

**COUNTY STATUTES RECODIFICATION**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

AN ACT RELATING TO COUNTIES; RENUMBERING AND AMENDING PROVISIONS RELATING TO COUNTY BOUNDARIES AND POWERS, THE POWERS AND DUTIES OF COUNTY OFFICERS, AND OTHER MATTERS; REPEALING VARIOUS COUNTY PROVISIONS; PROVIDING FOR LEGISLATIVE AND EXECUTIVE POWERS, DUTIES, AND FUNCTIONS OF COUNTY OFFICERS; PROVIDING FOR A COUNTY RESOURCE DEVELOPMENT COMMITTEE; PROVIDING FOR AN EXPANDED COUNTY COMMISSION FORM OF COUNTY GOVERNMENT; MAKING TECHNICAL CHANGES; AND PROVIDING A COORDINATION CLAUSE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-8-93**, as last amended by Chapter 227, Laws of Utah 1993

**17-12-1**, as last amended by Chapter 146, Laws of Utah 1994

**17-16-6**, as last amended by Chapter 32, Laws of Utah 1990

**17-17-2**, as last amended by Chapter 117, Laws of Utah 1999

**17-19-3**, as last amended by Chapter 212, Laws of Utah 1996

**17-22-2**, as last amended by Chapter 281, Laws of Utah 1997

**17-23-1**, as last amended by Chapter 123, Laws of Utah 1997

**17-24-4**, as last amended by Chapter 212, Laws of Utah 1996

**17-35b-301**, as enacted by Chapter 369, Laws of Utah 1998

**17-35b-302**, as enacted by Chapter 369, Laws of Utah 1998

**17A-2-1059**, as last amended by Chapter 147, Laws of Utah 1994

**17A-2-1314**, as last amended by Chapter 227, Laws of Utah 1993

**17A-3-208**, as last amended by Chapter 270, Laws of Utah 1998

**17A-3-218**, as renumbered and amended by Chapter 186 and last amended by Chapter 214, Laws of Utah 1990

- 20A-1-102**, as last amended by Chapters 21, 22 and 45, Laws of Utah 1999
- 26A-1-102**, as last amended by Chapter 147, Laws of Utah 1994
- 26A-1-106**, as last amended by Chapter 147, Laws of Utah 1994
- 26A-1-117**, as last amended by Chapter 147, Laws of Utah 1994
- 35A-3-114**, as last amended by Chapter 13, Laws of Utah 1998
- 35A-3-401**, as last amended by Chapter 61, Laws of Utah 1999
- 63-55-235**, as last amended by Chapters 10 and 375, Laws of Utah 1997
- 63-63a-8**, as last amended by Chapters 134, 215, 235 and 365, Laws of Utah 1997
- 68-3-12**, as last amended by Chapter 369, Laws of Utah 1998
- 70A-9-403**, as last amended by Chapter 172, Laws of Utah 1996
- 70A-9-404**, as last amended by Chapter 147, Laws of Utah 1994
- 72-3-301**, as enacted by Chapter 188, Laws of Utah 1999
- 77-32-304.5**, as enacted by Chapter 307, Laws of Utah 1997

**ENACTS:**

- 17-50-101**, Utah Code Annotated 1953
- 17-50-201**, Utah Code Annotated 1953
- 17-50-204**, Utah Code Annotated 1953
- 17-50-401**, Utah Code Annotated 1953
- 17-52-102**, Utah Code Annotated 1953
- 17-52-207**, Utah Code Annotated 1953
- 17-52-502**, Utah Code Annotated 1953
- 17-53-102**, Utah Code Annotated 1953
- 17-53-201**, Utah Code Annotated 1953
- 17-53-211**, Utah Code Annotated 1953
- 17-53-225**, Utah Code Annotated 1953
- 17-53-301**, Utah Code Annotated 1953
- 17-53-302**, Utah Code Annotated 1953
- 17-53-303**, Utah Code Annotated 1953

**17-53-304**, Utah Code Annotated 1953

**17-53-306**, Utah Code Annotated 1953

**17-53-312**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

**17-20-1.5**, (Renumbered from 17-5-208, as renumbered and amended by Chapters 146 and 147, Laws of Utah 1994)

**17-20-1.7**, (Renumbered from 17-5-209, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-36-46**, (Renumbered from 17-4-6, as enacted by Chapter 25, Laws of Utah 1959)

**17-36-47**, (Renumbered from 17-4-7, as last amended by Chapter 21, Laws of Utah 1963)

**17-36-48**, (Renumbered from 17-4-9, as last amended by Chapter 5, Laws of Utah 1991)

**17-36-49**, (Renumbered from 17-4-10, as enacted by Chapter 25, Laws of Utah 1959)

**17-36-50**, (Renumbered from 17-4-11, as enacted by Chapter 25, Laws of Utah 1959)

**17-36-51**, (Renumbered from 17-4-14, as last amended by Chapter 3, Laws of Utah 1988)

**17-36-52**, (Renumbered from 17-4-15, as enacted by Chapter 69, Laws of Utah 1977)

**17-36-53**, (Renumbered from 17-4-16, as last amended by Chapter 3, Laws of Utah 1988)

**17-36-54**, (Renumbered from 17-4-17, as enacted by Chapter 69, Laws of Utah 1977)

**17-50-102**, (Renumbered from 17-4-5, Utah Code Annotated 1953)

**17-50-202**, (Renumbered from 17-1-2, Utah Code Annotated 1953)

**17-50-203**, (Renumbered from 17-1-3, Utah Code Annotated 1953)

**17-50-205**, (Renumbered from 17-1-4, Utah Code Annotated 1953)

**17-50-206**, (Renumbered from 17-1-5, Utah Code Annotated 1953)

**17-50-207**, (Renumbered from 17-1-6, Utah Code Annotated 1953)

**17-50-208**, (Renumbered from 17-1-7, Utah Code Annotated 1953)

**17-50-209**, (Renumbered from 17-1-8, Utah Code Annotated 1953)

**17-50-210**, (Renumbered from 17-1-9, Utah Code Annotated 1953)

**17-50-211**, (Renumbered from 17-1-10, as last amended by Chapter 67, Laws of Utah 1977)

**17-50-212**, (Renumbered from 17-1-11, Utah Code Annotated 1953)

- 17-50-213**, (Renumbered from 17-1-12, Utah Code Annotated 1953)  
**17-50-214**, (Renumbered from 17-1-13, Utah Code Annotated 1953)  
**17-50-215**, (Renumbered from 17-1-14, Utah Code Annotated 1953)  
**17-50-216**, (Renumbered from 17-1-15, Utah Code Annotated 1953)  
**17-50-217**, (Renumbered from 17-1-16, Utah Code Annotated 1953)  
**17-50-218**, (Renumbered from 17-1-17, Utah Code Annotated 1953)  
**17-50-219**, (Renumbered from 17-1-18, Utah Code Annotated 1953)  
**17-50-220**, (Renumbered from 17-1-19, Utah Code Annotated 1953)  
**17-50-221**, (Renumbered from 17-1-20, Utah Code Annotated 1953)  
**17-50-222**, (Renumbered from 17-1-21, Utah Code Annotated 1953)  
**17-50-223**, (Renumbered from 17-1-22, Utah Code Annotated 1953)  
**17-50-224**, (Renumbered from 17-1-23, Utah Code Annotated 1953)  
**17-50-225**, (Renumbered from 17-1-24, Utah Code Annotated 1953)  
**17-50-226**, (Renumbered from 17-1-25, Utah Code Annotated 1953)  
**17-50-227**, (Renumbered from 17-1-26, Utah Code Annotated 1953)  
**17-50-228**, (Renumbered from 17-1-27, as last amended by Chapter 67, Laws of Utah 1977)  
**17-50-229**, (Renumbered from 17-1-28, Utah Code Annotated 1953)  
**17-50-230**, (Renumbered from 17-1-29, Utah Code Annotated 1953)  
**17-50-231**, (Renumbered from 17-1-30, Utah Code Annotated 1953)  
**17-50-232**, (Renumbered from 17-1-31, Utah Code Annotated 1953)  
**17-50-233**, (Renumbered from 17-1-32, Utah Code Annotated 1953)  
**17-50-301**, (Renumbered from 17-4-2, as last amended by Chapter 227, Laws of Utah 1993)  
**17-50-302**, (Renumbered from 17-4-3, Utah Code Annotated 1953)  
**17-50-303**, (Renumbered from 17-4-4, as last amended by Chapter 227, Laws of Utah 1993)  
**17-50-304**, (Renumbered from 17-5-229, as renumbered and amended by Chapter 147, Laws of Utah 1994)  
**17-50-305**, (Renumbered from 17-5-232, as last amended by Chapter 365, Laws of Utah 1999)

**17-50-306**, (Renumbered from 17-5-233, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-307**, (Renumbered from 17-5-234, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-308**, (Renumbered from 17-5-235, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-309**, (Renumbered from 17-5-236, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-310**, (Renumbered from 17-5-237, as last amended by Chapter 365, Laws of Utah 1999)

**17-50-311**, (Renumbered from 17-5-239, as last amended by Chapter 365, Laws of Utah 1999)

**17-50-312**, (Renumbered from 17-5-242, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-313**, (Renumbered from 17-5-243, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-314**, (Renumbered from 17-5-245, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-315**, (Renumbered from 17-5-264, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-316**, (Renumbered from 17-5-265, as renumbered and amended by Chapters 12 and 147, Laws of Utah 1994)

**17-50-317**, (Renumbered from 17-5-271, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-318**, (Renumbered from 17-5-275, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-50-319**, (Renumbered from 17-15-17, as last amended by Chapter 38, Laws of Utah 1993)

- 17-50-320**, (Renumbered from 17-15-21, as enacted by Chapter 36, Laws of Utah 1977)
- 17-50-402**, (Renumbered from 17-15-11, Utah Code Annotated 1953)
- 17-50-403**, (Renumbered from 17-15-12, Utah Code Annotated 1953)
- 17-50-404**, (Renumbered from 17-15-13, as last amended by Chapter 227, Laws of Utah 1993)
- 17-50-405**, (Renumbered from 17-15-14, as last amended by Chapter 146, Laws of Utah 1994)
- 17-50-406**, (Renumbered from 17-15-15, Utah Code Annotated 1953)
- 17-52-101**, (Renumbered from 17-35a-102, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-201**, (Renumbered from 17-35a-201, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-202**, (Renumbered from 17-35a-202, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-203**, (Renumbered from 17-35a-203, as last amended by Chapter 265, Laws of Utah 1999)
- 17-52-204**, (Renumbered from 17-35a-203.5, as enacted by Chapter 265, Laws of Utah 1999)
- 17-52-205**, (Renumbered from 17-35a-203.7, as enacted by Chapter 265, Laws of Utah 1999)
- 17-52-206**, (Renumbered from 17-35a-204, as last amended by Chapter 265, Laws of Utah 1999)
- 17-52-301**, (Renumbered from 17-35a-301, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-302**, (Renumbered from 17-35a-302, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-303**, (Renumbered from 17-35a-303, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-401**, (Renumbered from 17-35a-401, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-402**, (Renumbered from 17-35a-402, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-403**, (Renumbered from 17-35a-403, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-404**, (Renumbered from 17-35a-404, as enacted by Chapter 369, Laws of Utah 1998)
- 17-52-501**, (Renumbered from 17-5-101, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-52-503**, (Renumbered from 17-35a-501, as enacted by Chapter 369, Laws of Utah 1998)

**17-52-504**, (Renumbered from 17-35a-502, as last amended by Chapter 21, Laws of Utah 1999)

**17-52-505**, (Renumbered from 17-35a-503, as last amended by Chapter 21, Laws of Utah 1999)

**17-52-506**, (Renumbered from 17-35a-504, as enacted by Chapter 369, Laws of Utah 1998)

**17-53-101**, (Renumbered from 17-16-2, as last amended by Chapter 38, Laws of Utah 1993)

**17-53-103**, (Renumbered from 17-5-206, as last amended by Chapter 265, Laws of Utah 1999)

**17-53-104**, (Renumbered from 17-5-216, as last amended by Chapter 139, Laws of Utah 1997)

**17-53-105**, (Renumbered from 17-5-256, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-202**, (Renumbered from 17-5-102, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-203**, (Renumbered from 17-5-201, as renumbered and amended by Chapters 146 and 147, Laws of Utah 1994)

**17-53-204**, (Renumbered from 17-5-202, as renumbered and amended by Chapters 146 and 147, Laws of Utah 1994)

**17-53-205**, (Renumbered from 17-5-203, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-206**, (Renumbered from 17-5-204, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-207**, (Renumbered from 17-5-205, as renumbered and amended by Chapters 146 and 147, Laws of Utah 1994)

**17-53-208**, (Renumbered from 17-15-1, as last amended by Chapter 244, Laws of Utah 1999)

**17-53-209**, (Renumbered from 17-5-210, as renumbered and amended by Chapter 147, Laws

of Utah 1994)

**17-53-210**, (Renumbered from 17-5-211, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-212**, (Renumbered from 17-5-215, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-213**, (Renumbered from 17-5-217, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-214**, (Renumbered from 17-5-220, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-215**, (Renumbered from 17-5-221, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-216**, (Renumbered from 17-5-222, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-217**, (Renumbered from 17-5-228, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-218**, (Renumbered from 17-5-246, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-219**, (Renumbered from 17-5-247, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-220**, (Renumbered from 17-5-248, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-221**, (Renumbered from 17-5-255, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-222**, (Renumbered from 17-5-258, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-223**, (Renumbered from 17-5-263, as renumbered and amended by Chapters 146 and 147, Laws of Utah 1994)

**17-53-224**, (Renumbered from 17-5-272, as renumbered and amended by Chapter 147, Laws



of Utah 1994)

**17-53-226**, (Renumbered from 17-15-2, as last amended by Chapter 146, Laws of Utah 1994)

**17-53-227**, (Renumbered from 17-5-207, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-305**, (Renumbered from 17-5-218, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**17-53-307**, (Renumbered from 17-5-259, as renumbered and amended by Chapters 146 and 147, Laws of Utah 1994)

**17-53-308**, (Renumbered from 17-15-3, as last amended by Chapter 365, Laws of Utah 1999)

**17-53-309**, (Renumbered from 17-15-4, as last amended by Chapter 265, Laws of Utah 1995)

**17-53-310**, (Renumbered from 17-15-5, as last amended by Chapter 265, Laws of Utah 1995)

**17-53-311**, (Renumbered from 17-5-274, as last amended by Chapter 13, Laws of Utah 1998)

**17-53-313**, (Renumbered from 17-5-273, as last amended by Chapter 123, Laws of Utah 1997)

**17-53-314**, (Renumbered from 17-5-219, as renumbered and amended by Chapter 147, Laws of Utah 1994)

**21-2-8**, (Renumbered from 17-5-214, as last amended by Chapter 375, Laws of Utah 1997)

**REPEALS:**

**17-1-1**, Utah Code Annotated 1953

**17-1-33**, as last amended by Chapter 227, Laws of Utah 1993

**17-4-1**, Utah Code Annotated 1953

**17-4-12**, as enacted by Chapter 69, Laws of Utah 1977

**17-4-13**, as enacted by Chapter 69, Laws of Utah 1977

**17-5-103**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-104**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-223**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-224**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-225**, as last amended by Chapter 182, Laws of Utah 1998  
**17-5-226**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-227**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-230**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-231**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-238**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-240**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-241**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-244**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-249**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-250**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-251**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-252**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-253**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-254**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-257**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-260**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-261**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-262**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-266**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-267**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-268**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-269**, as renumbered and amended by Chapter 147, Laws of Utah 1994  
**17-5-270**, as renumbered and amended by Chapter 147, Laws of Utah 1994

**17-15-10**, as last amended by Chapter 227, Laws of Utah 1993

**17-35a-101**, as enacted by Chapter 369, Laws of Utah 1998

**17-35a-103**, as enacted by Chapter 369, Laws of Utah 1998

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

Section 1. Section **10-8-93** is amended to read:

**10-8-93. Control of funds and disbursements -- Auditing of accounts by county auditor -- Transfer of county tax funds to board to cover deficiencies.**

The joint board created pursuant to this act shall have the custody and control of all funds collected in the joint operation of such hospital and the disbursement thereof; provided that the county auditor of any county participating under the provisions of this act shall audit the accounts of said board quarterly or at more frequent intervals, if public interest, in the judgment of such auditor requires a more frequent audit. The county executive of any county participating in the operation and maintenance of hospitals pursuant to this act may pay over to the joint board of such hospitals any funds yielded by a levy made pursuant to Section [~~17-5-255~~] 17-53-221 that may be required to cover any deficiencies incurred in the operation and maintenance of such hospital.

Section 2. Section **17-12-1** is amended to read:

**17-12-1. Authority and applicable procedure for issuance of bonds -- Application of proceeds -- Debt limit.**

Except as otherwise provided under Section [~~17-4-4~~] 17-50-303, the county legislative body may contract a bonded indebtedness in the manner and subject to the conditions provided under [~~the~~] Title 11, Chapter 14, Utah Municipal Bond Act. The revenue derived from the sale of bonds shall be applied only to the purpose or purposes specified in the order of the county legislative body. If there is any surplus, it shall be applied to the payment of the bonds. In no event may any county become so indebted to an amount, including existing indebtedness, exceeding 2% of the fair market value, as defined under Section 59-2-102, of the taxable property in the county as computed from the last equalized assessment roll for county purposes prior to the incurring of the indebtedness.

Section 3. Section **17-16-6** is amended to read:

**17-16-6. County officers -- Time of holding elections -- County commissioners -- Terms**

**of office.**

Except as otherwise provided in an optional plan adopted under Chapter 52, Forms of County Government:

- (1) [~~Each~~] each elected county [~~and precinct~~] officer shall be elected at the general election held in November, 1990, and then every four years, except as otherwise provided in this title[-];
- (2) [~~County~~] county commissioners shall be elected at the times, in the manner, and for the terms provided in [~~Title 17, Chapter 5.~~] Section 17-52-501; and
- (3) [~~An~~] an elected officer shall hold office for the term for which he is elected, beginning at noon on the first Monday in January following his election and until a successor is elected or appointed and qualified, except as provided in Section 17-16-1.

Section 4. Section **17-17-2** is amended to read:

**17-17-2. Assessor to be state qualified -- Vacancy -- Filling vacancy.**

- (1) In addition to the requirements of Section 17-16-1, any person elected to the office of county assessor after November 1, 1993, shall be a state-registered, state-licensed, or state-certified appraiser as defined in Title 61, Chapter 2b, prior to the expiration of 24 months from the day on which his term of office begins.
- (2) (a) If an assessor fails to meet the requirement of this section, the assessor's office is automatically vacant.
- (b) (i) In the event of a vacancy under this section, the county executive shall fill the vacancy in the manner provided for in Sections [~~17-5-216~~] 17-53-104 and 20A-1-508. However, a person selected to fill the vacancy must be a state-registered, state-licensed, or state-certified appraiser within six months after assuming the office of county assessor.
- (ii) If a state-registered, state-licensed, or state-certified appraiser cannot be found to fill a vacancy which resulted from the requirements of this section, the county executive may contract with a state-registered, state-licensed, or state-certified appraiser from outside the county to fill the remainder of the term in the office of county assessor.

Section 5. Section **17-19-3** is amended to read:

**17-19-3. Payments -- Notification.**

(1) (a) Subject to Subsection (1)(b), each bill, account, or charge incurred by the county and legally examined and allowed and ordered paid by the county executive shall, if approved by the county auditor as provided in Section 17-19-1, be paid by either:

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

(ii) a county check or such other payment mechanism as may be adopted pursuant to [Title 17,] Chapter 36, Uniform Fiscal Procedures Act for Counties.

(b) No bill, account, or charge shall be paid until the auditor:

(i) receives from the county executive the certified list mentioned in Subsection [~~17-5-209~~] 17-20-1.7(4); and

(ii) approves the claim.

(2) Each debt and demand against the county, when the amount is fixed by law and not directed to be audited by some other person or tribunal, shall be paid by either:

(a) a warrant drawn by the auditor on the county treasurer; or

(b) a check or such other payment mechanism as may be adopted pursuant to [~~Title 17,~~] Chapter 36, Uniform Fiscal Procedures Act for Counties.

(3) (a) The auditor shall distinctly specify on each warrant the liability for which it is made and when the liability accrued. The auditor shall also notify the treasurer of the date, amount, and payee of and number assigned to each warrant issued and the aggregate amount of all contemporaneous payments by warrant.

(b) The auditor shall notify the treasurer of the amount and payee of all payments to be made by check or other payment mechanism and, if the auditor issues the check or other payment mechanism, the date of and number assigned to each check or other payment mechanism and the aggregate amount of all such contemporaneous payments.

Section 6. Section **17-20-1.5**, which is renumbered from Section 17-5-208 is renumbered and amended to read:

~~[17-5-208].~~ **17-20-1.5. Clerk of county legislative body.**

The county clerk is the clerk of the county legislative body. ~~[The records and minutes of the~~

county legislative body must be signed by the chairman and the clerk.]

Section 7. Section ~~17-20-1.7~~, which is renumbered from Section 17-5-209 is renumbered and amended to read:

~~[17-5-209].~~ **17-20-1.7. Clerk's duties.**

The clerk ~~[of the board must]~~ shall:

- (1) ~~[Record]~~ record all ~~[its]~~ proceedings~~[-]~~ of the county legislative body;
- (2) ~~[Make]~~ make full entries of all ~~[its]~~ resolutions and decisions of the county legislative body on all questions concerning ~~[the raising of money for, and the allowance of accounts against,]~~ the county~~[-]~~;
- (3) ~~[Record]~~ record the vote of each member on any question upon which there is a division~~[-]~~;
- (4) ~~[Immediately after the adjournment of each meeting of the board]~~ prepare and certify duplicate lists of all claims ~~[passed upon by the board]~~, showing the amount and date of each claim or order and the date of the allowance or rejection ~~[thereof]~~ of the claim, which lists shall be countersigned by the ~~[chairman of the board]~~ county executive; ~~[and thereafter the clerk shall]~~
- (5) deliver to and leave with the county auditor one of ~~[said]~~ the lists referred to in Subsection (4) and ~~[shall]~~ deliver to and leave with the county treasurer the other list~~[-]~~;
- ~~[(5) File]~~ (6) file and preserve the reports of the county officers to the ~~[board.]~~ county legislative body;
- ~~[(6) Preserve]~~ (7) preserve and file all accounts acted upon by the ~~[board]~~ county legislative body, except such as are necessarily kept by the auditor~~[-]~~;
- ~~[(7) Preserve]~~ (8) preserve and file all petitions and applications for franchises, and record the action of the ~~[board thereon.]~~ county legislative body on them;
- ~~[(8) Authenticate]~~ (9) authenticate with ~~[his]~~ the clerk's signature and the seal of the county ~~[clerk]~~ the proceedings of the ~~[board whenever]~~ county legislative body if the ~~[same shall be]~~ proceedings are ordered published~~[-]~~;
- ~~[(9) Authenticate]~~ (10) authenticate with ~~[his]~~ the clerk's signature and the seal of the county ~~[clerk]~~ all ordinances or laws passed by the ~~[board]~~ county legislative body, and record ~~[the same]~~

them at length in the ordinance book[-:];

~~[(10) Record]~~ (11) record all orders levying taxes[-:];

(12) keep at the clerk's office all county books, records, and accounts that the clerk is required by law to keep and keep them open at all times during regular business hours for public inspection; and

~~[(11) Perform]~~ (13) perform all other duties required by law or by any rule or order of the ~~[board]~~ county legislative body.

Section 8. Section **17-22-2** is amended to read:

**17-22-2. Sheriff -- General duties.**

(1) The sheriff shall:

(a) preserve the peace;

(b) make all lawful arrests;

(c) attend in person or by deputy the Supreme Court and the Court of Appeals when required or when the court is held within his county, all courts of record, and court commissioner and referee sessions held within his county, obey their lawful orders and directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

(d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;

(e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or for the custody of jurors;

(f) command the aid of as many inhabitants of his county as he considers necessary in the execution of these duties;

(g) take charge of and keep the county jail and the jail prisoners;

(h) receive and safely keep all persons committed to his custody, file and preserve the commitments of those persons, and record the name, age, place of birth, and description of each person committed;

(i) release on the record all attachments of real property when the attachment he receives has been released or discharged;

(j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the person delivering process or notice showing the names of the parties, title of paper, and the time of receipt;

(k) serve all process and notices as prescribed by law;

(l) if he makes service of process or notice, certify on the process or notices the manner, time, and place of service, or, if he fails to make service, certify the reason upon the process or notice, and return them without delay;

(m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within his county;

(n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section [~~17-5-274~~] 17-53-311;

(o) manage search and rescue services in his county; and

(p) perform any other duties that are required by law.

(2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other subsection under Subsection (1) is a class A misdemeanor.

Section 9. Section **17-23-1** is amended to read:

**17-23-1. Duties of county surveyor -- Election requirements -- Contract option.**

(1) (a) The office of the county surveyor in each county shall be filled by election and, except as provided in Subsection (1)(b), the county surveyor shall be a registered professional land surveyor in the state.

(b) In a county where the office of county surveyor is consolidated with another elected office, the officeholder need not be a registered professional land surveyor, but all surveying work must be performed by a registered professional land surveyor.

(c) In a county where there is no elected county surveyor, the county executive or legislative body may, consistent with [~~Subsection 17-5-273(2)~~] Section 17-53-313, contract with a registered



professional land surveyor to perform those duties.

(2) The county surveyor shall execute:

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

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

(3) (a) The surveyor of each county shall:

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

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

(iii) keep a fair and accurate record of all surveys made, including legal descriptions and geographic coordinates, all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to Section 17-23-17.5;

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

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

(vi) ensure that all surveys of legal subdivisions of sections are made according to the current United States Manual of Surveying Instructions;

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

(viii) perform other duties required by law.

(b) In arranging for the performance of surveying work for the county under Subsection (3)(a)(ii), a surveyor may comply with [~~Subsection 17-5-273(2)~~] Section 17-53-313.

(4) (a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.

(b) The corners shall be reestablished in the manner provided in Section 17-23-13 for establishing corners.

(c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.

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

(5) The county executive or legislative body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work.

Section 10. Section **17-24-4** is amended to read:

**17-24-4. Payment of warrants, checks, or other instruments.**

(1) When a warrant is presented for payment and there is money in the treasury for that purpose, the treasurer shall pay it.

(2) Upon receiving the notice from the county auditor under Subsection 17-19-3(3)(b) and if there is adequate money in the treasury, the treasurer shall, by check or other payment mechanism, make any payment not already paid by warrant.

(3) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any warrant or to issue any check or other payment instrument before receiving the certified list under Subsection [~~17-5-209~~] 17-20-1.7(4).

Section 11. Section **17-35b-301** is amended to read:

**17-35b-301. "General county (modified)" structural form of county government.**

(1) The structural form of county government known as the "general county (modified)" form retains, without change or modification, except to the extent that changes or modifications may be effectuated under other proceedings authorized by law, all existing incorporated cities and towns, special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of the county. Under this form of government, the county remains vested with all powers and duties vested in counties by general law, but the county legislative body, together with such other officers as may be specified in the optional plan, shall be elected or appointed in the manner authorized by this act and as provided in the optional plan.

(2) An optional plan for this form of county government shall provide for the election of a county council, composed of not less than three members, which shall be the county legislative body and shall exercise all legislative powers authorized by law. The plan shall specify:

(a) whether the members of the council are to be elected from districts, at large, or by a combination of district and at-large constituencies;

(b) their qualifications and terms of office, and whether such terms are concurrent or overlapping;

(c) grounds for and methods of removal of council members from office;

(d) procedures for filling vacancies on the council, provided that the procedures shall conform

with ~~[Sections 17-5-104 and]~~ Section 20A-1-508; and

(e) the compensation, if any, of council members together with procedures for prescribing and changing such compensation from time to time.

Section 12. Section **17-35b-302** is amended to read:

**17-35b-302. Urban county structural form of county government.**

(1) The structural form of county government known as the "urban county" form retains, without change or modification, except to the extent that changes or modifications may be effectuated under other proceedings authorized by law, all existing incorporated cities and towns, special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of the county. Under this form of government, the county remains vested with all powers and duties vested in counties by general law, but in addition is vested with and empowered to exercise within the unincorporated territory of the county all powers and duties which, by general law, are conferred upon cities whose population is equal to that of the unincorporated territory of such county.

(2) The urban county is empowered to enter into contractual arrangements for the joint exercise of powers or for performance of services and, for that purpose, may employ and be subject to the provisions of Title 11, Chapter 13, Interlocal Cooperation Act. By contract, the urban county may perform for any city, town, special taxing district, public authority, county service area, or other local public entity within the county any governmental service or function which such entity is

lawfully empowered to perform for itself within its own territory, or which the county is lawfully empowered to perform anywhere within the county boundaries. No contract service or function shall be performed by the county except for a consideration which is at least substantially equal to the cost of performing it.

(3) The plan for an urban county form of county government may provide for organization of the unincorporated territory of the county into one or more county service areas and, for this purpose, may provide for special organizing or implementing procedures which differ from those provided in Title 17A, Chapter 2, Part 4, County Service Areas Act. Except to the extent that the plan provides to the contrary, all noncontract services and functions lawfully performed by the county solely within unincorporated territory and not on a countywide basis shall, after the effective date of the plan, be considered performed and extended solely as services of, and financed by and through, the county service area. The plan may provide for, limit, or condition the services and functions which the urban county is authorized to perform and extend within the territory of incorporated cities and towns within the county and may provide procedures by which such provisions, limits, or conditions may be established and changed from time to time.

(4) The plan for the urban county shall provide for the election of a county council, composed of not less than three members. The council shall be the county legislative body and shall exercise all legislative powers authorized by law. The plan shall specify:

(a) whether the members of the council are to be elected from districts, at large, or by a combination of district and at-large constituencies;

(b) their qualifications and terms of office, and whether such terms are concurrent or overlapping;

(c) grounds for and methods for removal of council members from office;

(d) procedures for filling vacancies on the council, provided that the procedures shall conform

with ~~Sections 17-5-104 and~~ Section 20A-1-508; and

(e) the compensation, if any, of council members together with procedures for prescribing and changing such compensation from time to time.

Section 13. Section **17-36-46**, which is renumbered from Section 17-4-6 is renumbered and

amended to read:

~~[17-4-6].~~      **17-36-46. Reserve fund for capital improvements -- Creation -- Purpose -- Limitation.**

(1) The ~~[governing]~~ legislative body of any county may establish and maintain, by ordinance, a cumulative reserve fund to be accumulated by levy for the purpose of financing the purchase of real property and the cost of planning, constructing or rehabilitating public buildings or other public works and capital improvements.

(2) (a) Before ~~[such]~~ a reserve fund under Subsection (1) may be established, the county legislative body shall designate by ordinance the specific purpose for which the fund is established ~~[shall be determined by the governing body of such county by ordinance and].~~

(b) Except as provided in Section 17-36-50, all funds in a reserve fund under Subsection (1) shall be expended for the designated purposes~~[, except, as provided in Section 17-4-11].~~

Section 14. Section **17-36-47**, which is renumbered from Section 17-4-7 is renumbered and amended to read:

~~[17-4-7].~~      **17-36-47. Reserve fund for capital improvements -- Estimate of amount required -- Tax levy -- Accumulation from year to year -- Restriction on use.**

~~[The governing]~~ (1) Subject to Subsection (4) the legislative body of ~~[each such]~~ a county that has established a reserve fund under Section 17-36-46 may:

(a) include in the annual budget or estimate of amounts required to meet the public expenses of ~~[such subdivision]~~ the county for the ensuing year such sum as it ~~[may deem]~~ considers necessary for the uses and purposes of the fund~~[. Such sum may be included];~~ and

(b) include those amounts in the annual tax levy of the ~~[political subdivision]~~ county. ~~[The]~~

(2) Subject to Subsection (4), the moneys in ~~[said]~~ the fund shall be allowed to accumulate from year to year until the ~~[governing body of the political subdivision shall determine]~~ county legislative body determines to spend any money in the fund for the purpose specified. ~~[Any moneys]~~

(3) Subject to Subsection (4), money in ~~[said]~~ the fund at the end of ~~[the]~~ a fiscal year shall remain ~~[intact]~~ in the fund as surplus available for future use, and ~~[shall]~~ may not be transferred to any other fund or used for any other purpose.

(4) The amount of money in a reserve fund established under Section 17-36-46 may not exceed .6% of the taxable value of the county.

Section 15. Section **17-36-48**, which is renumbered from Section 17-4-9 is renumbered and amended to read:

~~[17-4-9].~~     **17-36-48. Reserve fund for capital improvements -- Transfer to fund of unencumbered surplus county funds.**

At any time after the creation of ~~[such]~~ a reserve fund under Section 17-36-46, the ~~[governing]~~ county legislative body may transfer to the fund any unencumbered surplus county funds remaining ~~[on hand in the political subdivisions]~~ at the end of ~~[any]~~ a fiscal year. ~~[In all cases when the reserve is equivalent to .6% of the taxable value of the county, the provisions of Section 17-4-7 do not apply.]~~

Section 16. Section **17-36-49**, which is renumbered from Section 17-4-10 is renumbered and amended to read:

~~[17-4-10].~~     **17-36-49. Reserve fund for capital improvements -- Investment -- Interest and income.**

(1) All moneys belonging to ~~[the]~~ a reserve fund created ~~[by this act]~~ under Section 17-36-46 shall be invested in such securities as are legal for other funds of the ~~[political subdivisions]~~ county.

(2) The interest and income from the investments shall be a part of the fund.

Section 17. Section **17-36-50**, which is renumbered from Section 17-4-11 is renumbered and amended to read:

~~[17-4-11].~~     **17-36-50. Reserve fund for capital improvements -- Use for projects other than originally specified -- Special election.**

(1) The ~~[governing]~~ legislative body of any county may submit the proposition of using ~~[such reserve]~~ funds in a reserve fund established under Section 17-36-46 for projects other than originally specified to the electors of ~~[such political subdivisions or taxing bodies]~~ the county at a special election~~[, provided, such]~~ if the projects are for the purposes set forth in Section ~~[17-4-6]~~ 17-36-46.  
~~[When such]~~

(2) If a proposition under Subsection (1) is proposed, the ~~[governing]~~ county legislative body

[of such county] shall fix a time and place for a special election on the proposition [~~which shall~~], to be held as provided by law.

Section 18. Section **17-36-51**, which is renumbered from Section 17-4-14 is renumbered and amended to read:

~~[17-4-14].~~     **17-36-51. Establishment of tax stability and trust fund -- Increase in tax levy.**

(1) (a) Notwithstanding anything to the contrary contained in [~~this chapter or elsewhere in the statutes of this state~~] statute, the [~~governing~~] legislative body of any county may by ordinance establish and maintain a tax stability and trust fund [~~by adopting an ordinance to that effect~~], for the purpose of preserving funds during years with favorable tax revenues for use during years with less favorable tax revenues. [~~The~~]

(b) Each fund under Subsection (1)(a) shall be subject to all of the limitations and restrictions imposed by this section and Sections [~~17-4-12 through 17-4-16 and the~~] 17-36-52 and 17-36-53.

(c) The principal of the fund shall [~~comprise~~] consist of all sums transferred to it in accordance with Subsection (2) and interest or other income retained in the fund under Subsection [~~17-4-15~~] 17-36-52(2).

(2) After [~~the establishment of~~] establishing a tax stability and trust fund [~~by a county~~] as provided in Subsection (1), the [~~governing~~] legislative body, in establishing the levy for the property tax levied by the county under Section 59-2-908, may establish the levy at a level not to exceed [~~a~~] .0001 per dollar of taxable value of taxable property increase per year [~~which~~] that will permit the county to receive during that fiscal year sums in excess of what may be required to provide for the purposes of the county. Any excess sums so received are to be transferred from the General Fund of the county into the tax stability and trust fund.

Section 19. Section **17-36-52**, which is renumbered from Section 17-4-15 is renumbered and amended to read:

~~[17-4-15].~~     **17-36-52. Tax stability and trust fund -- Deposit or investment of funds -- Use of interest or other income.**

(1) All amounts in the tax stability and trust fund [~~of any~~] established by a county under

Section 17-36-51 may be deposited or invested as provided in Section 51-7-11. These amounts may also be transferred by the county treasurer to the state treasurer under Section 51-7-5 for [his] the treasurer's management and control under [the] Title 51, Chapter 7, State Money Management Act [of 1974].

(2) The interest or other income realized from amounts in the tax stability and trust fund shall be returned to the general fund of the county during the fiscal year in which the income or interest is paid to the extent the interest or income is required by the county to provide for its purposes during that fiscal year. Any amounts so returned may be used for all purposes as other amounts in such general fund. Any interest or income not so returned to the county's general fund shall be added to the principal of that county's tax stability and trust fund.

Section 20. Section **17-36-53**, which is renumbered from Section 17-4-16 is renumbered and amended to read:

~~[17-4-16].~~     **17-36-53. Tax stability and trust fund -- Amount in fund limited --**

**Disposition of excess.**

(1) The total amount in [the] a county's tax stability and trust fund [~~of any county~~] established under Section 17-36-51 shall be limited to the percentage of the total taxable value of property in that county not to exceed the limits provided in the following schedule:

Total Taxable Value	Fund Limits Percentage of Taxable Value	but not to exceed:
Less than \$500,000,000	1.6%	\$5,000,000
From 500,000,000 to 1,500,000,000	1.0%	7,500,000
Over 1,500,000,000	.5%	15,000,000

(2) If any excess occurs in the tax stability and trust fund over the percentage or maximum dollar amounts specified in Subsection (1), this excess shall be transferred to the general fund of the county and may be used for all purposes as other amounts in the general fund are used.

(3) If any excess in the fund exists because of a decrease in total taxable value, that excess



may remain in the fund, but if the excess amount in the fund is decreased below the limitations of the fund for any reason, the fund limitations established under Subsection (1) apply.

Section 21. Section **17-36-54**, which is renumbered from Section 17-4-17 is renumbered and amended to read:

~~[17-4-17].~~     **17-36-54. Tax stability and trust fund -- Use of principal --  
Determination of necessity -- Election.**

If the ~~[governing]~~ legislative body of ~~[any]~~ a county ~~[shall determine]~~ that has established a tax stability and trust fund under Section 17-36-51 determines that it is necessary for purposes of that county to use any portion of the principal of the ~~[tax stability and trust]~~ fund ~~[that the county had established]~~, the ~~[governing]~~ county legislative body shall submit this proposition to the electorate of that county in a special election called and held in the manner provided for in ~~[the]~~ Title 11, Chapter 14, Utah Municipal Bond Act ~~[(Title 11, Chapter 14)]~~, for the holding of bond elections. If the proposition is approved at this special election by a majority of the qualified electors of the county voting at the election, then that portion of the principal of the fund covered by the proposition may be transferred to the county's general fund for use for purposes of that county.

Section 22. Section **17-50-101** is enacted to read:

**CHAPTER 50. GENERAL PROVISIONS**

**Part 1. General Provisions**

**17-50-101. Definitions.**

As used in this title:

(1) "County" means a unit of local government that is a body corporate and politic and a legal subdivision of the state, with geographic boundaries as provided in Part 2, Boundaries, and powers as provided in Part 3, County Powers.

(2) "Executive," when used to describe the powers, duties, or functions of a person or body elected as the county executive or a person appointed as the county manager or administrative officer, refers to:

(a) the power and duty to carry laws and ordinances into effect and secure their due observance; and

(b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the executive branch of government.

(3) "Legislative," when used to describe the powers, duties, or functions of a county commission or council, refers to:

(a) the power and duty to enact ordinances, levy taxes, and establish budgets; and

(b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the legislative branch of government.

Section 23. Section **17-50-102**, which is renumbered from Section 17-4-5 is renumbered and amended to read:

~~[17-4-5].~~      **17-50-102. Unlawful liabilities void.**

~~[All contracts, authorizations, allowances, payments]~~ Each contract, authorization, allowance, payment, and purported ~~[liabilities]~~ liability to pay made or attempted to be made in violation of this title shall be absolutely void and shall never be the foundation or basis of a claim against the county.

~~[And all officers of a county are charged with notice of the condition of its treasury and the extent of the claims against the same.]~~

Section 24. Section **17-50-201** is enacted to read:

**Part 2. Boundaries**

**17-50-201. Definitions.**

As used in this part:

(1) "Range" refers to the Salt Lake meridian and base line of the United States survey, unless the context plainly indicates otherwise.

(2) "Section" refers to the Salt Lake meridian and base line of the United States survey, unless the context plainly indicates otherwise.

(3) "Township" refers to the Salt Lake meridian and base line of the United States survey.

Section 25. Section **17-50-202**, which is renumbered from Section 17-1-2 is renumbered and amended to read:

**[17-1-2]. 17-50-202. True courses employed.**

In the description of courses in this part, the words "north," "south," "east" and "west" shall be ~~construed~~ considered to mean true courses.

Section 26. Section **17-50-203**, which is renumbered from Section 17-1-3 is renumbered and amended to read:

**[17-1-3]. 17-50-203. Existing counties.**

The ~~several~~ counties ~~[as they are in this chapter named and]~~ whose geographic boundaries are described in this part are the counties of the state until ~~[otherwise]~~ changed by law.

Section 27. Section **17-50-204** is enacted to read:

**17-50-204. Disputed boundaries.**

(1) If a dispute or uncertainty arises as to the true location of a county boundary described in this part, the surveyors of each county whose boundary is the subject of the dispute or uncertainty may determine the true location.

(2) (a) If the county surveyors fail to agree on or otherwise fail to establish the true location of the county boundary, the county executive of either or both of the affected counties shall engage the services of the state engineer.

(b) After being engaged under Subsection (2)(a), the state engineer shall notify the surveyor of each county whose boundary is the subject of the dispute or uncertainty of the procedure the state engineer will use to determine the true location of the boundary.

(c) With the assistance of each surveyor who chooses to participate, the state engineer shall determine permanently the true location of the boundary by marking surveys and erecting suitable monuments to designate the boundary.

(d) Each boundary established under this Subsection (2) shall be considered permanent until superseded by legislative enactment.

(3) Nothing in this section may be construed to give the county surveyors or state engineer any authority other than to erect suitable monuments to designate county boundaries as they are described in this part.

Section 28. Section **17-50-205**, which is renumbered from Section 17-1-4 is renumbered and

amended to read:

**[17-1-4].      17-50-205. Beaver County -- Description.**

The geographic boundaries of Beaver County are described as follows: Beginning at a point on the summit of the range separating the Beaver and Pavant Valleys from Sevier Valley east of a point two miles south of the south side of Fort Wilden on Cove Creek, thence west to the state boundary; thence south to the line separating townships 30 and 31 south; thence east to the summit of said range; thence northerly along said summit to the point of beginning.

Section 29. Section **17-50-206**, which is renumbered from Section 17-1-5 is renumbered and amended to read:

**[17-1-5].      17-50-206. Box Elder County -- Description.**

The geographic boundaries of Box Elder County are described as follows: Beginning at the intersection of the northern boundary of the state and the summit of the range next east of Malad Valley, thence west to the northwest corner of the state; thence south to the forty-first parallel of north latitude; thence east to the western shore of Great Salt Lake; thence northeasterly along, and to the middle point of, a straight line drawn between said point on the lake and a point on the east shore thereof due west of the middle of the channel of the Weber River at a point north of the northwest corner of Kingston's Fort; thence northeasterly along a straight line drawn from said middle point of said line to a point on the west line of range 3 west, due west from the Hot Springs situated at the point of the mountain north of Ogden; thence east to said springs; thence northeasterly along the summit of the spur range terminating at said springs to, and thence along, the summit of the Wasatch Mountains, passing around the headwaters of Box Elder and Willow creeks, and crossing the Bear River at the middle point of its lower canyon, to, and thence northerly along, the summit of the range of mountains next east of Malad Valley to the point of beginning.

Section 30. Section **17-50-207**, which is renumbered from Section 17-1-6 is renumbered and amended to read:

**[17-1-6].      17-50-207. Cache County -- Description.**

The geographic boundaries of Cache County are described as follows: Beginning at the intersection of the northern boundary of the state and the summit of the watershed separating the

Cache and Bear Lake Valleys, thence west along the said boundary to the summit of the range next east of Malad Valley; thence southerly along the summit of the last mentioned range crossing the Bear River at the middle point of its lower canyon to, and thence along, the summit of the Wasatch Range, passing round the headwaters of Box Elder and Willow Creeks; and thence easterly along the summit of said range to its intersection with, and thence northerly along, the summit of the watershed between the Cache and Bear Lake Valleys to the point of beginning.

Section 31. Section **17-50-208**, which is renumbered from Section 17-1-7 is renumbered and amended to read:

**~~[17-1-7]~~. 17-50-208. Carbon County -- Description.**

The geographic boundaries of Carbon County are described as follows: Beginning at the middle of the channel of the Green River where intersected by the line dividing townships 11 and 12 south, thence west along said line to the section line running north and south through the middle of range 6 east; thence south to the summit of the watershed next east of Huntington Creek; thence southeasterly along said summit to the third standard parallel south; thence east to the middle of the main channel of the Green River; thence northerly up said channel to the point of beginning.

Section 32. Section **17-50-209**, which is renumbered from Section 17-1-8 is renumbered and amended to read:

**~~[17-1-8]~~. 17-50-209. Daggett County -- Description.**

The geographic boundaries of Daggett County are described as follows: Beginning at the point of intersection of the boundaries of Utah, Wyoming, and Colorado, thence west along the Utah state line to a point which would intersect a line running south through the center of section fifteen (15), township 3 north, range 17 east of the Salt Lake base and meridian; thence south through the center of sections fifteen (15), twenty-two (22), twenty-seven (27) and thirty-four (34), of township 3 north of range 17 east; thence south through the center of sections three (3), ten (10), fifteen (15), twenty-two (22), twenty-seven (27), and thirty-four (34), township 2 north of range 17 east of the Salt Lake base and meridian; thence south through the center of sections three (3), ten (10), fifteen (15), and twenty-two (22), of township 1 north of range 17 east of Salt Lake base and meridian to the intersection of the easterly and westerly line of the summit of the Uintah Mountains; thence

easterly along the summit of said Uintah Mountains and following the water parting line dividing the watershed of streams flowing generally northerly from those flowing generally southerly to the monument at the top of Mt. Lena; thence easterly to the west quarter (W 1/4) corner section twenty-five (25), township one (1) north, range twenty-two (22) east; thence north along the west boundary line of sections twenty-five (25), twenty-four (24), thirteen (13), twelve (12) and one (1), township one (1) north, range twenty-two (22) east to the northwest corner of section one (1), township one (1) north, range twenty-two (22) east; thence east along the south boundary lines of township 2 north, ranges twenty-two (22), twenty-three (23) and twenty-four (24) east to the northwest corner of section three (3), township one (1) north of range twenty-four (24) east; thence south along the west boundary lines of sections three (3), ten (10), fifteen (15), twenty-two (22) and twenty-seven (27) all in township one (1) north of range twenty-four (24) east; thence east along the south boundary lines of sections twenty-seven (27), and twenty-six (26) to the northwest corner of section thirty-six (36), all in township one (1) north of range twenty-four (24) east; thence south along the west line of said section thirty-six (36), to the southwest corner of said section; thence east to the northwest corner of township one (1) south of range twenty-five (25) east; thence south along the west boundary line of township one (1) south of range twenty-five (25) east to the southwest corner of said township; thence east along the south boundary lines of sections thirty-one (31) and thirty-two (32), township one (1) south of range twenty-five (25) east to the northwest corner of section four (4), township two (2) south of range twenty-five (25) east; thence south along the west boundary lines of sections four (4) and nine (9), to the west quarter corner of section nine (9), township two (2) south of range twenty-five (25) east; thence east along the center lines of sections nine (9), ten (10), eleven (11), and twelve (12) township two (2) south of range twenty-five (25) east to the Colorado state line; thence north along the Colorado state line to the point of beginning.

Section 33. Section **17-50-210**, which is renumbered from Section 17-1-9 is renumbered and amended to read:

**[~~17-1-9~~].      17-50-210. Davis County -- Description.**

The geographic boundaries of Davis County are described as follows: Beginning at a point in the middle of the channel of the Weber River where crossed by the summit line of the Wasatch

Range, thence westerly down the middle of said channel to a point north of the northwest corner of Kingston's Fort; thence west to the east shore of Great Salt Lake; thence southwesterly along and to the middle point of a straight line running between said point on the east shore and a point on the west shore of said lake at latitude 41 degrees north; thence southeasterly along a straight line running between Black Rock on the southern shore of said lake and said middle point of said line to the base line of the United States survey; thence northeasterly and equidistant between Antelope Island and the south shore of said lake to a point west of the mouth of the Jordan River on the west line of range 1 west; thence east to the mouth of the Jordan River; thence southeasterly up the middle of the channel of the Jordan River to a point west of a point 136 rods north of hot spring in the northern part of Salt Lake City; thence east to the summit of the spur range terminating at said hot spring; thence northeasterly along said last mentioned summit to its intersection with, and thence northerly along, the summit of the Wasatch Range to the point of beginning.

Section 34. Section **17-50-211**, which is renumbered from Section 17-1-10 is renumbered and amended to read:

**[~~17-1-10~~].     **17-50-211. Duchesne County -- Description.****

The geographic boundaries of Duchesne County are described as follows: Beginning at a point on the summit of the Uintah mountains two sections and one-fifth mile west of the point where the Uintah special meridian intersects the summit of the Uintah Mountains, thence southwesterly along the summit of the mountains to a point due north of the center line between the east and west range lines of range 9 west of the Uintah special meridian; thence south intersecting and thence following the center line of range 9 west of the Uintah special meridian to a point where it intersects with the second standard parallel south, Salt Lake base and meridian (which point is also an extension east from the Salt Lake base and meridian); thence east to the line between ranges 9 and 10 east of Salt Lake meridian; thence south to the township line between townships 11 and 12 south of the Salt Lake base and meridian; thence east along this township line to a point south of a point located two sections and one-fifth mile west of the Uintah special meridian at the south boundary of the former Uintah Indian Reservation; thence north parallel with the 110 degrees and 00 minutes west longitude to said point; thence northerly, adjacent to and west of the Uintah special meridian a distance of two

sections and one-fifth mile to the point of beginning.

Section 35. Section **17-50-212**, which is renumbered from Section 17-1-11 is renumbered and amended to read:

**[17-1-11]. 17-50-212. Emery County -- Description.**

The geographic boundaries of Emery County are described as follows: Beginning at the intersection of the third standard parallel south with the middle of the main channel of the Green River, thence west to the summit of the watershed next east of Huntington Creek; thence northwesterly along said summit to the section line running north and south through the middle of range 6 east; thence south to the third standard parallel south; thence west to the line between ranges 5 and 6 east; thence south to parallel 38 degrees 30 minutes north latitude, thence east to the middle of the main channel of the Green River; thence northerly up the middle of said channel to the point of beginning.

Section 36. Section **17-50-213**, which is renumbered from Section 17-1-12 is renumbered and amended to read:

**[17-1-12]. 17-50-213. Garfield County -- Description.**

The geographic boundaries of Garfield County are described as follows: Beginning at the intersection of the main channel of the Colorado River with the line between townships 30 and 31 south, thence west along said township line to the line between ranges 5 and 6 west; thence south to the line between townships 33 and 34 south; thence west to the line between ranges 6 and 7 west; thence south to the line between townships 34 and 35 south; thence west to the line between ranges 7 and 8 west; thence south to the line between townships 37 and 38 south; thence east along said line to the main channel of the Colorado River; thence northeasterly up said channel to the point of beginning.

Section 37. Section **17-50-214**, which is renumbered from Section 17-1-13 is renumbered and amended to read:

**[17-1-13]. 17-50-214. Grand County -- Description.**

The geographic boundaries of Grand County are described as follows: Beginning at the intersection of the summit of the Brown Cliffs with the eastern boundary of the state, thence westerly



along the summit of said cliffs to the third standard parallel south; thence west to the middle of the main channel of the Green River; thence southerly down the middle of said channel to parallel 38 degrees 30 minutes north latitude; thence east to the state boundary; thence north to the point of beginning.

Section 38. Section **17-50-215**, which is renumbered from Section 17-1-14 is renumbered and amended to read:

**[17-1-14].     17-50-215. Iron County -- Description.**

The geographic boundaries of Iron County are described as follows: Beginning at the northwest corner of township 31 south, range 5 west, thence west to the boundary of the state; thence south to the line between townships 36 and 37 south; thence east to the line between ranges 16 and 15 west; thence north to the northwest corner of township 37 south, range 15 west; thence east to the northeast corner of township 37 south, range 15 west; thence south to the southeast corner of township 37 south, range 15 west; thence east to the southeast corner of township 37 south, range 13 west; thence south to the northeast corner of section 24, township 38 south, range 13 west; thence east on the section lines to the intersection of the range line between ranges 12 and 11 west; thence south on that range line to the southwest corner of section 18, township 38 south, range 11 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west; thence north along the range line to the southwest corner of section 18, township 38 south, range 10 west; thence east on the section lines to the intersection of the range line between ranges 11 and 10 west, at the northeast corner of section 24, township 38 south, range 10 west; thence north to the line separating townships 37 and 38 south; thence east to the line between ranges 8 and 7 west; thence north to the northwest corner of township 35 south, range 7 west; thence east to the northeast corner of said township 35 south, range 7 west; thence north to the northwest corner of township 34 south, range 6 west; thence east to the northeast corner of township 34 south, range 6 west; thence north to the point of beginning.

Section 39. Section **17-50-216**, which is renumbered from Section 17-1-15 is renumbered and amended to read:

**[17-1-15].     17-50-216. Juab County -- Description.**

The geographic boundaries of Juab County are described as follows: Beginning at the intersection of the second standard parallel south with the divide between Cherry and Faust Creeks, thence west to the boundary of the state; thence south to a point due west of the mouth of the lower canyon of the Sevier River; thence east on township line between townships 14 and 15 south to the middle of the channel of said river; thence northeasterly up the channel of said river to its point of intersection with the summit, if prolonged, of the range separating Oak Creek District from Little Valley; thence southerly along the summit of said last mentioned range to the summit of the high ground and mountains between the Round and Little Valleys; thence east on section line nearest the last mentioned summit to the southeast corner of section 16, township 17 south, range 2 west; thence south to the southwest corner of section 22 near the top of the dugway on Sevier Hill; thence east on the section line to the southeast corner of section 24, township 17 south, range 2 west; thence north on the range line between ranges 1 west and 2 west to the northwest corner of lot 11 in section 18, township 17 south, range 1 west, Salt Lake base and meridian; thence east on section line to the southwest corner of section 8, township 17 south, range 1 west, Salt Lake base and meridian; thence north on section line to the southwest corner of section 32, township 16 south, range 1 west, said section corner being about half a mile northerly of the Upper Bluffs or Painted Rocks on the Sevier River; thence east on the township line to the southwest corner of section 34, township 16 south, range 1 west; thence north on section line to the northwest corner of said section 34; thence east on section line to the southeast corner of section 25, township 16 south, range 1 east; thence north on the range line between ranges 1 and 2 east to the northwest corner of township 16 south, range 2 east; thence east on township line between townships 15 and 16 south, range 2 east, to the northwest corner of section 4, township 16 south, range 2 east; thence north on section line to the northwest corner of section 16, township 13 south, range 2 east; thence east on section line to the quarter section corner common to sections 10 and 15 of said township and range; thence north on quarter line through section 10 to the quarter corner common to sections 3 and 10; thence east on section line to the southwest corner of section 2; thence north on section line to the quarter corner common to sections 2 and 3; thence east on the quarter section line through said section 2 to the quarter corner common to sections 1 and 2; thence north to the northeast corner of said section 2; thence east on

the township line between townships 12 and 13 south to the southwest corner of township 12 south, range 3 east; thence north on range line between ranges 2 and 3 east to the northwest corner of section 31, township 12 south, range 3 east; thence east on section line to the southwest corner of section 27; thence north on section line to the southeast corner of section 9; thence west on section line to the southwest corner of section 8; thence north on section line to the northwest corner of section 8; thence west on section line to the southwest corner of section 6; thence north on range line between ranges 2 and 3 east to the northwest corner of township 12 south, range 3 east; thence west on township line between townships 11 and 12 south to the summit of the Nebo Range; thence northerly along the summit of the Nebo Range to the summit of the high ground and range between the Utah and Juab Valleys; thence along the last mentioned summit and the summit between the Goshen and Juab Valleys and the summit between the Tintic Valley and the Cedar and Goshen Valleys and the summit between the Tintic and Rush Valleys to the point of beginning.

Section 40. Section **17-50-217**, which is renumbered from Section 17-1-16 is renumbered and amended to read:

**[17-1-16]. 17-50-217. Kane County -- Description.**

The geographic boundaries of Kane County are described as follows: Beginning at the middle of the main channel of the Colorado river where intersected by the line separating townships 37 and 38 south, thence west to the line separating ranges 9 and 10 west; thence south to the boundary of the state; thence east to the middle of the main channel of the Colorado river; thence northeasterly up the middle of said channel to the point of beginning.

Section 41. Section **17-50-218**, which is renumbered from Section 17-1-17 is renumbered and amended to read:

**[17-1-17]. 17-50-218. Millard County -- Description.**

The geographic boundaries of Millard County are described as follows: Beginning at the southeast corner of section 24, township 17 south, range 2 west, Salt Lake base and meridian, on range line between ranges 1 and 2 west, thence west to the southwest corner of section 22 near the summit of Sevier Hill; thence north to the southeast corner of section 16; thence west on section line to the summit of the range separating Oak Creek district from the Little Valley; thence northerly

following the last mentioned summit to its point of intersection, if prolonged, with the middle of the channel of the Sevier River; thence southwesterly down the middle of said channel to the mouth of the lower Sevier Canyon; thence west on the township line between townships 14 and 15 south to the boundary of the state; thence south to a point west of a point two miles south of the south side of Fort Wilden on Cove Creek; thence east to the summit of the range separating the Sevier Valley from the Pavant and Round Valleys; thence to the southwest corner of section 31, township 25 south, range 5 west; thence east one-half mile; thence north two miles; thence east one mile; thence north three miles; thence east one-half mile; thence north one mile to the northwest corner, section 4, township 25 south, range 5 west; thence east one-half mile; thence north one mile; thence east one mile; thence north one-half mile; thence east five miles to the center of section 28, township 24 south, range 4-1/2 west; thence south one-half mile; thence east two and one-half miles; thence north one-half mile; thence east one mile; thence north one-fourth of a mile; thence east one-half mile; thence north one mile; thence east one-half mile; thence north one-fourth mile to the northwest corner of section 20, township 24 south, range 4 west; thence east one mile; thence north one-half mile; thence east three-fourths miles; thence north one-half mile; thence east one-fourth of a mile to the southwest corner of section 10, township 24 south, range 4 west; thence north one-half mile; thence east one mile; thence north two and one-half miles; thence west one-half mile; thence north five miles to the quarter section corner on the north side of section 3, township 23 south, range 4 west; thence north along section line between sections 31 and 32 to the northwest corner of section 32, township 22 south, range 3 west; thence east two miles to the southeast corner section 28, township 22 south, range 3 west; thence north one mile; thence east one mile; thence north two miles; thence east one mile; thence east one mile to the southeast corner of section 36, township 21 south, range 3 west; thence north one and one-half miles more or less to the southwest corner of section 21, township 21 south, range 2-1/2 west; thence east to the quarter section corner on the south side of section 19, township 21 south, range 2 west; thence north two miles; thence east one-half mile to the southeast corner of section 7, township 21 south, range 2 west; thence north one-half mile; thence east two miles; thence north to the northwest corner of section 3, township 21 south, range 2 west; thence east to the southeast corner of section 36, township 20 south, range 2 west: thence north on the range line

between ranges 1-1/2 and 2 west to the southeast corner of section 24, township 17 south, range 2 west, Salt Lake base and meridian to the point of beginning.

Section 42. Section **17-50-219**, which is renumbered from Section 17-1-18 is renumbered and amended to read:

**[17-1-18]. 17-50-219. Morgan County -- Description.**

The geographic boundaries of Morgan County are described as follows: Beginning at the point on the summit of the Wasatch range of mountains nearest to the eastern headwaters of the Ogden river, thence southwesterly along the summit of said range passing south around the headwaters of the Ogden river to the summit of the main Wasatch range southeast of Ogden City; thence southerly along the summit of said range crossing the Weber canyon and river to the summit of the cross range through which the upper canyon of East Canyon creek runs; thence easterly along the summit of said last mentioned range to, and thence northerly along, the summit of the range between East Canyon creek and the Weber river to the Weber river; thence northeasterly across said river and along the summit of the high land between Lost and Echo Canyon creeks to the summit of the Wasatch range separating the valley of the Bear river from the valley of the Weber river; thence northwesterly along the last mentioned summit to the point of beginning.

Section 43. Section **17-50-220**, which is renumbered from Section 17-1-19 is renumbered and amended to read:

**[17-1-19]. 17-50-220. Piute County -- Description.**

The geographic boundaries of Piute County are described as follows: Beginning at the northeast corner of the southeast quarter of the southwest quarter of section 35, township 26 south, range 1 east of the Salt Lake meridian; thence westerly along the 40-line parallel to section line to the range line between 2 and 3 west; thence north on range line to the northeast corner of the southeast quarter of the northeast quarter of section 25, township 26 south, range 3 west of the Salt Lake meridian; thence westerly along the 40-line parallel to the section line, to the northwest corner of the southwest quarter of the northwest quarter of section 34, township 26 south, range 6 west to the summit of the range separating Beaver and Pavant Valleys from Sevier Valley; thence southerly following said last mentioned summit to the line between townships 30 and 31 south; thence east to

the Salt Lake meridian; thence north to the intersection of said meridian with the summit of the range separating Grass and Rabbit Valleys; thence northeasterly along said summit to the point of beginning.

Section 44. Section **17-50-221**, which is renumbered from Section 17-1-20 is renumbered and amended to read:

**[~~17-1-20~~]. 17-50-221. Rich County -- Description.**

The geographic boundaries of Rich County are described as follows: Beginning at the point of intersection of the boundaries of Utah, Idaho and Wyoming, thence west to the summit of the watershed separating Cache and Bear Lake Valleys; thence southerly along the summit of said watershed to the summit of the Wasatch Range lying north and east of the headwaters of the Ogden River; thence southeasterly along the summit of the last mentioned range to, and thence along the summit of the mountains separating the valley of the Bear River from the valley of the Weber River to a point opposite and nearest to the Union Pacific Railroad, one mile east of Wasatch Station; thence southerly to the north side of said railroad; thence northeasterly along the north side of said railroad to the summit west of the Bear River Valley; thence east to the state boundary; thence north to the point of beginning.

Section 45. Section **17-50-222**, which is renumbered from Section 17-1-21 is renumbered and amended to read:

**[~~17-1-21~~]. 17-50-222. Salt Lake County -- Description.**

The geographic boundaries of Salt Lake County are described as follows: Beginning at the intersection of the summit of the Wasatch Range with the summit of the spur range terminating at the hot spring in the northern part of Salt Lake City, thence southwesterly along said last mentioned summit to a point east of a point 136 rods north of said hot spring; thence west to the middle of the channel of the Jordan River; thence down the middle of said channel to the mouth of said river; thence west to the west line of range 1 west; thence southwesterly and equidistant between Antelope Island and the south shore of Great Salt Lake to the base line of the United States Survey where intersected by a straight line drawn between Black Rock on the south shore of said lake and the middle point of a line running from the west shore of the said lake at latitude 41 degrees north to a point on the east

shore of said lake west of the middle channel of the Weber River where said channel lies north of the northwest corner of Kingston's Fort; thence southeasterly through Black Rock to the northern end of, and thence along, the summit of the Oquirrh Range to the summit of the cross range between the Oquirrh and Wasatch Ranges; thence easterly along said last mentioned summit to the summit of the Wasatch Range; thence northwesterly along said last mentioned summit to the point of beginning.

Section 46. Section **17-50-223**, which is renumbered from Section 17-1-22 is renumbered and amended to read:

**[17-1-22]. 17-50-223. San Juan County -- Description.**

The geographic boundaries of San Juan County are described as follows: Beginning on the eastern boundary of the state at latitude 38 degrees and 30 minutes north, thence west to the middle of the main channel of the Green River; thence southwesterly down the middle of the channels of the Green and Colorado Rivers to the southern boundary of the state; thence east to the eastern boundary of the state; thence north to the point of beginning.

Section 47. Section **17-50-224**, which is renumbered from Section 17-1-23 is renumbered and amended to read:

**[17-1-23]. 17-50-224. Sanpete County -- Description.**

The geographic boundaries of Sanpete County are described as follows: Beginning at the intersection of the line between townships 11 and 12 south and the section line running north and south through the middle of range 6 east, Salt Lake meridian, thence west along the township line between townships 11 and 12 south to the northwest corner of township 12 south, range 3 east; thence south on range line between ranges 2 and 3 east to the southwest corner of section 6, township 12 south, range 3 east; thence east on section line to the northwest corner of section 8; thence south on section line to the southwest corner of section 8; thence east on section line to the southeast corner of section 9; thence south on section line to the southwest corner of section 27; thence west on section line to the northwest corner of section 31; thence south on the range line between ranges 2 and 3 east, to the southwest corner of township 12 south, range 3 east; thence west on township line between townships 12 and 13 south to the northeast corner of section 2, township 13 south, range 2 east; thence south on section line to the quarter corner common to sections 1 and 2; thence

west on the quarter section line through said section 2 to quarter corner common to sections 2 and 3; thence south on section line to the southwest corner of section 2; thence west on section line to quarter corner common to sections 3 and 10; thence south on quarter line through section 10 to the quarter corner common to sections 10 and 15; thence west on section line to the northwest corner of section 16; thence south on section line to the northwest corner of section 4, township 16 south, range 2 east; thence west on township line between townships 15 and 16 south, range 2 east to the northwest corner of township 16 south, range 2 east; thence south on range line between ranges 1 and 2 east to the southeast corner of section 25, township 16 south, range 1 east; thence west on the section line to the northwest corner of section 34, township 16 south, range 1 west; thence south on section lines to the southwest corner of section 34; thence west on the township line to the southwest corner of section 32, township 16 south, range 1 west, said section corner being about half a mile northerly of the Upper Bluffs or Painted Rocks on the Sevier River; thence south on section line to the southwest corner of section 8, township 17 south, range 1 west; thence west on section line to the northwest corner of lot 11 in section 18, township 17 south, range 1 west; thence south on the range line between ranges 1 and 2 west and between ranges 1-1/2 west and 2 west to a point west of the point where the road between Gunnison and Salina crosses Willow Creek at the forks of said creek; thence east to the east bank of the Sevier River; thence southerly along the east bank of said river to a point one mile north of the fourth standard parallel south; thence east to the line between ranges 5 and 6 east; thence north to the third standard parallel south; thence east to the line running north and south through the middle of range 6 east; thence north to the point of beginning.

Section 48. Section **17-50-225**, which is renumbered from Section 17-1-24 is renumbered and amended to read:

**[~~17-1-24~~].     **17-50-225. Sevier County -- Description.****

The geographic boundaries of Sevier County are described as follows: Beginning at a point on the line between the ranges 5 and 6 east one mile north of fourth standard parallel south, thence west to the east bank of the Sevier River; thence northerly along the east bank of said river to a point west of a point where the road between Gunnison and Salina crosses Willow Creek at the forks of said creek; thence west to the range line between ranges 1-1/2 and 2 west, township 20 south; thence



south to the southeast corner, section 36, township 20 south, range 2 west; thence west to the northwest corner, section 3, township 21 south, range 2 west; thence south to the one-fourth corner on the east side of section 9, township 21 south, range 2 west; thence west two miles; thence south one-half mile; thence west one-half mile; thence south two miles; thence west one-half mile to the southwest corner of section 19, township 21 south, range 2 west; thence west to the southwest corner of section 21, township 21 south, range 2-1/2 west; thence south to the southeast corner of section 36, township 21 south, range 3 west; thence west one mile; thence south two miles; thence west one mile; thence south two miles; thence west one mile; thence south one mile; thence west two miles to the southeast corner of section 30, township 22 south, range 3 west; thence south along the section line between sections 31 and 32 to the quarter corner on the north side of section 3, township 23 south, range 4 west; thence south five miles; thence east one-half mile; thence south one mile to the southeast corner of section 34, township 23 south, range 4 west; thence south one and one-half miles; thence west one mile; thence south one-half mile; thence west one-fourth mile; thence south one-half mile; thence west three-fourths mile; thence south one-half mile; thence west one mile; thence south one-fourth mile; thence west one-half mile; thence south one mile; thence west one-half mile; thence south one-fourth mile; thence west one mile; thence south one-half mile to the southeast corner of section 26, township 24 south, range 4-1/2 west; thence west two and one-half miles; thence north one-half mile; thence west five miles; thence south one-half mile; thence west one mile; thence south one mile; thence west one-half mile to the southeast corner of section 32, township 24 south, range 5 west; thence one mile south; thence one-half mile west; thence south three miles; thence west one mile; thence south two miles; thence west one-half mile to the southwest corner of section 31, township 25 south, range 5 west; thence to the northeast corner of Beaver County at the summit of the range separating Sevier Valley from Round and Pavant Valleys; thence southwesterly along the summit of said range to the northwest corner of the southwest quarter of the northwest quarter of section 34, township 26 south, range 6 west; thence easterly along the 40-line parallel to the section line to the range line between 2 and 3 west; thence south on range line to the 40-line running east through the south one-half of section 31, township 26 south, range 2 west of the Salt Lake meridian; thence easterly along said 40-line parallel to the section line to the northeast corner of the southeast

quarter of the southwest quarter of section 35, township 26 south, range 1 east, Salt Lake meridian to the summit of the range separating Grass and Rabbit Valleys; thence northeasterly along said summit to a point due east of the point at which the wagon road crosses the summit between Marysvale and Monroe; thence east to the line between ranges 5 and 6 east; thence north to the point of beginning.

Section 49. Section **17-50-226**, which is renumbered from Section 17-1-25 is renumbered and amended to read:

**[~~17-1-25~~]. 17-50-226. Summit County -- Description.**

The geographic boundaries of Summit County are described as follows: Beginning on the northern boundary of the state at longitude 110 degrees west, thence west to the southwest corner of Wyoming; thence north to a point east of the point where the north side of the Union Pacific Railroad crosses the summit first west of Bear River Valley; thence west to the north side of said railroad; thence southwesterly along the north side of said road to a point one mile east of Wasatch Station; thence northerly to the nearest point of the summit of the range of mountains between Bear River and Weber Valleys; thence southwesterly along said last mentioned summit to its intersection with the summit of the high land between Echo and Lost Creeks; thence southwesterly down said last mentioned summit to and directly across the Weber River; thence southerly along the summit of the range separating East Canyon from Weber Valley to the summit of the cross range through which the upper canyon of East Canyon Creek runs; thence westerly to the summit of the Wasatch Range; thence southeasterly along said summit to the summit of the range next south of the headwaters of Silver and East Canyon Creeks; thence easterly along said last mentioned summit to the point where it is crossed by the road between Rhoads Valley and Salt Lake City; thence southerly to the middle of the channel of the Provo River at the high bluff below Goddard's Ranch; thence easterly along the middle of said channel to the headwaters of the said river farthest east; thence east to the summit of the Uintah Range; thence northeasterly to the one hundred and tenth meridian of west longitude; thence north to the point of beginning.

Section 50. Section **17-50-227**, which is renumbered from Section 17-1-26 is renumbered and amended to read:

**[17-1-26]. 17-50-227. Tooele County -- Description.**

The geographic boundaries of Tooele County are described as follows: Beginning at the middle point of a straight line drawn between a point on the west shore of Great Salt Lake at latitude 41 degrees north and a point on the east shore of said lake due west of the middle of the channel of the Weber River and north of the northwest corner of Kingston's Fort, thence southwesterly along said line to the west shore of said lake; thence west to the western boundary of the state; thence south to the second standard parallel south; thence east to the summit of the divide between Cherry and Faust Creeks; thence along the summit of the range next east of the Rush and Tooele Valleys to the northern end of said summit; thence northeasterly on a straight line through Black Rock on the shore of Great Salt Lake to the point of beginning.

Section 51. Section **17-50-228**, which is renumbered from Section 17-1-27 is renumbered and amended to read:

**[17-1-27]. 17-50-228. Uintah County -- Description.**

The geographic boundaries of Uintah County are described as follows: Beginning at a point on the summit of the Uintah Mountains two sections and one-fifth mile west of a point where the Uintah special meridian intersects the summit of the Uintah Mountains, thence southerly, adjacent to and west of the Uintah special meridian a distance of two sections and one-fifth mile to the south boundary of the former Uintah Indian Reservation; thence south parallel with the 110 degrees and 00 minutes west longitude to the line between townships 11 and 12 south, Salt Lake base and meridian; thence east to the middle of the main channel of the Green River; thence down the channel to the third standard parallel south; thence east to the summit of the Brown Cliffs; thence northeasterly to the state boundary; thence north to the east quarter corner of section twelve (12), township 2 south of range 25 east of Salt Lake base and meridian; thence west along the center lines of sections twelve (12), eleven (11), ten (10), and nine (9), to the west quarter corner of section nine (9), township 2 south of range 25 east; thence north along the west boundary lines of sections nine (9), and four (4) to the northwest corner of section four (4), township 2 south of range 25 east; thence west along the south boundary lines of sections thirty-two (32), and thirty-one (31) township 1 south of range 25 east to the southwest corner of said township; thence north along the west

boundary line of said township 1 south of range 25 east to the northwest corner of the township and range; thence west along the south boundary line of township 1 north of range 24 east to the southwest corner of section thirty-six (36), township 1 north of range 24 east; thence north along the west boundary line of section thirty-six (36), to the northwest corner of said section thirty-six (36); thence west along the south boundary lines of sections twenty-six (26), and twenty-seven (27), township 1 north of range 24 east to the southwest corner of section twenty-seven (27), or range and township; thence north along the west boundary lines of sections twenty-seven (27), twenty-two (22), fifteen (15), ten (10) and three (3) to the northwest corner of section three (3), township 1 north of range 24 east; thence west along the south boundary lines of townships 2 north of ranges 24, 23 and 22 east to the northwest corner of section one (1), township one (1) north of range twenty-two (22) east; thence south along the west boundary line of sections one (1), twelve (12), thirteen (13), twenty-four (24) and twenty-five (25), township one (1) north of range twenty-two (22) east to the west quarter corner section twenty-five (25), township one (1) north, range twenty-two (22) east; thence westerly to the monument at the top of Mt. Lena, thence in a westerly direction following the water parting line along the summit of the Uintah Mountains to the point of beginning.

Section 52. Section **17-50-229**, which is renumbered from Section 17-1-28 is renumbered and amended to read:

**[~~17-1-28~~].     17-50-229. Utah County -- Description.**

The geographic boundaries of Utah County are described as follows: Beginning at the point of intersection of the Wasatch Range with the summit of the range crossing from the Wasatch to the Oquirrh Mountains, thence westerly along said last mentioned summit to the summit of the range between the Cedar and Rush Valleys; thence southerly along said summit to the summit of the range between the Tintic Valley and the Goshen and Cedar Valleys; thence southerly along said last mentioned summit to, and thence easterly along, the summit between Goshen and Juab Valleys to, and thence northeasterly along, the summit of the high ground and range of mountains between Utah and Juab Valleys to the summit of the Nebo Range; thence southeasterly along said summit to the line between townships 11 and 12 south; thence east to the line between ranges 9 and 10 east; thence north to the township line between townships 10 and 11 south; thence west to a point due south of

the point where the wagon road from Spanish Fork to White River as it existed in February, 1880, crossed the summit of the divide south of the Strawberry Valley; thence north to said last mentioned point of crossing; thence northwesterly along the summit of the range passing around the headwaters of Spanish Fork and Hobble Creeks to a point south of the point on the Provo River one-fourth of a mile upstream from the middle of the mouth of the north fork of said river; thence north to the summit of the range passing around the headwaters of Battle and American Fork Creeks; thence following said summit to the point of beginning.

Section 53. Section **17-50-230**, which is renumbered from Section 17-1-29 is renumbered and amended to read:

**[17-1-29]. 17-50-230. Wasatch County -- Description.**

The geographic boundaries of Wasatch County are described as follows: Beginning at a point on the summit of the Uintah Range due north of the center line between the east and west range line of range 9 west of the Uintah special meridian, thence southwesterly along the summit of said range to a point east of the headwaters of the Provo River farthest east; thence west to the said headwaters; thence down the middle of the channel of said river to the high bluff below Goddard's Ranch; thence northerly to the point where the road between the Rhodes Valley and Salt Lake City crosses the summit of the range south and east of the headwaters of East Canyon and Silver Creeks; thence north to said point of crossing; thence southwesterly along said last mentioned summit to the summit of the Wasatch Range at a point north of a point on the Provo River one-fourth of a mile upstream from the middle of the mouth of the north fork of said river; thence south to the summit of the range east of the headwaters of Hobble and Spanish Fork Creeks; thence southeasterly along said last mentioned summit to the point where the White River and Spanish Fork Road crossed said summit in February, 1880; thence south to the second standard parallel south, Salt Lake base and meridian (which point is also an extension east from the Salt Lake base line of the line between townships 10 and 11 south of Salt Lake meridian); thence east along this line to its intersection with the center line between the east and west range lines of range 9 west of the Uintah special meridian; thence following the center line of the said range 9 west of the Uintah special meridian to its northern extremity; thence due north to the point of beginning.

Section 54. Section **17-50-231**, which is renumbered from Section 17-1-30 is renumbered and amended to read:

**~~[17-1-30]~~. 17-50-231. Washington County -- Description.**

The geographic boundaries of Washington County are described as follows: Beginning at the intersection of the line between townships 36 and 37 south and the western boundary of the state of Utah, thence east to the line between ranges 15 and 16 west; thence north to the northwest corner of township 37 south, range 15 west; thence east to the northeast corner of township 37 south, range 15 west; thence south to the southeast corner of township 37 south, range 15 west; thence east to the southeast corner of township 37 south, range 13 west; thence south to the northeast corner of section 24, township 38 south, range 13 west; thence east on the section line to the intersection of the range line between ranges 11 and 12 west; thence south on that range line to the southwest corner of section 18, township 38 south, range 11 west; thence east on the section line to the intersection of the range line between ranges 10 and 11 west; thence north along the range line to the southwest corner of section 18, township 38 south, range 10 west; thence east on the section line to the intersection of the range line between ranges 9 and 10 west at the northeast corner of section 24, township 38 south, range 10 west; thence south on that range line to the south boundary line of the state of Utah; thence west along the Utah-Arizona boundary line to the west boundary line of the state of Utah; thence north along said west boundary line to the point of beginning.

Section 55. Section **17-50-232**, which is renumbered from Section 17-1-31 is renumbered and amended to read:

**~~[17-1-31]~~. 17-50-232. Wayne County -- Description.**

The geographic boundaries of Wayne County are described as follows: Beginning at the middle of the channel of the Green River at latitude 38 degrees and 30 minutes north, thence west to the line between ranges 5 and 6 east; thence north to a point east of the point where the wagon road crosses the summit between Marysvale and Monroe; thence west to the summit of the range between the Rabbit and Grass Valleys; thence southwesterly along said summit to the Salt Lake meridian; thence south to the line between townships 30 and 31 south; thence east to the middle of the channel of the Colorado River; thence northerly up the channels of the Colorado and Green Rivers

to the point of beginning.

Section 56. Section **17-50-233**, which is renumbered from Section 17-1-32 is renumbered and amended to read:

**[~~17-1-32~~]. 17-50-233. Weber County -- Description.**

The geographic boundaries of Weber County are described as follows: Beginning at the intersection of the summit of the Wasatch Range north and east of the Ogden Valley and the summit of the range separating the Bear Lake Valley from the Cache Valley, thence westerly to the hot springs near the county road north of Ogden along the summits of the Wasatch Range and the spur range terminating at said hot springs; thence west to the line between ranges 3 and 4 west; thence southwesterly in a straight line to the middle point of a line drawn from a point on the east shore of Great Salt Lake west of the middle of the channel of the Weber River north of the northwest corner of Kingston's Fort to a point on the west shore of said lake at latitude 41 degrees north; thence northeasterly along said last described line to the east shore of Great Salt Lake; thence east to the middle of the channel of the Weber River; thence up the middle of said channel to a point where crossed by the summit line of the Wasatch Range; thence northeasterly along the summit of said range around the headwaters of the Ogden River to the point of beginning.

Section 57. Section **17-50-301**, which is renumbered from Section 17-4-2 is renumbered and amended to read:

**Part 3. County Powers**

**[~~17-4-2~~]. 17-50-301. Exercise of county powers.**

The powers of a county [~~can~~] may be exercised only by the county executive and county legislative body or by agents and officers acting under their authority or under authority of law.

Section 58. Section **17-50-302**, which is renumbered from Section 17-4-3 is renumbered and amended to read:

**[~~17-4-3~~]. 17-50-302. General county powers.**

(1) A county may:

(a) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and collect special assessments for benefits conferred; and

(b) provide services, exercise powers, and perform functions that are reasonably related to the safety, health, morals, and welfare of their inhabitants, except as limited or prohibited by statute.

(2) A county [has power] may:

~~[(1) To] (a) sue and be sued[-];~~

~~[(2) To] (b) acquire land, including at a tax sale, and hold [~~land within its limits~~] it as necessary and proper for county purposes[-, and on tax sales-];~~

~~[(3) To] (c) make such contracts and [to] purchase and hold such personal property as may be necessary to the exercise of its powers[-]; and~~

~~[(4) To] (d) manage and dispose of its property as the interests of its inhabitants may require.~~

~~[(5) To levy and collect such taxes for purposes under its exclusive jurisdiction as are authorized by law.]~~

Section 59. Section **17-50-303**, which is renumbered from Section 17-4-4 is renumbered and amended to read:

~~[17-4-4].~~     **17-50-303. Count may not give or lend credit -- County may borrow in anticipation of revenues -- Purposes.**

~~[No] (1) A county [shall in any manner] may not give or lend its credit to or in aid of any person or corporation, or appropriate money in aid of any private enterprise. [The]~~

(2) A county [legislative body] may borrow money in anticipation of the collection of taxes and other county revenues [of the county] in the manner and subject to the conditions of [the] Title 11, Chapter 14, Utah Municipal Bond Act. [This]

(3) A county may incur indebtedness [may be incurred] under Subsection (2) for any purpose for which funds of the county may be expended.

Section 60. Section **17-50-304**, which is renumbered from Section 17-5-229 is renumbered and amended to read:

~~[17-5-229].~~     **17-50-304. Police, building, and sanitary regulations.**

~~[They] A county may make and enforce within the limits of the county, outside the limits of [incorporated] cities and towns, all such local, police, building, and sanitary regulations as are not in conflict with general laws.~~



Section 61. Section **17-50-305**, which is renumbered from Section 17-5-232 is renumbered and amended to read:

**[17-5-232]. 17-50-305. County powers to acquire, construct, and control roads and other facilities -- Retainage.**

(1) ~~[They]~~ A county may:

(a) contract for, purchase, or otherwise acquire, when necessary, rights of way for county roads over private property, and may institute proceedings for acquiring such rights of way as provided by law~~[-and];~~

(b) lay out, construct, maintain, control, and manage county roads, sidewalks, ferries and bridges within the county, outside of ~~[incorporated]~~ cities~~[-may]~~ and towns;

(c) designate the county roads to be maintained by the county within or extending through any ~~[incorporated]~~ city or town, which ~~[in no case shall]~~ may not be more than three in the same direction~~[-and may];~~

(d) abolish or abandon ~~[such]~~ county roads ~~[as]~~ that are unnecessary for the use of the public, in the manner provided by law~~[- They may also -]; and~~

(e) lay out, construct, maintain, control, and manage landing fields and hangars for the use of airplanes or other vehicles for aerial travel ~~[anywhere within the county].~~

(2) If any payment on a contract with a private contractor to construct county roads, sidewalks, ferries, and bridges under this section is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Section 62. Section **17-50-306**, which is renumbered from Section 17-5-233 is renumbered and amended to read:

**[17-5-233]. 17-50-306. Granting franchises over public roads -- Limitation.**

~~[They]~~ (1) A county may grant franchises along and over the public roads and highways for all lawful purposes, upon such terms, conditions, and restrictions as in the judgment of the ~~[board may be]~~ county legislative body are necessary and proper, to be exercised in such manner as to present the least possible obstruction and inconvenience to the traveling public~~[-but such permission shall].~~

(2) A franchise under Subsection (1) may not be granted for a ~~longer~~ period longer than 50 years.

Section 63. Section **17-50-307**, which is renumbered from Section 17-5-234 is renumbered and amended to read:

~~[17-5-234].~~ **17-50-307. Franchises for toll roads.**

~~[They]~~ (1) Subject to Subsection (2), a county may grant, on such terms, conditions, and restrictions as in the judgment of the ~~board may be~~ county executive are necessary and proper, licenses and franchises for taking tolls on public roads or highways whenever in the judgment of the ~~board~~ county executive the expense of operating or maintaining ~~such~~ the roads or highways as free public highways is too great to justify the county in operating or maintaining them~~;~~ provided, that it shall always be a condition attached to the granting of such licenses and franchises].

(2) Each license and franchise granted under Subsection (1) shall contain the condition that ~~such~~ the roads and highways shall be kept in reasonable repair by the persons to whom such licenses or franchises ~~may be~~ are granted.

Section 64. Section **17-50-308**, which is renumbered from Section 17-5-235 is renumbered and amended to read:

~~[17-5-235].~~ **17-50-308. Franchises for ferries and bridges.**

~~[They]~~ (1) A county may grant licenses and franchises for constructing and keeping in repair roads, bridges, and ferries and for the taking of tolls ~~thereon~~ on them. ~~All persons]~~

(2) Each person operating any toll boat or ferry for the transportation of persons, vehicles, or livestock across any stream, river, or body of water in this state shall obtain a franchise for ~~the~~ its operation ~~of the same~~ from the county executive of the county ~~or counties~~ in which such boat or ferry is operated. ~~Whenever]~~

(3) If such boat or ferry is operated on a stream or body of water forming the boundary line between two adjoining counties, the person operating the boat or ferry shall obtain a franchise ~~shall be obtained~~ from the county executive of each ~~of such counties~~ county.

Section 65. Section **17-50-309**, which is renumbered from Section 17-5-236 is renumbered and amended to read:

**[17-5-236]. 17-50-309. Regulation of use of roads.**

[They] A county may enact ordinances and make regulations not in conflict with law for the control, construction, alteration, repair, and use of all public roads and highways in the county outside of [incorporated] cities and towns.

Section 66. Section 17-50-310, which is renumbered from Section 17-5-237 is renumbered and amended to read:

**[17-5-237]. 17-50-310. County powers regarding property, water rights, and water facilities -- Retainage.**

(1) [They] A county may:

(a) purchase, receive by donation, or lease any real or personal property or water rights necessary for the use of the county; [may]

(b) purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads and for other county purposes and [may] erect thereon pumping apparatus, tanks, and reservoirs for [the] obtaining and [storage-of] storing water for such purposes[; may] and preserve, take care of, manage, and control [the same] that real estate and those facilities; [may]

(c) purchase, receive by donation, or lease any water rights or stock or rights in reservoirs or storage companies or associations for the use of citizens of the county; [may]

(d) construct dams and canals for the storage and distribution of [such] waters referred to in Subsection (1)(c); and [may]

(e) fix the price for and sell [such] water, water rights, stock, or rights in reservoir or storage companies or associations, with the dams and canals, as are not required for public use to citizens of the county.

(2) If any payment on a contract with a private contractor to construct dams and canals under this section is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Section 67. Section 17-50-311, which is renumbered from Section 17-5-239 is renumbered and amended to read:

**[17-5-239]. 17-50-311. Courthouse, jail, hospital, and other public buildings –**

**Retainage.**

(1) [~~They~~] A county may erect, repair or rebuild, and furnish a courthouse, jail, hospital, and such other public buildings as may be necessary, and join with cities and towns in the construction, ownership, and operation of hospitals.

(2) If any payment on a contract with a private contractor to erect, repair, or rebuild public buildings under this section is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Section 68. Section **17-50-312**, which is renumbered from Section 17-5-242 is renumbered and amended to read:

~~[17-5-242].~~    **17-50-312. Acquisition, management, and disposal of property.**

(1) [~~The~~] A county may purchase, receive, hold, sell, lease, convey, or otherwise acquire and dispose of any real or personal property or any interest in such property that it determines to be in the public interest.

(2) Any property interest acquired by the county shall be held in the name of the county unless specifically otherwise provided by law.

(3) The county legislative body shall provide by ordinance, resolution, rule, or regulation for the manner in which property shall be acquired, managed, and disposed of.

Section 69. Section **17-50-313**, which is renumbered from Section 17-5-243 is renumbered and amended to read:

~~[17-5-243].~~    **17-50-313. Provisions for general health -- Creation of health department.**

~~[The board of health]~~ Each county shall:

(1) make provisions for the preservation of health in the county and pay the related expenses;  
and

(2) in cooperation with municipalities in the county, create a local health department as provided in Title 26A, Chapter 1, Part 1, Local Health Department Act.

Section 70. Section **17-50-314**, which is renumbered from Section 17-5-245 is renumbered and amended to read:

**[17-5-245]. 17-50-314. Powers of cities and towns not affected.**

Nothing [contained] in this chapter [is intended] may be construed to diminish, impair, or [in any wise] affect the power conferred upon [incorporated] cities and towns.

Section 71. Section **17-50-315**, which is renumbered from Section 17-5-264 is renumbered and amended to read:

**[17-5-264]. 17-50-315. Study and improvement of county government -- Charges and expenses.**

(1) [~~The several counties of the state of Utah are authorized and empowered, either singly~~] A county may, individually or in association with other counties, [~~to~~] study the processes and methods of county government with a view to improvement and [~~to~~] cause to be assembled and presented to the Legislature [~~of the state of Utah~~] or the Congress of the United States, or to or before the appropriate committees of either or both, such information and factual data with respect to the effect upon [~~said~~] counties, the taxpayers, and the people, of existing, pending or proposed legislation, as in the judgment of county executives and legislative bodies, will be in the interest of and beneficial to [~~said~~] counties, taxpayers, and people[~~, and the~~].

(2) The charges and expenses incurred under Subsection (1) shall be proper claim against [~~the~~] county funds [~~of such counties~~], to be audited and paid as other county claims.

Section 72. Section **17-50-316**, which is renumbered from Section 17-5-265 is renumbered and amended to read:

**[17-5-265]. 17-50-316. Development of county resources.**

[~~The county legislative bodies of the respective counties within the state are authorized and empowered to~~] A county may provide for the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources.

Section 73. Section **17-50-317**, which is renumbered from Section 17-5-271 is renumbered and amended to read:

**[17-5-271]. 17-50-317. Expenditure of county funds authorized to develop county resources.**

[~~The~~] A county [~~legislative body~~] may expend county funds as are considered advisable to

carry out the purposes of ~~[this act]~~ Section 17-50-316.

Section 74. Section **17-50-318**, which is renumbered from Section 17-5-275 is renumbered and amended to read:

~~[17-5-275].~~ **17-50-318. Mental health and substance abuse services.**

~~[The county legislative body of each]~~ Each county shall provide mental health services in accordance with Title 62A, Chapter 12, Mental Health, and substance abuse services in accordance with Title 62A, Chapter 8, Substance Abuse.

Section 75. Section **17-50-319**, which is renumbered from Section 17-15-17 is renumbered and amended to read:

~~[17-15-17].~~ **17-50-319. County charges enumerated.**

County charges are:

- (1) those incurred against the county by any law;
- (2) the necessary expenses of the county attorney or district attorney incurred in criminal cases arising in the county, and all other expenses necessarily incurred by ~~[him]~~ the county or district attorney in the prosecution of criminal cases, except jury and witness fees;
- (3) the expenses necessarily incurred in the support of persons charged with or convicted of a criminal offense and committed to the county jail;
- (4) ~~[the sums required by law to be paid to jurors in civil cases]~~ for ~~[counties]~~ a county not within the state district court administrative system, the sum required by law to be paid jurors in civil cases;
- (5) all charges and accounts for services rendered by any justice court judge for services in the trial and examination of persons charged with a criminal offense not otherwise provided for by law;
- (6) the contingent expenses necessarily incurred for the use and benefit of the county;
- (7) every other sum directed by law to be raised for any county purposes under the direction of the ~~[governing]~~ county legislative body ~~[of the county]~~ or declared a county charge;
- (8) the fees of constables for services rendered in criminal cases;
- (9) the necessary expenses of the sheriff and ~~[his]~~ deputies incurred in civil and criminal cases

arising in the county, and all other expenses necessarily incurred by the sheriff and [his] deputies performing the duties imposed upon them by law; and

(10) the sums required by law to be paid by the county to jurors and witnesses serving at inquests and in criminal cases in justice courts.

Section 76. Section **17-50-320**, which is renumbered from Section 17-15-21 is renumbered and amended to read:

**~~[17-15-21].~~ 17-50-320. Support of the arts by counties -- Guidelines.**

~~[The governing body of any]~~ A county may provide for and appropriate funds for the support of the arts, including ~~[but not limited to]~~ music, dance, theatre, crafts and visual, folk and literary art, for the purpose of enriching the lives of its residents and may establish guidelines for the support of the arts.

Section 77. Section **17-50-401** is enacted to read:

**Part 4. Claims Against the County**

**17-50-401. Review of claims by county executive -- Auditor review -- Attorney review -- Claim requirements -- Approval or disapproval of claim.**

(1) Subject to Subsection (3), each county executive shall review each claim against the county and disapprove or, if payment appears to the county executive to be just, lawful, and properly due and owing, approve the claim.

(2) Upon receiving a notice of claim under Section 63-30-11, the county clerk shall deliver the notice of claim to the county executive.

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

(b) Except as provided in Section 17-50-405, the county executive shall forward all claims requesting payment for goods or services to the county auditor for the auditor's review and recommendation to the county executive.

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

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

services rendered;

(b) if the claim is for service of process, state the character of process served, upon whom served, the number of days engaged, and the number of miles traveled;

(c) be duly substantiated as to its correctness and as to the fact that it is justly due;

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

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

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

(6) Nothing in this section may be construed to modify the requirements of Section 63-30-11. Section 78. Section 17-50-402, which is renumbered from Section 17-15-11 is renumbered and amended to read:

**[17-15-11]. 17-50-402. Payment or rejection of claims.**

[When the board] (1) If the county executive finds that any claim presented is not payable by the county or is not a proper county charge [it must be rejected], the county executive shall reject the claim.

(2) (a) If [it] the claim is found to be a proper county charge, but greater in amount than is justly due, the [board] county executive may allow the claim in part and may order a warrant drawn for the portion allowed.

(b) If the claimant is unwilling to receive [such] the amount in full payment, the [claim] county executive may [be] again [considered by the board] consider the claim.

Section 79. Section 17-50-403, which is renumbered from Section 17-15-12 is renumbered and amended to read:

**[17-15-12]. 17-50-403. Action on rejected claim -- Limitation.**

(1) A claimant dissatisfied with the rejection of [his] a claim or demand or with the amount



allowed ~~[him]~~ on ~~[his]~~ an account may sue the county ~~[therefor]~~ on the claim, demand, or account at any time within one year after the first rejection ~~[thereof]~~ of the claim, demand, or account by the ~~[board]~~ county executive, but not afterward.

(2) If in such action judgment is recovered for more than the ~~[board]~~ county executive allowed, costs shall be taxed against the county, but if no more is recovered than the ~~[board]~~ county executive allowed, costs shall be taxed against the plaintiff.

(3) On presentation of a certified copy of ~~[the]~~ a judgment against the county, the ~~[board must]~~ county executive shall allow and pay the same.

Section 80. Section **17-50-404**, which is renumbered from Section 17-15-13 is renumbered and amended to read:

~~[17-15-13].~~ **17-50-404. Judgments against county -- Payment.**

~~[When any]~~ (1) If a judgment is obtained against a county, ~~[the same must]~~ it shall be paid as are other county charges.

(2) The county legislative body shall levy and authorize the collection of a sufficient amount of revenue to pay off and discharge such judgment in addition to the ordinary expenses of the county, but the property of the county and of the persons owning property situated or liable to taxation ~~[therein shall in no case]~~ in the county may not be liable to judgment lien or to seizure or sale upon execution or other process of any court.

Section 81. Section **17-50-405**, which is renumbered from Section 17-15-14 is renumbered and amended to read:

~~[17-15-14].~~ **17-50-405. County legislative body claim for expenses -- County auditor recommendation.**

~~[All claims]~~ (1) Each claim against the county presented by ~~[any]~~ a member of the county legislative body for the member's expenses ~~[must]~~ shall:

- (a) be itemized and verified as other claims~~[, and must]~~;
- (b) state that the service has been actually rendered~~[,]; and[, before allowance, such claims must]~~
- (c) be presented to the county attorney~~[, who must]~~ or, in a county that has a district attorney

but not a county attorney, the district attorney.

(2) (a) The county or district attorney, as the case may be, shall endorse [thereon] on the claim, in writing, [his] the attorney's opinion as to [the] its legality [thereof].

(b) If the [county] attorney declares the claim illegal, [he must] the attorney shall state specifically [wherein] the reasons why it is illegal, and the county executive shall reject the claim [must then be rejected by the county legislative body].

Section 82. Section **17-50-406**, which is renumbered from Section 17-15-15 is renumbered and amended to read:

~~[17-15-15].~~ **17-50-406. Officers not to advocate claims -- Right to oppose claims.**

(1) No county officer [shall] may, except for [his] the officer's own services, present any claim, account, or demand for allowance against the county or in any way advocate the relief asked in the claim or demand made by any other person.

(2) Notwithstanding Subsection (1), a county officer may forward to the county executive a claim made by another and may endorse on the claim the officer's recommendation to the county executive regarding payment of the claim.

(3) Any person may appear before the [board] county executive and oppose the allowance of any claim or demand made against the county.

Section 83. Section **17-52-101**, which is renumbered from Section 17-35a-102 is renumbered and amended to read:

## CHAPTER 52. FORMS OF COUNTY GOVERNMENT

### Part 1. General Provisions

~~[17-35a-102].~~ **17-52-101. Definitions.**

As used in this chapter:

(1) "Appointment council" means a group of persons consisting of:

(a) the governor or the governor's designee;

(b) the speaker of the House of Representatives or the speaker's designee;

(c) the president of the Senate or the president's designee;

(d) a resident of the county in which the optional plan is proposed, designated by the county

legislative body;

(e) a resident of the county in which the optional plan is proposed, designated by majority vote of the mayors of all cities and towns in the county in which the optional plan is proposed; and

(f) four other residents of the county in which the optional plan is proposed, designated by majority vote of the five other members of the appointment council.

(2) "Optional plan" means a plan establishing an alternate form of government for a county as provided in Section ~~[17-35a-401]~~ 17-52-401.

(3) "Reasonable notice" means, at a minimum:

(a) (i) publication in a newspaper of general circulation within the county at least once a week for at least two consecutive weeks ending no more than ten and no fewer than three days before the event that is the subject of the notice; or

(ii) if there is no newspaper of general circulation within the county, posting at least one notice per 1,000 population within the county, for at least a week ending no more than three days before the event that is the subject of the notice, at locations throughout the county that are most likely to give actual notice to county residents; and

(b) if the county has an Internet home page, posting an electronic notice on the Internet for at least seven days immediately before the event that is the subject of the notice.

(4) "Study committee" means a group of persons:

(a) (i) elected pursuant to a resolution adopted under Subsection ~~[17-35a-202]~~ 17-52-202(3)(a) or ~~[17-35a-203]~~ 17-52-203(3)(d)(i)(B) in which the county legislative body specifies that the members should be elected; or

(ii) appointed under Section ~~[17-35a-301]~~ 17-52-301; and

(b) charged with the duties provided in Section ~~[17-35a-303]~~ 17-52-303.

Section 84. Section **17-52-102** is enacted to read:

**17-52-102. Forms of county government -- County commission form required unless another is adopted.**

(1) Each county shall operate under one of the following forms of county government:

(a) the county commission form under Section 17-52-501;

(b) the expanded county commission form under Section 17-52-502;

(c) the executive and chief administrative officer-council form under Section 17-52-503;

(d) the county executive and council form under Section 17-52-504;

(e) the council-manager form under Section 17-52-505; or

(f) the council and county administrative officer form under Section 17-52-506.

(2) Unless it adopts another form of government as provided in this chapter, each county shall operate under the county commission form of government under Section 17-52-501.

Section 85. Section **17-52-201**, which is renumbered from Section 17-35a-201 is renumbered and amended to read:

### **Part 2. Procedure**

**[~~17-35a-201~~].            17-52-201. Procedure for initiating adoption of optional plan --  
Limitations -- Pending proceedings.**

(1) An optional plan proposing an alternate form of government for a county may be adopted as provided in this chapter.

(2) The process to adopt an optional plan establishing an alternate form of county government may be initiated by:

(a) the county legislative body as provided in Section [~~17-35a-202~~] 17-52-202; or

(b) registered voters of the county as provided in Section [~~17-35a-203~~] 17-52-203.

(3) (a) If the process to adopt an optional plan has been initiated under Chapter 26, Laws of Utah 1973, Section 3, 4, or 5, or Section [~~17-35a-202~~] 17-52-202 or [~~17-35a-203~~] 17-52-203, the county legislative body may not initiate the process again under Section [~~17-35a-202~~] 17-52-202 unless the earlier proceeding:

(i) has been concluded by the county legislative body rejecting the optional plan;

(ii) has been concluded by an affirmative or negative vote of registered voters; or

(iii) has not been concluded but has been pending for at least two years.

(b) A county legislative body may not initiate the process to adopt an optional plan under Section [~~17-35a-202~~] 17-52-202 within four years of an election at which voters approved or rejected an optional plan proposed as a result of a process initiated by the county legislative body.

(c) Registered voters of a county may not initiate the process to adopt an optional plan under Section ~~[17-35a-203]~~ 17-52-203 within four years of an election at which voters approved or rejected an optional plan proposed as a result of a process initiated by registered voters.

~~[(4)(a) A proceeding to adopt an optional form of county government commenced under Chapter 26, Laws of Utah 1973, as amended, and pending on the effective date of this section may continue under the applicable provisions of this chapter.]~~

~~[(b) No part of a proceeding to adopt an optional form of county government commenced under Chapter 26, Laws of Utah 1973, as amended, and pending on the effective date of this section, may be considered invalid because of a failure to meet a requirement of this chapter that was not included in Chapter 26, Laws of Utah 1973, as amended.]~~

Section 86. Section **17-52-202**, which is renumbered from Section 17-35a-202 is renumbered and amended to read:

~~[17-35a-202].~~            **17-52-202. County legislative body initiation of adoption of optional plan -- Procedure.**

(1) A county legislative body may initiate the process of adopting an optional plan by:

(a) adopting a resolution of intent as provided in Subsection (2)(a);

(b) adopting a resolution to submit to the voters the question of whether a study committee should be established as provided in Subsection (3)(a); or

(c) adopting a resolution to approve the establishment of a study committee as provided in Subsection (4)(a).

(2) (a) A county legislative body may adopt a resolution indicating its intent to propose the adoption of an optional plan.

(b) Each resolution under Subsection (2)(a) shall:

(i) contain a general description of the proposed optional plan;

(ii) set a public hearing or series of public hearings on the proposed optional plan; and

(iii) require that reasonable notice be given of the public hearing or series of public hearings.

(c) A county legislative body may appoint an advisory committee to assist it in preparing the optional plan that the county legislative body intends to propose for adoption.

(d) Each county legislative body adopting a resolution under Subsection (2)(a) shall:

(i) hold a public hearing or series of public hearings, as the county legislative body determines, on the proposed optional plan beginning no less than 15 days after adoption of the resolution;

(ii) beginning the day after the resolution is adopted, maintain at least three complete copies of the proposed optional plan at the office of the county clerk for inspection and copying by the public; and

(iii) in each notice or publication of the public hearing or series of public hearings, refer to the complete proposed optional plan and its availability for inspection and copying in the county clerk's office.

(e) (i) At the conclusion of the public hearing or series of hearings required under Subsection (2)(d)(i), a county legislative body may adopt a resolution recommending the adoption of the proposed optional plan by registered voters.

(ii) Before adopting a resolution under Subsection (2)(e)(i), a county legislative body may modify the proposed optional plan.

(iii) Each resolution under Subsection (2)(e)(i) shall provide for submitting the proposed optional plan to the voters at an election held under Section [~~17-35a-204~~] 17-52-206.

(f) Failure to adopt a resolution under Subsection (2)(e)(i) within six months of the adoption of a resolution under Subsection (2)(a) shall be considered a rejection of the proposed optional plan.

(g) A county legislative body may reconsider its action in proposing an optional plan under this Subsection (2) and terminate the process to adopt the optional plan if the reconsideration and termination occur:

(i) within six months after the adoption of a resolution under Subsection (2)(e)(i); and

(ii) no later than six months before the date on which an election under Section [~~17-35a-204~~] 17-52-206 is scheduled.

(3) (a) As an alternative to the procedure under Subsection (2), a county legislative body may adopt a resolution to submit to the registered voters of the county the question of whether a study committee should be established.

(b) Each resolution adopted under Subsection (3)(a) shall:

(i) require the question to be submitted to the registered voters of the county at a general or special election, as the county legislative body determines, no less than 90 days and no more than 180 days after adoption of the resolution under Subsection (3)(a);

(ii) specify the number of members of the proposed study committee, subject to Subsection ~~[17-35a-303]~~ 17-52-303(1)(a), and whether the members are to be elected or appointed; and

(iii) if the members are to be elected, provide procedures for the nonpartisan nomination of the members of the proposed study committee and their nonpartisan election at the same election at which the question of the establishment of the study committee is submitted.

(c) If the members of the proposed study committee are to be appointed, their appointment shall be governed by Section ~~[17-35a-301]~~ 17-52-301.

(4) (a) As an alternative to the procedures under Subsections (2) and (3), a county legislative body may adopt a resolution approving the establishment of a study committee with appointed members.

(b) Each resolution under Subsection (4)(a) shall:

(i) specify the number of members of the study committee, subject to Subsection ~~[17-35a-303]~~ 17-52-303(1)(a); and

(ii) provide for the appointment of the members as provided in Section ~~[17-35a-301]~~ 17-52-301.

Section 87. Section **17-52-203**, which is renumbered from Section 17-35a-203 is renumbered and amended to read:

~~[17-35a-203]~~.            **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

(1) Registered voters of a county may initiate the process of adopting an optional plan by:

(a) filing copies of a proposed optional plan, as provided in Subsection (2)(c), in anticipation of filing a petition under Subsection (2)(a); or

(b) filing a petition under Subsection (3).

(2) (a) Registered voters of a county may file a petition requiring the county legislative body

to submit a proposed optional plan to the registered voters of the county.

(b) Each petition under Subsection (2)(a) shall:

(i) be signed by registered voters residing in the county equal in number to at least 15% of the total number of votes cast in the county at the most recent election for governor;

(ii) contain a general description of the proposed optional plan;

(iii) indicate that a complete copy of the proposed optional plan is available for inspection and copying at the county clerk's office;

(iv) designate up to five of the petition signers as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each; and

(v) be filed in the office of the clerk of the county in which the petition signers reside.

(c) Before circulating a petition under Subsection (2)(a) for signature, the petition sponsors shall file with the county clerk at least three complete copies of the proposed optional plan that is the subject of the petition.

(d) A county legislative body may not alter an optional plan proposed under this Subsection (2).

(e) Within 30 days after the county clerk's receipt of the attorney general statement under Section [~~17-35a-203.5~~] 17-52-204 with respect to a petition certified under Subsection (4)(a)(ii)(A), each county legislative body shall establish the date for an election to be held as provided under Section [~~17-35a-204~~] 17-52-206.

(3) (a) Registered voters of a county may file a petition requiring the county legislative body to adopt a resolution for the establishment of a study committee.

(b) Each petition under Subsection (3)(a) shall:

(i) request the county legislative body to choose between:

(A) adopting a resolution that establishes a study committee with members appointed under Section [~~17-35a-301~~] 17-52-301; or

(B) adopting a resolution submitting to the county's registered voters the question of whether a study committee should be established;

(ii) be signed by registered voters residing in the county equal in number to at least 10% of



the total number of votes cast in the county at the most recent election for governor;

(iii) designate up to five of the petition signers as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each; and

(iv) be filed in the office of the clerk of the county in which the petition signers reside.

(c) (i) Within 90 days of the certification of the petition under Subsection (4)(a)(ii)(A), the county legislative body shall hold a public hearing or series of public hearings, as the county legislative body determines, on the petition.

(ii) The county legislative body shall give reasonable notice of the public hearing or series of public hearings under Subsection (3)(c)(i).

(d) (i) At the conclusion of the public hearing or series of public hearings required under Subsection (3)(c)(i), the county legislative body shall:

(A) adopt a resolution approving the establishment of a study committee with members appointed under Section [~~17-35a-301~~] 17-52-301 and specifying the number of members to be appointed, subject to Subsection [~~17-35a-303~~] 17-52-303(1)(a); or

(B) adopt a resolution submitting to the county's registered voters the question of whether a study committee under Section [~~17-35a-301~~] 17-52-301 should be established.

(ii) Each resolution under Subsection (3)(d)(i)(B) shall comply with the requirements of Subsection [~~17-35a-202~~] 17-52-202(3)(b).

(4) (a) Within 30 days of the filing of a petition under Subsection (2)(a) or (3)(a) or an amended or supplemental petition under Subsection (4)(b), the county clerk shall:

(i) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters; and

(ii) (A) if so:

(I) certify the petition or amended or supplemental petition and deliver it to the county legislative body; and

(II) notify in writing the contact sponsor of the certification; or

(B) if not, reject the petition or the amended or supplemental petition and notify in writing the county legislative body and the contact sponsor of the rejection and the reasons for the rejection.

(b) If a county clerk rejects a petition or an amended or supplemental petition under Subsection (4)(a)(ii)(B), the petition may be amended or supplemented or an amended or supplemental petition may be further amended or supplemented with additional signatures and refiled within 20 days of the date of rejection.

(5) With the unanimous approval of petition sponsors, a petition filed under Subsection (2)(a) or (3) may be withdrawn at any time within 90 days after petition certification but no later than 45 days before an election under Section [~~17-35a-204~~] 17-52-206 or Subsection (3)(d)(i)(B) if:

(a) the petition notified signers in conspicuous language that the petition sponsors are authorized to withdraw the petition; and

(b) there are at least three sponsors of the petition.

Section 88. Section **17-52-204**, which is renumbered from Section 17-35a-203.5 is renumbered and amended to read:

~~[17-35a-203.5]~~. **17-52-204**. **Attorney general review of proposed optional plan -- Conflict with statutory or constitutional provisions -- Processing of optional plan after attorney general review.**

(1) The county clerk shall send to the attorney general a copy of each proposed optional plan within ten days after:

(a) for an optional plan proposed in a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e), adoption of the resolution;

(b) for an optional plan proposed by registered voters under Section [~~17-35a-203~~] 17-52-203:

(i) the filing of a request for attorney general review under Subsection (6); or

(ii) if the optional plan has not already been reviewed by the attorney general pursuant to a request under Subsection (6), certification of a petition under Subsection [~~17-35a-203~~] 17-52-203(4)(a)(ii)(A).

(2) Within 45 days after receipt of the proposed optional plan from the county clerk under Subsection (1), the attorney general shall send a written report to the county clerk containing the information required under Subsection (3).

(3) Each report from the attorney general under Subsection (2) shall:

(a) state the attorney general's opinion as to whether implementation of the optional plan as proposed would result in a violation of any applicable statutory or constitutional provision;

(b) if the attorney general concludes that a violation would result:

(i) identify specifically each statutory or constitutional provision that would be violated by implementation of the optional plan as proposed;

(ii) identify specifically each provision or feature of the proposed optional plan that would result in a statutory or constitutional violation if the plan is implemented as proposed;

(iii) state whether, in the attorney general's opinion, any of the provisions or features identified in Subsection (3)(b)(ii) are so integral to the proposed optional plan that having previously changed the specified provision or feature to avoid the violation would have affected the decision of a legislative body member or study committee member who favored the proposed optional plan or a reasonable petitioner who signed a petition proposing the optional plan; and

(iv) if all the provisions or features identified in Subsection (3)(b)(ii) do not meet the standard of Subsection (3)(b)(iii), recommend how the proposed optional plan may be amended to avoid the statutory or constitutional violation.

(4) (a) If the attorney general's statement under Subsection (3) identifies provisions or features under Subsection (3)(b)(ii) that meet the standard of Subsection (3)(b)(iii), the proposed optional plan may not be presented to the voters under Section [~~17-35a-204~~] 17-52-206, except that:

(i) for an optional plan proposed by a resolution under Subsection [~~17-35a-202~~] 17-52-202(2)(e), the county legislative body may amend the optional plan to avoid the violation and then adopt a new resolution under Subsection [~~17-35a-202~~] 17-52-202(2)(e) that shall be treated as any other resolution under that subsection; and

(ii) for an optional plan proposed in a study committee report under Subsection [~~17-35a-303~~] 17-52-303(3)(d), the study committee may amend the optional plan to avoid the violation and then adopt a new report under Subsection [~~17-35a-303~~] 17-52-303(3)(d) that will be treated as any other report under that subsection.

(b) (i) If the attorney general's statement under Subsection (3) identifies provisions or features

under Subsection (3)(b)(ii) that do not meet the standard of Subsection (3)(b)(iii), the optional plan may be amended to avoid the statutory or constitutional violations and then:

(A) submitted to the voters at an election under Section [~~17-35a-204~~] 17-52-206, if the optional plan is proposed in a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e), a petition that has been certified under Subsection [~~17-35a-203~~] 17-52-203(4)(a)(ii)(A), or a study committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d); or

(B) the subject of a petition that is circulated for signatures under Subsection [~~17-35a-203~~] 17-52-203(2), if the attorney general's statement results from a request under Subsection (6).

(ii) Each amendment to an optional plan under Subsection (4)(b)(i) shall be made by:

(A) for an optional plan proposed in a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e), the county legislative body;

(B) for an optional plan proposed in a petition under Section [~~17-35a-203~~] 17-52-203, the petition sponsors; and

(C) for an optional plan proposed in a study committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d), the study committee.

(5) If the attorney general's statement under Subsection (3) does not identify any provisions or features of the proposed optional plan that, if implemented, would violate a statutory or constitutional provision, the proposed optional plan may be:

(a) submitted to the voters at an election under Section [~~17-35a-204~~] 17-52-206, if the optional plan is proposed in a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(2)(e), a petition that has been certified under Subsection [~~17-35a-203~~] 17-52-203(4)(a)(ii)(A), or a study committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d); or

(b) the subject of a petition that is circulated for signatures under Subsection [~~17-35a-203~~] 17-52-203(2), if the attorney general's statement results from a request under Subsection (6).

(6) The attorney general review required under this section for each proposed optional plan may be obtained in conjunction with the filing of a proposed optional plan under Subsection [~~17-35a-203~~] 17-52-203(1)(a) by filing a request for attorney general review signed by at least 100 registered voters residing in the county.

Section 89. Section **17-52-205**, which is renumbered from Section 17-35a-203.7 is renumbered and amended to read:

~~[17-35a-203.7]~~.        **17-52-205. Voter information pamphlet.**

(1) In anticipation of an election under Section ~~[17-35a-204]~~ 17-52-206, the county legislative body may prepare a voter information pamphlet to inform the public of the proposed optional plan.

(2) In preparing a voter information pamphlet under this section, the county legislative body may:

(a) allow proponents and opponents of the proposed optional plan to provide written statements to be included in the pamphlet; and

(b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information Pamphlet.

(3) Each county legislative body preparing a voter information pamphlet under this section shall cause the publication and distribution of the pamphlet in a manner determined by the county legislative body to be adequate.

Section 90. Section **17-52-206**, which is renumbered from Section 17-35a-204 is renumbered and amended to read:

~~[17-35a-204]~~.        **17-52-206. Election on proposed optional plan -- Procedure.**

(1) Subject to Section ~~[17-35a-203.5]~~ 17-52-204, the county legislative body shall hold an election if an optional plan is proposed:

(a) by a resolution adopted under Subsection ~~[17-35a-202]~~ 17-52-202(2)(e);

(b) in a petition filed under Subsection ~~[17-35a-203]~~ 17-52-203(2)(a) that is certified under Subsection ~~[17-35a-203]~~ 17-52-203(4)(a)(ii)(A); or

(c) in a study committee report filed under Subsection ~~[17-35a-303]~~ 17-52-303(3)(d).

(2) Each election under Subsection (1) shall be held at the next regular general or municipal general election date that is no less than two months after the county clerk's receipt of the attorney general statement under Section ~~[17-35a-203.5]~~ 17-52-204.

(3) The county legislative body shall prepare the ballot for each election under Subsection

(1) so that the question on the ballot:

- (a) clearly, accurately, and impartially presents the proposition to be voted on; and
- (b) does not constitute an argument or create prejudice for or against the proposition.
- (4) The county legislative body shall:

(a) cause the complete text of the proposed optional plan to be published in a newspaper of general circulation within the county at least once during two different calendar weeks within the 30-day period immediately before the date of the election under Subsection (1);

(b) make a complete copy of the optional plan available free of charge to any member of the public who requests a copy; and

(c) if the optional plan is proposed by a study committee report filed under Subsection [~~17-35a-303~~] 17-52-303(3)(d), make a complete copy of the study committee's report available free of charge to any member of the public who requests a copy.

(5) If an optional plan proposed as a result of a process initiated by the county legislative body and an optional plan proposed as a result of a process initiated by registered voters are both scheduled for the same election:

- (a) both proposals shall appear on the same ballot;
- (b) a voter may vote for or against each proposal; and
- (c) if both proposals receive a majority vote of those voting, the proposal with more votes shall prevail and the other shall be considered rejected.

Section 91. Section **17-52-207** is enacted to read:

**17-52-207. Election of officers under optional plan.**

If an optional plan is adopted by voters at an election under Section 17-52-206, the elected county officers specified in the plan shall be elected according to the procedure and schedule established under Title 20A, Election Code, for the election of county officers.

Section 92. Section **17-52-301**, which is renumbered from Section 17-35a-301 is renumbered and amended to read:

**Part 3. Study Committee**

~~[17-35a-301].~~      **17-52-301. Procedure for appointing members to study committee.**

(1) Each appointed member of a study committee shall be appointed by an appointment council as provided in this section.

(2) (a) The county legislative body shall convene a meeting of the five members of the appointment council referred to in Subsections [~~17-35a-102~~] 17-52-101(1)(a), (b), (c), (d), and (e), within ten days ~~[of]~~ after:

(i) the adoption of a resolution under Subsection [~~17-35a-202~~] 17-52-202(4)(a) or [~~17-35a-203~~] 17-52-203(3)(d)(i)(A); or

(ii) the canvass of an election pursuant to a resolution adopted under Subsection [~~17-35a-202~~] 17-52-202(3)(a) or [~~17-35a-203~~] 17-52-203(3)(d)(i)(B) if:

(A) the resolution specified that study committee members would be appointed; and

(B) a majority of those voting voted in favor of establishing a study committee.

(b) Within ten days of the convening of the first meeting under Subsection (2)(a), the five members of the appointment council shall designate the remaining four members referred to in Subsection [~~17-35a-102~~] 17-52-101(1)(f).

(3) (a) Within 30 days of the designation of the remaining four members under Subsection (2)(b), the appointment council shall:

(i) appoint the members to the study committee; and

(ii) notify in writing the appointees and the county legislative body of the appointments.

(b) In making appointments to the study committee, the appointment council shall work to achieve a broadly representative membership.

(c) The appointment council may not appoint a person to the study committee unless that person:

(i) is a registered voter in the county whose form of government will be studied by the study committee; and

(ii) does not hold any public office or employment other than membership on the appointment council.

Section 93. Section **17-52-302**, which is renumbered from Section 17-35a-302 is renumbered and amended to read:

~~[17-35a-302]~~.            **17-52-302. Convening of first meeting of study committee.**

The county legislative body shall convene the first meeting of the study committee within ten days of:

- (1) receipt of notification of the study committee members' appointment under Subsection ~~[17-35a-301]~~ 17-52-301(3)(a); or
- (2) the canvass of an election at which study committee members were elected pursuant to a resolution adopted under Subsection ~~[17-35a-202]~~ 17-52-202(3)(a) or ~~[17-35a-203]~~ 17-52-203(3)(d)(i)(B).

Section 94. Section **17-52-303**, which is renumbered from Section 17-35a-303 is renumbered and amended to read:

~~[17-35a-303]~~.            **17-52-303. Study committee -- Members -- Powers and duties -- Report -- Services provided by county.**

- (1) (a) Each study committee shall consist of at least seven but no more than 11 members.
- (b) A member of a study committee may not receive compensation for service on the committee.
- (c) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.
- (2) A study committee may:
  - (a) adopt rules for its own organization and procedure and to fill a vacancy in its membership;
  - (b) establish advisory boards or committees and include on them persons who are not members of the study committee; and
  - (c) request the assistance and advice of any officers or employees of any agency of state or local government.
- (3) Each study committee shall:
  - (a) study the form of government within the county and compare it with other forms available under this chapter;
  - (b) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved



in the interest of economy and efficiency by a change in the form of county government;

(c) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and

(d) file a written report of its findings and recommendations with the county legislative body no later than one year after the convening of its first meeting under Section [~~17-35a-302~~] 17-52-302.

(4) Each study committee report under Subsection (3)(d) shall include:

(a) the study committee's recommendation as to whether the form of county government should be changed to an optional form authorized under this chapter;

(b) if the study committee recommends changing the form of government, a complete detailed draft of a proposed plan to change the form of county government, including all necessary implementing provisions; and

(c) any additional recommendations the study committee considers appropriate to improve the efficiency and economy of the administration of local government within the county.

(5) (a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the report.

(b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report:

(i) that would recommend the adoption of an optional form different from that recommended in the original report; or

(ii) within the 120-day period before the election under Section [~~17-35a-204~~] 17-52-206.

(6) Each meeting held by the study committee shall be open to the public.

(7) The county legislative body shall provide for the study committee:

(a) suitable meeting facilities;

(b) necessary secretarial services;

(c) necessary printing and photocopying services;

(d) necessary clerical and staff assistance; and

(e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help the study committee fulfill its duties.

Section 95. Section **17-52-401**, which is renumbered from Section 17-35a-401 is renumbered and amended to read:

**Part 4. Optional Plan**

~~[17-35a-401].~~      **17-52-401. Contents of proposed optional plan.**

(1) Each optional plan proposed under this chapter shall:

(a) ~~[specify]~~ propose the adoption of one of the [optional form] forms of county government ~~[that is being proposed]~~ listed in Subsection 17-52-402(1)(a);

(b) contain detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:

(i) election or appointment of officers specified in the optional plan for the new form of county government;

(ii) continuity of existing offices and officers;

(iii) continuity of existing ordinances and regulations;

(iv) continuation of pending legislative, administrative, or judicial proceedings;

(v) making of interim and temporary appointments; and

(vi) preparation, approval, and adjustment of necessary budget appropriations; and

(c) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, provide that, with respect to the county budget, the county auditor's role is to be the budget officer and to project county revenues, the county executive's role is to propose the budget, and the county legislative body's role is to adopt the budget.

(2) Subject to Subsection (3), an optional plan may include provisions that are considered necessary or advisable to the effective operation of the proposed optional plan.

(3) An optional plan may not include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute.

(4) Each optional plan proposing to change the form of government to a form under Section ~~[17-35a-501]~~ 17-52-503, ~~[17-35a-502]~~ 17-52-504, ~~[17-35a-503]~~ 17-52-505, or ~~[17-35a-504]~~ 17-52-506 shall:

(a) provide for the same executive and legislative officers as are specified in the applicable section for the form of government being proposed by the optional plan;

~~[(a)]~~ (b) provide for the election of the county council;

(c) specify the number of county council members, which shall be an odd number from three to nine;

~~[(b)]~~ (d) specify whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;

~~[(c)]~~ (e) specify county council members' qualifications and terms and whether the terms are to be staggered;

~~[(d)]~~ state the grounds for and methods of removal of county council members from office;

~~[(e)]~~ (f) contain procedures for filling vacancies on the county council, consistent with the provisions of [Sections 17-5-104 and] Section 20A-1-508; and

~~[(f)]~~ (g) state the initial compensation, if any, of county council members and procedures for prescribing and changing compensation.

(5) Each optional plan proposing to change the form of government to the county commission form under Section 17-52-501 or the expanded county commission form under Section 17-52-502 shall specify:

(a) (i) for the county commission form of government, that the county commission shall have three members; or

(ii) for the expanded county commission form of government, whether the county commission shall have five or seven members;

(b) the terms of office for county commission members and whether the terms are to be staggered;

(c) whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts; and

(d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members.

Section 96. Section **17-52-402**, which is renumbered from Section 17-35a-402 is renumbered and amended to read:

~~[17-35a-402].~~            **17-52-402. Plan may propose changing forms of county government -- County executive -- Plan may propose change of structural form.**

(1) (a) ~~[An]~~ Each optional plan ~~[may]~~ shall propose changing the form of county government to:

~~[(a)]~~ (i) the county ~~[commissioner]~~ commission form under ~~[Title 17, Chapter 5, Part 1, County Commissioner Form of Government]~~ Section 17-52-501;

(ii) the expanded county commission form under Section 17-52-502;

~~[(b)]~~ (iii) the executive and chief administrative officer-council form under Section ~~[17-35a-501]~~ 17-52-503;

~~[(c)]~~ (iv) the county executive and council form under Section ~~[17-35a-502]~~ 17-52-504;

~~[(d)]~~ (v) the council-manager form under Section ~~[17-35a-503]~~ 17-52-505; or

~~[(e)]~~ (vi) the council and county administrative officer form under Section ~~[17-35a-504]~~ 17-52-506.

(b) An optional plan adopted after May 1, 2000 may not:

(i) propose changing the form of government to a form not included in Subsection (1)(a);

(ii) provide for the nonpartisan election of elected officers;

(iii) impose a limit on the number of terms or years that an elected officer may serve; or

(iv) provide for elected officers to be subject to a recall election.

(2) (a) If an optional plan proposes changing the form of county government to a form that has a separate county executive, the county executive may be:

(i) an individual elected at large in the county; or

(ii) a county executive body consisting of at least three members, elected at large or by district or a combination of both, as provided in the optional plan.

(b) An optional plan that proposes changing to a form of government with an executive body,

as provided in Subsection (2)(a)(ii), may divide the executive duties among the members of the executive body.

(3) In addition to proposing the adoption of any one of the optional forms of county government under Subsection (1)(a), an optional plan may also propose the adoption of any one of the structural forms of county government provided under Chapter 35b, Part 3, Structural Forms of County Government.

Section 97. Section **17-52-403**, which is renumbered from Section 17-35a-403 is renumbered and amended to read:

~~[17-35a-403]~~.            **17-52-403. Adoption of optional plan -- Effect of adoption.**

(1) If a proposed optional plan is approved at an election held under Section ~~[17-35a-204]~~ 17-52-206:

(a) the proposed optional plan becomes effective according to its terms and at the time specified in it, is public record open to inspection by the public, and is judicially noticeable by all courts;

(b) the county clerk shall, within ten days of the canvass of the election, file with the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct copy;

(c) all public officers and employees shall cooperate fully in making the transition between forms of county government; and

(d) the county legislative body may enact and enforce necessary ordinances to bring about an orderly transition to the new form of government, including any transfer of power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent with the approved optional plan and necessary or convenient to place it into full effect.

(2) Adoption of an optional plan changing only the form of county government without adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County Government, does not alter or affect the boundaries, organization, powers, duties, or functions of any:

(a) school district;

(b) justice court;

(c) independent special district established under Title 17A, Chapter 2, Independent Special Districts;

(d) city or town; or

(e) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

(3) After the adoption of an optional plan, the county remains vested with all powers and duties vested generally in counties by statute.

Section 98. Section **17-52-404**, which is renumbered from Section 17-35a-404 is renumbered and amended to read:

~~[17-35a-404].~~            **17-52-404. Amendment of optional plan.**

(1) Subject to Subsection (2), an optional plan, after going into effect following an election held under Section ~~[17-35a-204]~~ 17-52-206, may be amended by an affirmative vote of two-thirds of the county legislative body.

(2) Notwithstanding Subsection (1), an amendment to an optional plan in effect may not take effect until approved by a majority of registered voters voting in a general or special election at which the amendment is proposed, if the amendment changes:

(a) the size or makeup of the legislative body, except for adjustments necessary due to decennial reapportionment;

(b) the distribution of powers between the executive and legislative branches of county government; or

(c) the status of the county executive or legislative body from full-time to part-time or vice versa.

Section 99. Section **17-52-501**, which is renumbered from Section 17-5-101 is renumbered and amended to read:

**Part 5. Forms of County Government**

~~[17-5-101].~~    **17-52-501. County commission form of government.**

(1) Each county operating under the county commission form of government shall ~~[have]~~ be governed by a ~~[board of]~~ county ~~[commissioners]~~ commission consisting of three members.

(2) A county commission under a county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

(3) Except as otherwise provided in an optional plan adopted under this chapter:

(a) the term of office of each county commission member is four years;

(b) the terms of county commission members shall be staggered so that two members are elected at a regular general election date that alternates with the regular general election date of the other member; and

(c) each county commission member shall be elected at large, unless otherwise required by court order.

(4) (a) If two county commission positions are vacant for an election, the positions shall be designated "county commission seat A" and "county commission seat B."

(b) Each candidate who files a declaration of candidacy when two positions are vacant shall designate on the declaration of candidacy form whether the candidate is a candidate for seat A or seat B.

(c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.

Section 100. Section **17-52-502** is enacted to read:

**17-52-502. Expanded county commission form of government.**

(1) Each county operating under an expanded county commission form of government shall be governed by a county commission consisting of five or seven members.

(2) A county commission under the expanded county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

(3) Except as otherwise provided in an optional plan adopted under this chapter:

(a) the term of office of each county commission member is four years;

(b) the terms of county commission members shall be staggered so that approximately half the members are elected at alternating regular general election dates; and

(c) each county commission member shall be elected at large.

(4) (a) If multiple at-large county commission positions are vacant for an election, the positions shall be designated "county commission seat A," "county commission seat B," and so on as necessary for the number of vacant positions.

(b) Each candidate who files a declaration of candidacy when multiple positions are vacant shall designate the letter of the county commission seat for which the candidate is a candidate.

(c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.

Section 101. Section **17-52-503**, which is renumbered from Section 17-35a-501 is renumbered and amended to read:

~~[17-35a-501].~~        **17-52-503. County executive and chief administrative officer-council form of county government.**

(1) A county operating under the form of government known as the "county executive and chief administrative officer-council" form shall be governed by ~~[the]~~ an elected county council, ~~[a]~~ an elected county executive, an appointed chief administrative officer, and such other officers and employees as are authorized by law. The optional plan shall provide for the qualifications, time and manner of election, term of office, compensation, and removal of the county executive.

(2) The county executive shall be the chief executive officer or body of the county~~[-and shall:].~~

~~[(a) direct and organize the management of the county in a manner consistent with the optional plan;]~~

~~[(b) carry out programs and policies established by the council;]~~

~~[(c) faithfully ensure compliance with all applicable laws and county ordinances;]~~

~~[(d) exercise supervisory and coordinating control over all departments of county government;]~~

~~[(e) except as otherwise provided in the optional plan or as otherwise delegated by statute~~



~~to the legislative body, appoint, suspend, and remove the directors of all county departments and all appointive officers of boards and commissions;]~~

~~[(f) except as otherwise delegated by statute to another county officer, exercise administrative and auditing control over all funds and assets, tangible and intangible, of the county;~~

~~———(g) except as otherwise delegated by statute to another county officer, supervise and direct centralized budgeting, accounting, personnel management, purchasing, and other service functions of the county;]~~

~~[(h) conduct planning studies and make recommendations to the council relating to financial, administrative, procedural, and operational plans, programs, and improvements in county government; and]~~

~~[(i) exercise a power of veto over ordinances enacted by the council, including an item veto upon budget appropriations, in the manner provided in the optional plan.]~~

(3) The chief administrative officer shall:

(a) be appointed and removed by the county executive, with the approval of the council, except that the plan may specifically provide for the appointment and removal of the chief administrative officer by the council; and

(b) have the qualifications, training, and experience and receive compensation as provided in the optional plan.

(4) The chief administrative officer shall be principal staff assistant to the county executive and, under the direction and supervision of the county executive, shall:

(a) exercise supervisory control over all functions of the executive branch;

(b) study and make recommendations to the county executive with respect to the administration of county affairs and the efficiency and economy of county programs and operations;

(c) maintain a continuing review of expenditures and of the effectiveness of departmental budgetary controls;

(d) develop systems and procedures, not inconsistent with statutes, for planning, programming, budgeting, and accounting for all activities of the county; and

(e) perform any other functions and duties required of him by the optional plan, by any

applicable statutes or ordinances, or by the county executive.

(5) All powers and duties of the county shall be allocated for administrative and executive purposes to departments of the county as designated by the optional plan. Transfers of employees and reallocation of powers and duties between departments may be made within budgetary constraints by and at the discretion of the county executive, except as otherwise provided in the plan or by ordinance.

(6) In the county executive and chief administrative officer-council form of county government~~[, the legislative powers of the county shall be vested in]:~~

(a) the county council[;] is the county legislative body and shall have the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and

(b) the county executive [powers of the county] shall [be vested in the county executive] have the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

(7) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive and chief administrative officer-council form of county government, means:

(a) the county council, with respect to legislative functions, duties, and powers; and

(b) the county executive, with respect to executive functions, duties, and powers.

Section 102. Section **17-52-504**, which is renumbered from Section 17-35a-502 is renumbered and amended to read:

~~[17-35a-502].~~      **17-52-504. County executive-council form of county government.**

(1) (a) A county operating under the form of government known as the "county executive-council" form shall be governed by ~~[the]~~ an elected county council, ~~[a]~~ an elected county executive, and such other officers and employees as are authorized by law.

(b) The optional plan shall provide for the qualifications, time, and manner of election, term of office~~[;]~~ and compensation~~[, and removal]~~ of the county executive.

(2) The county executive shall be the chief executive officer or body of the county ~~[and shall have the powers and duties provided in Subsection 17-35a-501(2)].~~

(3) In the county executive-council form of county government~~[;]:~~

(a) the [~~legislative powers of the county shall be vested in the~~] county council[;] is the county legislative body and shall have the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and [~~the executive powers of the county shall be vested in~~]

(b) the county executive shall have the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

(4) References in any statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive-council form of county government, means:

(a) the county council, with respect to legislative functions, duties, and powers; and

(b) the county executive, with respect to executive functions, duties, and powers.

Section 103. Section **17-52-505**, which is renumbered from Section 17-35a-503 is renumbered and amended to read:

**[17-35a-503].**            **17-52-505. Council-manager form of county government.**

(1) A county operating under the form of government known as the "council-manager" form shall be governed by [~~the~~] an elected county council, a county manager appointed by the council, and such other officers and employees as are authorized by law. The optional plan shall provide for the qualifications, time and manner of appointment, term of office, compensation, and removal of the county manager.

(2) The county manager shall be the administrative head of the county government and shall have the powers, functions, and duties of a county executive, [~~under Subsection 17-35a-501(2);~~] except:

(a) as the county legislative body otherwise provides by ordinance; and

(b) that the county manager [~~shall~~] may not [~~have any power of~~] veto [~~over~~] any ordinances enacted by the council.

(3) No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies, attempt to exact any promise relative to any appointment from any candidate for manager, or discuss directly or indirectly with him the matter of specific

appointments to any county office or employment. A violation of the foregoing provisions of this Subsection (3) shall forfeit the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county. Neither manager nor any person in the employ of the county shall take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office. The optional plan may provide procedures for implementing this Subsection (3).

(4) In the council-manager form of county government, the legislative powers of the county shall be vested in the county council, and the executive powers of the county shall be vested in the county manager.

(5) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the council-manager form of county government, means:

- (a) the county council, with respect to legislative functions, duties, and powers; and
- (b) the county manager, with respect to executive functions, duties, and powers.

Section 104. Section **17-52-506**, which is renumbered from Section 17-35a-504 is renumbered and amended to read:

~~[17-35a-504]~~.        **17-52-506. Council-county administrative officer form of county government.**

(1) A county operating under the form of government known as the "council-county administrative officer" form shall be governed by:

(a) [a] an elected county council that is the county legislative body with the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and such executive powers, duties, and functions as are provided for in the optional plan;

(b) a county administrative officer appointed by the county council who is the county executive with the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive, except as otherwise provided in the optional plan; and

(c) other officers and employees that are authorized by law.

(2) (a) The optional plan submitted to the voters shall require that the county council

establish by ordinance, maintain, and keep filled a permanent position of county administrative officer.

(b) The optional plan submitted to the voters shall establish the qualifications, time, and manner of employment, term of office, compensation, and procedures for removal of the county administrative officer.

(c) The optional plan submitted to the voters shall require that the county administrative officer be appointed solely on the basis of [his] abilities, integrity, and prior experience as related to the duties of [his] the office.

(d) The optional plan submitted to the voters shall designate the position of county administrative officer as either exempt or not exempt from any applicable county merit system.

(3) The county administrative officer shall administer the functions, responsibilities, powers, and duties of [his] office as set forth in the optional plan adopted by the voters, subject to the direction and control of the county council, and acting as its agent.

(4) The county council may assign additional functions, responsibilities, powers, and duties to the county administrative officer that do not conflict with the functions, responsibilities, powers, and duties set forth in the optional plan.

Section 105. Section **17-53-101**, which is renumbered from Section 17-16-2 is renumbered and amended to read:

**CHAPTER 53. COUNTY EXECUTIVE, LEGISLATIVE BODY, AND OTHER OFFICERS**

**Part 1. General Provisions**

**[17-16-2]. 17-53-101. County officers enumerated.**

(1) The elected officers of a county are: [~~three county commissioners,~~]

(a) (i) in a county operating under a county commission or expanded county commission form of government, county commission members; or

(ii) in a county operating under one of the other forms of county government under Subsection 17-52-402(1)(a), county legislative body members and the county executive;

(b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county attorney, a district attorney in a county which is part of a prosecution district, a county surveyor, and

a county assessor[;]; and

(c) any others provided by law[;but in].

(2) Notwithstanding Subsection (1), in counties having a taxable value of less than \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties of the office without extra compensation.

Section 106. Section **17-53-102** is enacted to read:

**17-53-102. Officers term of office.**

Each person elected to a county office shall take office on the first Monday in January following the election and shall hold office for the term for which elected and until a successor is elected and has qualified.

Section 107. Section **17-53-103**, which is renumbered from Section 17-5-206 is renumbered and amended to read:

**[17-5-206]. 17-53-103. Unauthorized payment or warrant -- Investigation by another county attorney -- Action to enjoin or recover payment.**

(1) (a) If a county [~~legislative body~~] officer, without authority of law, orders any money paid for any purpose, or if any other county officer draws a warrant in the officer's own favor or in favor of any other person without being authorized to do so by the county legislative body or by law, the county attorney of that county shall request a county attorney from another county to investigate whether an unauthorized payment has been ordered or an unauthorized warrant drawn.

(b) If the county attorney requests a county attorney from another county to investigate under Subsection (1)(a), the county attorney shall deputize the investigating county attorney.

(2) If an investigating county attorney determines that an unauthorized payment has been ordered or that an unauthorized warrant has been drawn, that county attorney may commence and prosecute an action in the name of the county:

(a) if the payment has not been made or the warrant paid, to enjoin the payment of the unauthorized payment or of the unauthorized warrant; or

(b) if the payment has been made or the warrant paid, to recover from the payee or the county officer and the officer's official bondsman the amount paid.

(3) An order of the county legislative body is not necessary in order to maintain an action under Subsection (2).

Section 108. Section **17-53-104**, which is renumbered from Section 17-5-216 is renumbered and amended to read:

~~[17-5-216].~~ **17-53-104. Vacancy in a county office -- Vacancies in the office of county attorney or district attorney.**

(1) ~~[A]~~ Except as provided in Subsection (2), a vacancy in a county office shall be filled as provided in Section 20A-1-508.

(2) A vacancy in the office of county attorney or district attorney shall be filled as provided in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

Section 109. Section **17-53-105**, which is renumbered from Section 17-5-256 is renumbered and amended to read:

~~[17-5-256].~~ **17-53-105. Deposit of money in treasury.**

~~[All such taxes]~~ Each officer who collects any money on behalf of the county shall as rapidly as ~~[they are]~~ it is collected ~~[be deposited]~~ deposit it into the county treasury.

Section 110. Section **17-53-201** is enacted to read:

## **Part 2. County Legislative Body**

**17-53-201. General powers and functions of county legislative body.**

Except as expressly provided otherwise in statute, each county legislative body shall exercise all legislative powers, have all legislative duties, and perform all legislative functions of the county, including those enumerated in this part.

Section 111. Section **17-53-202**, which is renumbered from Section 17-5-102 is renumbered and amended to read:

~~[17-5-102].~~ **17-53-202. Eligibility -- Election.**

Each member of ~~[the board of]~~ a county ~~[commissioners]~~ legislative body shall:

(1) be ~~[an elector]~~ a registered voter of the county which ~~[he]~~ the member represents; and ~~[must]~~

(2) have been ~~[such]~~ a registered voter for at least one year immediately preceding ~~[his]~~ the

member's election [~~and he shall be elected by the qualified electors of the county at large~~].

Section 112. Section **17-53-203**, which is renumbered from Section 17-5-201 is renumbered and amended to read:

~~[17-5-201].~~ **17-53-203. Chair -- Oaths -- Quorum.**

(1) Each county legislative body shall elect one of their number chair and may elect a vice chair.

(2) (a) The chair shall preside at all meetings of the county legislative body, and in case of ~~[his]~~ the chair's absence or inability to act, the vice chair, if there is one, shall preside.

(b) If both the chair and vice chair, if there is one, are absent or unable to act, the members present ~~[must]~~ shall, by an order entered in their minutes, select one of their number to act as chair temporarily.

(3) Any member of the county legislative body may administer oaths to any person when necessary in the performance of ~~[his]~~ official duties.

(4) Not less than ~~[two]~~ a majority of members shall constitute a quorum for the transaction of business, and no act of the county legislative body shall be valid or binding unless ~~[two]~~ a majority of members ~~[concur]~~ present when a quorum is present concurs therein.

Section 113. Section **17-53-204**, which is renumbered from Section 17-5-202 is renumbered and amended to read:

~~[17-5-202].~~ **17-53-204. Meetings -- At county seat -- Exception.**

(1) (a) The county legislative body ~~[must]~~ shall provide by ordinance for the holding of regular meetings of the county legislative body ~~[at the county seat]~~.

(b) The county legislative body may cancel a regular meeting as the county legislative body considers appropriate.

(2) (a) Except as provided in Subsection (2)(b), each regular meeting of the county legislative body shall be held at the county seat.

(b) If approved by a vote of the county legislative body, a county legislative body may hold an occasional meeting outside the county seat as the public business requires.

Section 114. Section **17-53-205**, which is renumbered from Section 17-5-203 is renumbered



and amended to read:

~~[17-5-203].~~ **17-53-205. Special meetings -- How called -- Business limited.**

(1) If ~~[at any time]~~ the business of the county requires a special meeting of the legislative body, such meeting may be ordered by a majority of the legislative body or by the chair ~~[thereof]~~.  
~~[The]~~

(2) Each order ~~[must]~~ calling a special meeting shall:

(a) be signed by the members or chair calling ~~[such]~~ the meeting ~~[and must]~~;

(b) be entered in the minutes of the legislative body~~[- Five days' notice of such meeting must be given by the clerk to the members not joining in the order. The order must]~~; and

(c) specify the business to be transacted at ~~[such]~~ the meeting~~[- and none]~~.

(3) No business other than that specified ~~[shall]~~ in the order may be transacted at ~~[such]~~ a special meeting unless all ~~[the]~~ members of the county legislative body are present and give their consent ~~[thereto]~~.

(4) Except as otherwise provided by county ordinance, the county clerk shall give five days notice of each special meeting to each member of a county legislative body that does not join in the order calling the meeting.

Section 115. Section **17-53-206**, which is renumbered from Section 17-5-204 is renumbered and amended to read:

~~[17-5-204].~~ **17-53-206. Meetings to comply with open meetings law -- Records and minutes.**

~~[All meetings]~~ (1) Each meeting of the county legislative body ~~[must be public, and the books, records, and accounts must be kept at the office of the clerk, open at all times during usual business hours for public inspection]~~ shall comply with Title 52, Chapter 4, Open and Public Meetings.

(2) The chair and clerk of the county legislative body shall sign the records and minutes of the county legislative body.

Section 116. Section **17-53-207**, which is renumbered from Section 17-5-205 is renumbered and amended to read:

**[~~17-5-205~~]. 17-53-207. Rules and regulations governing legislative body and transaction of business.**

The county legislative body [~~shall have power to~~] may make and enforce such rules and regulations for the government of itself, the preservation of order, and the transaction of business as may be necessary.

Section 117. Section **17-53-208**, which is renumbered from Section 17-15-1 is renumbered and amended to read:

**[~~17-15-1~~]. 17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances printed in book form.**

(1) The enacting clause of all ordinances of the county legislative body shall be as follows: "The County Legislative Body of [~~the~~] \_\_\_\_\_ County [~~of \_\_\_\_\_~~] ordains as follows:"

(2) Every ordinance shall be signed by the [~~chairman~~] chair of the county legislative body and attested by the clerk. On the passage of all ordinances the votes of the several members of the county legislative body shall be entered on the minutes, and all ordinances shall be entered at length in the ordinance book.

(3) (a) No ordinance passed by the county legislative body may take effect within less than 15 days after its passage.

(b) The legislative body of each county adopting an ordinance shall, before the ordinance may take effect:

(i) deposit a copy of the ordinance in the office of the county clerk; and

(ii) (A) publish a short summary of the ordinance, together with a statement that a complete copy of the ordinance is available at the county clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in:

(I) a newspaper published in and having general circulation in the county, if there is one; or

(II) if there is none published in the county, in a newspaper of general circulation within the county; or

(B) post a complete copy of the ordinance in nine public places within the county.

(4) Any ordinance printed by authority of the county legislative body in book form, or any

general revision of county ordinances printed in book form, may be adopted by an ordinance making reference to such printed ordinance or revision if not less than three copies of such ordinance or revision are filed in the office of the county clerk at the time of adoption for use and examination by the public.

(5) Ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other related or similar work, where such rules and regulations have been printed as a code in book form, may be adopted by reference to such codes if not less than three copies thereof are filed in the office of the county clerk at the time of the adoption of such ordinance for use and examination by the public.

(6) Ordinances that in the opinion of the county legislative body are necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants may, if so provided in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.

(7) An ordinance may take effect at a later date than provided in this section, if the ordinance so provides.

(8) An order entered in the minutes of the county legislative body that an ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

Section 118. Section **17-53-209**, which is renumbered from Section 17-5-210 is renumbered and amended to read:

**~~[17-5-210].~~ 17-53-209. Books to be kept.**

The ~~[board must]~~ legislative body of each county shall cause to be kept:

(1) ~~[A]~~ a minute [book] record, in which must be recorded all orders and decisions made by the ~~[board]~~ county legislative body and the daily proceedings had at all regular and special meetings[-];

(2) ~~[An]~~ an allowance [book] record, in which must be recorded all orders for the allowance of money from the county treasury, to whom made and on what account, dating, numbering, and indexing the same through each year[-];

(3) ~~[A]~~ a road [book] record, containing all proceedings and adjudications relating to the establishment, maintenance, charge, and discontinuance of roads and road districts, and all contracts and other matters pertaining thereto[-];

(4) ~~[A]~~ a franchise [book] record, containing all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required or other consideration to be paid[-];

(5) ~~[An]~~ an ordinance [book] record, in which must be entered all ordinances or laws duly passed by the ~~[board:]~~ county legislative body; and

(6) ~~[A]~~ a warrant [book] record, to be kept by the county auditor, in which must be entered in the order of drawing all warrants drawn on the treasurer, with their number and reference to the order on the minute [book] record, with date, amount, on what account, and the name of the payee.

Section 119. Section **17-53-210**, which is renumbered from Section 17-5-211 is renumbered and amended to read:

~~[17-5-211].~~ **17-53-210. Dividing county into precincts and districts.**

~~[The]~~ A county legislative [bodies in the several counties have jurisdiction and power to] body may divide the county into precincts [and into road, sanitary, and other], districts, or other entities as permitted or required by law, and may change [the same] them and create others as convenience requires.

Section 120. Section **17-53-211** is enacted to read:

**17-53-211. Fees for services -- Exceptions.**

The legislative body of each county shall adopt an ordinance establishing fees for services provided by each county officer, except:

- (1) fees for the recorder, sheriff, and county constables; and
- (2) fees established by statute.

Section 121. Section **17-53-212**, which is renumbered from Section 17-5-215 is renumbered and amended to read:

~~[17-5-215].~~ **17-53-212. Examination and audit of accounts.**

~~[They]~~ A county legislative body may examine and audit the accounts of all officers having

the care, management, collection, or disbursement of moneys belonging to the county or appropriated by law or otherwise for its use and benefit.

Section 122. Section **17-53-213**, which is renumbered from Section 17-5-217 is renumbered and amended to read:

~~[17-5-217].~~ **17-53-213. Special funds.**

~~[They]~~ A county legislative body may establish a salary fund and such other county funds as ~~[the board may consider]~~ it considers necessary for the proper transaction of the business of the county, and may transfer money from one fund to another as the public interest ~~[may require]~~ requires, except as otherwise specifically provided in statute.

Section 123. Section **17-53-214**, which is renumbered from Section 17-5-220 is renumbered and amended to read:

~~[17-5-220].~~ **17-53-214. Seal for county.**

~~[They]~~ The legislative body of each county shall:

(1) adopt a seal for the county ~~[clerk]~~, the impression of which shall contain the words "State of Utah, County ~~[Clerk,]~~ of \_\_\_\_\_" ~~[together with the name of the county in which the same is to be used]; and~~

(2) file an impression ~~[whereof must be filed]~~ of the seal in the office of the county clerk and with the Division of Archives.

Section 124. Section **17-53-215**, which is renumbered from Section 17-5-221 is renumbered and amended to read:

~~[17-5-221].~~ **17-53-215. Seal for clerk of district court.**

~~[They]~~ If a county provides clerk services to that county's district court, the legislative body of the county shall:

(1) provide a seal for the clerk of the district court of the county, the impression of which shall contain the words "District Court, State of Utah," together with the name of the county; and

(2) file an impression ~~[whereof must be filed]~~ of the seal in the office of the county clerk and with the Division of Archives.

Section 125. Section **17-53-216**, which is renumbered from Section 17-5-222 is renumbered

and amended to read:

~~[17-5-222].~~ **17-53-216. Business license fees and taxes -- Application information to be transmitted to the county assessor.**

(1) For the purpose of this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(2) The ~~[governing]~~ legislative body of a county may ~~[license]~~ by ordinance provide for the licensing of businesses within the unincorporated areas of the county for the purpose of regulation and revenue ~~[any business within the unincorporated areas of the county].~~

(3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.

(4) The county business licensing agency shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.

(5) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of counties existing prior to the effective date of Chapter 144, Laws of Utah 1988.

Section 126. Section **17-53-217**, which is renumbered from Section 17-5-228 is renumbered and amended to read:

~~[17-5-228].~~ **17-53-217. Commanding services of sheriff.**

~~[They]~~ A county legislative body may direct the sheriff to serve notices, subpoenas, citations, or other process issued by the ~~[board]~~ legislative body, and to attend in person or by deputy all meetings of the ~~[board]~~ legislative body to preserve order.

Section 127. Section **17-53-218**, which is renumbered from Section 17-5-246 is renumbered and amended to read:

~~[17-5-246].~~ **17-53-218. Duties as board of equalization.**

~~[They]~~ The legislative body of each county shall perform such duties as a county board of equalization as are ~~[or shall be]~~ provided by law.

Section 128. Section **17-53-219**, which is renumbered from Section 17-5-247 is renumbered

and amended to read:

~~[17-5-247].~~ **17-53-219. Auditor statement of county debt.**

~~[They]~~ The legislative body of each county shall have prepared by the auditor under ~~[their]~~ its direction prior to the annual meeting for levying taxes a statement showing~~[-(1)-The] the~~ the indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part ~~[thereof]~~ of it.

~~[(2) A concise statement of all property owned by the county with an estimate of the value thereof and the amount of cash in the treasury and in its several funds.]~~

Section 129. Section **17-53-220**, which is renumbered from Section 17-5-248 is renumbered and amended to read:

~~[17-5-248].~~ **17-53-220. Taxation for county purposes.**

~~[They]~~ A county legislative body may levy taxes upon the taxable property within the county for all county purposes ~~[and may levy taxes upon the taxable property within any district for the construction and repair of roads and highways and for other district purposes; provided, that no district tax shall be levied until the proposition to levy the same has been submitted to a vote of such qualified electors of such districts as shall have paid a property tax therein in the year next preceding such election and a majority of those voting thereon shall have voted in favor of such tax].~~

Section 130. Section **17-53-221**, which is renumbered from Section 17-5-255 is renumbered and amended to read:

~~[17-5-255].~~ **17-53-221. Tax for care, relief, and burial of indigents.**

~~[The]~~ (1) A county legislative body may, if ~~[they consider]~~ it considers it necessary and expedient so to do, annually at ~~[their]~~ its session at which the annual tax levy for county purposes is fixed and levied, assess and levy a tax for ~~[the following purposes]:~~

~~[(1)]~~ (a) the care, maintenance, and relief of the indigent sick or dependent poor persons having a lawful settlement in the county;

~~[(2)]~~ (b) the temporary relief of indigent persons not having a lawful settlement in the county temporarily residing therein, and for the burial of such indigent persons who [shall] die within the county;

~~[(3)]~~ (c) the erection and maintenance of hospitals, infirmaries, and farms in connection ~~[therewith]~~ with Subsections (1)(a) and (b);

~~[(4)]~~ (d) the employment of a superintendent for such county hospitals~~;~~ and infirmaries, and any other necessary help ~~[therein]~~ in them; and

~~[(5)]~~ (e) the salary of the county physician for attending the indigent sick or dependent poor and other duties as provided by law.

(2) The taxes ~~[herein]~~ authorized under Subsection (1) shall be assessed, levied, and collected in the same manner as other county taxes are assessed, levied, and collected.

Section 131. Section **17-53-222**, which is renumbered from Section 17-5-258 is renumbered and amended to read:

~~[17-5-258].~~ **17-53-222. Tax for exhibits encouraging trade.**

~~[The boards]~~ A county legislative body may levy a special tax on the taxable property within ~~[their respective counties]~~ the county for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibit of the products and industries of the county at any domestic or foreign exposition, fair, or livestock show for the purpose of encouraging immigration and increasing trade in the products of the state and for the purpose of maintaining, conducting, and furnishing facilities for livestock or other exhibitions or for the purpose of promoting and making water surveys, collecting data relating to the supply, distribution and use of water or the necessity for drainage or other reclamation work and the compilation of data or information to encourage the conservation of water for the reclamation of lands within the county or counties of the state ~~[of Utah]~~ either by the county or through the instrumentality of a corporation not for pecuniary profit, organized for that purpose.

Section 132. Section **17-53-223**, which is renumbered from Section 17-5-263 is renumbered and amended to read:

~~[17-5-263].~~ **17-53-223. Ordinances -- Power to enact -- Penalty for violation.**

~~[The]~~ (1) A county legislative body may:

(a) pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are



necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county; ~~[and may]~~

~~(b) enforce obedience to ordinances with fines or penalties as the legislative body considers proper[, provided that the punishment of any offense shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or by both fine and imprisonment. The county legislative body may]; and~~

~~(c) pass ordinances to control air pollution.~~

~~(2) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or by both fine and imprisonment.~~

Section 133. Section **17-53-224**, which is renumbered from Section 17-5-272 is renumbered and amended to read:

~~[17-5-272].~~ **17-53-224. Rewards for information -- Law enforcement -- Protection of county property.**

(1) ~~[The]~~ (a) A county legislative body ~~[of each county]~~ may appropriate funds from the county treasury for the offering and payment of rewards for information which directly assists in the enforcement of law and protection of county property.

(b) The offering and payment of rewards shall be made under conditions and limitations as established by the county legislative body.

(2) With the prior approval of the county legislative body, any county officer or agency ~~[can]~~ may offer rewards to the same extent and for the same purposes authorized by ~~[this section]~~ Subsection (1).

Section 134. Section **17-53-225** is enacted to read:

**17-53-225. County legislative body may adopt Utah Procurement Code.**

A county legislative body may adopt any or all of the provisions of Title 63, Chapter 56, Utah Procurement Code, or the rules promulgated pursuant to that code.

Section 135. Section **17-53-226**, which is renumbered from Section 17-15-2 is renumbered

and amended to read:

~~[17-15-2].~~ **17-53-226. Investigation by legislative body -- Witnesses -- Hearings.**

~~[The]~~ (1) A county legislative body may investigate any matter pertaining to the county or its business or affairs or any county officer ~~[thereof]~~, and may require the attendance of witnesses and take evidence ~~[therein]~~ in its investigations.

(2) At such investigations, any member of the county legislative body may administer oaths to witnesses. ~~[Whenever]~~

(3) ~~If the county legislative body [shall have appointed any]~~ appoints a member of its body a committee upon any subject or matter and ~~[shall have conferred upon him]~~ confers upon that member power to hear or take evidence ~~[therein]~~, such committee shall have the same powers in the premises as the county legislative body itself.

Section 136. Section **17-53-227**, which is renumbered from Section 17-5-207 is renumbered and amended to read:

~~[17-5-207].~~ **17-53-227. Breach of duty by county legislative body member -- Penalty.**

~~[Any county commissioner]~~ A member of a county legislative body who, without just cause, refuses or neglects to perform [any] a duty imposed upon [him without just cause therefor] the member or willfully violates any law [provided for his government as such officer] governing the member as a member of the county legislative body, or who, as [commissioner] a county legislative body member, willfully, fraudulently, or corruptly attempts to perform an act unauthorized by law shall, in addition to the penalty provided in the [penal] criminal code[;]:

(1) forfeit to the county \$500 for every such act, to be recovered on [his] the member's official bond[;]; and [shall]

(2) be further liable on [his] the member's official bond to any person injured [thereby] by the act for all damages sustained.

Section 137. Section **17-53-301** is enacted to read:

**Part 3. County Executive**

**17-53-301. General powers and functions of county executive.**

(1) The elected county executive is the chief executive office of the county.

(2) Except as expressly provided otherwise in statute and except as contrary to the powers, duties, and functions of other county officers expressly provided for in Chapters 16, 17, 18, 19, 20, 21, 22, 23, and 24, each county executive shall exercise all executive powers, have all executive duties, and perform all executive functions of the county, including those enumerated in this part.

Section 138. Section **17-53-302** is enacted to read:

**17-53-302. County executive duties.**

Each county executive shall:

- (1) exercise supervisory control over all functions of the executive branch of county government;
- (2) direct and organize the management of the county in a manner consistent with state law, county ordinance, and the county's optional plan of county government;
- (3) carry out programs and policies established by the county legislative body;
- (4) faithfully ensure compliance with all applicable laws and county ordinances;
- (5) exercise supervisory and coordinating control over all departments of county government;
- (6) except as otherwise vested in the county legislative body by state law or by the optional plan of county government, appoint, suspend, and remove the directors of all county departments and all appointive officers of boards and commissions;
- (7) except as otherwise delegated by statute to another county officer, exercise administrative and auditing control over all funds and assets, tangible and intangible, of the county;
- (8) except as otherwise delegated by statute to another county officer, supervise and direct centralized budgeting, accounting, personnel management, purchasing, and other service functions of the county;
- (9) conduct planning studies and make recommendations to the county legislative body relating to financial, administrative, procedural, and operational plans, programs, and improvements in county government;
- (10) maintain a continuing review of expenditures and of the effectiveness of departmental budgetary controls;
- (11) develop systems and procedures, not inconsistent with statute, for planning,

programming, budgeting, and accounting for all activities of the county:

(12) if the county executive is an elected county executive, exercise a power of veto over ordinances enacted by the county legislative body, including an item veto upon budget appropriations, in the manner provided by the optional plan of county government; and

(13) perform all other functions and duties required of the executive by state law, county ordinance, and the optional plan of county government.

Section 139. Section **17-53-303** is enacted to read:

**17-53-303. Examination and audit of accounts.**

The county executive may examine and audit the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county or appropriated by law or otherwise for its use and benefit.

Section 140. Section **17-53-304** is enacted to read:

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

The county executive may direct the county sheriff to serve notices, subpoenas, citations, or other process issued by the executive, and to attend in person or by deputy all meetings conducted by the executive to preserve order.

Section 141. Section **17-53-305**, which is renumbered from Section 17-5-218 is renumbered and amended to read:

**[17-5-218]. 17-53-305. Warrants -- Authority to draw on treasurer.**

[They] The county executive may settle and allow all accounts legally chargeable against the county, after [the] their examination [of the same] by the county auditor, and order warrants to be drawn on the county treasurer [therefor] for those accounts.

Section 142. Section **17-53-306** is enacted to read:

**17-53-306. Warrants -- Required information -- Payment -- Registration.**

(1) Each warrant drawn by order of the county executive on the county treasurer for current expenses during each year shall specify the liability for which it is drawn, when it accrued, and the funds from which it is to be paid.

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

(3) If the money in the treasury is insufficient to pay a warrant, the treasurer shall register the warrant and pay it in the order of registration.

(4) Accounts for county charges of every description shall be presented to the auditor and county executive to be audited as prescribed in statute.

Section 143. Section **17-53-307**, which is renumbered from Section 17-5-259 is renumbered and amended to read:

**[17-5-259]. 17-53-307. County purchasing agent -- Appointment -- Compensation -- Oath.**

(1) The county executive, with the advice and consent of the county legislative body, in each county having a taxable value in excess of \$500,000,000 may appoint a county purchasing agent.

(2) The agent shall qualify by taking, subscribing, and filing the constitutional oath and giving bond to the county in a sum fixed by the county legislative body.

(3) The county purchasing agent shall, under the direction and supervision of the county executive:

(a) negotiate for the purchase of or contract for all supplies and materials required by the county;

(b) submit all contracts and purchases negotiated by the purchasing agent under Subsection (3)(a) to the county executive for approval and ratification; and

(c) keep an accurate and complete record of all purchases and a detailed disposition of them and, when required by the county legislative body, make a complete and detailed report to it of business transacted.

(4) The county executive may exclude from the purchasing agent's responsibility a county clerk's duties concerning elections or a sheriff's duties under Section 17-22-8.

Section 144. Section **17-53-308**, which is renumbered from Section 17-15-3 is renumbered and amended to read:

**[17-15-3]. 17-53-308. Repair, alteration, or construction of public buildings -- Contracts -- Bids -- Payment and performance bonds -- Retainage.**

(1) (a) [~~Whenever~~] (i) If the county [legislative body] considers the repair, alteration, or

construction of any courthouse, jail, hospital, or other public building to be paid for out of the general funds of the county, the county executive shall require plans and specifications to be drawn up and an estimate of the cost to be made.

(ii) If the estimated cost exceeds \$25,000, the county may not repair, alter, or construct any building except through contract let to the low responsive and responsible bidder.

(b) All buildings for which the estimated cost exceeds \$25,000 shall be repaired, altered, or constructed by contract let to the low responsive and responsible bidder after publication of notice at least once a week for three consecutive weeks in a newspaper of general circulation published in the county, or, if there is no such newspaper, then after posting such notice for at least 20 days in at least five public places in the county.

(c) The county executive may reject any or all bids.

(d) (i) In seeking bids and awarding a contract for the repair, alteration, or construction work, the county legislative body may elect to follow the provisions of Title 63, Chapter 56, Utah Procurement Code, as the county legislative body considers appropriate under the circumstances for specification preparation, source selection, or contract formation.

(ii) The election may be made on a case-by-case basis, unless the county has previously adopted the Utah Procurement Code as permitted by Subsection 63-56-2(3)(e).

(iii) If an election is made, it shall be done in an open meeting of the county legislative body and the portions of the Utah Procurement Code to be followed for the work under consideration shall be specified in the legislative body's action.

(e) (i) This chapter may not be construed to prohibit the county legislative body from adopting the procedures of ~~[the]~~ Title 63, Chapter 56, Utah Procurement Code~~[-however, an]~~.

(ii) An election to adopt the procedures of the code may not excuse the county from complying with the requirements to award a contract for work in excess of \$25,000 and to publish notice of the intent to award.

(f) The person to whom any contract to erect or repair buildings is awarded shall execute bonds under Sections 14-1-18 and 63-56-38.

(g) Nothing in this section may be construed to prohibit a public entity from contracting with

another public entity under Title 11, Chapter 13, Interlocal Cooperation Act.

(2) Any payment on a contract with a private contractor to erect or repair buildings under this section that is retained or withheld shall be retained or withheld and released as provided in Section 13-8-5.

Section 145. Section **17-53-309**, which is renumbered from Section 17-15-4 is renumbered and amended to read:

~~[17-15-4].~~     **17-53-309. Approval of cost-increase changes in plans and specifications -- Delegation.**

(1) ~~[Whenever]~~ If the county executive adopts plans and specifications for the alteration, construction, or repair of any public building or other public structure, the plans and specifications may not be altered or changed in any manner that would increase the cost of altering, constructing, or repairing the building or structure, unless the county ~~[legislative body in a regularly scheduled open and public meeting,]~~ executive approves the alteration or change in the plans and specifications.

(2) The county ~~[legislative body]~~ executive may adopt policies and procedures to delegate authority to approve alterations or changes in plans and specifications to a county employee, including the county engineer, architect, surveyor, or director of the department or division responsible for the work.

Section 146. Section **17-53-310**, which is renumbered from Section 17-15-5 is renumbered and amended to read:

~~[17-15-5].~~     **17-53-310. Changes or alterations in contract -- Liability of county.**

(1) ~~[Whenever]~~ If the county executive enters into a contract for the construction, alteration, or repair of any public building or other public structure, the contract may be altered or changed only~~[: (a) by vote of the county legislative body made in a regularly scheduled open and public meeting; and (b) when]~~ if the alteration or change is within the general scope of the contract.

(2) ~~[Whenever any]~~ If a change or alteration in the contract is made:

(a) the particular change or alteration shall be specified in writing; and

(b) the increase or decrease in cost due to the change or alteration shall be established by the county executive according to either the provisions of the contract or established principles of the

construction industry.

(3) (a) The county [~~legislative body~~] executive may adopt policies and procedures to delegate authority for approval of changes or alterations in the contract to a county employee, including the [~~county executive,~~] county engineer, architect, surveyor, or director of the department or division responsible for the work.

(b) Unless the requirements of this section are met, the county is not liable for any extra work done on the buildings or public structures.

Section 147. Section **17-53-311**, which is renumbered from Section 17-5-274 is renumbered and amended to read:

~~[17-5-274].~~ **17-53-311. Contracting for management, maintenance, operation, or construction of jails.**

(1) (a) With the approval of the sheriff, [~~the~~] a county executive may contract with private contractors for management, maintenance, operation, and construction of county jails.

(b) [~~The~~] A county executive may include a provision in the contract that allows use of a building authority created under the provisions of Title 17A, Chapter 3, Part 9, Municipal Building Authorities, to construct or acquire a jail facility.

(c) [~~The~~] A county executive may include a provision in the contract that requires that any jail facility meet any federal, state, or local standards for the construction of jails.

(2) If [~~the~~] a county executive contracts only for the management, maintenance, or operation of a jail, the county executive shall include provisions in the contract that:

(a) require the private contractor to post a performance bond in the amount set by the county legislative body;

(b) establish training standards that must be met by jail personnel;

(c) require the private contractor to provide and fund training for jail personnel so that the personnel meet the standards established in the contract and any other federal, state, or local standards for the operation of jails and the treatment of jail prisoners;

(d) require the private contractor to indemnify the county for errors, omissions, defalcations, and other activities committed by the private contractor that result in liability to the county;



(e) require the private contractor to show evidence of liability insurance protecting the county and its officers, employees, and agents from liability arising from the construction, operation, or maintenance of the jail, in an amount not less than those specified in Title 63, Chapter 30, Utah Governmental Immunity Act;

(f) require the private contractor to:

(i) receive all prisoners committed to the jail by competent authority; and

(ii) provide them with necessary food, clothing, and bedding in the manner prescribed by the governing body; and

(g) prohibit the use of inmates by the private contractor for private business purposes of any kind.

(3) A contractual provision requiring the private contractor to maintain liability insurance in an amount not less than the liability limits established by Title 63, Chapter 30, Utah Governmental Immunity Act, may not be construed as waiving the limitation on damages recoverable from a governmental entity or its employees established by that chapter.

Section 148. Section **17-53-312** is enacted to read:

**17-53-312. County resource development committee -- Membership -- Term -- Compensation and expenses -- Duties.**

(1) (a) A county executive may, with the advice and consent of the county legislative body, appoint a county resource development committee of three or more members, at least one of which shall be a member of the county legislative body.

(b) Each member of a county resource development committee shall be a resident of the county.

(2) (a) The term of each member of a county resource development committee shall be two years and until a successor has been appointed.

(b) The legislative body of each county with a county resource development committee shall provide by ordinance for the filling of a vacancy in the membership of the committee and for the removal of a member for nonperformance of duty or misconduct.

(3) (a) Each member shall serve without compensation.

(b) The county legislative body may reimburse a member for actual expenses incurred in performing the member's duties and responsibilities on the committee, upon presentation of proper receipts and vouchers.

(4) The committee may elect such officers from its members as it considers appropriate and may, with the consent and approval of the county legislative body, employ an executive director for the committee.

(5) The committee shall:

(a) assist in promoting the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources; and

(b) make such recommendations to the county for resource development as the committee considers advisable.

(6) The county executive may cooperate and enter into contracts with municipalities, local communities, other counties, and the state for the purpose of promoting the development of the economic, historical, and cultural resources of the county.

Section 149. Section **17-53-313**, which is renumbered from Section 17-5-273 is renumbered and amended to read:

~~[17-5-273].~~ **17-53-313. Hiring of professional architect, engineer, or surveyor.**

~~[(1) The county legislative body of any county may adopt any or all of the provisions of Title 63, Chapter 56, Utah Procurement Code, or the rules promulgated pursuant to that code.]~~

~~[(2)]~~ Notwithstanding ~~[Subsection (1), the legislative body of]~~ the adoption of some or all of the provisions of Title 63, Chapter 56, Utah Procurement Code, under Section 17-53-225, each county executive that engages the services of a professional architect, engineer, or surveyor and considers more than one such professional for the engagement:

~~[(a)]~~ (1) shall consider, as a minimum, in the selection process:

~~[(i)]~~ (a) the qualifications, experience, and background of each firm submitting a proposal;

~~[(ii)]~~ (b) the specific individuals assigned to the project and the time commitments of each to the project; and

~~[(iii)]~~ (c) the project schedule and the approach to the project that the firm will take; and

~~[(b)]~~ (2) may engage the services of a professional architect, engineer, or surveyor based on the criteria under Subsection ~~[(2)(a)]~~ (1) rather than solely on lowest cost.

Section 150. Section **17-53-314**, which is renumbered from Section 17-5-219 is renumbered and amended to read:

~~[17-5-219].~~ **17-53-314. Actions -- Control and direction.**

~~[They]~~ A county executive may control and direct the prosecution and defense of all actions to which the county is a party, and, when necessary ~~[may]~~, employ counsel to assist the county attorney or, in a county that does not have a county attorney, the district attorney in conducting ~~[the same]~~ those actions or any other cases where the county attorney or district attorney, as the case may be, is authorized by law to act.

Section 151. Section **17A-2-1059** is amended to read:

**17A-2-1059. Funding districts -- Ceiling exempt tax.**

(1) Counties and municipalities involved in the establishment and operation of public transit districts may, through their duly constituted appropriating bodies, provide funds necessary for the operation and maintenance of these public transit districts by an appropriation from the general fund or by levy of a tax, or in part by an appropriation and in part by the levy provided under Section ~~[17-5-248]~~ 17-53-220. The use of these county funds to establish and operate public transit districts within all or part of a county is declared to be a county purpose.

(2) Public transit districts may be funded from local, state, or federal funds, or through a separate ceiling exempt tax provided for under Section 59-2-911, which may not exceed .0004 per dollar of taxable value of taxable property, or in part by each.

Section 152. Section **17A-2-1314** is amended to read:

**17A-2-1314. Rights, powers, and authority of service district.**

(1) In addition to all other rights, powers, and authority granted by law or by other provisions of this part, a service district has the following rights, powers and authority:

(a) The right to sue and be sued.

(b) The power to exercise all powers of eminent domain possessed by the county or municipality which established the service district.

(c) The power to enter into contracts considered desirable by the governing authority of the service district to carry out the functions of the service district, including, without limitation, the power to enter into contracts with the government of the United States or any of its agencies, the State of Utah, counties, municipalities, school districts, and other public corporations, districts, or political subdivisions including institutions of higher education. These contracts may include, without limitation, provisions concerning the use, operation, and maintenance of any facilities of the service district and the collection of fees or charges with respect to commodities, services, or facilities provided by the service district.

(d) The power to acquire or construct facilities, to purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and otherwise deal in and with real and personal property, or any interest in them, wherever situated, either within or outside of the service district, including water and water rights, and including the power to acquire other than by condemnation property or interests in property owned or held by institutions of higher education.

(e) The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of or contract with respect to the use, operation, and maintenance of, all or any part of its property and assets, including water and water rights.

(f) The power to accept governmental grants, loans, or funds and to comply with the conditions of them.

(g) The right to utilize any officers, employees, property, equipment, offices, or facilities of the county or municipality which established the service district, and for which the governing authority of the service district shall reimburse the county or municipality from service district funds, a reasonable amount for the services so rendered or for the property, equipment, offices, or facilities so used.

(h) The right to employ officers, employees, and agents for the service district, including engineers, accountants, attorneys, and financial consultants, and to fix their compensation.

(i) The right to adopt an official seal for the service district.

(2) The county legislative body shall by ordinance establish those classes of contracts of a service district which shall be subject to the requirements of Section [~~17-15-3~~] 17-53-308, or of any

law hereafter enacted for the same purpose.

(3) The governing authority of a municipality shall by ordinance establish those classes of contracts of a service district which shall be subject to the requirements of Section 10-7-20, or of any law hereafter enacted for the same purpose.

Section 153. Section **17A-3-208** is amended to read:

**17A-3-208. Contract required for improvement -- Bidding requirements -- Exceptions.**

(1) Except as otherwise provided in this section, improvements in a special improvement district shall be made only under contract duly let to the lowest responsible bidder for the kind of service or material or form of construction which may be desired. The improvements may be divided into parts, and separate contracts let for each part, or several parts may be combined in the same contract. A contract may be let on a unit basis. A contract shall not be let until a notice to contractors that sealed bids for the construction of the improvements will be received by the governing body at a specified time and place, and this notice has been published at least one time in a newspaper having general circulation in the county at least 15 days before the date specified for the receipt of bids. If by inadvertence or oversight, the notice is not published or is not published for a sufficient period of time prior to the receipt of bids, the governing body, however, may still proceed to let a contract for the improvements if at the time specified for the receipt of bids it has received not less than three sealed and bona fide bids from contractors. If, under the construction contract, periodic payments for work performed are to be made by the issuance of interim warrants, this fact shall be disclosed in the notice to contractors. The notice to contractors may be published simultaneously with the notice of intention.

(2) The governing body, or its designated agent, shall at the time specified in the notice, open, examine, and publicly declare the bids. From these bids, the governing body may award a contract to the lowest, responsible bidder if that party's bid is responsive to the request for proposal or invitation to bid; but the governing body shall not be obligated or required to award a contract to any bidder and may reject any or all bids. In the event no bids are received or no responsive or acceptable bids are received after one public invitation to bid, the governing body may take any of the following actions:

(a) publicly rebid the project using the original plans, specifications, cost estimates, and contract documents;

(b) negotiate a contract privately using the original project plans, specifications, cost estimates, and contract documents;

(c) publicly rebid the project after revising the original plans, specifications, cost estimates, or contract documents;

(d) cancel the project;

(e) abandon or dissolve the improvement district; or

(f) perform the project work with the governing entity's work forces and be reimbursed for this work out of the special assessments levied.

(3) A contract need not be let for any improvement or part of any improvement the cost of which or the making of which is donated or contributed by any individual, corporation, the county, a municipality, the state [~~of Utah~~], the United States, or any political subdivision of the state [~~of Utah~~] or of the United States. These donations or contributions may be accepted by the governing entity, but no assessments shall be levied against the property in the district for the amount of the donations or contributions.

(4) A contract need not be let as provided in this section where the improvements consist of the furnishing of utility services or maintenance of improvements. This work may be done by the governing entity itself. Assessments may be levied for the actual cost incurred by the governing entity for the furnishing of these services or maintenance, or in case the work is done by the governing entity, to reimburse the governing entity for the reasonable cost of supplying the services or maintenance.

(5) A contract need not be let as provided in this section where any labor, materials, or equipment to make any of the improvements are supplied by the governing entity. Assessments may be levied to reimburse the governing entity for the reasonable cost of supplying such labor, materials or equipment. The provisions of Sections [~~17-15-3~~] 17-53-308 and 72-6-108 shall not apply to the improvements to be placed in a special improvement district created under this part.

Section 154. Section **17A-3-218** is amended to read:

**17A-3-218. Assessment ordinance - Publication - Assessment list incorporated by reference.**

(1) Notwithstanding the provisions of Section [~~17-15-1~~] 17-53-208 or any other law concerning the publication, posting, or effective date of ordinances, any ordinance levying assessments shall be published one time in a newspaper published in the governing entity or, if there is no newspaper published in the governing entity, in a newspaper having general circulation in the governing entity. The ordinance shall be effective on the date of the publication or at a later date as provided in the ordinance. No other publication and no posting of the ordinance is required nor is it necessary to declare that the immediate preservation of the peace, health, or safety of the governing entity requires the ordinance to be effective on the date of publication or at the later date.

(2) An ordinance levying assessments need not describe each block, lot, part of block or lot, tract, or parcel of property to be assessed. It is sufficient if the ordinance incorporates by reference the corrected assessment list that describes the list of properties assessed by tax identification number and a valid legal description of property within the district.

Section 155. Section **20A-1-102** is amended to read:

**20A-1-102. Definitions.**

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot cards and tabulates the results.

(3) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.

(4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.

(6) "Ballot proposition" means opinion questions specifically authorized by the Legislature,

constitutional amendments, initiatives, referenda, and judicial retention questions that are submitted to the voters for their approval or rejection.

(7) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(8) "Bond election" means an election held for the sole purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(9) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(10) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(12) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.

(13) "Convention" means the political party convention at which party officers and delegates are selected.

(14) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(15) "Counting judge" means a judge designated to count the ballots during election day.

(16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(17) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the counting judges to count ballots during election day.

(18) "County executive" means:

(a) the county commission in the ~~[traditional]~~ county commission or expanded county commission form of government established ~~[by Section 17-4-2 and]~~ under Title 17, Chapter ~~[5]~~ 52, ~~[County Commissioners and Legislative Bodies]~~ Forms of County Government;



(b) the county executive in the county executive and chief administrative officer-council optional form of government authorized by Section [~~17-35a-501~~] 17-52-503;

(c) the county executive in the county executive-council optional form of government authorized by Section [~~17-35a-502~~] 17-52-504;

(d) the county council in the council-manager optional form of government authorized by Section [~~17-35a-503~~] 17-52-505; and

(e) the county council in the council-county administrative officer optional form of government authorized by Section [~~17-35a-504~~] 17-52-506.

(19) "County legislative body" means:

(a) the county commission in the [~~traditional~~] county commission or expanded county commission form of government established [~~by Section 17-4-2 and~~] under Title 17, Chapter [5] 52, [~~County Commissioners and Legislative Bodies~~] Forms of County Government;

(b) the county council in the county executive and chief administrative officer-council optional form of government authorized by Section [~~17-35a-501~~] 17-52-503;

(c) the county council in the county executive-council optional form of government authorized by Section [~~17-35a-502~~] 17-52-504;

(d) the county council in the council-manager optional form of government authorized by Section [~~17-35a-503~~] 17-52-505; and

(e) the county council in the council-county administrative officer optional form of government authorized by Section [~~17-35a-504~~] 17-52-506.

(20) "County officers" means those county officers that are required by law to be elected.

(21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(22) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

(24) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots;
  - (b) the county clerk or clerks for all county ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5;
  - (c) the municipal clerk for all municipal ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5; and
  - (d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.
- (25) "Election official" means any election officer, election judge, or satellite registrar.
- (26) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (27) "Electronic voting system" means a system in which a voting device is used in conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic tabulating equipment.
- (28) "Inactive voter" means a registered voter who has been sent the notice required by Section 20A-2-306 and who has failed to respond to that notice.
- (29) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.
- (30) "Judicial office" means the office filled by any judicial officer.
- (31) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- (32) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.
- (33) "Local political subdivision" means a county, a municipality, a special district, or a local school district.
- (34) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(35) "Municipal executive" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the mayor in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the manager in the council-manager optional form of government defined in Section 10-3-1209.

(36) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(37) "Municipal legislative body" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the municipal council in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the municipal council in the council-manager optional form of government defined in Section 10-3-1209.

(38) "Municipal officers" means those municipal officers that are required by law to be elected.

(39) "Municipal primary election" means an election held to nominate candidates for municipal office.

(40) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.

(41) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

- (i) the election judge's initials; and
- (ii) the ballot number.

(42) "Official register" means the book furnished election officials by the election officer that contains the information required by Section 20A-5-401.

(43) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.

(44) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures.

(45) "Polling place" means the building where residents of a voting precinct vote.

(46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.

(47) "Posting list" means a list of registered voters within a voting precinct.

(48) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(49) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.

(50) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(51) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(52) "Registration days" means the days designated in Section 20A-2-203 when a voter may register to vote with a satellite registrar.

(53) "Registration form" means a book voter registration form and a by-mail voter registration form.

(54) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(55) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

(56) "Resident" means a person who resides within a specific voting precinct in Utah.

(57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register voters and perform other duties.

(59) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

(60) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's vote.

(61) "Special district" means those local government entities created under the authority of Title 17A.

(62) "Special district officers" means those special district officers that are required by law to be elected.

(63) "Special election" means an election held as authorized by Section 20A-1-204.

(64) "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or the election judge; or
- (c) lacks the official endorsement.

(65) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(66) "Stub" means the detachable part of each ballot.

(67) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

(68) "Ticket" means each list of candidates for each political party or for each group of petitioners.

(69) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(70) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(71) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(72) "Voter" means a person who meets the requirements of election registration and is registered and is listed in the official register book.

(73) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(74) "Voting booth" means the space or compartment within a polling place that is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

(75) "Voting device" means:

(a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance; or

(c) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(76) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

(77) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

(78) "Voting precinct" means the smallest voting unit established as provided by law within

which qualified voters vote at one polling place.

(79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting poll watcher.

(80) "Western States Presidential Primary" means the election established in Title 20A, Chapter 9, Part 8.

(81) "Write-in ballot" means a ballot containing any write-in votes.

(82) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 156. Section **21-2-8**, which is renumbered from Section 17-5-214 is renumbered and amended to read:

~~[17-5-214].~~ **21-2-8. Fees of county officers.**

(1) As used in this section, "county officer" means all of the county officers enumerated in Section ~~[17-16-2]~~ 17-53-101 except county recorders, county constables, and county sheriffs.

~~[(2) The county legislative body shall adopt an ordinance establishing the fees for services provided by each county officer.]~~

~~[(3)]~~ (2) (a) Each county officer shall collect, in advance, for exclusive county use and benefit:

- (i) all fees established by the county legislative body under this section; and
- (ii) any other fees authorized or required by law.

(b) As long as the displaced homemaker program is authorized by Section 35A-3-114, the county clerk shall:

(i) assess \$20 in addition to whatever fee for a marriage license is established under authority of this section; and

(ii) transmit \$20 from each marriage license fee to the Division of Finance to be credited to the displaced homemaker program.

(c) As long as the Children's Legal Defense Account is authorized by Section 63-63a-8, the county clerk shall:

- (i) assess \$10 in addition to whatever fee for a marriage license is established under authority

of this section and in addition to the \$20 assessed for the displaced homemaker program; and

(ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit in the Children's Legal Defense Account.

~~[(4)]~~ (3) This section does not apply to any fees currently being assessed by the state but collected by county officers.

Section 157. Section **26A-1-102** is amended to read:

**26A-1-102. Definitions.**

As used in this part:

- (1) "Board" means a local board of health established under Section 26A-1-109.
- (2) "City-county health department" means a local health department that serves a county and municipalities located within that county.
- (3) "Department" means the Department of Health created in Title 26, Chapter 1.
- (4) "Local governing body" means any local unit of government required to establish a local health department by Section 10-7-3 or ~~[17-5-243]~~ 17-50-313.
- (5) "Local health department" means a city-county or multicounty local health department established under this part.
- (6) "Multicounty local health department" means a local health department that serves two or more contiguous counties and municipalities within those counties.

Section 158. Section **26A-1-106** is amended to read:

**26A-1-106. Assistance in establishing local departments -- Monitoring and standards of performance -- Responsibilities.**

- (1) (a) By request of local governing bodies, the department may assist in the establishment of a local health department under Sections 10-7-3 and ~~[17-5-243]~~ 17-50-313.
- (b) The department shall monitor the effort of the local health department to protect and promote the health of the public.
- (c) The department shall establish by rule minimum performance standards for basic programs of public health administration, personal health, laboratory services, health resources, and other preventive health programs not in conflict with state law as it finds necessary or desirable for the



protection of the public health.

(d) The department may by contract provide funds to assist a local health department if local resources are inadequate and may provide assistance to achieve the purposes of this part.

(2) Regulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than department rules.

(3) Local health departments are responsible within their boundaries for providing, directly or indirectly, basic public health services that include:

- (a) public health administration and support services;
- (b) maternal and child health;
- (c) communicable disease control, surveillance, and epidemiology;
- (d) food protection;
- (e) solid waste management;
- (f) waste water management; and
- (g) safe drinking water management.

(4) The Department of Environmental Quality shall establish by rule minimum performance standards, including standards for inspection and enforcement, for basic programs of environmental health, not inconsistent with law, as necessary or desirable for the protection of public health.

Section 159. Section **26A-1-117** is amended to read:

**26A-1-117. Funding of departments -- Tax levies.**

(1) Municipalities or counties involved in the establishment and operation of local health departments shall fund the local health departments with appropriations from the General Fund, from the levy of a tax, or in part by an appropriation and in part by a levy under Section [~~17-5-255~~] 17-53-221.

(2) A local health department may be funded as provided by law from:

- (a) local, state, and federal funds within local levy ceilings;
- (b) a separate ceiling exempt tax under Section 59-2-911, which may not exceed .0004 per dollar of taxable value of taxable property; or
- (c) in part by each.

(3) Local funds from either tax source shall be appropriated by the local governing authorities participating in the local health department.

Section 160. Section **35A-3-114** is amended to read:

**35A-3-114. Programs for displaced homemakers.**

(1) For purposes of this section, "displaced homemaker" means an individual:

(a) who has been a homemaker for a period of eight or more years without significant gainful employment outside the home;

(b) whose primary occupation during the period of time described in Subsection (1)(a) was the provision of unpaid household services for family members;

(c) has found it necessary to enter the job market;

(d) is not reasonably capable of obtaining employment sufficient to provide self-support or necessary support for dependents, due to a lack of marketable job skills or other skills necessary for self-sufficiency; and

(e) has depended on:

(i) the income of a family member and lost that income; or

(ii) governmental assistance as the parent of dependent children and is no longer eligible for that assistance.

(2) The department shall establish, in cooperation with state and local governmental agencies, community-based organizations, and private employers, a program for the education, training, and transitional counseling of displaced homemakers, which includes referral services and the following services:

(a) employment and skills training, career counseling, and placement services specifically designed to address the needs of displaced homemakers;

(b) assistance in obtaining access to existing public and private employment training programs;

(c) educational services, including information on high school or college programs, or assistance in gaining access to existing educational programs;

(d) health education and counseling, or assistance in gaining access to existing health

education and counseling services;

(e) financial management services which provide information on insurance, taxes, estate and probate matters, mortgages, loans, and other financial issues; and

(f) prevocational self-esteem and assertiveness training.

(3) The department shall:

(a) (i) contract with existing governmental or private agencies or community-based organizations that have demonstrated effectiveness in serving displaced homemakers to provide a program for displaced homemakers in each county or group of counties, as the population demands; or

(ii) establish a program for displaced homemakers in that area;

(b) coordinate its program for displaced homemakers with existing state or federal programs of a similar nature and, where possible, utilize existing physical resources;

(c) establish rules to implement this section, and may form an advisory committee for recommendations on the establishment and improvement of a program for displaced homemakers;

(d) encourage the placement of displaced homemakers in programs established under:

(i) the Job Training Partnership Act, 29 U.S.C. Section 1501; and

(ii) the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. Section 2301, et seq.; and

(e) prepare an evaluation of its program for displaced homemakers, including the success of placement of displaced homemakers in programs described in this section, and annually submit a written report of that evaluation to the Legislature.

(4) Displaced homemakers may act as peer counselors in programs for displaced homemakers.

(5) (a) Appropriate funds received by the state under Section [~~17-5-214~~] 21-2-8 shall be deposited as nonlapsing dedicated credits and used for the purposes of this section.

(b) Notwithstanding Subsection (5)(a), if the nonlapsing amount exceeds \$300,000 at the end of any fiscal year, the excess shall lapse into the General Fund.

(6) The department shall establish procedures for payment and repayment, when possible,

by clients to the department of the costs of services provided to displaced homemakers under this section.

Section 161. Section **35A-3-401** is amended to read:

**35A-3-401. General Assistance.**

(1) (a) General Assistance may be provided to individuals who are not receiving cash assistance under Part 3, Family Employment Program, or Supplemental Security Income, and who are unemployable according to standards promulgated by the department.

(b) (i) General Assistance may be provided by payment in cash or in kind.

(ii) The office may provide an amount less than the existing payment level for an otherwise similarly situated client of cash assistance under Part 3, Family Employment Program.

(c) The office shall establish asset limitations for General Assistance clients consistent with Section 35A-3-107.

(d) (i) General Assistance may be granted to meet special nonrecurrent needs of an applicant for the federal Supplemental Security Income program, if the applicant agrees to reimburse the division for assistance advanced while awaiting the determination of eligibility by the Social Security Administration.

(ii) General Assistance payments may not be made to a current client of cash assistance or Supplemental Security Income.

(e) (i) General Assistance may be used for the reasonable cost of burial for a client, if heirs or relatives are not financially able to assume this expense~~[, and the county is determined not to be liable for the expense under Section 17-5-250]~~.

(ii) Notwithstanding Subsection (1)(e)(i), if the body of a person is unclaimed, Section 53B-17-301 applies.

(iii) The department shall fix the cost of a reasonable burial and conditions under which burial expenditures may be made.

(2) The division may cooperate with any governmental unit or agency, or any private nonprofit agency in establishing work projects to provide employment for employable persons.

Section 162. Section **63-55-235** is amended to read:

**63-55-235. Repeal dates, Title 35 and Title 35A.**

(1) Title 35A, Utah Workforce Services Code, is repealed July 1, 2005.

(2) Section 35A-3-114, the Displaced Homemaker Program, together with the provision for funding that program contained in Subsection [~~17-5-214(3)~~] 21-2-8(2)(b), is repealed July 1, 2007.

Section 163. Section **63-63a-8** is amended to read:

**63-63a-8. Children's Legal Defense Account.**

(1) There is created a restricted account within the General Fund known as the Children's Legal Defense Account.

(2) The purpose of the Children's Legal Defense Account is to provide for programs that protect and defend the rights, safety, and quality of life of children.

(3) The Legislature shall appropriate money from the account for the administrative and related costs of the following programs:

(a) implementing the Mandatory Educational Course on Children's Needs for Divorcing Parents relating to the effects of divorce on children as provided in Sections 30-3-4, 30-3-7, 30-3-10.3, 30-3-11.3, 30-3-15.3, and 30-3-18, and the Mediation Pilot Program - Child Custody or Visitation as provided in Sections 30-3-15.3 and 30-3-18;

(b) implementing the use of guardians ad litem as provided in Sections 30-3-5.2, 78-3a-318, 78-3a-912, 78-11-6, and 78-7-9; the training of guardian ad litem and volunteers as provided in Section 78-3a-912; and termination of parental rights as provided in Sections 78-3a-118, 78-3a-119, 78-3a-903, and Title 78, Chapter 3a, Part 4, Termination of Parental Rights Act. This account may not be used to supplant funding for the guardian ad litem program in the juvenile court as provided in Section 78-3a-912; and

(c) implementing and administering the Expedited Visitation Enforcement Pilot Program as provided in Section 30-3-38.

(4) The following withheld fees shall be allocated only to the Children's Legal Defense Account and used only for the purposes provided in Subsections (3)(a) through (c):

(a) the additional \$10 fee withheld on every marriage license issued in the state of Utah as provided in Section [~~17-5-214~~] 21-2-8; and

(b) a fee of \$2 shall be withheld from the existing civil filing fee collected on any complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

(5) The Division of Finance shall allocate the monies described in Subsection (4) from the General Fund to the Children's Legal Defense Account.

(6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30 of any fiscal year shall lapse into the General Fund.

Section 164. Section **68-3-12** is amended to read:

**68-3-12. Rules of construction.**

(1) In the construction of these statutes, the following general rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Legislature or repugnant to the context of the statute:

- (a) The singular number includes the plural, and the plural the singular.
- (b) Words used in one gender comprehend the other.
- (c) Words used in the present tense include the future.

(2) In the construction of these statutes, the following definitions shall be observed, unless the definition would be inconsistent with the manifest intent of the Legislature, or repugnant to the context of the statute:

(a) "Adjudicative proceeding" means:

(i) all actions by a board, commission, department, officer, or other administrative unit of the state that determine the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including all actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and

(ii) judicial review of all such actions.

(b) "Advisory board," "advisory commission," and "advisory council" means a board, commission, or council that:

(i) provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;

(ii) is created by and whose duties are provided by statute or by executive order; and

(iii) performs its duties only under the supervision of another person as provided by statute.

(c) "Councilman" includes a town trustee or a city commissioner, and "city commissioner" includes a councilman.

(d) "County executive" means:

(i) the county commission in the ~~[traditional]~~ county commission or expanded county commission form of government established ~~[by Section 17-4-2 and]~~ under Title 17, Chapter ~~[5]~~ 52, ~~[County Commissioners and Legislative Bodies]~~ Forms of County Government;

(ii) the county executive in the "county executive and chief administrative officer-council" optional form of government authorized by Section ~~[17-35a-501]~~ 17-52-503;

(iii) the county executive in the "county executive-council" optional form of government authorized by Section ~~[17-35a-502]~~ 17-52-504;

(iv) the county manager in the "council-manager" optional form of government authorized by Section ~~[17-35a-503]~~ 17-52-505; and

(v) the county council in the "council-county administrative officer" optional form of government authorized by Section ~~[17-35a-504]~~ 17-52-506.

(e) "County legislative body" means:

(i) the county commission in the ~~[traditional]~~ county commission or expanded county commission form of government established ~~[by Section 17-4-2 and]~~ under Title 17, Chapter ~~[5]~~ 52, ~~[County Commissioners and Legislative Bodies]~~ Forms of County Government;

(ii) the county council in the "county executive and chief administrative officer-council" optional form of government authorized by Section ~~[17-35a-501]~~ 17-52-503;

(iii) the county council in the "county executive-council" optional form of government authorized by Section ~~[17-35a-502]~~ 17-52-504;

(iv) the county council in the "council-manager" optional form of government authorized by Section ~~[17-35a-503]~~ 17-52-505; and

(v) the county council in the "council-county administrative officer" optional form of government authorized by Section ~~[17-35a-504]~~ 17-52-506.

(f) "Executor" includes administrator, and the term "administrator" includes executor, when

the subject matter justifies such use.

(g) "Guardian" includes a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment and a person who is appointed by a court to manage the estate of a minor or incapacitated person.

(h) "Highway" and "road" include public bridges and may be held equivalent to the words "county way," "county road," "common road," and "state road."

(i) "Him," "his," and other masculine pronouns include "her," "hers," and similar feminine pronouns unless the context clearly indicates a contrary intent or the subject matter relates clearly and necessarily to the male sex only.

(j) "Insane person" include idiots, lunatics, distracted persons, and persons of unsound mind.

(k) "Land," "real estate," and "real property" include land, tenements, hereditaments, water rights, possessory rights, and claims.

(l) "Man" or "men" when used alone or in conjunction with other syllables as in "workman," includes "woman" or "women" unless the context clearly indicates a contrary intent or the subject matter relates clearly and necessarily to the male sex only.

(m) "Month" means a calendar month, unless otherwise expressed, and the word "year," or the abbreviation "A.D." is equivalent to the expression "year of our Lord."

(n) "Oath" includes "affirmation," and the word "swear" includes "affirm." Every oral statement under oath or affirmation is embraced in the term "testify," and every written one, in the term "depose."

(o) "Person" includes individuals, bodies politic and corporate, partnerships, associations, and companies.

(p) "Personal property" includes every description of money, goods, chattels, effects, evidences of rights in action, and all written instruments by which any pecuniary obligation, right, or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished, and every right or interest therein.

(q) "Personal representative," "executor," and "administrator" includes an executor, administrator, successor personal representative, special administrator, and persons who perform



substantially the same function under the law governing their status.

(r) "Policy board," "policy commission," or "policy council" means a board, commission, or council that:

(i) possesses a portion of the sovereign power of the state to enable it to make policy for the benefit of the general public;

(ii) is created by and whose duties are provided by the constitution or by statute;

(iii) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute; and

(iv) is permanent and continuous and not temporary and occasional.

(s) "Population" shall be as shown by the last preceding state or national census, unless otherwise specially provided.

(t) "Property" includes both real and personal property.

(u) "Review board," "review commission," or "review council" means a board, commission, or council that:

(i) possesses a portion of the sovereign power of the state only to the extent to enable it to approve policy made for the benefit of the general public by another body or person;

(ii) is created by and whose duties are provided by statute;

(iii) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute; and

(iv) is permanent and continuous and not temporary and occasional.

(v) "Sheriff," "county attorney," "district attorney," "clerk," or other words used to denote an executive or ministerial officer, may include any deputy, or other person performing the duties of such officer, either generally or in special cases; and the words "county clerk" may be held to include "clerk of the district court."

(w) "Signature" includes any name, mark, or sign written with the intent to authenticate any instrument or writing.

(x) "State," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the District and the

territories.

(y) "Town" may mean incorporated town and may include city, and the word "city" may mean incorporated town.

(z) "Vessel," when used with reference to shipping, includes steamboats, canal boats, and every structure adapted to be navigated from place to place.

(aa) "Will" includes codicils.

(bb) "Writ" means an order or precept in writing, issued in the name of the state or of a court or judicial officer; and "process" means a writ or summons issued in the course of judicial proceedings.

(cc) "Writing" includes printing, handwriting, and typewriting.

Section 165. Section **70A-9-403** is amended to read:

**70A-9-403. What constitutes filing -- Required statement -- Duration of filing -- Effect of lapsed filing -- Duties of filing officer.**

(1) Presentation for filing by the Division of Corporations and Commercial Code, or for recording, indexing, and abstracting by tract by the county recorder of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this chapter.

(2) Except as provided in Subsection (6), a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five-year period, whichever occurs later. Upon lapse, the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is considered to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) (a) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in Subsection (2). Any such continuation statement

must be signed by the secured party, identify the original statement by file number or by entry numbers and book and page numbers and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with Subsection 70A-9-405(2), including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in Subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement.

(b) Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if the filing officer has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statement or other related filings, or by other means, that if the filing officer physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under Subsection (6) shall be retained.

(4) Except as provided in Subsection (7), a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition, the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The fees for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be determined by the Division of Corporations and Commercial Code pursuant to Section 63-38-3.2. The secured party may at the secured party's option show a trade name for any person and an extra indexing fee determined by the Division of Corporations and Commercial Code pursuant to Section 63-38-3.2 shall be paid with respect thereto.

(6) If the debtor is a transmitting utility (Subsection 70A-9-401(5)) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under Subsection 70A-9-402(6) remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) subject to Subsection 70A-9-103(5), or accounts, or is recorded as a fixture filing, the county recorder shall record and index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and under the name of the secured party as if the secured party were the mortgagee thereunder, or where indexing is by description, record and index it in the same fashion as if the financing statement were a mortgage of the real estate described. Original statements, once duly marked and recorded by the county recorder, may be returned to the party making the filing. Except as provided in Subsection 70A-9-404(3), filings made in the office of the county recorder shall be subject to the provisions of Section [~~17-5-214~~] 21-2-8 in lieu of the fees provided in this chapter.

Section 166. Section **70A-9-404** is amended to read:

**70A-9-404. Termination statement.**

(1) If a financing statement covering consumer goods is filed on or after July 1, 1977, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number or by entry number and book and page numbers. In other cases, whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must, on written demand by the debtor, send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the

financing statement, which shall be identified by file number or by entry number and book and page numbers. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with Subsection (2) of Section 70A-9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this Subsection (1), or to send such a termination statement within ten days after proper demand therefor, he shall be liable to the debtor for \$100, and in addition, for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement, he must duly file the same. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one year after receipt of the termination statement.

(3) No fee shall be charged for filing and indexing a termination statement including sending or delivering the financing statement, except that filings made in the office of the county recorder shall be subject to the provisions of Section [~~17-5-214~~] 21-2-8 in lieu of the no-fee provision in this chapter.

Section 167. Section **72-3-301** is amended to read:

**72-3-301. Statewide public safety interest highway defined -- Designations -- Control -- Maintenance -- Improvement restrictions -- Formula funding provisions.**

(1) As used in this part, "statewide public safety interest highway" means a designated state highway that serves a compelling statewide public safety interest.

(2) Statewide public safety interest highways include:

(a) SR-900. From near the east bound on and off ramps of the I-80 Delle Interchange on the I-80 south frontage road, traversing northwesterly, westerly, and northeasterly, including on portions of a county road and a Bureau of Land Management road for a distance of 9.24 miles. Then

beginning again at the I-80 south frontage road traversing southwesterly and northwesterly on a county road for a distance of 4.33 miles. Then beginning again at the I-80 south frontage road traversing southwesterly, northerly, northwesterly, westerly, and northeasterly on a county road and a Bureau of Land Management road to near the east bound on and off ramps of I-80 Low/Lakeside Interchange for a distance of 2.61 miles. The entire length of SR-900 is a total distance of 16.18 miles.

(b) SR-901. From SR-196 traversing westerly and northwesterly on a county road to a junction with a Bureau of Land Management road described as part of SR-901, then northwesterly to a junction with a county road for a distance of 8.70 miles. Then beginning again at a junction with SR-901 traversing northwesterly on a Bureau of Land Management road to a junction with a county road for a distance of 6.52 miles. Then beginning again at a junction with SR-901 traversing southwesterly on a Bureau of Land Management road to a junction with a county road for a distance of 5.44 miles. Then beginning again from a junction with SR-901 traversing southwesterly on a county road to a junction with a county road a distance of 11.52 miles. Then beginning again at a junction with SR-196 traversing westerly on a Bureau of Land Management road to a junction with a county road for a distance of 11.30 miles. The entire length of SR-901 is a total distance of 43.48 miles.

(3) The department has jurisdiction and control over all statewide public safety interest highways.

(4) (a) A county shall maintain the portions of a statewide public safety interest highway that was a class B county road under the county's jurisdiction prior to the designation under this section.

(b) Notwithstanding the provisions of Section [~~17-5-232~~] 17-50-305, a county may not abandon any portion of a statewide public safety interest highway.

(c) Except under written authorization of the executive director of the department, a statewide public safety interest highway shall remain the same class of highway that it was prior to the designation under this section with respect to grade, drainage, surface, and improvements and it may not be upgraded or improved to a higher class of highway.

(5) A class B county road that is designated a statewide public safety interest highway under

this section is considered a class B county road for the purposes of the distribution formula and distributions of funds. The amount of funds received by any jurisdiction from the class B and C roads account under Section 72-2-107 may not be affected by the provisions of this section.

Section 168. Section **77-32-304.5** is amended to read:

**77-32-304.5. Reasonable compensation for defense counsel for indigents.**

(1) This section does not apply to any attorney:

(a) under contract with the county or municipality for defense of an indigent person; or

(b) in the legal defender organization, legal aid agency, law firm, or public defender association with which that attorney is professionally associated.

(2) (a) The county or municipality shall pay reasonable compensation to any attorney assigned by the court under Subsection 77-32-306 at the conclusion of the representation or any segment of the representation, as provided in Subsections (2)(b), (c), (d), and (e):

(i) before the district or justice courts, including interlocutory appeals; and

(ii) before the appellate court on a first appeal of right.

(b) The legislative body of each county and municipality shall establish and annually review guidelines for the rate of compensation, taking into account:

(i) the nature and complexity of the case;

(ii) the competency and years of experience in criminal defense of the assigned attorney;

(iii) the adjusted net hourly rate incurred by the county or municipality for a prosecutor or public defender of equivalent experience and competency; and

(iv) the prevailing rates within the judicial district for comparable services.

(c) If the legislative body of a county or municipality does not establish the rate guidelines, the rate of compensation shall be determined by the trial judge or a judge other than the trial judge if requested by:

(i) the assigned attorney; or

(ii) the county or municipality.

(d) If the assigned attorney disagrees with the amount of compensation paid or contemplated for payment by the county or municipality, the assigned attorney shall nonetheless continue to

represent the indigent defendant and may file a claim against:

(i) the county pursuant to Section [~~17-15-10~~] 17-50-401, in which event the period for a denial by the county shall be 20 days; or

(ii) the municipality pursuant to Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.

(e) In determining the reasonable compensation to be paid to defense counsel under Subsections (2)(c) and (d), the court shall consider the factors contained in Subsections (2)(b)(i) through (iv).

(f) The total compensation in a noncapital case may not, without prior court approval following a hearing, exceed:

(i) \$3,500 for each assigned attorney in a case in which one or more felonies is charged;

(ii) \$1,000 for each assigned attorney in a case in which only misdemeanors or lesser offenses are charged; or

(iii) \$2,500 for each assigned attorney in the representation of an indigent in an appellate court on a first appeal of right.

**Section 169. Repealer.**

This act repeals:

**Section 17-1-1, "Range," "township," "section" defined.**

**Section 17-1-33, Disputed boundaries -- Determination.**

**Section 17-4-1, Counties are bodies corporate and politic.**

**Section 17-4-12, Citation.**

**Section 17-4-13, Purpose of act.**

**Section 17-5-103, Term of office -- Two vacancies in same election.**

**Section 17-5-104, Vacancies on the County Commission.**

**Section 17-5-223, Destruction of pests.**

**Section 17-5-224, Dogs -- Tax and regulation.**

**Section 17-5-225, Protection of fish and wildlife.**

**Section 17-5-226, Working prisoners.**



Section 17-5-227, **Inspecting and grading merchandise.**

Section 17-5-230, **Explosives.**

Section 17-5-231, **Stationary engineers, examination and licensing -- Boiler inspection.**

Section 17-5-238, **Donations for county purposes.**

Section 17-5-240, **Rooms where building not available.**

Section 17-5-241, **Insurance of buildings and furniture.**

Section 17-5-244, **Omnibus authority.**

Section 17-5-249, **Cemeteries and burials.**

Section 17-5-250, **Burial of indigents.**

Section 17-5-251, **Farm -- Convalescent and nursing care facilities -- Social services.**

Section 17-5-252, **Transient indigents and insane persons.**

Section 17-5-253, **Lawful settlement, how acquired.**

Section 17-5-254, **Relief of sick persons.**

Section 17-5-257, **County fire department.**

Section 17-5-260, **Powers and duties of purchasing agent.**

Section 17-5-261, **Restriction of powers and duties.**

Section 17-5-262, **Water survey -- Cooperation with Utah Water Users' Association or subsidiary organization.**

Section 17-5-266, **Historic and cultural resource programs.**

Section 17-5-267, **County resource development committee -- Appointment of members -- Terms -- Compensation and expenses -- Vacancies -- Removal of members.**

Section 17-5-268, **County resource development committee -- Election of officers -- Employment of executive director.**

Section 17-5-269, **Functions of committee.**

Section 17-5-270, **County resources -- Power of county executives to contract with other authorities.**

Section 17-15-10, **Claims against county -- Presentation.**

Section 17-35a-101, **Title.**

Section **17-35a-103, Legislative intent.**

Section 170. **Coordination clause.**

If this bill and S.B. 58, Optional Forms of County Government Amendments, both pass, it is the intent of the Legislature that the amendments in this bill supersede the amendments in S.B. 58.