

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 authorizes counties to enact ordinances for determining vested development rights. 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 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

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

ENACTS:

17-27-107, Utah Code Annotated 1953

REPEALS:



28 17-21-23, Utah Code Annotated 1953

29 59-2-312, as enacted by Chapter 4, Laws of Utah 1987

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

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

32 **10-9-806. Exemptions from plat requirement.**

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

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

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

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

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

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

43 (i) the planning commission:

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

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

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

48 and

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

52 (2) Municipalities under the council-mayor form of government shall comply with Section
53 10-3-1219.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84 **10-9-808. Vacating or changing a subdivision plat.**

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

89 (b) If a petition is filed, the responsible body or officer shall hold the public hearing within

90 45 days after receipt of the planning commission's recommendation under Subsection (2) if:

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

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

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

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

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

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

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

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

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

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

121 (7) (a) The owners of record of adjacent parcels that are described by either a metes and
 122 bounds description or a recorded plat, which also have development rights for those parcels, may
 123 exchange title to portions of those parcels without loss of development rights if the exchange of
 124 title is approved by the planning commission in accordance with Subsection (7)(b).

125 (b) The planning commission shall approve an exchange of title under Subsection (7)(a)
 126 if:

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

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

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

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

133 (c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall
 134 be recorded by the planning commission in the office of the county recorder which:

135 (i) is executed by each owner included in the exchange and by the planning commission;

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

138 (iii) states that the development rights are preserved in accordance with this section; and

139 (iv) recites the descriptions of both the original parcels and the parcels created by the
 140 exchange of title.

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

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

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

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

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

151 **17-21-22. Annual revision -- Reporting changes in ownership to county assessors --**

152 **Use of geographic information systems or computer systems.**

- 153 (1) The county recorder shall:
- 154 (a) each year, prepare copies of ownership plats and descriptions, showing record owners
- 155 at noon on January 1;
- 156 (b) on or before January [~~15~~] 30 of each year, transmit the copies to the county assessor;
- 157 (c) report all changes in recorded ownership of real property made during the first seven
- 158 months of each calendar year to the county assessor not later than August 15 of that year;
- 159 (d) for the remainder of the calendar year, report the changes in the ownership of real
- 160 property that are recorded in the county recorder's office each month on or before the 15th day of
- 161 the month following the month in which the changes were recorded;
- 162 (e) transmit the changes of ownership on appropriate forms that show the current owner's
- 163 name and a full legal description of the property conveyed; and
- 164 (f) where only a part of the grantor's property is conveyed, transmit an additional form
- 165 showing a full legal description of the portion retained.
- 166 (2) Nothing in this chapter precludes the use of geographic information systems or
- 167 computer systems by the recorder if the systems include all of the information required by this
- 168 section.

169 Section 4. Section **17-27-107** is enacted to read:

170 **17-27-107. Vested development rights.**

171 (1) Counties may enact ordinances which provide a procedure for determining vested

172 development rights under Utah law in order to:

- 173 (a) provide certainty and predictability in the development approval process for affected
- 174 landowners;
- 175 (b) to protect the continuing planning process as general plans, zoning regulations, and
- 176 subdivision regulations are updated and implemented; and
- 177 (c) to effectuate the public policy favoring the settlement of disputes.

178 (2) Ordinances enacted under Subsection (1) may include the processing of consent

179 agreements for the settlement of disputes pertaining to vested rights.

180 (3) If a county has enacted a vested rights procedure under Subsection (1), a person may

181 not assert a claim for vested development rights against that county in the district courts of this

182 state until that person has exhausted the county's vested rights procedure.

183 Section 5. Section **17-27-806** is amended to read:

184 **17-27-806. Exemptions from plat requirement.**

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

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

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

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

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

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

195 (i) the planning commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

232 Section 6. Section **17-27-808** is amended to read:

233 **17-27-808. Vacating or changing a subdivision plat.**

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

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

240 (i) the plat change includes the vacation of a public street or alley;

241 (ii) any owner within the plat notifies the municipality of their objection in writing within
242 ten days of mailed notification; or

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

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

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

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

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

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

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

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

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

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

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

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

270 (7) (a) The owners of record of adjacent parcels that are described by either a metes and
271 bounds description or a recorded plat, which also have development rights for those parcels, may
272 exchange title to portions of those parcels without loss of development rights if the exchange of
273 title is approved by the planning commission in accordance with Subsection (7)(b).

274 (b) The planning commission shall approve an exchange of title under Subsection (7)(a)
275 if:

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

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

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

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

283 (c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall
284 be recorded by the planning commission in the office of the county recorder which:

285 (i) is executed by each owner included in the exchange and by the planning commission;

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

288 (iii) states that the development rights are preserved in accordance with this section; and

289 (iv) recites the descriptions of both the original parcels and the parcels created by the
290 exchange of title.

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

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

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

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

299 **17A-3-602. Local mental health authorities -- Responsibilities.**

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

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

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

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

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

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

329 (4) Local mental health authorities shall:

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

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

334 (i) inpatient care and services;

335 (ii) residential care and services;

336 (iii) outpatient care and services;

337 (iv) 24-hour crisis care and services;

- 338 (v) psychotropic medication management;
- 339 (vi) psychosocial rehabilitation including vocational training and skills development;
- 340 (vii) case management;
- 341 (viii) community supports including in-home services, housing, family support services,
- 342 and respite services; and
- 343 (ix) consultation and education services, including but not limited to, case consultation,
- 344 collaboration with other service agencies, public education, and public information;
- 345 (c) establish and maintain, either directly or by contract, programs licensed under Title
- 346 62A, Chapter 2, Licensure of Programs and Facilities;
- 347 (d) appoint directly or by contract a full-time or part-time director for mental health
- 348 programs and prescribe his duties;
- 349 (e) provide input and comment on new and revised policies established by the state Board
- 350 of Mental Health;
- 351 (f) establish and require contract providers to establish administrative, clinical, personnel,
- 352 financial, and management policies regarding mental health services and facilities, in accordance
- 353 with the policies of the state Board of Mental Health, the Division of Mental Health, and state and
- 354 federal law;
- 355 (g) establish mechanisms allowing for direct citizen input;
- 356 (h) annually contract with the Division of Mental Health to provide mental health
- 357 programs and services in accordance with the provisions of Title 62A, Chapter 12, Mental Health;
- 358 (i) comply with all applicable state and federal statutes, policies, audit requirements,
- 359 contract requirements, and any directives resulting from those audits and contract requirements;
- 360 (j) provide funding equal to at least 20% of the state funds that it receives to fund services
- 361 described in the plan; and
- 362 (k) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
- 363 Cooperation Act, Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations
- 364 and Other Local Entities, and Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special
- 365 Districts Act.
- 366 (5) Before disbursing any public funds, local mental health authorities shall require that
- 367 all entities that receive any public funds from a local mental health authority agree in writing that:
- 368 (a) the division may examine the entity's financial records;

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

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

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

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

376 (b) Nothing in this section limits or prohibits an organization exempt under Section
377 501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any
378 financial arrangement that is otherwise lawful for that organization.

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

380 **17A-3-701. Local substance abuse authorities -- Responsibilities.**

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

388 (2) The [~~governing~~] legislative bodies may establish acceptable ways of apportioning the
389 cost of substance abuse services. Any agreement for joint substance abuse services may designate
390 the treasurer of one of the participating counties as the custodian of moneys available for those
391 joint services, and that the designated treasurer, or other disbursing officer, may make payments
392 from those moneys for such purposes upon audit of the appropriate auditing officer or officers
393 representing the participating counties. The agreement may provide for joint operation of services
394 and facilities or for operation of services and facilities under contract by one participating local
395 substance abuse authority for other participating local substance abuse authorities.

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

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

407 (4) Local substance abuse authorities shall:

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

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

412 (c) establish and maintain, either directly or by contract, programs licensed under Title
413 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

418 (f) establish and require contract providers to establish administrative, clinical, personnel,
419 financial, and management policies regarding substance abuse services and facilities, in accordance
420 with the policies of the state Board of Substance Abuse, and state and federal law;

421 (g) establish mechanisms allowing for direct citizen input;

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

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

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

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

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

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

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

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

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

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

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

446 (b) Nothing in this section limits or prohibits an organization exempt under Section
447 501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any
448 financial arrangement that is otherwise lawful for that organization.

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

450 **19-4-111. Fluorine added to water -- Election required.**

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

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

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

461 (c) in a county of the first or second class, passage of a resolution by the county

462 [~~commission~~] legislative body to place an opinion question relating to all public water systems
463 within the county, except as provided in Subsection (2), on the ballot at the next general election.

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

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

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

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

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

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

477 **57-3-101. Certificate of acknowledgment, proof of execution, jurat, or other**
478 **certificate required -- Notarial acts affecting real property -- Right to record documents**
479 **unaffected by subdivision ordinances.**

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

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

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

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

492 **59-2-906.3. Additional levies by counties.**

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

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

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

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

503 (2) Beginning January 1, 1994, a county may levy an additional tax for reappraisal
504 programs that are formally adopted by the county [~~commission~~] legislative body and which
505 conform to tax commission rules. An additional rate levied under this Subsection (2):

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

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

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

511 **Section 12. Repealer.**

512 This act repeals:

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

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

Legislative Review Note
as of 1-22-02 3:28 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel