of the billed hospital fees for the covered medical services. §§ 34A-2-407 (11)

TITLE 35A UTAH WORKFORCE SERVICES CODE

- Chapter 8 Housing and Community Development Division**
- Counties of the third, fourth, fifth, and sixth class may contract or execute an interlocal agreement with a housing authority outside their county for services. §§ 35A-8-402 (5)
 - One of the individuals appointed to the Commission on Housing Affordability under §§ 35A-8-2202(2)(h)(vii) must be from a county of the third, fourth, fifth, or sixth class. §§ 35A-8-2202 (2)(h)(vii)
- Chapter 9 Intergenerational Poverty Mitigation Act** – The Department of Workforce Services shall select at least one county of the second class and at least one county of the third, fourth, fifth, or sixth class to receive a grant. §§ 35A-9-501 (5)

TITLE 53 PUBLIC SAFETY CODE

- Chapter 7 Utah Fire Prevention and Safety Act** – One of the members of the Utah Fire Prevention Board shall be a fire executive from a fire department in a county of the third, fourth, fifth, or sixth class. §§ 53-7-203 (2)

TITLE 53B STATE SYSTEM OF HIGHER EDUCATION

- Chapter 8 Tuition Waiver and Scholarships** – Twenty-five percent of the funds for the Peace Officer Career Advancement Reimbursement Program shall be designated for applicants employed by a law enforcement agency with jurisdiction in a third- or fourth-class county. §§ 53B-8-112 (4)

TITLE 58 OCCUPATIONS AND PROFESSIONS

- Chapter 1 Division of Occupational and Professional Licensing Act** – Tax credits are available to psychiatrists and health practitioners who provide licensed behavioral § 58-1-111

health treatment services to underserved populations. "Underserved populations" includes individuals in a county of the third, fourth, fifth, or sixth class.

TITLE 59 REVENUE AND TAXATION

Chapter 2	Property Tax Act – The certified tax rate for a municipality in a first-, second-, or third-class county that was incorporated on or after July 1, 1996, is the levy imposed for municipal-type services under § 17-34-1 and 17-36-9.	§ 59-2-303.1
Chapter 12	Sales and Use Tax Act	
<i>Part 2</i>	<i>Local Sales and Use Tax Act</i> – Certain counties, cities, and towns that are part of a county of the third, fourth, fifth, or sixth class shall receive adjusted tax revenue distribution based on minimum tax revenue distributions. ¹	§ 59-12-205
<i>Part 7</i>	<i>County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities</i> – For the purpose of distributing tax revenue collected under Title 59, Chapter 12, Part 7, "rural radio station" means a nonprofit radio station based in a county of the third, fourth, fifth, or sixth class.	§ 59-12-702
<i>Part 8</i>	<i>Funding for Health Care</i> – <ul style="list-style-type: none">• Rural County Health Care Facility: A county legislative body of a third-, fourth-, fifth-, or sixth-class county may impose a 1% local option sales and use tax under § 59-12-802 to fund rural health care. A "rural county health care facility" includes rural county hospitals and rural county nursing care facilities in its definition—both of which are required to be located within a third-, fourth-, fifth-, or sixth-class county.• Rural City Hospital: A city legislative body may impose a 1% local option sales and use tax to fund rural city hospitals under § 59-12-804. A "rural city hospital" must be in a county of the third, fourth, fifth, or sixth class.	§ 59-12-802 § 59-12-804
<i>Part 14</i>	<i>City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities</i> – Title 59, Chapter 12, Part 14, the optional botanical and cultural organization tax that authorizes cities and towns to adopt that tax, only applies to cities and towns that are located in a county of the second, third, fourth, fifth, or sixth class.	§ 59-12-1401 and -1402
<i>Part 22</i>	<i>Local Option Sales and Use Taxes for Transportation Act</i> – <ul style="list-style-type: none">• Regionally Significant Transp. Facility: In a county of the third, fourth, fifth, or sixth class, a "regionally significant transportation facility" means a principal or minor arterial highway, a major collector highway, a minor collector road, or an airport of regional significance.• Revenue Disbursement: If a county of the third, fourth, fifth, or sixth class is not annexed into a single public transit district or if there is not a public transit district within the county, revenue under § 59-12-2219 will be distributed in accordance with §§ 59-12-2219(7). If a county has not imposed a sales and use tax under § 59-12-2219, the legislative body of a city or town may—beginning	§ 59-12-2202 § 59-12-2219

¹ This provision will only apply until June 30, 2022.

July 1, 2020—impose a 0.25% sales and use tax on certain transactions if the city or town is in a county of the first, second, or third class and has been annexed into a public transit district or is an eligible political subdivision. A city or town in a county of the third class may also impose a 0.25% sales and use tax if the city or town has been annexed into a large public transit district.

Chapter 21 Mineral Lease Funds – The Legislature shall appropriate 5% of Mineral Lease Account deposits to the Department of Workforce Services to be distributed to special service districts established by counties of the third, fourth, fifth, or sixth class in which 4.5% or less of the mineral lease money within the state is generated. § 59-21-2

TITLE 62A UTAH HUMAN SERVICES CODE

Chapter 15 Substance Abuse and Mental Health Act – The Division of Substance Abuse and Mental Health shall award grants for the development of up to five mobile crisis outreach teams in counties of the second, third, fourth, fifth, or sixth class. One of the five awards may be given to a team in a county of the first class under eligible conditions. § 62A-15-116

TITLE 63C STATE COMMISSIONS AND COUNCILS CODE

Chapter 18 Mental Health Crisis Line Commission – The commission shall include one individual who represents a county of the third, fourth, or fifth class, appointed by the Utah Association of Counties. §§ 63C-18-202 (1)

TITLE 63H INDEPENDENT STATE ENTITIES

Chapter 2 Utah Energy Infrastructure Authority Act – One of the nine members of the Utah Energy Infrastructure Authority Board must be a county commissioner from a county of the third, fourth, fifth, or sixth class. §§ 63H-2-202 (1)

TITLE 63N GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Chapter 3 Economic Development Programs

Part 1 Industrial Assistance Account –

- **Rural Fast Track:** A company must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Rural Fast Track Program. If in a county of the third class, the city must be below a certain population or income threshold. §§ 63N-3-104 (4)
- **Business Expansion and Retention Initiative:** A rural economic development entity must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Business Expansion and Retention Initiative. If in a county of the third class, the city must be below a certain population or income threshold. §§ 63N-3-104.5 (5)

Chapter 4 Rural Development Act

Part 2 *Business Development for Disadvantaged Rural Communities Act* – For this part, "eligible county" means a county of the third, fourth, fifth, or sixth class. §§ 63N-4-202 (4)

TITLE 72 TRANSPORTATION CODE

Chapter 1 **Department of Transportation Administration Act** – At least one of the three commissioners selected from Utah at large for the Transportation Commission must be from a county of the third, fourth, fifth, or sixth class. §§ 72-1-301 (2)

Chapter 2 **Transportation Finances Act** – Money from the Local Highway and Transportation Corridor Preservation Fund may be used by a county of the third, fourth, fifth, or sixth class for the construction, operation, or maintenance of a class B road or class C road or the restoration or repair of transportation infrastructure. Funds shall only be used for a state highway, a principal or minor arterial highway, a major collector highway, a minor collector road, or a transit facility. §§ 72-2-117.5 (5) and (6)

TITLE 77 UTAH CODE OF CRIMINAL PROCEDURE

Chapter 32 **Indigent Defense Act**

Part 5 *Indigent Inmates* – The Indigent Defense Funds Board shall enter into contracts to provide legal counsel for indigent inmates in a county of the third, fourth, fifth, or sixth class. The county attorney or district attorney of a county of the third, fourth, fifth, or sixth class shall function as the prosecuting entity. The county may impose a tax under § 77-32-501 to be deposited into the Indigent Inmate Trust Fund. The Indigent Inmate Trust Fund is to pay for representation for indigent inmates in a state prison located in a county of the third, fourth, fifth, or sixth class and administrative costs for the board. § 77-32-501 and -502

Part 8 *Utah Indigent Defense Commission* – The Utah Association of Counties shall recommend one member of the Utah Indigent Defense Commission from a third-, fourth-, fifth-, or sixth-class count. §§ 77-32-802 (1)

TITLE 78A JUDICIARY AND JUDICIAL ADMINISTRATION

Chapter 7 **Justice Court**

- **Justice Court Creation:** A county of the third, fourth, or fifth class may create a justice court by demonstrating a need and filing a written declaration with the Judicial Council. §§ 78A-7-102 (3)
- **Judge Qualification:** In third, fourth, fifth, and sixth class counties, justice court judges shall have at least a high school diploma or its equivalent. Unlike counties of the first and second class, it is unclear how the position is advertised. § 78A-7-201

TITLE 78B JUDICIAL CODE

Chapter 1 **Juries and Witnesses** – Counties of the fourth, fifth, or sixth class and counties of the third class with a population of less than 75,000 are excluded from the statutory restriction of a person being selected for prospective jury service more than once.

§ 78B-1-110

DIGEST OF STATUTES AFFECTING FOURTH-CLASS COUNTIES

*A county with a population between 11,000
and 31,000 is a county of the fourth class.*

SCOPE & LIMITATIONS

This digest includes summaries of statutes that currently differentiate fourth-class counties from one or more other county classes.

This digest *does not* comprehensively include (1) legislation affecting specific counties and (2) legislation affecting counties with a specific population outside of the county classification scheme. Statutes that differentiate a county class historically but not presently are excluded.

For more context or information on a provision that is mentioned in the digest, see the corresponding reference in the right column.

HIGHLIGHTS

- **Rural Health Care Funds:** Funds to counties of the third and fourth class from the Rural Health Care Facilities Account are restricted to funding county health care facilities.
- **Officer Career Advancement Reimbursement Program:** Twenty-five percent of funds from the Officer Career Advancement Reimbursement Program are to be awarded to employees in counties of the third and fourth class.
- **Shared Provisions Between Counties of the Third – Sixth Class:**
 - An owner of at least 100 acres of contiguous agricultural land may make a minor subdivision.
 - A minimum number of county residents on certain boards and committees must be from a county of the third, fourth, fifth, or sixth class.
 - These counties may contract with an outside housing authority.
 - Funding and tax credits are available to support rural health care in these counties.
 - These counties have access to the Mineral Release Fund, the Rural Fast Track Program, and grants through the Business Development for Disadvantaged Business Communities.
 - These counties are required to contract with the Indigent Defense Funds Board.
- **Shared Provisions Between Counties of the Fourth – Sixth Class:**
 - Workers compensation shall reimburse the hospital at 85% of hospital fees.
 - These counties are eligible for rural school transportation reimbursement and the rural employee expansion program.
 - Schools within these counties have priority for funding through the American Indian and Alaskan Native Education State Plan Pilot Program.
 - These counties have provisions related to tourism, including spending a transient room tax and informational signs.
 - These counties can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 75%.

TITLE 7 FINANCIAL INSTITUTIONS ACT

Chapter 9 Utah Credit Union Act – A credit union's field of membership may only include certain persons, including residents of a town or third-, fourth-, or fifth-class city if it is located in a county of the fourth, fifth, or sixth class. A credit union may have a less restrictive field of membership if it includes no more than the residents of two counties that are of the third, fourth, fifth, or sixth class. § 7-9-51

TITLE 10 UTAH MUNICIPAL CODE

Chapter 2 Classification, Boundaries, Consolidation, and Dissolution of Municipalities

Part 4 Annexation – The definition for an "affected entity"—which creates extra notification requirements for the annexation of an unincorporated area—includes third-, fourth-, fifth-, and sixth-class counties in whose unincorporated area the area proposed for annexation is located if the area contains residents or commercial or industrial development. A "specified county"—which cannot have unincorporated land annexed unless it first adopts an annexation policy plan—means a county of the second, third, fourth, fifth, or sixth class. §§ 10-2-401 (1)

TITLE 11 CITIES, COUNTIES, AND LOCAL TAXING UNITS

Chapter 36a Impact Fees Act – A private entity—which is defined in Chapter 36a as a privately owned entity in a county of the first, second, third, or fourth class that provides water—may impose an impact fee under the requirements Title 11, Chapter 36a. §§ 11-36a-102 (13)

TITLE 17 COUNTIES

Chapter 27a County Land Use, Development, and Management Act

Part 3 General Land Use Provisions – A planning advisory area may not be established unless the area to be included is unincorporated, is contiguous, and—in a county of the fourth, fifth, or sixth class—contains at least 25% of the total unincorporated population. §§ 17-27a-306 (1)

Part 5 Land Use Regulations – A second-, third-, fourth-, fifth-, or sixth-class county may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling unless certain hazards exist. §§ 17-27a-505 (1)(d)

Part 6 Subdivisions – An owner of at least 100 contiguous acres of agricultural land may make a minor subdivision. For §§ 17-27a-605(4), a "minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class that is separate from the remainder of the original 100 or more contiguous acres of agricultural land. §§ 17-27a-605 (4)

Chapter 31	Recreational, Tourist, and Convention Bureaus – Counties may establish a transient room tax. In counties of the fourth, fifth, and sixth class, up to a third of the tax revenue may pay for solid waste disposal, emergency medical services, search and rescue activities, law enforcement activities and road repair to mitigate the impacts of recreation tourism or conventions.	§§ 17-31-2 (1) and (2)
Chapter 50	General Provisions for Counties – A county with a population between 11,000 and 31,000 is a county of the fourth class.	§§ 17-50- 501 (2)(d)

TITLE 17B LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - LOCAL DISTRICTS

Chapter 2a Provisions Applicable to Different Types of Local Districts

Part 8 Public Transit District Act –

- **Board of Trustees:** Counties of the second class shall consult with counties of the third, fourth, fifth, and sixth class that are within their large public transit district about the second-class counties’ nominations to the board of trustees. §§ 17B-2a-807.1 (1)(b)
- **Local Advisory Board:** Third-, fourth-, fifth-, and sixth-class counties within a large public transit district shall jointly appoint one member to the local advisory board. §§ 17B-2a-808.2 (2)

TITLE 17C LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - COMMUNITY REINVESTMENT AGENCY ACT

Chapter 1	Agency Operations – Each taxing entity committee in a county of the second, third, fourth, fifth, or sixth class shall be composed of two representatives appointed by resolution of the legislative body of the county.	§§ 17C-1-402 (2)
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TITLE 26 UTAH HEALTH CODE

Chapter 8a	Utah Emergency Medical Services System Act – At least 6 of the 17 members of the State Emergency Medical Services Committee shall be residents of a county of the third, fourth, fifth, or sixth class.	§§ 26-8a-103 (1)
Chapter 8b	Utah Sudden Cardiac Arrest Survival Act – A county or municipality of the fourth, fifth, or sixth class can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 75%.	§ 26-8b-602
Chapter 9	Rural Health Services	
	<ul style="list-style-type: none"> • Funding Rural County Health Care Facilities: A county legislative body of the third or fourth class shall use the money received under §§ 26-9-4(5) and (6) to fund rural county health care facilities in that county. §§ 26-9-4 (7) • Grants to Rural Health Districts: "Rural county health care special service district" means a special service district formed to provide health care in a third, fourth, fifth, or sixth class county. The Utah Health Department shall make grants available to these districts. § 26-9-5 	

TITLE 34A UTAH LABOR CODE

- Chapter 2 Workers' Compensation Act** – For a specified time period, a workers' compensation insurance carrier or self-insured employer that is reimbursing a hospital in a county of the fourth, fifth, or sixth class for covered medical services shall reimburse the hospital at 85% of the billed hospital fees for the covered medical services. §§ 34A-2-407 (11)

TITLE 35A UTAH WORKFORCE SERVICES CODE

- Chapter 8 Housing and Community Development Division**
- Counties of the third, fourth, fifth, and sixth class may contract or execute an interlocal agreement with a housing authority outside their county for services. §§ 35A-8-402 (5)
 - One of the individuals appointed to the Commission on Housing Affordability under §§ 35A-8-2202(2)(h)(vii) must be from a county of the third, fourth, fifth, or sixth class. §§ 35A-8-2202 (2)(h)(vii)
- Chapter 9 Intergenerational Poverty Mitigation Act** – The Department of Workforce Services shall select at least one county of the second class and at least one county of the third, fourth, fifth, or sixth class to receive a grant. §§ 35A-9-501 (5)

TITLE 53 PUBLIC SAFETY CODE

- Chapter 7 Utah Fire Prevention and Safety Act** – One of the members of the Utah Fire Prevention Board shall be a fire executive from a fire department in a county of the third, fourth, fifth, or sixth class. §§ 53-7-203 (2)

TITLE 53B STATE SYSTEM OF HIGHER EDUCATION

- Chapter 8 Tuition Waiver and Scholarships** – Twenty-five percent of the funds for the Peace Officer Career Advancement Reimbursement Program shall be designated for applicants employed by a law enforcement agency with jurisdiction in a third- or fourth-class county. §§ 53B-8-112 (4)

TITLE 53F PUBLIC EDUCATION SYSTEM -- FUNDING

Chapter 5 State Funding -- Initiative Grant Programs

- Part 2 Miscellaneous Grant Programs* – Among other requirements, a school district must be located in a county of the fourth, fifth, or sixth class to qualify as an eligible school for a rural school transportation reimbursement. § 53F-5-211

- Part 6 American Indian and Alaskan Native Education State Plan Pilot Program* – The State Board of Education shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with §§ 53F-5-602 (2)

significant populations of American Indians and Alaskan Natives in determining grant recipients for the American Indian and Alaskan Native Education State Plan Pilot Program.

TITLE 58 OCCUPATIONS AND PROFESSIONS

- Chapter 1** **Division of Occupational and Professional Licensing Act** – Tax credits are available to psychiatrists and health practitioners who provide licensed behavioral health treatment services to underserved populations. "Underserved populations" includes individuals in a county of the third, fourth, fifth, or sixth class. § 58-1-111

TITLE 59 REVENUE AND TAXATION

- Chapter 2** **Property Tax Act**
- **Certified Tax Rate Calculation:** The certified tax rate for a municipality in a fourth-, fifth-, or sixth-class county that was incorporated on or after July 1, 1996, is the levy imposed for general county purposes and other levies imposed solely for the municipal-type services identified in § 17-34-1 and §§ 17-36-3(22). § 59-2-924
 - **Multicounty Assessing and Collecting Levy:** The state auditor shall annually conduct a study of each fourth-, fifth-, and sixth-class county to determine costs of assessing property taxes, ability to generate revenue through an assessing and collecting levy, and the tax burden of levying property tax to cover the costs of assessing and collecting property tax. This study will be used to make determinations of priority in allocating money from the Property Tax Valuation Agency Fund. § 59-2-1603
- Chapter 12** **Sales and Use Tax Act**
- Part 2* *Local Sales and Use Tax Act* – Certain counties, cities, and towns that are part of a county of the third, fourth, fifth, or sixth class shall receive adjusted tax revenue distribution based on minimum tax revenue distributions.¹ § 59-12-205
- Part 7* *County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities* – For the purpose of distributing tax revenue collected under Title 59, Chapter 12, Part 7, "rural radio station" means a nonprofit radio station based in a county of the third, fourth, fifth, or sixth class. § 59-12-702
- Part 8* *Funding for Health Care* –
- **Rural County Health Care Facility:** A county legislative body of a third-, fourth-, fifth-, or sixth-class county may impose a 1% local option sales and use tax under § 59-12-802 to fund rural health care facilities. A "rural county health care facility" includes rural county hospitals and rural county nursing care facilities in its definition—both of which are required to be located within a third-, fourth-, fifth-, or sixth-class county. § 59-12-802

¹ This provision will only apply until June 30, 2022.

- **Rural City Hospital:** A city legislative body may impose a 1% local option sales and use tax to fund rural city hospitals under § 59-12-804. A “rural city hospital” must be in a county of the third, fourth, fifth, or sixth class. § 59-12-804

Part 14 *City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities* – Title 59, Chapter 12, Part 14, the optional botanical and cultural organization tax that authorizes cities and towns to adopt that tax, only applies to cities and towns that are located in a county of the second, third, fourth, fifth, or sixth class. § 59-12-1401 and -1402

Part 22 *Local Option Sales and Use Taxes for Transportation Act* –

- **Regionally Significant Transp. Facility:** In a county of the third, fourth, fifth, or sixth class, a "regionally significant transportation facility" means a principal or minor arterial highway, a major collector highway, a minor collector road, or an airport of regional significance. § 59-12-2202
- **Revenue Disbursement:** If a county of the third, fourth, fifth, or sixth class is not annexed into a single public transit district or if there is not a public transit district within the county, revenue under § 59-12-2219 will be distributed in accordance with §§ 59-12-2219(7). If a county has not imposed a sales and use tax under § 59-12-2219, the legislative body of a city or town may—beginning July 1, 2020—impose a 0.25% sales and use tax on certain transactions if the city or town is in a county of the third, fourth, fifth, or sixth class and has been annexed into a large public transit district. § 59-12-2219

Chapter 21 **Mineral Lease Funds** – The Legislature shall appropriate 5% of Mineral Lease Account deposits to the Department of Workforce Services to be distributed to special service districts established by counties of the third, fourth, fifth, or sixth class in which 4.5% or less of the mineral lease money within the state is generated. § 59-21-2

TITLE 62A UTAH HUMAN SERVICES CODE

Chapter 15 **Substance Abuse and Mental Health Act** – The Division of Substance Abuse and Mental Health shall award grants for the development of up to five mobile crisis outreach teams in counties of the second, third, fourth, fifth, or sixth class. One of the five awards may be given to a team in a county of the first class under eligible conditions. § 62A-15-116

TITLE 63C STATE COMMISSIONS AND COUNCILS CODE

Chapter 18 **Mental Health Crisis Line Commission** – The commission shall include one individual who represents a county of the third, fourth, or fifth class, appointed by the Utah Association of Counties. §§ 63C-18-202 (1)

TITLE 63H INDEPENDENT STATE ENTITIES

Chapter 2 **Utah Energy Infrastructure Authority Act** – One of the nine members of the Utah Energy Infrastructure Authority Board must be a county commissioner from a county of the third, fourth, fifth, or sixth class. §§ 63H-2-202 (1)

TITLE 63N GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Chapter 3 **Economic Development Programs**

Part 1 *Industrial Assistance Account* –

- **Rural Fast Track:** A company must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Rural Fast Track Program. §§ 63N-3-104 (4)
- **Business Expansion and Retention Initiative:** A rural economic development entity must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Business Expansion and Retention Initiative. §§ 63N-3-104.5 (5)

Chapter 4 **Rural Development Act**

Part 2 *Business Development for Disadvantaged Rural Communities Act* – For this part, "eligible county" means a county of the third, fourth, fifth, or sixth class. §§ 63N-4-202 (4)

Part 4 *Rural Employment Expansion Program* – For this part, a "new full-time employee position" is defined to include certain new positions in a county of the fourth, fifth, or sixth class. §§ 63N-4-402 (3)

TITLE 72 TRANSPORTATION CODE

Chapter 1 **Department of Transportation Administration Act** – At least one of the three commissioners selected from Utah at large for the Transportation Commission must be from a county of the third, fourth, fifth, or sixth class. §§ 72-1-301 (2)

Chapter 2 **Transportation Finances Act** – Money from the Local Highway and Transportation Corridor Preservation Fund may be used by a county of the third, fourth, fifth, or sixth class for the construction, operation, or maintenance of a class B road or class C road or the restoration or repair of transportation infrastructure. Funds shall only be used for a state highway, a principal or minor arterial highway, a major collector highway, a minor collector road, or a transit facility. §§ 72-2-117.5 (5) and (6)

Chapter 7 **Protection of Highways Act** – Under certain conditions, the Transportation Department may erect tourist-oriented informational signs on rural convention roads in a county of the fourth, fifth, or sixth class. §§ 72-7-504 (3)

TITLE 77 UTAH CODE OF CRIMINAL PROCEDURE

Chapter 32 **Indigent Defense Act**

- Part 5* *Indigent Inmates* – The Indigent Defense Funds Board shall enter into contracts to provide legal counsel for indigent inmates in a county of the third, fourth, fifth, or sixth class. The county attorney or district attorney of a county of the third, fourth, fifth, or sixth class shall function as the prosecuting entity. The county may impose a tax under § 77-32-501 to be deposited in the Indigent Inmate Trust Fund. The Indigent Inmate Trust Fund is to pay for representation for indigent inmates in a state prison located in a county of the third, fourth, fifth, or sixth class and administrative costs for the board. § 77-32-501 and -502
- Part 8* *Utah Indigent Defense Commission* – The Utah Association of Counties shall recommend one member of the Utah Indigent Defense Commission from a third-, fourth-, fifth-, or sixth-class county. §§ 77-32-802 (1)

TITLE 78A JUDICIARY AND JUDICIAL ADMINISTRATION

Chapter 7 **Justice Court**

- **Justice Court Creation:** A county of the third, fourth, or fifth class may create a justice court by demonstrating a need and filing a written declaration with the Judicial Council. §§ 78A-7-102 (3)
- **Judge Qualification:** In third, fourth, fifth, and sixth class counties, justice court judges shall have at least a high school diploma or its equivalent. Unlike counties of the first and second class, it is unclear how the position is advertised. § 78A-7-201

TITLE 78B JUDICIAL CODE

- Chapter 1 **Juries and Witnesses** – Counties of the fourth, fifth, or sixth class and counties of the third class with a population of less than 75,000 are excluded from the statutory restriction of a person being selected for prospective jury service more than once. § 78B-1-110

DIGEST OF STATUTES AFFECTING FIFTH-CLASS COUNTIES

*A county with a population between 4,000
and 11,000 is a county of the fifth class.*

SCOPE & LIMITATIONS

This digest includes summaries of statutes that currently differentiate fifth-class counties from one or more other county classes.

This digest *does not* comprehensively include (1) legislation affecting specific counties and (2) legislation affecting counties with a specific population outside of the county classification scheme. Statutes that differentiate a county class historically but not presently are excluded.

For more context or information on a provision that is mentioned in the digest, see the corresponding reference in the right column.

HIGHLIGHTS

- **Fire Warden:** A county of the fifth or sixth class may cost-share a fire warden with an adjacent county.
- **Rural Health Care Funds:** Funds to counties of the fifth and sixth class from the Rural Health Care Facilities Account can be used to fund rural emergency medical services and certain health care facilities.
- **Officer Career Advancement Reimbursement Program:** Twelve percent of funds for the Peace Officer Career Advancement Reimbursement Program are to be awarded to employees in counties of the fifth and sixth class.
- **Shared Provisions Between Counties of the Third – Sixth Class:**
 - An owner of at least 100 acres of contiguous agricultural land may make a minor subdivision.
 - A minimum number of county residents on certain boards and committees must be from a county of the third, fourth, fifth, or sixth class.
 - These counties may contract with an outside housing authority.
 - Funding and tax credits are available to support rural health care in these counties.
 - These counties have access to the Mineral Release Fund, the Rural Fast Track Program, and grants through the Business Development for Disadvantaged Business Communities.
 - These counties are required to contract with the Indigent Defense Funds Board.
- **Shared Provisions Between Counties of the Fourth – Sixth Class:**
 - Workers compensation shall reimburse the hospital at 85% of hospital fees.
 - These counties are eligible for rural school transportation reimbursement and the rural employee expansion program.
 - Schools within these counties have priority for funding through the American Indian and Alaskan Native Education State Plan Pilot Program.
 - These counties have provisions related to tourism, including spending a transient room tax and informational signs.
 - These counties can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 75%.

TITLE 7 FINANCIAL INSTITUTIONS ACT

Chapter 9 Utah Credit Union Act – A credit union's field of membership may only include certain persons, including residents of a town or third-, fourth-, or fifth-class city if it is located in a county of the fourth, fifth, or sixth class. A credit union may have a less restrictive field of membership if it includes no more than the residents of two counties that are of the third, fourth, fifth, or sixth class. § 7-9-51

TITLE 10 UTAH MUNICIPAL CODE

Chapter 2 Classification, Boundaries, Consolidation, and Dissolution of Municipalities

Part 4 Annexation – The definition for an "affected entity"—which creates extra notification requirements for the annexation of an unincorporated area—includes third-, fourth-, fifth-, and sixth-class counties in whose unincorporated area the area proposed for annexation is located if the area contains residents or commercial or industrial development. A "specified county"—which cannot have unincorporated land annexed unless it first adopts an annexation policy plan—means a county of the second, third, fourth, fifth, or sixth class. §§ 10-2-401 (1)

TITLE 17 COUNTIES

Chapter 27a County Land Use, Development, and Management Act

Part 3 General Land Use Provisions – A planning advisory area may not be established unless the area to be included is unincorporated, is contiguous, and—in a county of the fourth, fifth, or sixth class—contains at least 25% of the total unincorporated population. §§ 17-27a-306 (1)

Part 5 Land Use Regulations – A second-, third-, fourth-, fifth-, or sixth-class county may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling unless certain hazards exist. §§ 17-27a-505 (1)(d)

Part 6 Subdivisions – An owner of at least 100 contiguous acres of agricultural land may make a minor subdivision. For §§ 17-27a-605(4), a "minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class that is separate from the remainder of the original 100 or more contiguous acres of agricultural land. §§ 17-27a-605 (4)

Chapter 31 Recreational, Tourist, and Convention Bureaus – Counties may establish a transient room tax. In counties of the fourth, fifth, and sixth class, up to a third of the tax revenue may pay for solid waste disposal, emergency medical services, search and rescue activities, law enforcement activities and road repair to mitigate the impacts of recreation tourism or conventions. §§ 17-31-2 (1) and (2)

Chapter 50 **General Provisions for Counties** – A county with a population between 4,000 and 11,000 is a county of the fifth class. §§ 17-50-501 (2)(e)

TITLE 17B **LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - LOCAL DISTRICTS**

Chapter 2a **Provisions Applicable to Different Types of Local Districts**

Part 8 *Public Transit District Act –*

- **Board of Trustees:** Counties of the second class shall consult with counties of the third, fourth, fifth, and sixth class that are within their large public transit district about the second-class counties’ nominations to the board of trustees. §§ 17B-2a-807.1 (1)(b)
- **Local Advisory Board:** Third-, fourth-, fifth-, and sixth-class counties within a large public transit district shall jointly appoint one member to the local advisory board. §§ 17B-2a-808.2 (2)

Part 9 *Service Area Act –* A service area may charge a fee for law enforcement, fire protection, or ambulance or paramedic services after Dec. 31, 2012, if the service area includes a county of the fifth or sixth class. §§ 17B-2a-902 (5)

TITLE 17C **LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - COMMUNITY REINVESTMENT AGENCY ACT**

Chapter 1 **Agency Operations** – Each taxing entity committee in a county of the second, third, fourth, fifth, or sixth class shall be composed of two representatives appointed by resolution of the legislative body of the county. §§ 17C-1-402 (2)

Chapter 3 **Economic Development** – Each economic development project area that provides for more than \$100,000 of tax to the entity shall allocate at least 20% for housing. The 20% may be waived if the economic development project area is without housing units and is in a county of the fifth or sixth class. § 17C-3-202

TITLE 26 **UTAH HEALTH CODE**

Chapter 8a **Utah Emergency Medical Services System Act** – At least 6 of the 17 members of the State Emergency Medical Services Committee shall be residents of a county of the third, fourth, fifth, or sixth class. §§ 26-8a-103 (1)

Chapter 8b **Utah Sudden Cardiac Arrest Survival Act** – A county or municipality of the fourth, fifth, or sixth class can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 75%. § 26-8b-602

Chapter 9 **Rural Health Services**

- **Funding Rural Medical Services:** A county legislative body of the fifth or sixth class shall use the money received under §§ 26-9-4(5) and (6) to fund rural emergency medical services, federally qualified health centers, freestanding urgent care centers, rural county health care facilities, and rural health clinics. §§ 26-9-4 (7)

- **Grants to Rural Health Districts:** "Rural county health care special service district" means a special service district formed to provide health care in a third, fourth, fifth, or sixth class county. The Utah Health Department shall make grants available to these districts. § 26-9-5

TITLE 34A UTAH LABOR CODE

- Chapter 2 Workers' Compensation Act** – For a specified time period, a workers' compensation insurance carrier or self-insured employer that is reimbursing a hospital in a county of the fourth, fifth, or sixth class for covered medical services shall reimburse the hospital at 85% of the billed hospital fees for the covered medical services. §§ 34A-2-407 (11)

TITLE 35A UTAH WORKFORCE SERVICES CODE

- Chapter 8 Housing and Community Development Division**
- Counties of the third, fourth, fifth, and sixth class may contract or execute an interlocal agreement with a housing authority outside their county for services. §§ 35A-8-402 (5)
 - One of the individuals appointed to the Commission on Housing Affordability under §§ 35A-8-2202(2)(h)(vii) must be from a county of the third, fourth, fifth, or sixth class. §§ 35A-8-2202 (2)(h)(vii)
- Chapter 9 Intergenerational Poverty Mitigation Act** – The Department of Workforce Services shall select at least one county of the second class and at least one county of the third, fourth, fifth, or sixth class to receive a grant. §§ 35A-9-501 (5)

TITLE 53 PUBLIC SAFETY CODE

- Chapter 7 Utah Fire Prevention and Safety Act** – One of the members of the Utah Fire Prevention Board shall be a fire executive from a fire department in a county of the third, fourth, fifth, or sixth class. §§ 53-7-203 (2)

TITLE 53B STATE SYSTEM OF HIGHER EDUCATION

- Chapter 8 Tuition Waiver and Scholarships** – Twelve percent of the funds for the Peace Officer Career Advancement Reimbursement Program shall be designated for applicants employed by a law enforcement agency with jurisdiction in a fifth- or sixth-class county. §§ 53B-8-112 (4)

TITLE 53F PUBLIC EDUCATION SYSTEM -- FUNDING

- Chapter 5 State Funding -- Initiative Grant Programs**
- Part 2 Miscellaneous Grant Programs* – Among other requirements, a school district must be located in a county of the fourth, fifth, or sixth class to qualify as an eligible school for a rural school transportation reimbursement. § 53F-5-211

American Indian and Alaskan Native Education State Plan Pilot Program – The State Board of Education shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with significant populations of American Indians and Alaskan Natives in determining grant recipients for the American Indian and Alaskan Native Education State Plan Pilot Program.

TITLE 58 OCCUPATIONS AND PROFESSIONS

- Chapter 1** **Division of Occupational and Professional Licensing Act** – Tax credits are available to psychiatrists and health practitioners who provide licensed behavioral health treatment services to underserved populations. "Underserved populations" includes individuals in a county of the third, fourth, fifth, or sixth class. § 58-1-111

TITLE 59 REVENUE AND TAXATION

- Chapter 2** **Property Tax Act**
- **Certified Tax Rate Calculation:** The certified tax rate for a municipality in a fourth-, fifth-, or sixth-class county that was incorporated on or after July 1, 1996, is the levy imposed for general county purposes and other levies imposed solely for the municipal-type services identified in § 17-34-1 and §§ 17-36-3(22). § 59-2-924
 - **Multicounty Assessing and Collecting Levy:** The state auditor shall annually conduct a study of each fourth-, fifth-, and sixth-class county to determine costs of assessing property taxes, ability to generate revenue through an assessing and collecting levy, and the tax burden of levying property tax to cover the costs of assessing and collecting property tax. This study will be used to make determinations of priority in allocating money from the Property Tax Valuation Agency Fund. § 59-2-1603
- Chapter 12** **Sales and Use Tax Act**
- Part 2* *Local Sales and Use Tax Act* – Certain counties, cities, and towns that are part of a county of the third, fourth, fifth, or sixth class shall receive adjusted tax revenue distribution based on minimum tax revenue distributions.¹ § 59-12-205
- Part 7* *County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities* – For the purpose of distributing tax revenue collected under Title 59, Chapter 12, Part 7, "rural radio station" means a nonprofit radio station based in a county of the third, fourth, fifth, or sixth class. § 59-12-702
- Part 8* *Funding for Health Care* –
- **Rural County Health Care Facility:** A county legislative body of a third-, fourth-, fifth-, or sixth-class county may impose a 1% local option sales and use tax under § 59-12-802 to fund rural health care facilities and—for fifth- and sixth-class counties—certain other health care services, centers, and clinics. A "rural county health care facility" includes rural county hospitals and rural county § 59-12-802

¹ This provision will only apply until June 30, 2022.

nursing care facilities in its definition—both of which are required to be located within a third-, fourth-, fifth-, or sixth-class county.

- **Rural City Hospital:** A city legislative body may impose a 1% local option sales and use tax to fund rural city hospitals under § 59-12-804. A “rural city hospital” must be in a county of the third, fourth, fifth, or sixth class. § 59-12-804

Part 14 *City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities* – Title 59, Chapter 12, Part 14, the optional botanical and cultural organization tax that authorizes cities and towns to adopt that tax, only applies to cities and towns that are located in a county of the second, third, fourth, fifth, or sixth class. § 59-12-1401 and -1402

Part 22 *Local Option Sales and Use Taxes for Transportation Act* –

- **Regionally Significant Transp. Facility:** In a county of the third, fourth, fifth, or sixth class, a "regionally significant transportation facility" means a principal or minor arterial highway, a major collector highway, a minor collector road, or an airport of regional significance. § 59-12-2202
- **Revenue Disbursement:** If a county of the third, fourth, fifth, or sixth class is not annexed into a single public transit district or if there is not a public transit district within the county, revenue under § 59-12-2219 will be distributed in accordance with §§ 59-12-2219(7). If a county has not imposed a sales and use tax under § 59-12-2219, the legislative body of a city or town may—beginning July 1, 2020—impose a 0.25% sales and use tax on certain transactions if the city or town is in a county of the third, fourth, fifth, or sixth class and has been annexed into a large public transit district. § 59-12-2219

Chapter 21 **Mineral Lease Funds** – The Legislature shall appropriate 5% of Mineral Lease Account deposits to the Department of Workforce Services to be distributed to special service districts established by counties of the third, fourth, fifth, or sixth class in which 4.5% or less of the mineral lease money within the state is generated. The Legislature shall appropriate an amount equal to \$1,000 and the number of residences within the county to counties of the fifth and sixth class. § 59-21-2

TITLE 62A UTAH HUMAN SERVICES CODE

Chapter 15 **Substance Abuse and Mental Health Act** – The Division of Substance Abuse and Mental Health shall award grants for the development of up to five mobile crisis outreach teams in counties of the second, third, fourth, fifth, or sixth class. One of the five awards may be given to a team in a county of the first class under eligible conditions. § 62A-15-116

TITLE 63C STATE COMMISSIONS AND COUNCILS CODE

Chapter 18 **Mental Health Crisis Line Commission** – The commission shall include one individual who represents a county of the third, fourth, or fifth class, appointed by the Utah Association of Counties. §§ 63C-18-202 (1)

TITLE 63H INDEPENDENT STATE ENTITIES

Chapter 2 Utah Energy Infrastructure Authority Act – One of the nine members of the Utah Energy Infrastructure Authority Board must be a county commissioner from a county of the third, fourth, fifth, or sixth class. §§ 63H-2-202 (1)

TITLE 63N GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Chapter 3 Economic Development Programs

Part 1 Industrial Assistance Account –

- **Rural Fast Track:** A company must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Rural Fast Track Program. §§ 63N-3-104 (4)
- **Business Expansion and Retention Initiative:** A rural economic development entity must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Business Expansion and Retention Initiative. §§ 63N-3-104.5 (5)

Chapter 4 Rural Development Act

Part 2 Business Development for Disadvantaged Rural Communities Act – For this part, "eligible county" means a county of the third, fourth, fifth, or sixth class. §§ 63N-4-202 (4)

Part 4 Rural Employment Expansion Program – For this part, a "new full-time employee position" is defined to include certain new positions in a county of the fourth, fifth, or sixth class. §§ 63N-4-402 (3)

TITLE 65A FORESTRY, FIRE, AND STATE LANDS

Chapter 8 Management of Forest Lands and Fire Control – A fifth- and sixth-class county may cost-share a fire warden with an adjacent county with the approval of the state forester. §§ 65A-8-209.1 (1)

TITLE 72 TRANSPORTATION CODE

Chapter 1 Department of Transportation Administration Act – At least one of the three commissioners selected from Utah at large for the Transportation Commission must be from a county of the third, fourth, fifth, or sixth class. §§ 72-1-301 (2)

Chapter 2 Transportation Finances Act – Money from the Local Highway and Transportation Corridor Preservation Fund may be used by a county of the third, fourth, fifth, or sixth class for the construction, operation, or maintenance of a class B road or class C road or the restoration or repair of transportation infrastructure. Funds shall only be used for a state highway, a principal or minor arterial highway, a major collector highway, a minor collector road, or a transit facility. §§ 72-2-117.5 (5) and (6)

Chapter 7 **Protection of Highways Act** – Under certain conditions, the Transportation Department may erect tourist-oriented informational signs on rural convention roads in a county of the fourth, fifth, or sixth class. §§ 72-7-504 (3)

TITLE 77 UTAH CODE OF CRIMINAL PROCEDURE

Chapter 32 **Indigent Defense Act**

Part 5 *Indigent Inmates* – The Indigent Defense Funds Board shall enter into contracts to provide legal counsel for indigent inmates in a county of the third, fourth, fifth, or sixth class. The county attorney or district attorney of a county of the third, fourth, fifth, or sixth class shall function as the prosecuting entity. The county may impose a tax under § 77-32-501 to be deposited into the Indigent Inmate Trust Fund. The Indigent Inmate Trust Fund is to pay for representation for indigent inmates in a state prison located in a county of the third, fourth, fifth, or sixth class and administrative costs for the board. § 77-32-501 and -502

Part 8 *Utah Indigent Defense Commission* – The Utah Association of Counties shall recommend one member of the Utah Indigent Defense Commission from a third-, fourth-, fifth-, or sixth-class county. §§ 77-32-802 (1)

TITLE 78A JUDICIARY AND JUDICIAL ADMINISTRATION

Chapter 7 **Justice Court**

- **Justice Court Creation:** A county of the third, fourth, or fifth class may create a justice court by demonstrating a need and filing a written declaration with the Judicial Council. §§ 78A-7-102 (3)
- **Judge Qualification:** In third, fourth, fifth, and sixth class counties, justice court judges shall have at least a high school diploma or its equivalent. Unlike counties of the first and second class, it is unclear how the position is advertised. § 78A-7-201

TITLE 78B JUDICIAL CODE

Chapter 1 **Juries and Witnesses** – Counties of the fourth, fifth, or sixth class and counties of the third class with a population of less than 75,000 are excluded from the statutory restriction of a person being selected for prospective jury service more than once. § 78B-1-110

DIGEST OF STATUTES AFFECTING SIXTH-CLASS COUNTIES

*A county with a population below 4,000
is a county of the sixth class.*

SCOPE & LIMITATIONS

This digest includes summaries of statutes that currently differentiate sixth-class counties from one or more other county classes.

This digest *does not* comprehensively include (1) legislation affecting specific counties and (2) legislation affecting counties with a specific population outside of the county classification scheme. Statutes that differentiate a county class historically but not presently are excluded.

For more context or information on a provision that is mentioned in the digest, see the corresponding reference in the right column.

HIGHLIGHTS

- **Fire Warden:** A county of the fifth or sixth class may cost-share a fire warden with an adjacent county.
- **Rural Health Care Funds:** Funds to counties of the fifth and sixth class from the Rural Health Care Facilities Account can be used to fund rural emergency medical services and certain health care facilities.
- **Officer Career Advancement Reimbursement Program:** Twelve percent of funds from the Officer Career Advancement Reimbursement Program are to be awarded to employees in counties of the fifth and sixth class.
- **Justice Court Creation:** Unlike other counties, it is unclear how sixth-class counties create a justice court.
- **Shared Provisions Between Counties of the Third – Sixth Class:**
 - An owner of at least 100 acres of contiguous agricultural land may make a minor subdivision.
 - A minimum number of county residents on certain boards and committees must be from a county of the third, fourth, fifth, or sixth class.
 - These counties may contract with an outside housing authority.
 - Funding and tax credits are available to support rural health care in these counties.
 - These counties have access to the Mineral Release Fund, the Rural Fast Track Program, and grants through the Business Development for Disadvantaged Business Communities.
 - These counties are required to contract with the Indigent Defense Funds Board.
- **Shared Provisions Between Counties of the Fourth – Sixth Class:**
 - Workers compensation shall reimburse the hospital at 85% of hospital fees.
 - These counties are eligible for rural school transportation reimbursement and the rural employee expansion program.
 - Schools within these counties have priority for funding through the American Indian and Alaskan Native Education State Plan Pilot Program.
 - These counties have provisions related to tourism, including spending a transient room tax and informational signs.
 - These counties can only receive funds from the Automatic External Defibrillator Restricted Account if the county or municipality provides matching funds of 75%.

TITLE 7 FINANCIAL INSTITUTIONS ACT

Chapter 9 Utah Credit Union Act – A credit union's field of membership may only include certain persons, including residents of a town or third-, fourth-, or fifth-class city if it is located in a county of the fourth, fifth, or sixth class. A credit union may have a less restrictive field of membership if it includes no more than the residents of two counties that are of the third, fourth, fifth, or sixth class. § 7-9-51

TITLE 10 UTAH MUNICIPAL CODE

Chapter 2 Classification, Boundaries, Consolidation, and Dissolution of Municipalities

Part 4 Annexation – The definition for an "affected entity"—which creates extra notification requirements for the annexation of an unincorporated area—includes third-, fourth-, fifth-, and sixth-class counties in whose unincorporated area the area proposed for annexation is located if the area contains residents or commercial or industrial development. A "specified county"—which cannot have unincorporated land annexed unless it first adopts an annexation policy plan—means a county of the second, third, fourth, fifth, or sixth class. §§ 10-2-401 (1)

TITLE 17 COUNTIES

Chapter 27a County Land Use, Development, and Management Act

Part 3 General Land Use Provisions – A planning advisory area may not be established unless the area to be included is unincorporated, is contiguous, and—in a county of the fourth, fifth, or sixth class—contains at least 25% of the total unincorporated population. §§ 17-27a-306 (1)

Part 5 Land Use Regulations – A second-, third-, fourth-, fifth-, or sixth-class county may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling unless certain hazards exist. §§ 17-27a-505 (1)(d)

Part 6 Subdivisions – An owner of at least 100 contiguous acres of agricultural land may make a minor subdivision. For §§ 17-27a-605(4), a "minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class that is separate from the remainder of the original 100 or more contiguous acres of agricultural land. §§ 17-27a-605 (4)

Chapter 31 Recreational, Tourist, and Convention Bureaus – Counties may establish a transient room tax. In counties of the fourth, fifth, and sixth class, up to a third of the tax revenue may pay for solid waste disposal, emergency medical services, search and rescue activities, law enforcement activities and road repair to mitigate the impacts of recreation tourism or conventions. §§ 17-31-2 (1) and (2)

- **Grants to Rural Health Districts:** "Rural county health care special service district" means a special service district formed to provide health care in a third-, fourth-, fifth-, or sixth-class county. The Utah Health Department shall make grants available to these districts. § 26-9-5

TITLE 34A UTAH LABOR CODE

- Chapter 2 Workers' Compensation Act** – For a specified time period, a workers' compensation insurance carrier or self-insured employer that is reimbursing a hospital in a county of the fourth, fifth, or sixth class for covered medical services shall reimburse the hospital at 85% of the billed hospital fees for the covered medical services. §§ 34A-2-407 (11)

TITLE 35A UTAH WORKFORCE SERVICES CODE

- Chapter 8 Housing and Community Development Division**
- Counties of the third, fourth, fifth, and sixth class may contract or execute an interlocal agreement with a housing authority outside their county for services. §§ 35A-8-402 (5)
 - One of the individuals appointed to the Commission on Housing Affordability under §§ 35A-8-2202(2)(h)(vii) must be from a county of the third, fourth, fifth, or sixth class. §§ 35A-8-2202 (2)(h)(vii)
- Chapter 9 Intergenerational Poverty Mitigation Act** – The Department of Workforce Services shall select at least one county of the second class and at least one county of the third, fourth, fifth, or sixth class to receive a grant. §§ 35A-9-501 (5)

TITLE 53 PUBLIC SAFETY CODE

- Chapter 7 Utah Fire Prevention and Safety Act** – One of the members of the Utah Fire Prevention Board shall be a fire executive from a fire department in a county of the third, fourth, fifth, or sixth class. §§ 53-7-203 (2)

TITLE 53B STATE SYSTEM OF HIGHER EDUCATION

- Chapter 8 Tuition Waiver and Scholarships** – Twelve percent of the funds for the Peace Officer Career Advancement Reimbursement Program shall be designated for applicants employed by a law enforcement agency with jurisdiction in a fifth- or sixth-class county. §§ 53B-8-112 (4)

TITLE 53F PUBLIC EDUCATION SYSTEM -- FUNDING

- Chapter 5 State Funding -- Initiative Grant Programs**
- Part 2 Miscellaneous Grant Programs* – Among other requirements, a school district must be located in a county of the fourth, fifth, or sixth class to qualify as an eligible school for a rural school transportation reimbursement. § 53F-5-211

American Indian and Alaskan Native Education State Plan Pilot Program – The State Board of Education shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with significant populations of American Indians and Alaskan Natives in determining grant recipients for the American Indian and Alaskan Native Education State Plan Pilot Program.

TITLE 58 OCCUPATIONS AND PROFESSIONS

- Chapter 1** **Division of Occupational and Professional Licensing Act** – Tax credits are available to psychiatrists and health practitioners who provide licensed behavioral health treatment services to underserved populations. "Underserved populations" includes individuals in a county of the third, fourth, fifth, or sixth class. § 58-1-111

TITLE 59 REVENUE AND TAXATION

- Chapter 2** **Property Tax Act**
- **Certified Tax Rate Calculation:** The certified tax rate for a municipality in a fourth-, fifth-, or sixth-class county that was incorporated on or after July 1, 1996, is the levy imposed for general county purposes and other levies imposed solely for the municipal-type services identified in § 17-34-1 and §§ 17-36-3(22). § 59-2-924
 - **Multicounty Assessing and Collecting Levy:** The state auditor shall annually conduct a study of each fourth-, fifth-, and sixth-class county to determine costs of assessing property taxes, ability to generate revenue through an assessing and collecting levy, and the tax burden of levying property tax to cover the costs of assessing and collecting property tax. This study will be used to make determinations of priority in allocating money from the Property Tax Valuation Agency Fund. § 59-2-1603
- Chapter 12** **Sales and Use Tax Act**
- Part 2* *Local Sales and Use Tax Act* – Certain counties, cities, and towns that are part of a county of the third, fourth, fifth, or sixth class shall receive adjusted tax revenue distribution based on minimum tax revenue distributions.¹ § 59-12-205
- Part 7* *County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities* – For the purpose of distributing tax revenue collected under Title 59, Chapter 12, Part 7, "rural radio station" means a nonprofit radio station based in a county of the third, fourth, fifth, or sixth class. § 59-12-702
- Part 8* *Funding for Health Care* –
- **Rural County Health Care Facility:** A county legislative body of a third-, fourth-, fifth-, or sixth-class county may impose a 1% local option sales and use tax under § 59-12-802 to fund rural health care facilities and—for fifth- and sixth-class counties—certain other health care services, centers, and clinics. A "rural county health care facility" includes rural county hospitals and rural county § 59-12-802

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nursing care facilities in its definition—both of which are required to be located within a third-, fourth-, fifth-, or sixth-class county.

- **Rural City Hospital:** A city legislative body may impose a 1% local option sales and use tax to fund rural city hospitals under § 59-12-804. A “rural city hospital” must be in a county of the third, fourth, fifth, or sixth class. § 59-12-804

Part 14 *City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities* – Title 59, Chapter 12, Part 14, the optional botanical and cultural organization tax that authorizes cities and towns to adopt that tax, only applies to cities and towns that are located in a county of the second, third, fourth, fifth, or sixth class. § 59-12-1401 and -1402

Part 22 *Local Option Sales and Use Taxes for Transportation Act* –

- **Regionally Significant Transp. Facility:** In a county of the third, fourth, fifth, or sixth class, a "regionally significant transportation facility" means a principal or minor arterial highway, a major collector highway, a minor collector road, or an airport of regional significance. § 59-12-2202
- **Revenue Disbursement:** If a county of the third, fourth, fifth, or sixth class is not annexed into a single public transit district or if there is not a public transit district within the county, revenue under § 59-12-2219 will be distributed in accordance with §§ 59-12-2219(7). If a county has not imposed a sales and use tax under § 59-12-2219, the legislative body of a city or town may—beginning July 1, 2020—impose a 0.25% sales and use tax on certain transactions if the city or town is in a county of the third, fourth, fifth, or sixth class and has been annexed into a large public transit district. § 59-12-2219

Chapter 21 **Mineral Lease Funds** – The Legislature shall appropriate 5% of Mineral Lease Account deposits to the Department of Workforce Services to be distributed to special service districts established by counties of the third, fourth, fifth, or sixth class in which 4.5% or less of the mineral lease money within the state is generated. The Legislature shall appropriate an amount equal to \$1,000 and the number of residences within the county to counties of the fifth and sixth class. § 59-21-2

TITLE 62A UTAH HUMAN SERVICES CODE

Chapter 15 **Substance Abuse and Mental Health Act** – The Division of Substance Abuse and Mental Health shall award grants for the development of up to five mobile crisis outreach teams in counties of the second, third, fourth, fifth, or sixth class. One of the five awards may be given to a team in a county of the first class under eligible conditions. § 62A-15-116

TITLE 63H INDEPENDENT STATE ENTITIES

Chapter 2 **Utah Energy Infrastructure Authority Act** – One of the nine members of the Utah Energy Infrastructure Authority Board must be a county commissioner from a county of the third, fourth, fifth, or sixth class. §§ 63H-202 (1)

TITLE 63N GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

Chapter 3 Economic Development Programs

Part 1 Industrial Assistance Account –

- **Rural Fast Track:** A company must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Rural Fast Track Program. §§ 63N-3-104 (4)
- **Business Expansion and Retention Initiative:** A rural economic development entity must be located or operate in a county of the third, fourth, fifth, or sixth class to qualify for the Business Expansion and Retention Initiative. §§ 63N-3-104.5 (5)

Chapter 4 Rural Development Act

Part 2 Business Development for Disadvantaged Rural Communities Act – For this part, "eligible county" means a county of the third, fourth, fifth, or sixth class. §§ 63N-4-202 (4)

Part 4 Rural Employment Expansion Program – For this part, a "new full-time employee position" is defined to include certain new positions in a county of the fourth, fifth, and sixth class. §§ 63N-4-402 (3)

TITLE 65A FORESTRY, FIRE, AND STATE LANDS

Chapter 8 Management of Forest Lands and Fire Control – A fifth- and sixth-class county may cost-share a fire warden with an adjacent county with the approval of the state forester. §§ 65A-8-209.1 (1)

TITLE 72 TRANSPORTATION CODE

Chapter 1 Department of Transportation Administration Act – At least one of the three commissioners selected from Utah at large for the Transportation Commission must be from a county of the third, fourth, fifth, or sixth class. §§ 72-1-301 (2)

Chapter 2 Transportation Finances Act – Money from the Local Highway and Transportation Corridor Preservation Fund may be used by a county of the third, fourth, fifth, or sixth class for the construction, operation, or maintenance of a class B road or class C road or the restoration or repair of transportation infrastructure. Funds shall only be used for a state highway, a principal or minor arterial highway, a major collector highway, a minor collector road, or a transit facility. §§ 72-2-117.5 (5) and (6)

Chapter 7 Protection of Highways Act – Under certain conditions, the Transportation Department may erect tourist-oriented informational signs on rural convention roads in a county of the fourth, fifth, or sixth class. §§ 72-7-504 (3)

TITLE 77 UTAH CODE OF CRIMINAL PROCEDURE

Chapter 32 Indigent Defense Act

- Part 5* *Indigent Inmates* – The Indigent Defense Funds Board shall enter into contracts to provide legal counsel for indigent inmates in a county of the third, fourth, fifth, or sixth class. The county attorney or district attorney of a county of the third, fourth, fifth, or sixth class shall function as the prosecuting entity. The county may impose a tax under § 77-32-501 to be deposited in the Indigent Inmate Trust Fund. The Indigent Inmate Trust Fund is to pay for representation for indigent inmates in a state prison located in a county of the third, fourth, fifth, or sixth class and administrative costs for the board. § 77-32-501 and -502
- Part 8* *Utah Indigent Defense Commission* – The Utah Association of Counties shall recommend one member of the Utah Indigent Defense Commission from a third-, fourth-, fifth-, or sixth-class county. §§ 77-32-802 (1)

TITLE 78A JUDICIARY AND JUDICIAL ADMINISTRATION

Chapter 7 **Justice Court**

- **Justice Court Creation:** While counties of the third, fourth, or fifth class may create a justice court by demonstrating a need and filing a written declaration with the Judicial Council, it is unclear how sixth-class counties do so. §§ 78A-7-102 (3)
- **Judge Qualification:** In third, fourth, fifth, and sixth-class counties, justice court judges shall have at least a high school diploma or its equivalent. Unlike counties of the first and second class, it is unclear how the position is advertised. § 78A-7-201

TITLE 78B JUDICIAL CODE

- Chapter 1 **Juries and Witnesses** – Counties of the fourth, fifth, or sixth class and counties of the third class with a population of less than 75,000 are excluded from the statutory restriction of a person being selected for prospective jury service more than once. § 78B-1-110