

COUNTY LAW REVISIONS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

This act modifies provisions relating to counties. The act clarifies references to county legislative bodies. The act amends provisions relating to the recording of subdivision plats. The act amends the procedures for adjusting and recording boundaries between adjacent parcels. The act amends the reporting date for county recorders to provide copies of ownership plats to the county assessor. The act repeals the requirements that assessors return plats to the recorder. The act repeals the requirement that the assessor maintain separate plat books. The act amends procedures relating to the abandonment of public roads. The act makes technical changes.

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

AMENDS:

- 10-9-806**, as last amended by Chapter 209, Laws of Utah 2000
- 10-9-808**, as last amended by Chapter 209, Laws of Utah 2000
- 17-21-22**, as last amended by Chapter 241, Laws of Utah 2001
- 17-27-806**, as last amended by Chapter 241, Laws of Utah 2001
- 17-27-808**, as last amended by Chapter 241, Laws of Utah 2001
- 17-27-811**, as last amended by Chapter 241, Laws of Utah 2001
- 17A-3-602**, as last amended by Chapter 106, Laws of Utah 1999
- 17A-3-701**, as last amended by Chapter 1, Laws of Utah 2000
- 19-4-111**, as last amended by Chapter 181, Laws of Utah 2000
- 57-3-101**, as renumbered and amended by Chapter 61, Laws of Utah 1998
- 59-2-906.3**, as last amended by Chapter 292, Laws of Utah 1997
- 70A-9a-520**, as enacted by Chapter 252, Laws of Utah 2000
- 72-5-105**, as renumbered and amended by Chapter 270, Laws of Utah 1998

REPEALS:

- 17-21-23**, Utah Code Annotated 1953

59-2-312, as enacted by Chapter 4, Laws of Utah 1987

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

Section 1. Section **10-9-806** is amended to read:

10-9-806. Exemptions from plat requirement.

(1) (a) Notwithstanding Sections 10-9-804 and 10-9-805, a person may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into less than ten lots, without the necessity of recording a plat, if:

(i) the planning commission, if required by municipal ordinance, has given the municipal legislative body its recommendation, whether favorable or not; and

(ii) the document contains a certificate or written approval from:

(A) the legislative body of the municipality in which the property is located; or

(B) other officers that the municipal legislative body designates in an ordinance.

(b) By indicating its approval on a document under Subsection (1)(a), the municipal legislative body or other officer designated by the municipal legislative officer certifies that:

(i) the planning commission:

(A) has given its recommendation to the municipal legislative body; or

(B) is not required by municipal ordinance to give its recommendation;

(ii) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and

(iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.

(2) Municipalities under the council-mayor form of government shall comply with Section 10-3-1219.5.

(3) (a) Subject to Subsection (3)(b), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9-804 if the lot or parcel:

(i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(ii) meets the minimum size requirement of applicable zoning ordinances; and

(iii) is not used and will not be used for any nonagricultural purpose.

(b) The boundaries of each lot or parcel exempted under Subsection (3)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 10-9-805, shall be recorded with the county recorder.

(c) If a lot or parcel exempted under Subsection (3)(a) is used for a nonagricultural purpose, the municipality in which the lot or parcel is located may require the lot or parcel to comply with the requirements of Section 10-9-804.

~~[(4) (a) A person may not submit to the county recorder's office for recording a document that subdivides property by metes and bounds unless it contains the certificate or written approval required by this section.]~~

~~[(b) The recording of a document that subdivides property by metes and bounds and does not contain the certificate or written approval required by this section:]~~

~~[(i) does not affect the validity of the document; and]~~

~~[(ii) does not affect whether the subdivided property complies with applicable municipal ordinances on land use and development.]~~

(4) (a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create a subdivision allowed by this part unless the certificate of written approval required by Subsection (1)(a)(ii) is attached to the document.

(b) The absence of the certificate or written approval required by Subsection (1)(a)(ii) does not affect the validity of a recorded document.

(c) A document recorded under Subsection (1)(a) which does not meet the requirements of Subsection (1)(a)(ii) may be corrected to comply with Subsection (1)(a)(ii) by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3-106.

Section 2. Section **10-9-808** is amended to read:

10-9-808. Vacating or changing a subdivision plat.

(1) (a) Subject to Subsection (2), the legislative body of a municipality or any other officer

that the legislative body designates by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the responsible body or officer shall hold the public hearing within 45 days after receipt of the planning commission's recommendation under Subsection (2) if:

- (i) the plat change includes the vacation of a public street or alley;
- (ii) any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or
- (iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) (a) Before the legislative body or officer designated by the legislative body may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the legislative body or officer shall refer the proposal to the planning commission for its recommendation.

(b) The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

(4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may not be scheduled for consideration at a public hearing before the legislative body until the notice required by this part is given.

(b) The petitioner shall pay the cost of the notice.

(6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.

~~[(7) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:]~~

(7) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the planning commission, or such other person or board as the municipal legislative body may designate, in accordance with Subsection (7)(b).

(b) The planning commission, or such other person or board as the municipal legislative body may designate, shall approve an exchange of title under Subsection (7)(a) if:

~~[(a)]~~ (i) no new dwelling lot or housing unit [results from the lot line adjustment;] will result from the exchange of title; and

~~[(b) the adjoining property owners consent to the lot line adjustment;]~~

~~[(c) the lot line adjustment does not result in remnant land that did not previously exist; and (d) the adjustment does]~~

(ii) the exchange of title will not result in a violation of applicable zoning requirements.

(c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall be recorded by the planning commission, or such other person or board as the municipal legislative body may designate, in the office of the county recorder which:

(i) is executed by each owner included in the exchange and by the planning commission, or such other person or board as the municipal legislative body may designate;

(ii) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

(iii) recites the descriptions of both the original parcels and the parcels created by the exchange of title.

(d) A notice of approval recorded under this Subsection (7) does not act as a conveyance of

title to real property and is not required for the recording of a document purporting to convey title to real property.

(8) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section.

(b) Except as provided in Subsection (8)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

(9) Municipalities operating under the council-mayor form of government shall comply with Section 10-3-1219.5.

Section 3. Section **17-21-22** is amended to read:

17-21-22. Annual revision -- Reporting changes in ownership to county assessors -- Use of geographic information systems or computer systems.

(1) The county recorder shall:

(a) each year, prepare copies of ownership plats and descriptions, showing record owners at noon on January 1;

(b) on or before January ~~[15]~~ 30 of each year, transmit the copies to the county assessor;

(c) report all changes in recorded ownership of real property made during the first seven months of each calendar year to the county assessor not later than August 15 of that year;

(d) for the remainder of the calendar year, report the changes in the ownership of real property that are recorded in the county recorder's office each month on or before the 15th day of the month following the month in which the changes were recorded;

(e) transmit the changes of ownership on appropriate forms that show the current owner's name and a full legal description of the property conveyed; and

(f) where only a part of the grantor's property is conveyed, transmit an additional form showing a full legal description of the portion retained.

(2) Nothing in this chapter precludes the use of geographic information systems or computer systems by the recorder if the systems include all of the information required by this section.

Section 4. Section **17-27-806** is amended to read:

17-27-806. Exemptions from plat requirement.

(1) (a) Notwithstanding Sections 17-27-804 and 17-27-805, a person may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into less than ten lots, without the necessity of recording a plat, if:

(i) the planning commission, if required by county ordinance, has given the county executive its recommendation, whether favorable or not; and

(ii) the document contains a certificate or written approval from:

(A) the executive of the county in whose unincorporated area the property is located; or

(B) other officers that the county legislative body designates in an ordinance.

(b) By indicating its approval on a document under Subsection (1)(a), the county executive or other officer designated by the county legislative body certifies that:

(i) the planning commission:

(A) has given its recommendation to the county executive; or

(B) is not required by county ordinance to give its recommendation;

(ii) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and

(iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.

(2) (a) Subject to Subsection (2)(b), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27-804 if the lot or parcel:

(i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(ii) meets the minimum size requirement of applicable zoning ordinances; and

(iii) is not used and will not be used for any nonagricultural purpose.

(b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 17-27-805, shall be recorded with the county recorder.

(c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose,

the county in whose unincorporated area the lot or parcel is located may require the lot or parcel to comply with the requirements of Section 17-27-804.

~~[(3) (a) A person may not submit to the county recorder's office for recording a document that subdivides property by metes and bounds unless it contains the certificate or written approval required by this section.]~~

(3) (a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create a subdivision allowed by this part unless the certificate of written approval required by Subsection (1)(a)(ii) is attached to the document.

~~[(b) The recording of a document that subdivides property by metes and bounds and does not contain the certificate or written approval required by this section:]~~

~~[(i)]~~ (b) The absence of the certificate or written approval required by Subsection (1)(a)(ii) does not affect the validity of [the] a recorded document[; and].

~~[(ii) does not affect whether the subdivided property complies with applicable county ordinances on land use and development.]~~

(c) A document recorded under Subsection (1)(a) which does not meet the requirements of Subsection (1)(a)(ii) may be corrected to comply with Subsection (1)(a)(ii) by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3-106.

Section 5. Section **17-27-808** is amended to read:

17-27-808. Vacating or changing a subdivision plat.

(1) (a) Subject to Subsection (2), the county executive or any other officer that the county legislative body designates by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the responsible officer shall hold the public hearing within 45 days after receipt of the planning commission's recommendation under Subsection (2) if:

- (i) the plat change includes the vacation of a public street or alley;
- (ii) any owner within the plat notifies the municipality of their objection in writing within

ten days of mailed notification; or

(iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) (a) Before the county legislative body or officer designated by the county legislative body may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the county legislative body or officer shall refer the proposal to the planning commission for its recommendation.

(b) The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the county executive to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

(4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and

(c) the signature of each of these owners who consents to the petition.

(5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may not be scheduled for consideration at a public hearing before the responsible officer until the notice required by this part is given.

(b) The petitioner shall pay the cost of the notice.

(6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.

~~[(7) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:]~~

(7) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the planning commission, or such other person or board as the county legislative body may designate, in accordance with Subsection (7)(b).

(b) The planning commission, or such other person or board as the county legislative body may designate, shall approve an exchange of title under Subsection (7)(a) if:

~~[(a)]~~ (i) no new dwelling lot or housing unit [results from the lot line adjustment] will result from the exchange of title; and

~~[(b) the adjoining property owners consent to the lot line adjustment;]~~

~~[(c) the lot line adjustment does not result in remnant land that did not previously exist; and]~~

~~[(d)]~~ (ii) [the adjustment does] the exchange of title will not result in a violation of applicable zoning requirements.

(c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall be recorded by the planning commission, or such other person or board as the county legislative body may designate, in the office of the county recorder which:

(i) is executed by each owner included in the exchange and by the planning commission, or such other person or board as the county legislative body may designate;

(ii) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

(iii) recites the descriptions of both the original parcels and the parcels created by the exchange of title.

(d) A notice of approval recorded under this Subsection (7) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

(8) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section.

(b) Except as provided in Subsection (8)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Section 6. Section **17-27-811** is amended to read:

17-27-811. Owner may not sell land before plat recorded -- Improper recording does not affect validity of document or compliance with ordinances -- Action by county.

(1) (a) An owner of any land located in a subdivision, as defined in this chapter, who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded as required in this part violates this part for each lot or parcel transferred or sold.

(b) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation of Subsection [~~(2)~~] (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable [~~municipal~~] county ordinances on land use and development.

(2) (a) A county may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation.

(c) A county need only establish the violation to obtain the injunction.

Section 7. Section **17A-3-602** is amended to read:

17A-3-602. Local mental health authorities -- Responsibilities.

(1) All county [~~governing~~] legislative bodies in this state are local mental health authorities. Within legislative appropriations and county matching funds required by this section, under the policy direction of the state Board of Mental Health and the administrative direction of the Division of Mental Health within the Department of Human Services, local mental health authorities shall provide mental health services to persons within their respective counties. Two or more [~~county governing bodies~~] counties may join to provide mental health prevention and treatment services.

(2) The [~~governing~~] legislative bodies may establish acceptable ways of apportioning the cost of mental health services. Any agreement for joint mental health services may designate the treasurer of one of the participating counties as the custodian of moneys available for those joint services, and that the designated treasurer, or other disbursing officer, may make payments from those moneys for such purposes upon audit of the appropriate auditing officer or officers representing the participating counties. The agreement may provide for:

(a) joint operation of services and facilities or for operation of services and facilities under contract by one participating local mental health authority for other participating local mental health authorities; and

(b) allocation of appointments of members of the mental health advisory council between or among participating counties.

(3) (a) All county [~~governing~~] legislative bodies, as local mental health authorities, are accountable to the Department of Human Services, the Department of Health, and the state with regard to the use of state and federal funds received from those departments for mental health services, regardless of whether the services are provided by a private contract provider.

(b) A local mental health authority shall comply, and require compliance by its contract provider, with all directives issued by the Department of Human Services and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing mental health programs and services. The Department of Human Services and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local mental health authorities with regard to programs and services.

(4) Local mental health authorities shall:

(a) review and evaluate mental health needs and services;

(b) annually prepare and submit to the division a plan for mental health funding and service delivery. The plan shall include services for adults, youth, and children, including, but not limited to, the following:

(i) inpatient care and services;

- (ii) residential care and services;
- (iii) outpatient care and services;
- (iv) 24-hour crisis care and services;
- (v) psychotropic medication management;
- (vi) psychosocial rehabilitation including vocational training and skills development;
- (vii) case management;
- (viii) community supports including in-home services, housing, family support services, and respite services; and
- (ix) consultation and education services, including but not limited to, case consultation, collaboration with other service agencies, public education, and public information;
- (c) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;
- (d) appoint directly or by contract a full-time or part-time director for mental health programs and prescribe his duties;
- (e) provide input and comment on new and revised policies established by the state Board of Mental Health;
- (f) establish and require contract providers to establish administrative, clinical, personnel, financial, and management policies regarding mental health services and facilities, in accordance with the policies of the state Board of Mental Health, the Division of Mental Health, and state and federal law;
- (g) establish mechanisms allowing for direct citizen input;
- (h) annually contract with the Division of Mental Health to provide mental health programs and services in accordance with the provisions of Title 62A, Chapter 12, Mental Health;
- (i) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;
- (j) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan; and
- (k) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

Cooperation Act, Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and Other Local Entities, and Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special Districts Act.

(5) Before disbursing any public funds, local mental health authorities shall require that all entities that receive any public funds from a local mental health authority agree in writing that:

- (a) the division may examine the entity's financial records;
- (b) the county auditor may examine and audit the entity's financial records; and
- (c) the entity will comply with the provisions of Subsection (3)(b).

(6) Local mental health authorities may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for mental health services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.

(7) (a) For purposes of this section "public funds" means the same as that term is defined in Section 17A-3-603.5.

(b) Nothing in this section limits or prohibits an organization exempt under Section 501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any financial arrangement that is otherwise lawful for that organization.

Section 8. Section **17A-3-701** is amended to read:

17A-3-701. Local substance abuse authorities -- Responsibilities.

(1) All county [~~governing~~] legislative bodies in this state are local substance abuse authorities. Within legislative appropriations and county matching funds required by this section, and under the policy direction of the state Board of Substance Abuse and the administrative direction of the Division of Substance Abuse within the Department of Human Services, local substance abuse authorities shall provide substance abuse services to residents of their respective counties. Two or more [~~county governing bodies~~] counties may join to provide substance abuse prevention and treatment services.

(2) The [~~governing~~] legislative bodies may establish acceptable ways of apportioning the cost of substance abuse services. Any agreement for joint substance abuse services may designate the treasurer of one of the participating counties as the custodian of moneys available for those joint

services, and that the designated treasurer, or other disbursing officer, may make payments from those moneys for such purposes upon audit of the appropriate auditing officer or officers representing the participating counties. The agreement may provide for joint operation of services and facilities or for operation of services and facilities under contract by one participating local substance abuse authority for other participating local substance abuse authorities.

(3) (a) All county [~~governing~~] legislative bodies, as local substance abuse authorities, are accountable to the Department of Human Services, the Department of Health, and the state with regard to the use of state and federal funds received from those departments for substance abuse services, regardless of whether the services are provided by a private contract provider.

(b) A local substance abuse authority shall comply, and require compliance by its contract provider, with all directives issued by the Department of Human Services and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing substance abuse programs and services. The Department of Human Services and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local substance abuse authorities with regard to programs and services.

(4) Local substance abuse authorities shall:

(a) review and evaluate substance abuse prevention and treatment needs and services;

(b) annually prepare and submit a plan to the division for funding and service delivery; the plan shall include, but is not limited to, primary prevention, targeted prevention, early intervention, and treatment services;

(c) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;

(d) appoint directly or by contract a full or part time director for substance abuse programs, and prescribe his duties;

(e) provide input and comment on new and revised policies established by the state Board of Substance Abuse;

(f) establish and require contract providers to establish administrative, clinical, personnel,

financial, and management policies regarding substance abuse services and facilities, in accordance with the policies of the state Board of Substance Abuse, and state and federal law;

(g) establish mechanisms allowing for direct citizen input;

(h) annually contract with the Division of Substance Abuse to provide substance abuse programs and services in accordance with the provisions of Title 62A, Chapter 8, Substance Abuse;

(i) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;

(j) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;

(k) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan; and

(l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and Other Local Entities, and Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special Districts Act.

(5) Before disbursing any public funds, local substance abuse authorities shall require that all entities that receive any public funds from a local substance abuse authority agree in writing that:

(a) the division may examine the entity's financial records;

(b) the county auditor may examine and audit the entity's financial records; and

(c) the entity will comply with the provisions of Subsection (3)(b).

(6) Local substance abuse authorities may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for substance abuse services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.

(7) (a) For purposes of this section "public funds" means the same as that term is defined in Section 17A-3-703.

(b) Nothing in this section limits or prohibits an organization exempt under Section 501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any financial arrangement that is otherwise lawful for that organization.

Section 9. Section **19-4-111** is amended to read:

19-4-111. Fluorine added to water -- Election required.

(1) Notwithstanding any other provision of law, public water supplies, whether state, county, municipal, or district, shall not have fluorine or any of its derivatives or compounds added to them without the approval of a majority of voters in an election in the area affected. An election shall be held upon the:

(a) filing of an initiative petition requesting the action in accordance with state law governing initiative petitions;

(b) in the case of a municipal, special district, or county water system, passage of a resolution by the legislative body or special district board representing the affected voters, submitting the question to the affected voters at the next regular general election or municipal general election; or

(c) in a county of the first or second class, passage of a resolution by the county [~~commission~~] legislative body to place an opinion question relating to all public water systems within the county, except as provided in Subsection (2), on the ballot at the next general election.

(2) If a majority of voters on an opinion question under Subsection (1)(c) approve the addition of fluorine to the public water supplies within the county, the local health departments shall require the addition of fluorine to all public water supplies within that county other than those systems:

(a) that are functionally separate from any other public water systems in that county; and

(b) where a majority of the voters served by the public water system voted against the addition of fluorine on the opinion question under Subsection (1)(c).

(3) Nothing contained in this section prohibits the addition of chlorine or other water purifying agents.

(4) Any political subdivision which, prior to November 2, 1976, decided to and was adding fluorine or any of its derivatives or compounds to the drinking water is considered to have complied with Subsection (1).

Section 10. Section **57-3-101** is amended to read:

57-3-101. Certificate of acknowledgment, proof of execution, jurat, or other certificate required -- Notarial acts affecting real property -- Right to record documents unaffected by subdivision ordinances.

(1) A certificate of the acknowledgment of any document, or of the proof of the execution of any document, or a jurat as defined in Section 46-1-2, or other notarial certificate containing the words "subscribed and sworn" or their substantial equivalent, that is signed and certified by the officer taking the acknowledgment, proof, or jurat, as provided in this title, entitles the document and the certificate to be recorded in the office of the recorder of the county where the real property is located.

(2) Notarial acts affecting real property in this state shall also be performed in conformance with Title 46, Chapter 1, Notaries Public Reform Act.

(3) Nothing in the provisions of Title 10, Chapter 9, Part 8, Subdivisions, and Title 17, Chapter 27, Part 8, Subdivisions, shall prohibit the recording of a document which is otherwise entitled to be recorded under the provisions of this chapter.

Section 11. Section **59-2-906.3** is amended to read:

59-2-906.3. Additional levies by counties.

(1) Beginning January 1, 1994, a county may levy an additional tax to fund state mandated actions to meet legislative mandates or judicial or administrative orders which relate to promoting the accurate valuation of property, the establishment and maintenance of uniform assessment levels within and among counties, and the administration of the property tax system. An additional rate levied under this Subsection (1):

(a) shall be stated on the tax notice, and may be included on the tax notice with the county assessing and collecting levy authorized under Subsection 59-2-906.1(4);

(b) may not be included in determining the maximum allowable levy for the county or other taxing entities; and

(c) is subject to the notice requirements of Sections 59-2-918 and 59-2-919.

(2) Beginning January 1, 1994, a county may levy an additional tax for reappraisal programs that are formally adopted by the county [~~commission~~] legislative body and which conform to tax

commission rules. An additional rate levied under this Subsection (2):

(a) shall be stated on the tax notice, and may be included on the tax notice with the county assessing and collecting levy authorized under Subsection 59-2-906.1(4);

(b) may not be included in determining the maximum allowable levy for the county or other taxing entities; and

(c) is subject to the notice requirements of Sections 59-2-918 and 59-2-919.

Section 12. Section **70A-9a-520** is amended to read:

70A-9a-520. Acceptance and refusal to accept record.

(1) A filing office shall refuse to accept a record for filing for a reason set forth in Subsection 70A-9a-516(2) and may refuse to accept a record for filing only for a reason set forth in Subsection 70A-9a-516(2).

(2) If a filing office refuses to accept a record for filing, it shall communicate to the person that presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication must be made at the time and in the manner prescribed by filing-office rule but, in the case of a filing office described in Subsection 70A-9a-501(1)(b), in no event more than two business days after the filing office receives the record.

(3) A filed financing statement satisfying Subsections 70A-9a-502(1) and (2) is effective, even if the filing office is required to refuse to accept it for filing under Subsection (1). However, Section 70A-9a-338 applies to a filed financing statement providing information described in Subsection 70A-9a-516(2)(e) which is incorrect at the time the financing statement is filed.

(4) If a record communicated to a filing office provides information that relates to more than one debtor, this part applies as to each debtor separately.

(5) This section does not apply to a filing office described in Subsection 70A-9a-501(1)(a).

Section 13. Section **72-5-105** is amended to read:

72-5-105. Highways, streets, or roads once established continue until abandoned.

(1) All public highways, streets, or roads once established shall continue to be highways, streets, or roads until abandoned or vacated by order of the highway authorities having jurisdiction

[~~over any highway,~~] or by other competent authority.

(2) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway, street, or road assessed to each of the adjoining owners. Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).

Section 14. Repealer.

This act repeals:

Section 17-21-23, Assessor to return for revision.

Section 59-2-312, Assessor to keep plat book.