

**Representative Brad L. Dee** proposes the following substitute bill:

**SPECIAL AND LOCAL DISTRICTS**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

Senate Sponsor: Carlene M. Walker

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to special districts and local districts.

**Highlighted Provisions:**

This bill:

▶ substantially rewrites, reorganizes, and renumbers provisions related to independent special districts and dependent special districts known as county improvement districts and municipal improvement districts;

▶ consolidates and standardizes provisions relating to district authority, including taxing, bonding, and eminent domain authority, district boards of trustees, actions contesting a district resolution or other action, local district validation proceedings, and other matters, and repeals redundant or inconsistent provisions;

▶ changes terminology applicable to entities previously known as independent special districts, except special service districts, so that they will be known as local districts;

▶ changes terminology applicable to what have previously been known as county improvement districts and municipal improvement districts so that they will be known as assessment areas;



- 26           ▶ expands the entities that are authorized to designate assessment areas from counties  
27 and municipalities to include local districts and special service districts;
- 28           ▶ authorizes the creation of a new type of limited purposes local government entity  
29 known as a basic local district and provides for its authority and the makeup of its  
30 board of trustees;
- 31           ▶ authorizes the creation of a local district by another local district whose boundaries  
32 completely encompass the proposed local district if the proposed local district is  
33 being created to provide one or more components of the same service that the  
34 initiating local district is authorized to provide;
- 35           ▶ extends eminent domain authority to cemetery maintenance districts and  
36 standardizes language related to the eminent domain authority of all local districts  
37 that have eminent domain authority;
- 38           ▶ authorizes local districts to acquire, lease, or construct and operate electrical  
39 generation, transmission, and distribution facilities if the facilities are to harness  
40 energy that results inherently from the district's operations, the primary purpose of  
41 the facilities is incidental to the district's primary operations, and the operation of  
42 the facilities will not hinder or interfere with the district's primary operations;
- 43           ▶ modifies the types of services that local districts may provide;
- 44           ▶ eliminates a redundant provision regarding the circumstances under which a local  
45 district is conclusively presumed to be incorporated;
- 46           ▶ modifies a provision prohibiting board of trustees members from being employed by  
47 the local district and provides an exception for remote districts;
- 48           ▶ authorizes a local district's board of trustees to determine the district's fiscal year;
- 49           ▶ authorizes local districts to combine a notice and hearing related to the district's  
50 budget with the notice and hearing on a proposed fee increase;
- 51           ▶ authorizes local districts to charge on a single bill for multiple commodities,  
52 services, or facilities the district provides and to suspend furnishing the commodity,  
53 service, or facility for a customer's failure to pay;
- 54           ▶ authorizes local districts to certify delinquent fees or charges to the county treasurer  
55 and so that they become a lien on the customer's property;
- 56           ▶ increases the debt limit of a former regional service area from 5% to 12% of the

- 57 taxable value of taxable property in the service area;
- 58       ▶ increases the debt limit of a cemetery maintenance district from .0001 to .004 of the  
59 taxable value of taxable property in the district;
- 60       ▶ increases the debt limit of a mosquito abatement district from .0001 to .0004 of the  
61 taxable value of taxable property in the district;
- 62       ▶ modifies the calculation of the debt limit of a drainage district from \$1.50 per acre  
63 to .002 of the taxable value of taxable property in the district;
- 64       ▶ establishes a debt limit for basic local districts;
- 65       ▶ modifies the basis for calculating the debt limit of some districts from taxable value  
66 to fair market value;
- 67       ▶ allows a municipality within an improvement district to elect not to appoint a  
68 member to the board of trustees and participate instead in the election of board  
69 members;
- 70       ▶ provides an exception to a residency requirement for board of trustees members in a  
71 district with a specified percentage of seasonally occupied homes;
- 72       ▶ eliminates county legislative body approval as a requirement for a drainage district  
73 to levy a property tax;
- 74       ▶ expands the authority of drainage districts to incur debt and authorizes them to incur  
75 long-term debt;
- 76       ▶ modifies a provision relating to fire protection districts boards of trustees;
- 77       ▶ authorizes mosquito abatement districts to establish a reserve fund for extraordinary  
78 abatement measures;
- 79       ▶ authorizes local districts to allow another political subdivision to use surplus  
80 capacity or have an ownership interest in district facilities for monetary,  
81 nonmonetary, or no consideration;
- 82       ▶ authorizes local districts to allow another political subdivision or a public or private  
83 property owner to use the surface of land on which the district has a right-of-way,  
84 for monetary, nonmonetary, or no consideration;
- 85       ▶ validates existing fire protection district boards of trustees;
- 86       ▶ modifies provisions relating to the board of trustees of a metropolitan water district;
- 87       ▶ modifies the area within which a mosquito abatement district may provide service;

- 88           ▶ eliminates a public transit district provision relating to labor dispute arbitration;
- 89           ▶ transforms a former regional service area into a service area and makes the former
- 90 regional service area subject to provisions applicable to service area;
- 91           ▶ rewrites and modifies powers of water conservancy districts and other political
- 92 subdivisions to enter into agreements related to water and water works;
- 93           ▶ rewrites and consolidates provisions relating to different classes of water
- 94 conservancy district assessments;
- 95           ▶ authorizes a local government entity to finance operation and maintenance costs of
- 96 improvements through an assessment area;
- 97           ▶ authorizes a local government entity to add additional property to a designated
- 98 assessment area under certain circumstances;
- 99           ▶ authorizes a local government entity to issue bond anticipation notes with respect to
- 100 anticipated bonds secured by property in an assessment area;
- 101           ▶ authorizes the levy of assessments in an assessment area by zones;
- 102           ▶ modifies provisions related to a board of equalization with respect to assessments
- 103 levied in an assessment area;
- 104           ▶ authorizes a local government entity to designate a trustee for purposes of
- 105 foreclosing a lien after a delinquency;
- 106           ▶ modifies provisions relating to a guaranty fund and reserve fund for paying
- 107 obligations relating to an assessment area;
- 108           ▶ allows property owners to waive requirements applicable to the designation of an
- 109 assessment area and the levying of an assessment in an assessment area; and
- 110           ▶ makes technical and conforming changes.

111 **Monies Appropriated in this Bill:**

112           None

113 **Other Special Clauses:**

114           This bill coordinates with H.B. 103, Statewide Mutual Aid Act, by providing changes

115 in terminology.

116           This bill coordinates with H.B. 140, Safe Drinking Water Amendments, by providing

117 changes in terminology.

118           This bill coordinates with H.B. 222, Open and Public Meetings - Electronic Notice, by

119 providing changes in terminology.

120 This bill coordinates with H.B. 253, Allowing State Memorials on State Property, by  
121 providing changes in terminology.

122 This bill coordinates with H.B. 272, Prohibition Relating to Fees on Foster Homes for  
123 the Use of Emergency Services, by providing changes in terminology.

124 This bill coordinates with H.B. 337, Local Government Post-Employment Benefit Trust  
125 Fund Amendments, by providing changes in terminology.

126 This bill coordinates with H.B. 372, Local District Amendments, by providing  
127 substantive amendments.

128 This bill coordinates with H.B. 430, Public Employees Union Financial Responsibility  
129 Act, by providing changes in terminology.

130 This bill coordinates with H.B. 450, Law Enforcement Districts, by providing changes  
131 in terminology and substantive amendments.

132 This bill coordinates with S.B. 22, Sales and Use Tax Exemptions For Certain  
133 Governmental Entities, and Entities Within the State Systems of Public and Higher  
134 Education by providing technical changes.

135 This bill coordinates with S.B. 95, Permanent Instream Flow to Preserve Water Quality,  
136 by providing changes in terminology and technical changes.

137 This bill coordinates with S.B. 98, Governmental Immunity for Trails, by providing  
138 changes in terminology and substantive amendments.

139 This bill coordinates with S.B. 111, Free Exercise of Religion Without Government  
140 Interference, by providing changes in terminology.

141 This bill coordinates with S.B. 172, Municipal Land Use, Development, and  
142 Management Changes, by providing changes in terminology.

143 This bill coordinates with S.B. 232, Military Installation Development Authority, by  
144 providing changes in terminology.

145 This bill provides revisor instructions.

146 **Utah Code Sections Affected:**

147 AMENDS:

148 **8-5-5**, as last amended by Chapter 123, Laws of Utah 2002

149 **10-1-117**, as last amended by Chapter 233, Laws of Utah 2005

- 150            **10-2-101**, as last amended by Chapter 3, Laws of Utah 1997, Second Special Session
- 151            **10-2-106**, as last amended by Chapter 105, Laws of Utah 1999
- 152            **10-2-401**, as last amended by Chapter 206, Laws of Utah 2001
- 153            **10-2-403**, as last amended by Chapter 259, Laws of Utah 2004
- 154            **10-2-406**, as last amended by Chapters 211 and 257, Laws of Utah 2003
- 155            **10-2-412**, as last amended by Chapter 206, Laws of Utah 2001
- 156            **10-2-413**, as last amended by Chapter 206, Laws of Utah 2001
- 157            **10-2-414**, as last amended by Chapter 211, Laws of Utah 2003
- 158            **10-2-418**, as last amended by Chapter 227, Laws of Utah 2003
- 159            **10-2-419**, as last amended by Chapter 233, Laws of Utah 2005
- 160            **10-2-425**, as last amended by Chapter 233, Laws of Utah 2005
- 161            **10-2-428**, as enacted by Chapter 227, Laws of Utah 2003
- 162            **10-5-119**, as last amended by Chapter 30, Laws of Utah 1992
- 163            **10-6-131**, as enacted by Chapter 26, Laws of Utah 1979
- 164            **10-7-14.2**, as last amended by Chapter 30, Laws of Utah 1992
- 165            **10-9a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah 2006
- 166            **10-9a-305**, as last amended by Chapter 364, Laws of Utah 2006
- 167            **11-2-1**, as last amended by Chapter 9, Laws of Utah 1980
- 168            **11-13-103**, as last amended by Chapter 21, Laws of Utah 2003
- 169            **11-14-102**, as last amended by Chapter 83, Laws of Utah 2006
- 170            **11-14-301**, as last amended by Chapter 83, Laws of Utah 2006
- 171            **11-14a-1**, as enacted by Chapter 266, Laws of Utah 1995
- 172            **11-27-2**, as last amended by Chapter 359, Laws of Utah 2006
- 173            **11-30-2**, as enacted by Chapter 197, Laws of Utah 1987
- 174            **11-31-2**, as last amended by Chapter 12, Laws of Utah 2001
- 175            **11-34-1**, as enacted by Chapter 200, Laws of Utah 1987
- 176            **11-36-102**, as last amended by Chapter 257, Laws of Utah 2006
- 177            **11-36-201**, as last amended by Chapter 240, Laws of Utah 2006
- 178            **11-36-202**, as last amended by Chapters 240 and 257, Laws of Utah 2006
- 179            **11-36-501**, as last amended by Chapter 71, Laws of Utah 2005
- 180            **11-39-101**, as last amended by Chapter 94, Laws of Utah 2004

181           **11-39-103**, as last amended by Chapter 94, Laws of Utah 2004  
182           **11-39-107**, as last amended by Chapter 25, Laws of Utah 2005  
183           **11-40-101**, as last amended by Chapter 90, Laws of Utah 2004  
184           **14-1-18**, as last amended by Chapter 25, Laws of Utah 2005  
185           **15-7-2**, as enacted by Chapter 62, Laws of Utah 1983  
186           **17-23-17**, as last amended by Chapter 155, Laws of Utah 2004  
187           **17-27a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah  
188 2006  
189           **17-27a-305**, as last amended by Chapter 364, Laws of Utah 2006  
190           **17-35b-302**, as last amended by Chapter 133, Laws of Utah 2000  
191           **17-35b-303**, as enacted by Chapter 369, Laws of Utah 1998  
192           **17-36-9**, as last amended by Chapter 300, Laws of Utah 1999  
193           **17-36-29**, as last amended by Chapter 212, Laws of Utah 1996  
194           **17-41-101**, as last amended by Chapter 194, Laws of Utah 2006  
195           **17-43-201**, as last amended by Chapters 2 and 71, Laws of Utah 2005  
196           **17-43-301**, as last amended by Chapter 71, Laws of Utah 2005  
197           **17-50-103**, as enacted by Chapter 185, Laws of Utah 2000  
198           **17-52-403**, as last amended by Chapter 241, Laws of Utah 2001  
199           **17A-2-1314**, as last amended by Chapter 259, Laws of Utah 2003  
200           **17A-2-1315**, as last amended by Chapter 105, Laws of Utah 2005  
201           **17A-2-1326**, as last amended by Chapter 83, Laws of Utah 2006  
202           **17A-2-1330**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
203           **17C-1-102**, as last amended by Chapter 254 and renumbered and amended by Chapter  
204 359, Laws of Utah 2006  
205           **19-3-301**, as last amended by Chapter 148, Laws of Utah 2005  
206           **19-4-111**, as last amended by Chapter 185, Laws of Utah 2003  
207           **19-6-502**, as renumbered and amended by Chapter 112, Laws of Utah 1991  
208           **20A-1-102**, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006  
209           **20A-1-201.5**, as last amended by Chapter 355, Laws of Utah 2006  
210           **20A-1-202**, as last amended by Chapter 241, Laws of Utah 2000  
211           **20A-1-512**, as last amended by Chapter 108, Laws of Utah 1994

- 212            **20A-2-101**, as last amended by Chapter 266, Laws of Utah 1998
- 213            **20A-3-101**, as last amended by Chapter 177, Laws of Utah 2002
- 214            **20A-3-102**, as enacted by Chapter 1, Laws of Utah 1993
- 215            **20A-3-501**, as last amended by Chapter 127, Laws of Utah 2003
- 216            **20A-4-301**, as last amended by Chapter 355, Laws of Utah 2006
- 217            **20A-4-304**, as last amended by Chapters 326 and 355, Laws of Utah 2006
- 218            **20A-4-305**, as last amended by Chapter 24, Laws of Utah 1997
- 219            **20A-4-401**, as last amended by Chapter 105, Laws of Utah 2005
- 220            **20A-5-101**, as last amended by Chapter 249, Laws of Utah 2003
- 221            **20A-5-201**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 222            **20A-5-302**, as last amended by Chapter 5, Laws of Utah 2005, First Special Session
- 223            **20A-5-400.5**, as last amended by Chapter 105, Laws of Utah 2005
- 224            **20A-5-401**, as last amended by Chapters 264 and 326, Laws of Utah 2006
- 225            **20A-5-403**, as last amended by Chapter 326, Laws of Utah 2006
- 226            **20A-5-407**, as last amended by Chapter 21, Laws of Utah 1994
- 227            **20A-5-602**, as last amended by Chapter 40, Laws of Utah 1998
- 228            **20A-9-101**, as last amended by Chapter 24, Laws of Utah 1997
- 229            **20A-9-503**, as last amended by Chapter 45, Laws of Utah 1999
- 230            **20A-11-1202**, as last amended by Chapter 142, Laws of Utah 2004
- 231            **26-8a-405.1**, as last amended by Chapter 60, Laws of Utah 2006
- 232            **32A-2-103**, as last amended by Chapter 152, Laws of Utah 2005
- 233            **32A-3-106**, as last amended by Chapter 152, Laws of Utah 2005
- 234            **32A-4-106**, as last amended by Chapter 268, Laws of Utah 2004
- 235            **32A-4-307**, as last amended by Chapter 268, Laws of Utah 2004
- 236            **32A-5-107**, as last amended by Chapter 268, Laws of Utah 2004
- 237            **34-30-14**, as enacted by Chapter 72, Laws of Utah 1995
- 238            **34-32-1.1**, as last amended by Chapter 220, Laws of Utah 2004
- 239            **34-41-101**, as enacted by Chapter 18, Laws of Utah 1994
- 240            **36-12-13**, as last amended by Chapter 55, Laws of Utah 1998
- 241            **49-11-102**, as last amended by Chapter 116, Laws of Utah 2005
- 242            **51-4-2**, as last amended by Chapters 10 and 215, Laws of Utah 1997



243           **52-4-203**, as renumbered and amended by Chapter 14 and last amended by Chapters  
244 263 and 265, Laws of Utah 2006  
245           **53-3-207**, as last amended by Chapter 20, Laws of Utah 2005  
246           **53-7-104**, as last amended by Chapter 25, Laws of Utah 2001  
247           **53-10-605**, as last amended by Chapter 169, Laws of Utah 2005  
248           **53-13-103**, as last amended by Chapter 347, Laws of Utah 2006  
249           **53A-2-123**, as last amended by Chapter 169, Laws of Utah 2005  
250           **53B-16-104**, as enacted by Chapter 21, Laws of Utah 2000  
251           **54-3-28**, as last amended by Chapter 169, Laws of Utah 2005  
252           **54-8c-1**, as last amended by Chapter 30, Laws of Utah 1992  
253           **54-14-103**, as enacted by Chapter 197, Laws of Utah 1997  
254           **57-8-27**, as last amended by Chapter 265, Laws of Utah 2003  
255           **59-2-102**, as last amended by Chapters 223 and 249, Laws of Utah 2006  
256           **59-2-511**, as last amended by Chapter 254, Laws of Utah 2005  
257           **59-2-912**, as last amended by Chapter 227, Laws of Utah 1993  
258           **59-2-924**, as last amended by Chapters 26, 105 and 359, Laws of Utah 2006  
259           **59-2-1101**, as last amended by Chapter 19, Laws of Utah 2005  
260           **59-12-104**, as last amended by Chapters 181, 182, 217, 218, 219, 220, 246, 268 and  
261 346, Laws of Utah 2006  
262           **59-12-501**, as last amended by Chapter 253, Laws of Utah 2006  
263           **59-12-502**, as last amended by Chapters 253 and 329, Laws of Utah 2006  
264           **59-12-1001**, as last amended by Chapter 253, Laws of Utah 2006  
265           **59-12-1502**, as enacted by Chapter 282, Laws of Utah 2003  
266           **59-12-1503**, as last amended by Chapter 253, Laws of Utah 2006  
267           **59-12-1703**, as enacted by Chapter 1, Laws of Utah 2006, Fourth Special Session  
268           **63-2-103**, as last amended by Chapters 2, 261 and 300, Laws of Utah 2006  
269           **63-6-1 (Effective 07/01/07)**, as last amended by Chapter 357, Laws of Utah 2006  
270           **63-30d-102**, as enacted by Chapter 267, Laws of Utah 2004  
271           **63-30d-401**, as enacted by Chapter 267, Laws of Utah 2004  
272           **63-38-3.3**, as last amended by Chapter 66, Laws of Utah 2005  
273           **63-38d-102**, as enacted by Chapter 16, Laws of Utah 2003

- 274            **63-38d-601**, as enacted by Chapter 298, Laws of Utah 2005
- 275            **63-38f-2002**, as enacted by Chapter 151, Laws of Utah 2005
- 276            **63-51-2**, as last amended by Chapter 12, Laws of Utah 1994
- 277            **63-56-102**, as renumbered and amended by Chapter 25, Laws of Utah 2005
- 278            **63-56-201**, as renumbered and amended by Chapter 25, Laws of Utah 2005
- 279            **63-90a-1**, as enacted by Chapter 91, Laws of Utah 1994
- 280            **63-90b-102**, as enacted by Chapter 99, Laws of Utah 2005
- 281            **63-91-102**, as last amended by Chapter 293, Laws of Utah 1996
- 282            **63-93-102**, as enacted by Chapter 256, Laws of Utah 1997
- 283            **63-96-102**, as enacted by Chapter 341, Laws of Utah 1998
- 284            **63A-9-401**, as last amended by Chapter 34, Laws of Utah 2004
- 285            **63C-7-103**, as enacted by Chapter 136, Laws of Utah 1997
- 286            **63D-2-102**, as enacted by Chapter 175, Laws of Utah 2004
- 287            **63E-1-102**, as last amended by Chapter 46, Laws of Utah 2006
- 288            **63F-1-507**, as last amended by Chapter 359, Laws of Utah 2006
- 289            **67-1a-6.5**, as last amended by Chapter 359, Laws of Utah 2006
- 290            **67-3-1**, as last amended by Chapter 71, Laws of Utah 2005
- 291            **67-11-2**, as last amended by Chapter 92, Laws of Utah 1987
- 292            **67-21-2**, as last amended by Chapter 189, Laws of Utah 1989
- 293            **71-8-1**, as last amended by Chapter 134, Laws of Utah 2000
- 294            **71-10-1**, as last amended by Chapter 134, Laws of Utah 2000
- 295            **72-1-208**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 296            **72-1-303**, as last amended by Chapter 336, Laws of Utah 2004
- 297            **72-2-201**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 298            **72-10-601**, as enacted by Chapter 137, Laws of Utah 2006
- 299            **73-1-4**, as last amended by Chapter 99, Laws of Utah 2003
- 300            **73-2-1**, as last amended by Chapter 165, Laws of Utah 2005
- 301            **73-5-15**, as enacted by Chapter 193, Laws of Utah 2006
- 302            **73-10-1**, as last amended by Chapter 10, Laws of Utah 1997
- 303            **73-10-21**, as last amended by Chapter 30, Laws of Utah 1992
- 304            **73-10-32**, as last amended by Chapter 43, Laws of Utah 2004

305           **76-10-1503**, as last amended by Chapter 151, Laws of Utah 1998

306           **78-27-63**, as last amended by Chapter 304, Laws of Utah 2006

307 ENACTS:

308           **11-42-101**, Utah Code Annotated 1953

309           **11-42-102**, Utah Code Annotated 1953

310           **11-42-103**, Utah Code Annotated 1953

311           **11-42-104**, Utah Code Annotated 1953

312           **11-42-105**, Utah Code Annotated 1953

313           **11-42-106**, Utah Code Annotated 1953

314           **11-42-107**, Utah Code Annotated 1953

315           **11-42-108**, Utah Code Annotated 1953

316           **11-42-109**, Utah Code Annotated 1953

317           **11-42-201**, Utah Code Annotated 1953

318           **11-42-202**, Utah Code Annotated 1953

319           **11-42-203**, Utah Code Annotated 1953

320           **11-42-204**, Utah Code Annotated 1953

321           **11-42-205**, Utah Code Annotated 1953

322           **11-42-206**, Utah Code Annotated 1953

323           **11-42-207**, Utah Code Annotated 1953

324           **11-42-208**, Utah Code Annotated 1953

325           **11-42-301**, Utah Code Annotated 1953

326           **11-42-302**, Utah Code Annotated 1953

327           **11-42-401**, Utah Code Annotated 1953

328           **11-42-402**, Utah Code Annotated 1953

329           **11-42-403**, Utah Code Annotated 1953

330           **11-42-404**, Utah Code Annotated 1953

331           **11-42-405**, Utah Code Annotated 1953

332           **11-42-406**, Utah Code Annotated 1953

333           **11-42-407**, Utah Code Annotated 1953

334           **11-42-408**, Utah Code Annotated 1953

335           **11-42-409**, Utah Code Annotated 1953

- 336            **11-42-410**, Utah Code Annotated 1953
- 337            **11-42-411**, Utah Code Annotated 1953
- 338            **11-42-412**, Utah Code Annotated 1953
- 339            **11-42-413**, Utah Code Annotated 1953
- 340            **11-42-414**, Utah Code Annotated 1953
- 341            **11-42-415**, Utah Code Annotated 1953
- 342            **11-42-416**, Utah Code Annotated 1953
- 343            **11-42-501**, Utah Code Annotated 1953
- 344            **11-42-502**, Utah Code Annotated 1953
- 345            **11-42-503**, Utah Code Annotated 1953
- 346            **11-42-504**, Utah Code Annotated 1953
- 347            **11-42-505**, Utah Code Annotated 1953
- 348            **11-42-506**, Utah Code Annotated 1953
- 349            **11-42-601**, Utah Code Annotated 1953
- 350            **11-42-602**, Utah Code Annotated 1953
- 351            **11-42-603**, Utah Code Annotated 1953
- 352            **11-42-604**, Utah Code Annotated 1953
- 353            **11-42-605**, Utah Code Annotated 1953
- 354            **11-42-606**, Utah Code Annotated 1953
- 355            **11-42-607**, Utah Code Annotated 1953
- 356            **11-42-608**, Utah Code Annotated 1953
- 357            **11-42-609**, Utah Code Annotated 1953
- 358            **11-42-701**, Utah Code Annotated 1953
- 359            **11-42-702**, Utah Code Annotated 1953
- 360            **11-42-703**, Utah Code Annotated 1953
- 361            **11-42-704**, Utah Code Annotated 1953
- 362            **11-42-705**, Utah Code Annotated 1953
- 363            **11-42-706**, Utah Code Annotated 1953
- 364            **17B-1-101**, Utah Code Annotated 1953
- 365            **17B-1-103**, Utah Code Annotated 1953
- 366            **17B-1-112**, Utah Code Annotated 1953

- 367            **17B-1-114**, Utah Code Annotated 1953
- 368            **17B-1-115**, Utah Code Annotated 1953
- 369            **17B-1-116**, Utah Code Annotated 1953
- 370            **17B-1-117**, Utah Code Annotated 1953
- 371            **17B-1-308**, Utah Code Annotated 1953
- 372            **17B-1-313**, Utah Code Annotated 1953
- 373            **17B-1-501**, Utah Code Annotated 1953
- 374            **17B-1-623**, Utah Code Annotated 1953
- 375            **17B-1-901**, Utah Code Annotated 1953
- 376            **17B-1-1001**, Utah Code Annotated 1953
- 377            **17B-1-1002**, Utah Code Annotated 1953
- 378            **17B-1-1101**, Utah Code Annotated 1953
- 379            **17B-1-1102**, Utah Code Annotated 1953
- 380            **17B-1-1103**, Utah Code Annotated 1953
- 381            **17B-1-1104**, Utah Code Annotated 1953
- 382            **17B-1-1105**, Utah Code Annotated 1953
- 383            **17B-1-1106**, Utah Code Annotated 1953
- 384            **17B-1-1107**, Utah Code Annotated 1953
- 385            **17B-1-1201**, Utah Code Annotated 1953
- 386            **17B-1-1202**, Utah Code Annotated 1953
- 387            **17B-1-1203**, Utah Code Annotated 1953
- 388            **17B-1-1204**, Utah Code Annotated 1953
- 389            **17B-1-1205**, Utah Code Annotated 1953
- 390            **17B-1-1206**, Utah Code Annotated 1953
- 391            **17B-1-1207**, Utah Code Annotated 1953
- 392            **17B-1-1401**, Utah Code Annotated 1953
- 393            **17B-1-1402**, Utah Code Annotated 1953
- 394            **17B-2a-101**, Utah Code Annotated 1953
- 395            **17B-2a-102**, Utah Code Annotated 1953
- 396            **17B-2a-103**, Utah Code Annotated 1953
- 397            **17B-2a-104**, Utah Code Annotated 1953

- 398            **17B-2a-105**, Utah Code Annotated 1953
- 399            **17B-2a-106**, Utah Code Annotated 1953
- 400            **17B-2a-107**, Utah Code Annotated 1953
- 401            **17B-2a-201**, Utah Code Annotated 1953
- 402            **17B-2a-202**, Utah Code Annotated 1953
- 403            **17B-2a-203**, Utah Code Annotated 1953
- 404            **17B-2a-204**, Utah Code Annotated 1953
- 405            **17B-2a-205**, Utah Code Annotated 1953
- 406            **17B-2a-206**, Utah Code Annotated 1953
- 407            **17B-2a-207**, Utah Code Annotated 1953
- 408            **17B-2a-208**, Utah Code Annotated 1953
- 409            **17B-2a-209**, Utah Code Annotated 1953
- 410            **17B-2a-210**, Utah Code Annotated 1953
- 411            **17B-2a-211**, Utah Code Annotated 1953
- 412            **17B-2a-301**, Utah Code Annotated 1953
- 413            **17B-2a-302**, Utah Code Annotated 1953
- 414            **17B-2a-303**, Utah Code Annotated 1953
- 415            **17B-2a-304**, Utah Code Annotated 1953
- 416            **17B-2a-305**, Utah Code Annotated 1953
- 417            **17B-2a-306**, Utah Code Annotated 1953
- 418            **17B-2a-401**, Utah Code Annotated 1953
- 419            **17B-2a-402**, Utah Code Annotated 1953
- 420            **17B-2a-404**, Utah Code Annotated 1953
- 421            **17B-2a-405**, Utah Code Annotated 1953
- 422            **17B-2a-501**, Utah Code Annotated 1953
- 423            **17B-2a-502**, Utah Code Annotated 1953
- 424            **17B-2a-503**, Utah Code Annotated 1953
- 425            **17B-2a-504**, Utah Code Annotated 1953
- 426            **17B-2a-505**, Utah Code Annotated 1953
- 427            **17B-2a-506**, Utah Code Annotated 1953
- 428            **17B-2a-507**, Utah Code Annotated 1953

- 429            **17B-2a-508**, Utah Code Annotated 1953
- 430            **17B-2a-509**, Utah Code Annotated 1953
- 431            **17B-2a-510**, Utah Code Annotated 1953
- 432            **17B-2a-511**, Utah Code Annotated 1953
- 433            **17B-2a-512**, Utah Code Annotated 1953
- 434            **17B-2a-513**, Utah Code Annotated 1953
- 435            **17B-2a-514**, Utah Code Annotated 1953
- 436            **17B-2a-515**, Utah Code Annotated 1953
- 437            **17B-2a-516**, Utah Code Annotated 1953
- 438            **17B-2a-601**, Utah Code Annotated 1953
- 439            **17B-2a-602**, Utah Code Annotated 1953
- 440            **17B-2a-603**, Utah Code Annotated 1953
- 441            **17B-2a-604**, Utah Code Annotated 1953
- 442            **17B-2a-605**, Utah Code Annotated 1953
- 443            **17B-2a-606**, Utah Code Annotated 1953
- 444            **17B-2a-607**, Utah Code Annotated 1953
- 445            **17B-2a-701**, Utah Code Annotated 1953
- 446            **17B-2a-702**, Utah Code Annotated 1953
- 447            **17B-2a-703**, Utah Code Annotated 1953
- 448            **17B-2a-704**, Utah Code Annotated 1953
- 449            **17B-2a-801**, Utah Code Annotated 1953
- 450            **17B-2a-802**, Utah Code Annotated 1953
- 451            **17B-2a-803**, Utah Code Annotated 1953
- 452            **17B-2a-804**, Utah Code Annotated 1953
- 453            **17B-2a-805**, Utah Code Annotated 1953
- 454            **17B-2a-806**, Utah Code Annotated 1953
- 455            **17B-2a-808**, Utah Code Annotated 1953
- 456            **17B-2a-810**, Utah Code Annotated 1953
- 457            **17B-2a-811**, Utah Code Annotated 1953
- 458            **17B-2a-812**, Utah Code Annotated 1953
- 459            **17B-2a-813**, Utah Code Annotated 1953

- 460           **17B-2a-815**, Utah Code Annotated 1953
- 461           **17B-2a-816**, Utah Code Annotated 1953
- 462           **17B-2a-817**, Utah Code Annotated 1953
- 463           **17B-2a-818**, Utah Code Annotated 1953
- 464           **17B-2a-819**, Utah Code Annotated 1953
- 465           **17B-2a-820**, Utah Code Annotated 1953
- 466           **17B-2a-824**, Utah Code Annotated 1953
- 467           **17B-2a-901**, Utah Code Annotated 1953
- 468           **17B-2a-902**, Utah Code Annotated 1953
- 469           **17B-2a-903**, Utah Code Annotated 1953
- 470           **17B-2a-904**, Utah Code Annotated 1953
- 471           **17B-2a-905**, Utah Code Annotated 1953
- 472           **17B-2a-906**, Utah Code Annotated 1953
- 473           **17B-2a-1001**, Utah Code Annotated 1953
- 474           **17B-2a-1002**, Utah Code Annotated 1953
- 475           **17B-2a-1003**, Utah Code Annotated 1953
- 476           **17B-2a-1004**, Utah Code Annotated 1953
- 477           **17B-2a-1006**, Utah Code Annotated 1953
- 478           **17B-2a-1007**, Utah Code Annotated 1953
- 479           **17B-2a-1008**, Utah Code Annotated 1953

480 RENUMBERS AND AMENDS:

- 481           **17B-1-102**, (Renumbered from 17B-2-101, as last amended by Chapter 90, Laws of
- 482 Utah 2001)
- 483           **17B-1-104**, (Renumbered from 17B-2-102, as enacted by Chapter 90, Laws of Utah
- 484 2001)
- 485           **17B-1-105**, (Renumbered from 17A-1-204, as last amended by Chapter 183, Laws of
- 486 Utah 2001)
- 487           **17B-1-106**, (Renumbered from 17B-2-104, as last amended by Chapter 169, Laws of
- 488 Utah 2005)
- 489           **17B-1-107**, (Renumbered from 17A-1-701, as enacted by Chapter 44, Laws of Utah
- 490 1994)



- 491           **17B-1-108**, (Renumbered from 17A-1-802, as enacted by Chapter 21, Laws of Utah
- 492 2000)
- 493           **17B-1-109**, (Renumbered from 17A-1-202, as last amended by Chapter 200, Laws of
- 494 Utah 1995)
- 495           **17B-1-110**, (Renumbered from 17A-1-201, as enacted by Chapter 273, Laws of Utah
- 496 1991)
- 497           **17B-1-111**, (Renumbered from 17A-1-203, as enacted by Chapter 11, Laws of Utah
- 498 1995, First Special Session)
- 499           **17B-1-113**, (Renumbered from 17A-1-504, as enacted by Chapter 221, Laws of Utah
- 500 1998)
- 501           **17B-1-201**, (Renumbered from 17B-2-201, as last amended by Chapter 90, Laws of
- 502 Utah 2001)
- 503           **17B-1-202**, (Renumbered from 17B-2-202, as last amended by Chapter 257, Laws of
- 504 Utah 2003)
- 505           **17B-1-203**, (Renumbered from 17B-2-203, as last amended by Chapter 254, Laws of
- 506 Utah 2000)
- 507           **17B-1-204**, (Renumbered from 17B-2-204, as enacted by Chapter 368, Laws of Utah
- 508 1998)
- 509           **17B-1-205**, (Renumbered from 17B-2-205, as enacted by Chapter 368, Laws of Utah
- 510 1998)
- 511           **17B-1-206**, (Renumbered from 17B-2-206, as enacted by Chapter 368, Laws of Utah
- 512 1998)
- 513           **17B-1-207**, (Renumbered from 17B-2-207, as enacted by Chapter 368, Laws of Utah
- 514 1998)
- 515           **17B-1-208**, (Renumbered from 17B-2-208, as last amended by Chapter 254, Laws of
- 516 Utah 2000)
- 517           **17B-1-209**, (Renumbered from 17B-2-209, as enacted by Chapter 368, Laws of Utah
- 518 1998)
- 519           **17B-1-210**, (Renumbered from 17B-2-210, as enacted by Chapter 368, Laws of Utah
- 520 1998)
- 521           **17B-1-211**, (Renumbered from 17B-2-211, as enacted by Chapter 368, Laws of Utah

522 1998)  
523           **17B-1-212**, (Renumbered from 17B-2-212, as enacted by Chapter 368, Laws of Utah  
524 1998)  
525           **17B-1-213**, (Renumbered from 17B-2-213, as last amended by Chapter 257, Laws of  
526 Utah 2003)  
527           **17B-1-214**, (Renumbered from 17B-2-214, as last amended by Chapter 6, Laws of Utah  
528 2003, Second Special Session)  
529           **17B-1-215**, (Renumbered from 17B-2-215, as last amended by Chapter 233, Laws of  
530 Utah 2005)  
531           **17B-1-216**, (Renumbered from 17B-2-216, as last amended by Chapter 233, Laws of  
532 Utah 2005)  
533           **17B-1-217**, (Renumbered from 17A-2-103, as last amended by Chapter 83, Laws of  
534 Utah 2006)  
535           **17B-1-301**, (Renumbered from 17B-2-401, as enacted by Chapter 254, Laws of Utah  
536 2000)  
537           **17B-1-302**, (Renumbered from 17B-2-402, as enacted by Chapter 254, Laws of Utah  
538 2000)  
539           **17B-1-303**, (Renumbered from 17B-2-403, as enacted by Chapter 254, Laws of Utah  
540 2000)  
541           **17B-1-304**, (Renumbered from 17A-1-303, as last amended by Chapter 14, Laws of  
542 Utah 2006)  
543           **17B-1-305**, (Renumbered from 17A-1-304, as last amended by Chapter 241, Laws of  
544 Utah 2000)  
545           **17B-1-306**, (Renumbered from 17A-1-305, as last amended by Chapters 81 and 241,  
546 Laws of Utah 2000)  
547           **17B-1-307**, (Renumbered from 17B-2-404, as enacted by Chapter 254, Laws of Utah  
548 2000)  
549           **17B-1-309**, (Renumbered from 17B-2-405, as enacted by Chapter 254, Laws of Utah  
550 2000)  
551           **17B-1-310**, (Renumbered from 17B-2-406, as last amended by Chapter 14, Laws of  
552 Utah 2006)

- 553           **17B-1-311**, (Renumbered from 17A-1-306, as enacted by Chapter 273, Laws of Utah
- 554 1991)
- 555           **17B-1-312**, (Renumbered from 17A-2-102, as enacted by Chapter 154, Laws of Utah
- 556 1999)
- 557           **17B-1-401**, (Renumbered from 17B-2-501, as enacted by Chapter 90, Laws of Utah
- 558 2001)
- 559           **17B-1-402**, (Renumbered from 17B-2-502, as last amended by Chapter 257, Laws of
- 560 Utah 2003)
- 561           **17B-1-403**, (Renumbered from 17B-2-503, as last amended by Chapter 158, Laws of
- 562 Utah 2004)
- 563           **17B-1-404**, (Renumbered from 17B-2-504, as enacted by Chapter 90, Laws of Utah
- 564 2001)
- 565           **17B-1-405**, (Renumbered from 17B-2-505, as enacted by Chapter 90, Laws of Utah
- 566 2001)
- 567           **17B-1-406**, (Renumbered from 17B-2-506, as enacted by Chapter 90, Laws of Utah
- 568 2001)
- 569           **17B-1-407**, (Renumbered from 17B-2-507, as enacted by Chapter 90, Laws of Utah
- 570 2001)
- 571           **17B-1-408**, (Renumbered from 17B-2-508, as enacted by Chapter 90, Laws of Utah
- 572 2001)
- 573           **17B-1-409**, (Renumbered from 17B-2-509, as enacted by Chapter 90, Laws of Utah
- 574 2001)
- 575           **17B-1-410**, (Renumbered from 17B-2-510, as last amended by Chapter 89, Laws of
- 576 Utah 2003)
- 577           **17B-1-411**, (Renumbered from 17B-2-511, as enacted by Chapter 90, Laws of Utah
- 578 2001)
- 579           **17B-1-412**, (Renumbered from 17B-2-512, as last amended by Chapters 89 and 170,
- 580 Laws of Utah 2003)
- 581           **17B-1-413**, (Renumbered from 17B-2-513, as enacted by Chapter 90, Laws of Utah
- 582 2001)
- 583           **17B-1-414**, (Renumbered from 17B-2-514, as last amended by Chapter 233, Laws of

584 Utah 2005)  
585           **17B-1-415**, (Renumbered from 17B-2-515, as last amended by Chapter 170, Laws of  
586 Utah 2003)  
587           **17B-1-416**, (Renumbered from 17B-2-515.5, as last amended by Chapters 71 and 233,  
588 Laws of Utah 2005)  
589           **17B-1-417**, (Renumbered from 17B-2-516, as last amended by Chapter 233, Laws of  
590 Utah 2005)  
591           **17B-1-418**, (Renumbered from 17B-2-517, as enacted by Chapter 90, Laws of Utah  
592 2001)  
593           **17B-1-502**, (Renumbered from 17B-2-601, as last amended by Chapters 36 and 233,  
594 Laws of Utah 2005)  
595           **17B-1-503**, (Renumbered from 17B-2-602, as enacted by Chapter 284, Laws of Utah  
596 2002)  
597           **17B-1-504**, (Renumbered from 17B-2-603, as last amended by Chapter 257, Laws of  
598 Utah 2003)  
599           **17B-1-505**, (Renumbered from 17B-2-603.5, as last amended by Chapter 233, Laws of  
600 Utah 2005)  
601           **17B-1-506**, (Renumbered from 17B-2-604, as last amended by Chapter 90, Laws of  
602 Utah 2004)  
603           **17B-1-507**, (Renumbered from 17B-2-605, as enacted by Chapter 284, Laws of Utah  
604 2002)  
605           **17B-1-508**, (Renumbered from 17B-2-606, as enacted by Chapter 284, Laws of Utah  
606 2002)  
607           **17B-1-509**, (Renumbered from 17B-2-607, as enacted by Chapter 284, Laws of Utah  
608 2002)  
609           **17B-1-510**, (Renumbered from 17B-2-608, as last amended by Chapter 105, Laws of  
610 Utah 2005)  
611           **17B-1-511**, (Renumbered from 17B-2-609, as enacted by Chapter 284, Laws of Utah  
612 2002)  
613           **17B-1-512**, (Renumbered from 17B-2-610, as last amended by Chapters 36 and 233,  
614 Laws of Utah 2005)

615           **17B-1-513**, (Renumbered from 17B-2-611, as enacted by Chapter 284, Laws of Utah  
616 2002)

617           **17B-1-601**, (Renumbered from 17A-1-404, as renumbered and amended by Chapter  
618 186, Laws of Utah 1990)

619           **17B-1-602**, (Renumbered from 17A-1-405, as renumbered and amended by Chapter  
620 186, Laws of Utah 1990)

621           **17B-1-603**, (Renumbered from 17A-1-406, as renumbered and amended by Chapter  
622 186, Laws of Utah 1990)

623           **17B-1-604**, (Renumbered from 17A-1-407, as renumbered and amended by Chapter  
624 186, Laws of Utah 1990)

625           **17B-1-605**, (Renumbered from 17A-1-408, as renumbered and amended by Chapter  
626 186, Laws of Utah 1990)

627           **17B-1-606**, (Renumbered from 17A-1-409, as renumbered and amended by Chapter  
628 186, Laws of Utah 1990)

629           **17B-1-607**, (Renumbered from 17A-1-410, as renumbered and amended by Chapter  
630 186, Laws of Utah 1990)

631           **17B-1-608**, (Renumbered from 17A-1-411, as last amended by Chapter 30, Laws of  
632 Utah 1992)

633           **17B-1-609**, (Renumbered from 17A-1-412, as last amended by Chapter 145, Laws of  
634 Utah 1997)

635           **17B-1-610**, (Renumbered from 17A-1-413, as renumbered and amended by Chapter  
636 186, Laws of Utah 1990)

637           **17B-1-611**, (Renumbered from 17A-1-414, as renumbered and amended by Chapter  
638 186, Laws of Utah 1990)

639           **17B-1-612**, (Renumbered from 17A-1-415, as last amended by Chapter 216, Laws of  
640 Utah 1995)

641           **17B-1-613**, (Renumbered from 17A-1-416, as renumbered and amended by Chapter  
642 186, Laws of Utah 1990)

643           **17B-1-614**, (Renumbered from 17A-1-417, as renumbered and amended by Chapter  
644 186, Laws of Utah 1990)

645           **17B-1-615**, (Renumbered from 17A-1-418, as renumbered and amended by Chapter

646 186, Laws of Utah 1990)  
647           **17B-1-616**, (Renumbered from 17A-1-419, as renumbered and amended by Chapter  
648 186, Laws of Utah 1990)  
649           **17B-1-617**, (Renumbered from 17A-1-420, as renumbered and amended by Chapter  
650 186, Laws of Utah 1990)  
651           **17B-1-618**, (Renumbered from 17A-1-421, as renumbered and amended by Chapter  
652 186, Laws of Utah 1990)  
653           **17B-1-619**, (Renumbered from 17A-1-422, as renumbered and amended by Chapter  
654 186, Laws of Utah 1990)  
655           **17B-1-620**, (Renumbered from 17A-1-423, as renumbered and amended by Chapter  
656 186, Laws of Utah 1990)  
657           **17B-1-621**, (Renumbered from 17A-1-424, as renumbered and amended by Chapter  
658 186, Laws of Utah 1990)  
659           **17B-1-622**, (Renumbered from 17A-1-425, as renumbered and amended by Chapter  
660 186, Laws of Utah 1990)  
661           **17B-1-624**, (Renumbered from 17A-1-427, as renumbered and amended by Chapter  
662 186, Laws of Utah 1990)  
663           **17B-1-625**, (Renumbered from 17A-1-428, as last amended by Chapter 30, Laws of  
664 Utah 1992)  
665           **17B-1-626**, (Renumbered from 17A-1-429, as renumbered and amended by Chapter  
666 186, Laws of Utah 1990)  
667           **17B-1-627**, (Renumbered from 17A-1-430, as renumbered and amended by Chapter  
668 186, Laws of Utah 1990)  
669           **17B-1-628**, (Renumbered from 17A-1-431, as renumbered and amended by Chapter  
670 186, Laws of Utah 1990)  
671           **17B-1-629**, (Renumbered from 17A-1-432, as last amended by Chapter 178, Laws of  
672 Utah 2006)  
673           **17B-1-630**, (Renumbered from 17A-1-433, as renumbered and amended by Chapter  
674 186, Laws of Utah 1990)  
675           **17B-1-631**, (Renumbered from 17A-1-434, as renumbered and amended by Chapter  
676 186, Laws of Utah 1990)

- 677           **17B-1-632**, (Renumbered from 17A-1-436, as last amended by Chapter 200, Laws of  
678 Utah 1995)
- 679           **17B-1-633**, (Renumbered from 17A-1-437, as last amended by Chapter 1, Laws of Utah  
680 2000)
- 681           **17B-1-634**, (Renumbered from 17A-1-438, as renumbered and amended by Chapter  
682 186, Laws of Utah 1990)
- 683           **17B-1-635**, (Renumbered from 17A-1-439, as last amended by Chapter 145, Laws of  
684 Utah 1997)
- 685           **17B-1-636**, (Renumbered from 17A-1-440, as renumbered and amended by Chapter  
686 186, Laws of Utah 1990)
- 687           **17B-1-637**, (Renumbered from 17A-1-441, as renumbered and amended by Chapter  
688 186, Laws of Utah 1990)
- 689           **17B-1-638**, (Renumbered from 17A-1-442, as renumbered and amended by Chapter  
690 186, Laws of Utah 1990)
- 691           **17B-1-639**, (Renumbered from 17A-1-443, as last amended by Chapter 257, Laws of  
692 Utah 2006)
- 693           **17B-1-640**, (Renumbered from 17A-1-444, as last amended by Chapter 71, Laws of  
694 Utah 2005)
- 695           **17B-1-641**, (Renumbered from 17A-1-445, as renumbered and amended by Chapter  
696 186, Laws of Utah 1990)
- 697           **17B-1-642**, (Renumbered from 17A-1-447, as last amended by Chapter 145, Laws of  
698 Utah 1997)
- 699           **17B-1-643**, (Renumbered from 17A-1-448, as last amended by Chapter 14, Laws of  
700 Utah 2006)
- 701           **17B-1-644**, (Renumbered from 17A-2-105, as enacted by Chapter 29, Laws of Utah  
702 2005)
- 703           **17B-1-701**, (Renumbered from 17A-1-501, as last amended by Chapter 71, Laws of  
704 Utah 2005)
- 705           **17B-1-702**, (Renumbered from 17A-1-502, as last amended by Chapter 295, Laws of  
706 Utah 2004)
- 707           **17B-1-703**, (Renumbered from 17A-1-503, as last amended by Chapter 295, Laws of

708 Utah 2004)  
709           **17B-1-801**, (Renumbered from 17A-1-601, as last amended by Chapter 4, Laws of Utah  
710 1993)  
711           **17B-1-802**, (Renumbered from 17A-1-602, as enacted by Chapter 22, Laws of Utah  
712 1992)  
713           **17B-1-803**, (Renumbered from 17A-1-603, as enacted by Chapter 22, Laws of Utah  
714 1992)  
715           **17B-1-804**, (Renumbered from 17A-1-604, as enacted by Chapter 284, Laws of Utah  
716 2003)  
717           **17B-1-902**, (Renumbered from 17B-2-803, as enacted by Chapter 316, Laws of Utah  
718 2004)  
719           **17B-1-903**, (Renumbered from 17B-2-802, as enacted by Chapter 316, Laws of Utah  
720 2004)  
721           **17B-1-904**, (Renumbered from 17B-2-801, as enacted by Chapter 316, Laws of Utah  
722 2004)  
723           **17B-1-1301**, (Renumbered from 17B-2-701, as enacted by Chapter 90, Laws of Utah  
724 2001)  
725           **17B-1-1302**, (Renumbered from 17B-2-702, as enacted by Chapter 90, Laws of Utah  
726 2001)  
727           **17B-1-1303**, (Renumbered from 17B-2-703, as enacted by Chapter 90, Laws of Utah  
728 2001)  
729           **17B-1-1304**, (Renumbered from 17B-2-704, as enacted by Chapter 90, Laws of Utah  
730 2001)  
731           **17B-1-1305**, (Renumbered from 17B-2-705, as enacted by Chapter 90, Laws of Utah  
732 2001)  
733           **17B-1-1306**, (Renumbered from 17B-2-706, as enacted by Chapter 90, Laws of Utah  
734 2001)  
735           **17B-1-1307**, (Renumbered from 17B-2-707, as enacted by Chapter 90, Laws of Utah  
736 2001)  
737           **17B-1-1308**, (Renumbered from 17B-2-708, as last amended by Chapter 233, Laws of  
738 Utah 2005)



739           **17B-2a-403**, (Renumbered from 17A-2-301, as last amended by Chapter 284, Laws of  
740 Utah 2002)

741           **17B-2a-406**, (Renumbered from 17A-2-302, as renumbered and amended by Chapter  
742 186, Laws of Utah 1990)

743           **17B-2a-705**, (Renumbered from 17A-2-910, as last amended by Chapter 227, Laws of  
744 Utah 1993)

745           **17B-2a-807**, (Renumbered from 17A-2-1038, as last amended by Chapters 295 and  
746 336, Laws of Utah 2004)

747           **17B-2a-809**, (Renumbered from 17A-2-1060.1, as enacted by Chapter 295, Laws of  
748 Utah 2004)

749           **17B-2a-814**, (Renumbered from 17A-2-1050, as last amended by Chapter 254, Laws of  
750 Utah 2000)

751           **17B-2a-821**, (Renumbered from 17A-2-1061, as enacted by Chapter 151, Laws of Utah  
752 1998)

753           **17B-2a-822**, (Renumbered from 17A-2-1062, as last amended by Chapter 347, Laws of  
754 Utah 2006)

755           **17B-2a-823**, (Renumbered from 17A-2-1063, as last amended by Chapter 295, Laws of  
756 Utah 2004)

757           **17B-2a-907**, (Renumbered from 17A-2-413, as last amended by Chapter 90, Laws of  
758 Utah 2001)

759           **17B-2a-1005**, (Renumbered from 17A-2-1409, as last amended by Chapter 71, Laws of  
760 Utah 2005)

761 REPEALS:

762           **17A-1-101**, as enacted by Chapter 273, Laws of Utah 1991

763           **17A-1-102**, as last amended by Chapter 170, Laws of Utah 2003

764           **17A-1-205**, as enacted by Chapter 316, Laws of Utah 2004

765           **17A-1-301**, as last amended by Chapters 131 and 184, Laws of Utah 2003

766           **17A-1-302**, as repealed and reenacted by Chapter 1, Laws of Utah 1993

767           **17A-1-401**, as renumbered and amended by Chapter 186, Laws of Utah 1990

768           **17A-1-402**, as renumbered and amended by Chapter 186, Laws of Utah 1990

769           **17A-1-403**, as last amended by Chapter 359, Laws of Utah 2006

- 770            **17A-1-426**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 771            **17A-1-446**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 772            **17A-1-801**, as last amended by Chapter 25, Laws of Utah 2005
- 773            **17A-2-101**, as last amended by Chapter 90, Laws of Utah 2001
- 774            **17A-2-101.3**, as last amended by Chapter 284, Laws of Utah 2002
- 775            **17A-2-104**, as last amended by Chapter 169, Laws of Utah 2005
- 776            **17A-2-201**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 777            **17A-2-208**, as last amended by Chapter 254, Laws of Utah 2000
- 778            **17A-2-210**, as last amended by Chapter 254, Laws of Utah 2000
- 779            **17A-2-216**, as last amended by Chapter 227, Laws of Utah 1993
- 780            **17A-2-217**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 781            **17A-2-219**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 782            **17A-2-221**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 783            **17A-2-222**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 784            **17A-2-223**, as last amended by Chapter 83, Laws of Utah 2006
- 785            **17A-2-226**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 786            **17A-2-305**, as last amended by Chapter 254, Laws of Utah 2000
- 787            **17A-2-306**, as last amended by Chapter 105, Laws of Utah 2005
- 788            **17A-2-307**, as last amended by Chapter 105, Laws of Utah 2005
- 789            **17A-2-308**, as last amended by Chapter 254, Laws of Utah 2000
- 790            **17A-2-309**, as last amended by Chapter 105, Laws of Utah 2005
- 791            **17A-2-310**, as last amended by Chapter 316, Laws of Utah 2004
- 792            **17A-2-312**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 793            **17A-2-313**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 794            **17A-2-315**, as last amended by Chapter 83, Laws of Utah 2006
- 795            **17A-2-317**, as last amended by Chapter 83, Laws of Utah 2006
- 796            **17A-2-318**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 797            **17A-2-319**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 798            **17A-2-320**, as last amended by Chapter 273, Laws of Utah 1991
- 799            **17A-2-322**, as last amended by Chapter 227, Laws of Utah 1993
- 800            **17A-2-323**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 801           **17A-2-325**, as last amended by Chapter 71, Laws of Utah 2005
- 802           **17A-2-327**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 803           **17A-2-328**, as last amended by Chapter 25, Laws of Utah 2005
- 804           **17A-2-329**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 805           **17A-2-401**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 806           **17A-2-402**, as last amended by Chapter 368, Laws of Utah 1998
- 807           **17A-2-403**, as last amended by Chapter 257, Laws of Utah 2003
- 808           **17A-2-405**, as last amended by Chapter 131, Laws of Utah 2003
- 809           **17A-2-411**, as last amended by Chapter 257, Laws of Utah 2003
- 810           **17A-2-412**, as last amended by Chapter 368, Laws of Utah 1998
- 811           **17A-2-414**, as last amended by Chapter 13, Laws of Utah 2005, First Special Session
- 812           **17A-2-415**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 813           **17A-2-416**, as last amended by Chapter 316, Laws of Utah 2004
- 814           **17A-2-418**, as last amended by Chapter 284, Laws of Utah 2002
- 815           **17A-2-419**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 816           **17A-2-423**, as last amended by Chapter 83, Laws of Utah 2006
- 817           **17A-2-424**, as last amended by Chapter 83, Laws of Utah 2006
- 818           **17A-2-425**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 819           **17A-2-426**, as last amended by Chapter 83, Laws of Utah 2006
- 820           **17A-2-428**, as last amended by Chapter 83, Laws of Utah 2006
- 821           **17A-2-429**, as repealed and reenacted by Chapter 83, Laws of Utah 2006
- 822           **17A-2-431**, as last amended by Chapter 83, Laws of Utah 2006
- 823           **17A-2-502**, as last amended by Chapter 368, Laws of Utah 1998
- 824           **17A-2-506**, as last amended by Chapter 254, Laws of Utah 2000
- 825           **17A-2-509**, as last amended by Chapter 254, Laws of Utah 2000
- 826           **17A-2-511**, as last amended by Chapter 254, Laws of Utah 2000
- 827           **17A-2-512**, as last amended by Chapter 254, Laws of Utah 2000
- 828           **17A-2-514**, as last amended by Chapter 254, Laws of Utah 2000
- 829           **17A-2-522**, as last amended by Chapter 39, Laws of Utah 2005
- 830           **17A-2-523**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 831           **17A-2-524**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 832            **17A-2-525**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 833            **17A-2-526**, as last amended by Chapter 10, Laws of Utah 1997
- 834            **17A-2-527**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 835            **17A-2-528**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 836            **17A-2-530**, as last amended by Chapter 90, Laws of Utah 2001
- 837            **17A-2-532**, as last amended by Chapter 254, Laws of Utah 2000
- 838            **17A-2-533**, as last amended by Chapter 254, Laws of Utah 2000
- 839            **17A-2-534**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 840            **17A-2-535**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 841            **17A-2-536**, as last amended by Chapter 254, Laws of Utah 2000
- 842            **17A-2-537**, as last amended by Chapter 254, Laws of Utah 2000
- 843            **17A-2-538**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 844            **17A-2-539**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 845            **17A-2-540**, as last amended by Chapter 254, Laws of Utah 2000
- 846            **17A-2-541**, as last amended by Chapter 254, Laws of Utah 2000
- 847            **17A-2-542**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 848            **17A-2-543**, as last amended by Chapter 83, Laws of Utah 2006
- 849            **17A-2-544**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 850            **17A-2-545**, as last amended by Chapter 254, Laws of Utah 2000
- 851            **17A-2-548**, as last amended by Chapter 254, Laws of Utah 2000
- 852            **17A-2-549**, as last amended by Chapter 254, Laws of Utah 2000
- 853            **17A-2-550**, as last amended by Chapter 254, Laws of Utah 2000
- 854            **17A-2-551**, as last amended by Chapter 254, Laws of Utah 2000
- 855            **17A-2-552**, as last amended by Chapter 254, Laws of Utah 2000
- 856            **17A-2-553**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 857            **17A-2-554**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 858            **17A-2-555**, as last amended by Chapter 254, Laws of Utah 2000
- 859            **17A-2-556**, as last amended by Chapter 9, Laws of Utah 2001
- 860            **17A-2-557**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 861            **17A-2-559**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 862            **17A-2-560**, as last amended by Chapter 254, Laws of Utah 2000

- 863            **17A-2-601**, as last amended by Chapter 368, Laws of Utah 1998
- 864            **17A-2-607**, as last amended by Chapter 368, Laws of Utah 1998
- 865            **17A-2-609**, as last amended by Chapter 254, Laws of Utah 2000
- 866            **17A-2-610**, as last amended by Chapter 254, Laws of Utah 2000
- 867            **17A-2-611**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 868            **17A-2-612**, as repealed and reenacted by Chapter 273, Laws of Utah 1991
- 869            **17A-2-613**, as last amended by Chapter 254, Laws of Utah 2000
- 870            **17A-2-615**, as last amended by Chapter 254, Laws of Utah 2000
- 871            **17A-2-616**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 872            **17A-2-617**, as last amended by Chapter 254, Laws of Utah 2000
- 873            **17A-2-618**, as last amended by Chapter 254, Laws of Utah 2000
- 874            **17A-2-619**, as last amended by Chapter 254, Laws of Utah 2000
- 875            **17A-2-620**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 876            **17A-2-621**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 877            **17A-2-622**, as last amended by Chapter 105, Laws of Utah 2005
- 878            **17A-2-623**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 879            **17A-2-701.1**, as enacted by Chapter 285, Laws of Utah 2002
- 880            **17A-2-701.2**, as enacted by Chapter 285, Laws of Utah 2002
- 881            **17A-2-701.5**, as enacted by Chapter 285, Laws of Utah 2002
- 882            **17A-2-706**, as last amended by Chapter 90, Laws of Utah 2001
- 883            **17A-2-707**, as last amended by Chapter 254, Laws of Utah 2000
- 884            **17A-2-711**, as last amended by Chapter 285, Laws of Utah 2002
- 885            **17A-2-712**, as last amended by Chapter 105, Laws of Utah 2005
- 886            **17A-2-713**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 887            **17A-2-717.5**, as enacted by Chapter 285, Laws of Utah 2002
- 888            **17A-2-718**, as last amended by Chapter 285, Laws of Utah 2002
- 889            **17A-2-719.5**, as enacted by Chapter 285, Laws of Utah 2002
- 890            **17A-2-721**, as last amended by Chapter 285, Laws of Utah 2002
- 891            **17A-2-722**, as last amended by Chapter 285, Laws of Utah 2002
- 892            **17A-2-724**, as last amended by Chapter 285, Laws of Utah 2002
- 893            **17A-2-726**, as last amended by Chapter 285, Laws of Utah 2002

- 894            **17A-2-728**, as last amended by Chapter 254, Laws of Utah 2000
- 895            **17A-2-729**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 896            **17A-2-730**, as last amended by Chapter 90, Laws of Utah 2001
- 897            **17A-2-738**, as last amended by Chapter 90, Laws of Utah 2001
- 898            **17A-2-739**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 899            **17A-2-749**, as last amended by Chapter 90, Laws of Utah 2001
- 900            **17A-2-750**, as last amended by Chapter 254, Laws of Utah 2000
- 901            **17A-2-751**, as last amended by Chapter 90, Laws of Utah 2001
- 902            **17A-2-752**, as last amended by Chapter 90, Laws of Utah 2001
- 903            **17A-2-753**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 904            **17A-2-754**, as last amended by Chapter 285, Laws of Utah 2002
- 905            **17A-2-755**, as last amended by Chapter 285, Laws of Utah 2002
- 906            **17A-2-756**, as last amended by Chapter 285, Laws of Utah 2002
- 907            **17A-2-757**, as last amended by Chapter 254, Laws of Utah 2000
- 908            **17A-2-758**, as last amended by Chapter 90, Laws of Utah 2001
- 909            **17A-2-759**, as last amended by Chapter 90, Laws of Utah 2001
- 910            **17A-2-760**, as last amended by Chapter 254, Laws of Utah 2000
- 911            **17A-2-761**, as last amended by Chapter 285, Laws of Utah 2002
- 912            **17A-2-762**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 913            **17A-2-763**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 914            **17A-2-764**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 915            **17A-2-765**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 916            **17A-2-766**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 917            **17A-2-767**, as last amended by Chapter 254, Laws of Utah 2000
- 918            **17A-2-801**, as last amended by Chapter 90, Laws of Utah 2001
- 919            **17A-2-802**, as last amended by Chapter 254, Laws of Utah 2000
- 920            **17A-2-803**, as last amended by Chapter 90, Laws of Utah 2001
- 921            **17A-2-810**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 922            **17A-2-818**, as last amended by Chapter 39, Laws of Utah 2005
- 923            **17A-2-819**, as last amended by Chapter 70, Laws of Utah 2001
- 924            **17A-2-820**, as last amended by Chapter 254, Laws of Utah 2000

- 925           **17A-2-821**, as last amended by Chapter 105, Laws of Utah 2005
- 926           **17A-2-823**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 927           **17A-2-824**, as last amended by Chapter 105, Laws of Utah 2005
- 928           **17A-2-826**, as last amended by Chapter 105, Laws of Utah 2005
- 929           **17A-2-827**, as last amended by Chapter 254, Laws of Utah 2000
- 930           **17A-2-828**, as last amended by Chapter 254, Laws of Utah 2000
- 931           **17A-2-829**, as last amended by Chapter 254, Laws of Utah 2000
- 932           **17A-2-830**, as last amended by Chapter 254, Laws of Utah 2000
- 933           **17A-2-831**, as last amended by Chapter 254, Laws of Utah 2000
- 934           **17A-2-833**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 935           **17A-2-834**, as last amended by Chapter 254, Laws of Utah 2000
- 936           **17A-2-835**, as last amended by Chapter 254, Laws of Utah 2000
- 937           **17A-2-836**, as last amended by Chapter 254, Laws of Utah 2000
- 938           **17A-2-837**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 939           **17A-2-838**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 940           **17A-2-839**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 941           **17A-2-840**, as last amended by Chapter 254, Laws of Utah 2000
- 942           **17A-2-843**, as last amended by Chapter 254, Laws of Utah 2000
- 943           **17A-2-845**, as last amended by Chapter 254, Laws of Utah 2000
- 944           **17A-2-846**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 945           **17A-2-847**, as last amended by Chapter 254, Laws of Utah 2000
- 946           **17A-2-848**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 947           **17A-2-849**, as last amended by Chapter 254, Laws of Utah 2000
- 948           **17A-2-850**, as last amended by Chapter 254, Laws of Utah 2000
- 949           **17A-2-851**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 950           **17A-2-901**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 951           **17A-2-906**, as last amended by Chapter 368, Laws of Utah 1998
- 952           **17A-2-907**, as last amended by Chapter 254, Laws of Utah 2000
- 953           **17A-2-908**, as last amended by Chapter 83, Laws of Utah 2006
- 954           **17A-2-909**, as last amended by Chapter 227, Laws of Utah 1993
- 955           **17A-2-911**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 956            **17A-2-914**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 957            **17A-2-1001**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 958            **17A-2-1002**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 959            **17A-2-1003**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 960            **17A-2-1004**, as last amended by Chapters 151 and 217, Laws of Utah 1998
- 961            **17A-2-1016**, as last amended by Chapter 136, Laws of Utah 2005
- 962            **17A-2-1017**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 963            **17A-2-1018**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 964            **17A-2-1019**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 965            **17A-2-1020**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 966            **17A-2-1021**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 967            **17A-2-1022**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 968            **17A-2-1023**, as last amended by Chapter 1, Laws of Utah 2000
- 969            **17A-2-1024**, as last amended by Chapter 1, Laws of Utah 2000
- 970            **17A-2-1025**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 971            **17A-2-1026**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 972            **17A-2-1027**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 973            **17A-2-1028**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 974            **17A-2-1029**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 975            **17A-2-1030**, as last amended by Chapter 1, Laws of Utah 2000
- 976            **17A-2-1031**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 977            **17A-2-1032**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 978            **17A-2-1033**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 979            **17A-2-1034**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 980            **17A-2-1035**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 981            **17A-2-1036**, as last amended by Chapter 285, Laws of Utah 1992
- 982            **17A-2-1037**, as last amended by Chapter 105, Laws of Utah 2005
- 983            **17A-2-1039**, as last amended by Chapter 336, Laws of Utah 2004
- 984            **17A-2-1040**, as last amended by Chapter 254, Laws of Utah 2000
- 985            **17A-2-1041**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 986            **17A-2-1042**, as renumbered and amended by Chapter 186, Laws of Utah 1990



- 987            **17A-2-1043**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 988            **17A-2-1044**, as last amended by Chapter 254, Laws of Utah 2000
- 989            **17A-2-1045**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 990            **17A-2-1046**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 991            **17A-2-1047**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 992            **17A-2-1048**, as last amended by Chapter 90, Laws of Utah 2001
- 993            **17A-2-1051**, as last amended by Chapter 71, Laws of Utah 2005
- 994            **17A-2-1052**, as last amended by Chapter 254, Laws of Utah 2000
- 995            **17A-2-1053**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 996            **17A-2-1054**, as last amended by Chapter 254, Laws of Utah 2000
- 997            **17A-2-1055**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 998            **17A-2-1056**, as last amended by Chapter 102, Laws of Utah 2005
- 999            **17A-2-1057**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1000           **17A-2-1058**, as last amended by Chapter 105, Laws of Utah 2005
- 1001           **17A-2-1059**, as last amended by Chapter 133, Laws of Utah 2000
- 1002           **17A-2-1060**, as enacted by Chapter 131, Laws of Utah 1997
- 1003           **17A-2-1401**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1004           **17A-2-1402**, as last amended by Chapter 254, Laws of Utah 2000
- 1005           **17A-2-1412**, as last amended by Chapter 254, Laws of Utah 2000
- 1006           **17A-2-1413**, as last amended by Chapter 9, Laws of Utah 2001
- 1007           **17A-2-1414**, as last amended by Chapter 105, Laws of Utah 2005
- 1008           **17A-2-1415**, as last amended by Chapter 234, Laws of Utah 1991
- 1009           **17A-2-1416**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1010           **17A-2-1417**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1011           **17A-2-1418**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1012           **17A-2-1419**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1013           **17A-2-1420**, as last amended by Chapter 90, Laws of Utah 2001
- 1014           **17A-2-1421**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1015           **17A-2-1422**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1016           **17A-2-1423**, as last amended by Chapter 159, Laws of Utah 2006
- 1017           **17A-2-1424**, as last amended by Chapter 227, Laws of Utah 1993

- 1018        **17A-2-1425**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 1019        **17A-2-1426**, as last amended by Chapter 5, Laws of Utah 1991
- 1020        **17A-2-1427**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1021        **17A-2-1428**, as last amended by Chapter 261, Laws of Utah 1996
- 1022        **17A-2-1429**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1023        **17A-2-1430**, as last amended by Chapter 227, Laws of Utah 1993
- 1024        **17A-2-1431**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1025        **17A-2-1432**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1026        **17A-2-1433**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1027        **17A-2-1434**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1028        **17A-2-1435**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1029        **17A-2-1436**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1030        **17A-2-1439**, as last amended by Chapter 105, Laws of Utah 2005
- 1031        **17A-2-1440**, as last amended by Chapter 105, Laws of Utah 2005
- 1032        **17A-2-1441**, as last amended by Chapter 261, Laws of Utah 1996
- 1033        **17A-2-1442**, as last amended by Chapter 254, Laws of Utah 2000
- 1034        **17A-2-1443**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1035        **17A-2-1444**, as last amended by Chapter 1, Laws of Utah 2000
- 1036        **17A-2-1445**, as last amended by Chapter 5, Laws of Utah 1991
- 1037        **17A-2-1446**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1038        **17A-2-1447**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1039        **17A-2-1448**, as last amended by Chapter 9, Laws of Utah 2001
- 1040        **17A-2-1449**, as last amended by Chapter 9, Laws of Utah 2001
- 1041        **17A-2-1801**, as enacted by Chapter 216, Laws of Utah 1995
- 1042        **17A-2-1802**, as last amended by Chapter 19, Laws of Utah 1998
- 1043        **17A-2-1803**, as last amended by Chapter 1, Laws of Utah 2000
- 1044        **17A-2-1804**, as enacted by Chapter 216, Laws of Utah 1995
- 1045        **17A-2-1805**, as last amended by Chapter 1, Laws of Utah 2000
- 1046        **17A-2-1806**, as enacted by Chapter 216, Laws of Utah 1995
- 1047        **17A-2-1807**, as enacted by Chapter 216, Laws of Utah 1995
- 1048        **17A-2-1808**, as last amended by Chapter 254, Laws of Utah 2000

- 1049           **17A-2-1821**, as last amended by Chapter 90, Laws of Utah 2001
- 1050           **17A-2-1822**, as enacted by Chapter 216, Laws of Utah 1995
- 1051           **17A-2-1823**, as last amended by Chapter 105, Laws of Utah 2005
- 1052           **17A-2-1824**, as enacted by Chapter 216, Laws of Utah 1995
- 1053           **17A-2-1826**, as enacted by Chapter 216, Laws of Utah 1995
- 1054           **17A-2-1828**, as last amended by Chapter 83, Laws of Utah 2006
- 1055           **17A-2-1829**, as enacted by Chapter 216, Laws of Utah 1995
- 1056           **17A-2-1830**, as last amended by Chapter 267, Laws of Utah 2004
- 1057           **17A-2-1831**, as enacted by Chapter 216, Laws of Utah 1995
- 1058           **17A-2-1832**, as enacted by Chapter 216, Laws of Utah 1995
- 1059           **17A-3-201**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1060           **17A-3-202**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1061           **17A-3-203**, as last amended by Chapter 227, Laws of Utah 1993
- 1062           **17A-3-204**, as last amended by Chapters 12 and 146, Laws of Utah 1994
- 1063           **17A-3-205**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1064           214, Laws of Utah 1990
- 1065           **17A-3-206**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1066           **17A-3-207**, as last amended by Chapter 181, Laws of Utah 1991
- 1067           **17A-3-208**, as last amended by Chapter 259, Laws of Utah 2003
- 1068           **17A-3-209**, as last amended by Chapter 1, Laws of Utah 2000
- 1069           **17A-3-210**, as last amended by Chapter 92, Laws of Utah 2002
- 1070           **17A-3-211**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1071           **17A-3-212**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1072           **17A-3-213**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1073           **17A-3-214**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1074           **17A-3-215**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1075           **17A-3-216**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1076           **17A-3-217**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1077           **17A-3-218**, as last amended by Chapter 133, Laws of Utah 2000
- 1078           **17A-3-219**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1079           **17A-3-220**, as last amended by Chapter 92, Laws of Utah 2002

- 1080           **17A-3-221**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1081           **17A-3-222**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1082 214, Laws of Utah 1990
- 1083           **17A-3-223**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1084           **17A-3-224**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1085           **17A-3-225**, as last amended by Chapter 181, Laws of Utah 1995
- 1086           **17A-3-226**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1087           **17A-3-227**, as last amended by Chapter 92, Laws of Utah 2002
- 1088           **17A-3-228**, as last amended by Chapter 92, Laws of Utah 2002
- 1089           **17A-3-229**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1090           **17A-3-230**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1091 214, Laws of Utah 1990
- 1092           **17A-3-231**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1093           **17A-3-232**, as last amended by Chapter 285, Laws of Utah 1992
- 1094           **17A-3-233**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1095 214, Laws of Utah 1990
- 1096           **17A-3-234**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1097           **17A-3-235**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1098 214, Laws of Utah 1990
- 1099           **17A-3-236**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1100           **17A-3-237**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1101 214, Laws of Utah 1990
- 1102           **17A-3-238**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1103 214, Laws of Utah 1990
- 1104           **17A-3-239**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1105           **17A-3-240**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1106           **17A-3-241**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1107           **17A-3-242**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1108           **17A-3-243**, as last amended by Chapter 30, Laws of Utah 1992
- 1109           **17A-3-244**, as renumbered and amended by Chapter 90, Laws of Utah 2001
- 1110           **17A-3-301**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 1111           **17A-3-302**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1112           **17A-3-303**, as last amended by Chapter 1, Laws of Utah 2000
- 1113           **17A-3-304**, as last amended by Chapter 261, Laws of Utah 2003
- 1114           **17A-3-305**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1115 214, Laws of Utah 1990
- 1116           **17A-3-306**, as last amended by Chapter 292, Laws of Utah 2003
- 1117           **17A-3-307**, as last amended by Chapter 211, Laws of Utah 2003
- 1118           **17A-3-308**, as last amended by Chapter 86, Laws of Utah 2000
- 1119           **17A-3-309**, as last amended by Chapter 365, Laws of Utah 1999
- 1120           **17A-3-310**, as last amended by Chapter 92, Laws of Utah 2002
- 1121           **17A-3-311**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1122           **17A-3-312**, as last amended by Chapter 47, Laws of Utah 1991
- 1123           **17A-3-313**, as last amended by Chapter 47, Laws of Utah 1991
- 1124           **17A-3-314**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1125           **17A-3-315**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1126           **17A-3-316**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1127 214, Laws of Utah 1990
- 1128           **17A-3-317**, as last amended by Chapter 292, Laws of Utah 2003
- 1129           **17A-3-318**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1130 214, Laws of Utah 1990
- 1131           **17A-3-319**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1132           **17A-3-320**, as last amended by Chapter 92, Laws of Utah 2002
- 1133           **17A-3-321**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1134           **17A-3-322**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1135 214, Laws of Utah 1990
- 1136           **17A-3-323**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1137           **17A-3-324**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1138           **17A-3-325**, as last amended by Chapter 181, Laws of Utah 1995
- 1139           **17A-3-326**, as last amended by Chapter 285, Laws of Utah 1992
- 1140           **17A-3-327**, as last amended by Chapter 285, Laws of Utah 1992
- 1141           **17A-3-328**, as last amended by Chapter 92, Laws of Utah 2002

- 1142            **17A-3-329**, as last amended by Chapter 92, Laws of Utah 2002
- 1143            **17A-3-330**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1144            **17A-3-331**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1145 214, Laws of Utah 1990
- 1146            **17A-3-332**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1147            **17A-3-333**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1148 214, Laws of Utah 1990
- 1149            **17A-3-334**, as last amended by Chapter 285, Laws of Utah 1992
- 1150            **17A-3-335**, as last amended by Chapter 285, Laws of Utah 1992
- 1151            **17A-3-336**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1152            **17A-3-337**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1153 214, Laws of Utah 1990
- 1154            **17A-3-338**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1155            **17A-3-339**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1156 214, Laws of Utah 1990
- 1157            **17A-3-340**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1158 214, Laws of Utah 1990
- 1159            **17A-3-341**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1160            **17A-3-342**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1161            **17A-3-344**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1162            **17A-3-345**, as enacted by Chapter 214, Laws of Utah 1990
- 1163            **17B-2-217**, as last amended by Chapter 44, Laws of Utah 2005
- 1164            **17B-2-804**, as enacted by Chapter 316, Laws of Utah 2004
- 1165            **17B-2-805**, as enacted by Chapter 316, Laws of Utah 2004
- 1166            **54-3-25**, as enacted by Chapter 123, Laws of Utah 1990

1167 **Uncodified Material Affected:**

1168 ENACTS UNCODIFIED MATERIAL

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1170 *Be it enacted by the Legislature of the state of Utah:*

1171            Section 1. Section **8-5-5** is amended to read:

1172            **8-5-5. Proceeds of resale of lots.**

1173           The proceeds from the subsequent resale of any lot or parcel, title to which has been  
1174           revested in the municipality or cemetery maintenance district under Section 8-5-2 or 8-5-6, less  
1175           the costs and expenses incurred in the proceeding, shall become part of the permanent care and  
1176           improvement fund of the municipality or cemetery maintenance district, subject to subsequent  
1177           disposition under Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10,  
1178           Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or Title [~~17A~~] 17B, Chapter 1, Part  
1179           [~~4, Uniform~~] 6, Fiscal Procedures for [~~Special~~] Local Districts [~~Act~~].

1180           Section 2. Section **10-1-117** is amended to read:

1181           **10-1-117. Amending articles of incorporation -- Lieutenant governor certification**  
1182           **-- Effective date.**

1183           (1) A municipality may amend its articles of incorporation by filing amended articles  
1184           with the lieutenant governor.

1185           (2) The lieutenant governor may not certify amended articles of incorporation unless  
1186           they have been:

1187           (a) approved by the municipal legislative body; and

1188           (b) signed and verified by the mayor of the municipality.

1189           (3) (a) Within ten days after receiving amended articles of incorporation that comply  
1190           with Subsection (2), the lieutenant governor shall:

1191           (i) certify the amended articles; and

1192           (ii) deliver a copy of the certified articles to:

1193           (A) the legislative body of the municipality; and

1194           (B) the clerk of the county in which the municipality is located.

1195           (b) If the lieutenant governor receives amended articles of incorporation reflecting a  
1196           municipal annexation or boundary adjustment under Chapter 2, Part 4, Annexation, that also  
1197           causes an automatic annexation to a local district under Section [~~17B-2-515.5~~] 17B-1-416 or an  
1198           automatic withdrawal from a local district under Subsection [~~17B-2-601~~] 17B-1-502(2):

1199           (i) the lieutenant governor may not certify the municipality's amended articles or issue  
1200           to the local district a certificate of annexation or withdrawal relating to the automatic  
1201           annexation or withdrawal until the lieutenant governor receives both the municipality's  
1202           amended articles of incorporation under Subsection 10-2-425(1)(b) and the local district's  
1203           notice of annexation under Subsection [~~17B-2-514~~] 17B-1-414(2)(b) or notice of withdrawal

1204 under Subsection [~~17B-2-610~~] 17B-1-512(1)(b);

1205 (ii) within ten days after receiving both the municipality's amended articles of

1206 incorporation and the local district's notice of annexation or withdrawal, the lieutenant

1207 governor shall:

1208 (A) simultaneously:

1209 (I) certify the amended articles; and

1210 (II) issue a certificate of annexation or withdrawal, as the case may be;

1211 (B) send a copy of the certified amended articles to the legislative body of the

1212 municipality;

1213 (C) send a certificate of annexation or withdrawal to the local district; and

1214 (D) send a copy of the certified amended articles and certificate of annexation or

1215 withdrawal to:

1216 (I) the State Tax Commission;

1217 (II) the Automated Geographic Reference Center created under Section 63F-1-506;

1218 (III) the state auditor; and

1219 (IV) the attorney, auditor, surveyor, and recorder of each county in which any part of

1220 the area included in the municipal annexation is located.

1221 (4) Upon certification by the lieutenant governor, the amended articles shall take effect.

1222 (5) The lieutenant governor:

1223 (a) shall furnish a certified copy of the amended articles of incorporation to any person

1224 who requests a certified copy; and

1225 (b) may charge a reasonable fee for the certified copy.

1226 Section 3. Section **10-2-101** is amended to read:

1227 **10-2-101. Definitions.**

1228 (1) As used in this part:

1229 (a) "Commission" means a boundary commission established under Section 10-2-409

1230 for the county in which the property that is proposed to be incorporated is located.

1231 (b) "Feasibility consultant" means a person or firm with expertise in the processes and

1232 economics of local government.

1233 (c) "Private," with respect to real property, means not owned by the United States or

1234 any agency of the federal government, the state, a county, a municipality, a school district, a



1235 [~~special~~] local district under Title [~~17A, Special Districts,~~] 17B, Limited Purpose Local  
1236 Government Entities - Local Districts, a special service district under Title 17A, Chapter 2,  
1237 Part 13, Utah Special Service District Act, or any other political subdivision or governmental  
1238 entity of the state.

1239 (2) For purposes of this part:

1240 (a) the owner of real property shall be the record title owner according to the records of  
1241 the county recorder on the date of the filing of the request or petition; and

1242 (b) the value of private real property shall be determined according to the last  
1243 assessment roll for county taxes before the filing of the request or petition.

1244 (3) For purposes of each provision of this part that requires the owners of private real  
1245 property covering a percentage or fraction of the total private land area within an area to sign a  
1246 request or petition:

1247 (a) a parcel of real property may not be included in the calculation of the required  
1248 percentage or fraction unless the request or petition is signed by:

1249 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1250 ownership interest in that parcel; or

1251 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1252 of owners of that parcel;

1253 (b) the signature of a person signing a request or petition in a representative capacity on  
1254 behalf of an owner is invalid unless:

1255 (i) the person's representative capacity and the name of the owner the person represents  
1256 are indicated on the request or petition with the person's signature; and

1257 (ii) the person provides documentation accompanying the request or petition that  
1258 substantiates the person's representative capacity; and

1259 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1260 request or petition on behalf of a deceased owner.

1261 Section 4. Section **10-2-106** is amended to read:

1262 **10-2-106. Feasibility study -- Feasibility study consultant.**

1263 (1) Within 60 days of receipt of a certified request under Subsection 10-2-105(1)(b)(i),  
1264 the county legislative body shall engage the feasibility consultant chosen under Subsection (2)  
1265 to conduct a feasibility study.

- 1266 (2) The feasibility consultant shall be chosen by a majority vote of a selection  
1267 committee consisting of:
- 1268 (a) a person designated by the county legislative body;
  - 1269 (b) a person designated by the sponsors of the request for a feasibility study; and
  - 1270 (c) a person designated by the governor.
- 1271 (3) The county legislative body shall require the feasibility consultant to:
- 1272 (a) complete the feasibility study and submit the written results to the county legislative  
1273 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to  
1274 conduct the study;
  - 1275 (b) submit with the full written results of the feasibility study a summary of the results  
1276 no longer than one page in length; and
  - 1277 (c) attend the public hearings under Subsection 10-2-108(1) and present the feasibility  
1278 study results and respond to questions from the public at those hearings.
- 1279 (4) (a) The feasibility study shall consider:
- 1280 (i) the population and population density within the area proposed for incorporation  
1281 and the surrounding area;
  - 1282 (ii) the history, geography, geology, and topography of and natural boundaries within  
1283 the area proposed to be incorporated and the surrounding area;
  - 1284 (iii) whether the proposed boundaries eliminate or create an unincorporated island or  
1285 peninsula;
  - 1286 (iv) whether the proposed incorporation will hinder or prevent a future and more  
1287 logical and beneficial incorporation or a future logical and beneficial annexation;
  - 1288 (v) the fiscal impact on unincorporated areas, other municipalities, [~~special~~] local  
1289 districts, special service districts, and other governmental entities in the county;
  - 1290 (vi) current and five-year projections of demographics and economic base in the  
1291 proposed city and surrounding area, including household size and income, commercial and  
1292 industrial development, and public facilities;
  - 1293 (vii) projected growth in the proposed city and in adjacent areas during the next five  
1294 years;
  - 1295 (viii) subject to Subsection (4)(c), the present and five-year projections of the cost,  
1296 including overhead, of governmental services in the proposed city;

- 1297 (ix) the present and five-year projected revenue for the proposed city;
- 1298 (x) the projected impact the incorporation will have over the following five years on
- 1299 the amount of taxes that property owners within the proposed city and in the remaining
- 1300 unincorporated county will pay;
- 1301 (xi) past expansion in terms of population and construction in the proposed city and the
- 1302 surrounding area;
- 1303 (xii) the extension of the boundaries of other nearby municipalities during the past ten
- 1304 years, the willingness of those municipalities to annex the area proposed for incorporation, and
- 1305 the probability that those municipalities would annex territory within the area proposed for
- 1306 incorporation within the next five years except for the incorporation; and
- 1307 (xiii) whether the legislative body of the county in which the area proposed to be
- 1308 incorporated favors the incorporation proposal.
- 1309 (b) For purposes of Subsection (4)(a)(ix), the feasibility consultant shall assume ad
- 1310 valorem property tax rates on residential property within the proposed city at the same level at
- 1311 which they would have been without the incorporation.
- 1312 (c) For purposes of Subsection (4)(a)(viii):
- 1313 (i) the feasibility consultant shall assume a level and quality of governmental services
- 1314 to be provided to the proposed city in the future that fairly and reasonably approximate the
- 1315 level and quality of governmental services being provided to the proposed city at the time of
- 1316 the feasibility study;
- 1317 (ii) in determining the present cost of a governmental service, the feasibility consultant
- 1318 shall consider:
- 1319 (A) the amount it would cost the proposed city itself to provide the service after
- 1320 incorporation;
- 1321 (B) if the county is currently providing the service to the proposed city, the county's
- 1322 cost of providing the service; and
- 1323 (C) if the county is not currently providing the service to the proposed city, the amount
- 1324 the proposed city can reasonably expect to pay for the service under a contract for the service;
- 1325 and
- 1326 (iii) the five-year projected cost of a governmental service shall be based on the
- 1327 amount calculated under Subsection (4)(c)(ii), taking into account inflation and anticipated

1328 growth.

1329 (5) If the results of the feasibility study or revised feasibility study do not meet the  
1330 requirements of Subsection 10-2-109(3), the feasibility consultant shall, as part of the  
1331 feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1332 make recommendations as to how the boundaries of the proposed city may be altered so that  
1333 the requirements of Subsection 10-2-109(3) may be met.

1334 (6) (a) For purposes of this Subsection (6), "pending" means that the process to  
1335 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1336 study under Section 10-2-103 but that, as of the date this Subsection (6) becomes effective, a  
1337 petition under Section 10-2-109 has not yet been filed.

1338 (b) The amendments to Subsection (4) that become effective upon the effective date of  
1339 this Subsection (6):

1340 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1341 area; and

1342 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1343 petition under Section 10-2-109 has been filed.

1344 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of the  
1345 effective date of this Subsection (6), already completed the feasibility study, the county  
1346 legislative body shall, within 20 days after the effective date of this Subsection (6) and except  
1347 as provided in Subsection (6)(c)(iii), engage the feasibility consultant to revise the feasibility  
1348 study to take into account the amendments to Subsection (4) that became effective on the  
1349 effective date of this Subsection (6).

1350 (ii) Except as provided in Subsection (6)(c)(iii), the county legislative body shall  
1351 require the feasibility consultant to complete the revised feasibility study under Subsection  
1352 (6)(c)(i) within 20 days after being engaged to do so.

1353 (iii) Notwithstanding Subsections (6)(c)(i) and (ii), a county legislative body is not  
1354 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1355 after the effective date of this Subsection (6), the request sponsors file with the county clerk a  
1356 written withdrawal of the request signed by all the request sponsors.

1357 (d) All provisions of this part that set forth the incorporation process following the  
1358 completion of a feasibility study shall apply with equal force following the completion of a

1359 revised feasibility study under this Subsection (6), except that, if a petition under Section  
1360 10-2-109 has already been filed based on the feasibility study that is revised under this  
1361 Subsection (6):

1362 (i) the notice required by Section 10-2-108 for the revised feasibility study shall  
1363 include a statement informing signers of the petition of their right to withdraw their signatures  
1364 from the petition and of the process and deadline for withdrawing a signature from the petition;

1365 (ii) a signer of the petition may withdraw the signer's signature by filing with the  
1366 county clerk a written withdrawal within 30 days after the final notice under Subsection  
1367 10-2-108(2) has been given with respect to the revised feasibility study; and

1368 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
1369 signature requirements under Subsection 10-2-109(2)(a) for a petition based on the revised  
1370 feasibility study.

1371 Section 5. Section **10-2-401** is amended to read:

1372 **10-2-401. Definitions -- Property owner provisions.**

1373 (1) As used in this part:

1374 (a) "Affected entity" means:

1375 (i) a county in whose unincorporated area the area proposed for annexation is located;

1376 (ii) ~~[an independent special]~~ a local district under Title ~~[17A, Chapter 2, Independent~~  
1377 Special Districts] 17B, Limited Purpose Local Government Entities - Local Districts, or special  
1378 service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, whose  
1379 boundaries include any part of an area proposed for annexation;

1380 (iii) a school district whose boundaries include any part of an area proposed for  
1381 annexation; and

1382 (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for  
1383 annexation.

1384 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the  
1385 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the  
1386 municipality.

1387 (c) "Commission" means a boundary commission established under Section 10-2-409  
1388 for the county in which the property that is proposed for annexation is located.

1389 (d) "Expansion area" means the unincorporated area that is identified in an annexation

1390 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in  
1391 the future.

1392 (e) "Feasibility consultant" means a person or firm with expertise in the processes and  
1393 economics of local government.

1394 (f) "Municipal selection committee" means a committee in each county composed of  
1395 the mayor of each municipality within that county.

1396 (g) "Private," with respect to real property, means not owned by the United States or  
1397 any agency of the federal government, the state, a county, a municipality, a school district, a  
1398 [~~special~~] local district under Title [~~17A, Special Districts;~~] 17B, Limited Purpose Local  
1399 Government Entities - Local Districts, a special service district under Title 17A, Chapter 2,  
1400 Part 13, Utah Special Service District Act, or any other political subdivision or governmental  
1401 entity of the state.

1402 (h) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

1403 (i) "Urban development" means:

1404 (i) a housing development with more than 15 residential units and an average density  
1405 greater than one residential unit per acre; or

1406 (ii) a commercial or industrial development for which cost projections exceed  
1407 \$750,000 for all phases.

1408 (2) For purposes of this part:

1409 (a) the owner of real property shall be the record title owner according to the records of  
1410 the county recorder on the date of the filing of the petition or protest; and

1411 (b) the value of private real property shall be determined according to the last  
1412 assessment roll for county taxes before the filing of the petition or protest.

1413 (3) For purposes of each provision of this part that requires the owners of private real  
1414 property covering a percentage or majority of the total private land area within an area to sign a  
1415 petition or protest:

1416 (a) a parcel of real property may not be included in the calculation of the required  
1417 percentage or majority unless the petition or protest is signed by:

1418 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1419 ownership interest in that parcel; or

1420 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number

1421 of owners of that parcel;

1422 (b) the signature of a person signing a petition or protest in a representative capacity on  
1423 behalf of an owner is invalid unless:

1424 (i) the person's representative capacity and the name of the owner the person represents  
1425 are indicated on the petition or protest with the person's signature; and

1426 (ii) the person provides documentation accompanying the petition or protest that  
1427 substantiates the person's representative capacity; and

1428 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1429 petition or protest on behalf of a deceased owner.

1430 Section 6. Section **10-2-403** is amended to read:

1431 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

1432 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated  
1433 area to a municipality is initiated by a petition as provided in this section.

1434 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed  
1435 annexation of an area located in a county of the first class, the person or persons intending to  
1436 file a petition shall:

1437 (A) file with the city recorder or town clerk of the proposed annexing municipality a  
1438 notice of intent to file a petition; and

1439 (B) send a copy of the notice of intent to each affected entity.

1440 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the  
1441 area that is proposed to be annexed.

1442 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be  
1443 annexed is located shall:

1444 (A) mail the notice described in Subsection (2)(b)(iii) to:

1445 (I) each owner of real property located within the area proposed to be annexed; and

1446 (II) each owner of real property located within 300 feet of the area proposed to be  
1447 annexed; and

1448 (B) send to the proposed annexing municipality a copy of the notice and a certificate  
1449 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

1450 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20  
1451 days after receiving from the person or persons who filed the notice of intent:

1452 (A) a written request to mail the required notice; and  
1453 (B) payment of an amount equal to the county's expected actual cost of mailing the  
1454 notice.

1455 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

1456 (A) be in writing;

1457 (B) state, in bold and conspicuous terms, substantially the following:

1458 "Attention: Your property may be affected by a proposed annexation.

1459 Records show that you own property within an area that is intended to be included in a  
1460 proposed annexation to (state the name of the proposed annexing municipality) or that is within  
1461 300 feet of that area. If your property is within the area proposed for annexation, you may be  
1462 asked to sign a petition supporting the annexation. You may choose whether or not to sign the  
1463 petition. By signing the petition, you indicate your support of the proposed annexation. If you  
1464 sign the petition but later change your mind about supporting the annexation, you may  
1465 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
1466 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
1467 of the proposed annexing municipality) receives notice that the petition has been certified.

1468 There will be no public election on the proposed annexation because Utah law does not  
1469 provide for an annexation to be approved by voters at a public election. Signing or not signing  
1470 the annexation petition is the method under Utah law for the owners of property within the area  
1471 proposed for annexation to demonstrate their support of or opposition to the proposed  
1472 annexation.

1473 Under Utah law, the elected officials of (state the name of the proposed annexing  
1474 municipality) may have no choice but to grant the annexation petition if the county's property  
1475 tax rate for municipal services in the area proposed to be annexed is higher than the property  
1476 tax rate of (state the name of the proposed annexing municipality) and if other statutory  
1477 conditions are met.

1478 You may obtain more information on the proposed annexation by contacting (state the  
1479 name, mailing address, telephone number, and email address of the official or employee of the  
1480 proposed annexing municipality designated to respond to questions about the proposed  
1481 annexation), (state the name, mailing address, telephone number, and email address of the  
1482 county official or employee designated to respond to questions about the proposed annexation),



1483 or (state the name, mailing address, telephone number, and email address of the person who  
1484 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the  
1485 notice of intent, one of those persons). Once filed, the annexation petition will be available for  
1486 inspection and copying at the office of (state the name of the proposed annexing municipality)  
1487 located at (state the address of the municipal offices of the proposed annexing municipality).";  
1488 and

1489 (C) be accompanied by an accurate map identifying the area proposed for annexation.

1490 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any  
1491 other information or materials related or unrelated to the proposed annexation.

1492 (c) (i) After receiving the certificate from the county as provided in Subsection  
1493 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons  
1494 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for  
1495 the annexation proposed in the notice of intent.

1496 (ii) An annexation petition provided by the proposed annexing municipality may be  
1497 duplicated for circulation for signatures.

1498 (3) Each petition under Subsection (1) shall:

1499 (a) (i) be filed with the city recorder or town clerk, as the case may be, of the proposed  
1500 annexing municipality;

1501 (ii) when filed and if applicable, be accompanied by a written statement, signed by the  
1502 petition sponsors, certifying that signatures on a petition that does not comply with the  
1503 requirements of Subsection (3)(d) were gathered before the effective date of that Subsection;

1504 (b) contain the signatures of:

1505 (i) the owners of private real property that:

1506 (A) is located within the area proposed for annexation;

1507 (B) (I) subject to Subsection (3)(b)(i)(B)(II), covers a majority of the private land area  
1508 within the area proposed for annexation; and

1509 (II) covers 100% of the private land area within the area proposed for annexation, if the  
1510 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture  
1511 Protection Area; and

1512 (C) is equal in value to at least 1/3 of the value of all private real property within the  
1513 area proposed for annexation; or

1514 (ii) if all the real property within the area proposed for annexation is owned by a public  
1515 entity other than the federal government, the owner of all the publicly owned real property;

1516 (c) be accompanied by:

1517 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area  
1518 proposed for annexation; and

1519 (ii) a copy of the notice sent to affected entities as required under Subsection  
1520 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

1521 (d) if the area proposed to be annexed is located in a county of the first class, contain  
1522 on each signature page a notice in bold and conspicuous terms that states substantially the  
1523 following:

1524 "Notice:

1525 • Under Utah law, the elected officials of (state the name of the proposed annexing  
1526 municipality) may have no choice but to grant this annexation petition if the county's property  
1527 tax rate for municipal services in the area proposed to be annexed is higher than the property  
1528 tax rate of (state the name of the proposed annexing municipality) and if other statutory  
1529 conditions are met.

1530 • There will be no public election on the annexation proposed by this petition because  
1531 Utah law does not provide for an annexation to be approved by voters at a public election.

1532 • If you sign this petition and later decide that you do not support the petition, you may  
1533 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
1534 of (state the name of the proposed annexing municipality). If you choose to withdraw your  
1535 signature, you must do so no later than 30 days after (state the name of the proposed annexing  
1536 municipality) receives notice that the petition has been certified.";

1537 (e) if the petition proposes the annexation of an area located in a county that is not the  
1538 county in which the proposed annexing municipality is located, be accompanied by a copy of  
1539 the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in  
1540 which the area is located; and

1541 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be  
1542 designated as the contact sponsor, and indicate the mailing address of each sponsor.

1543 (4) A petition under Subsection (1) may not propose the annexation of all or part of an  
1544 area proposed for annexation to a municipality in a previously filed petition that has not been

1545 denied, rejected, or granted.

1546 (5) A petition under Subsection (1) proposing the annexation of an area located in a  
1547 county of the first class may not propose the annexation of an area that includes some or all of  
1548 an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103  
1549 or a petition under Section 10-2-125 if:

1550 (a) the request or petition was filed before the filing of the annexation petition; and

1551 (b) the request, a petition under Section 10-2-109 based on that request, or a petition  
1552 under Section 10-2-125 is still pending on the date the annexation petition is filed.

1553 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall  
1554 be drawn:

1555 (a) along the boundaries of existing [~~special~~] local districts and special service districts  
1556 for sewer, water, and other services, along the boundaries of school districts whose boundaries  
1557 follow city boundaries or school districts adjacent to school districts whose boundaries follow  
1558 city boundaries, and along the boundaries of other taxing entities;

1559 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type  
1560 services;

1561 (c) to facilitate the consolidation of overlapping functions of local government;

1562 (d) to promote the efficient delivery of services; and

1563 (e) to encourage the equitable distribution of community resources and obligations.

1564 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the  
1565 petition to:

1566 (a) the clerk of the county in which the area proposed for annexation is located; and

1567 (b) the chair of the planning commission of each township in which any part of the area  
1568 proposed for annexation is located.

1569 (8) A property owner who signs an annexation petition proposing to annex an area  
1570 located in a county of the first class may withdraw the owner's signature by filing a written  
1571 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30  
1572 days after the municipal legislative body's receipt of the notice of certification under  
1573 Subsection 10-2-405(2)(c)(i).

1574 Section 7. Section **10-2-406** is amended to read:

1575 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

1576 (1) After receipt of the notice of certification from the city recorder or town clerk under  
1577 Subsection 10-2-405(2) (c)(i), the municipal legislative body shall:

1578 (a) (i) publish a notice at least once a week for three successive weeks, beginning no  
1579 later than ten days after receipt of the notice of certification, in a newspaper of general  
1580 circulation within:

1581 (A) the area proposed for annexation; and

1582 (B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

1583 (ii) if there is no newspaper of general circulation within those areas, post written  
1584 notices in conspicuous places within those areas that are most likely to give notice to residents  
1585 within those areas; and

1586 (b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)  
1587 (c)(i), mail written notice to each affected entity.

1588 (2) (a) The notice under Subsections (1)(a) and (b) shall:

1589 (i) state that a petition has been filed with the municipality proposing the annexation of  
1590 an area to the municipality;

1591 (ii) state the date of the municipal legislative body's receipt of the notice of certification  
1592 under Subsection 10-2-405(2) (c)(i);

1593 (iii) describe the area proposed for annexation in the annexation petition;

1594 (iv) state that the complete annexation petition is available for inspection and copying  
1595 at the office of the city recorder or town clerk;

1596 (v) state in conspicuous and plain terms that the municipality may grant the petition  
1597 and annex the area described in the petition unless, within the time required under Subsection  
1598 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission  
1599 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
1600 municipality;

1601 (vi) state the address of the commission or, if a commission has not yet been created in  
1602 the county, the county clerk, where a protest to the annexation petition may be filed;

1603 (vii) state that the area proposed for annexation to the municipality will also  
1604 automatically be annexed to a local district providing fire protection, paramedic, and  
1605 emergency services, as provided in Section [~~17B-2-515.5~~] 17B-1-416, if:

1606 (A) the proposed annexing municipality is entirely within the boundaries of a local

1607 district:

1608 (I) that provides fire protection, paramedic, and emergency services; and

1609 (II) in the creation of which an election was not required because of Subsection

1610 [~~17B-2-214~~] 17B-1-214(3)(c); and

1611 (B) the area proposed to be annexed to the municipality is not already within the  
1612 boundaries of the local district; and

1613 (viii) state that the area proposed for annexation to the municipality will be

1614 automatically withdrawn from a local district providing fire protection, paramedic, and

1615 emergency services, as provided in Subsection [~~17B-2-601~~] 17B-1-502(2), if:

1616 (A) the petition proposes the annexation of an area that is within the boundaries of a  
1617 local district:

1618 (I) that provides fire protection, paramedic, and emergency services; and

1619 (II) in the creation of which an election was not required because of Subsection

1620 [~~17B-2-214~~] 17B-1-214(3)(c); and

1621 (B) the proposed annexing municipality is not within the boundaries of the local  
1622 district.

1623 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a  
1624 written protest in terms of the actual date rather than by reference to the statutory citation.

1625 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection

1626 (1)(a) for a proposed annexation of an area within a county of the first class shall include a

1627 statement that a protest to the annexation petition may be filed with the commission by

1628 property owners if it contains the signatures of the owners of private real property that:

1629 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
1630 annexation;

1631 (ii) covers at least 25% of the private land area located in the unincorporated area  
1632 within 1/2 mile of the area proposed for annexation; and

1633 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
1634 area within 1/2 mile of the area proposed for annexation.

1635 Section 8. Section **10-2-412** is amended to read:

1636 **10-2-412. Boundary commission authority -- Expenses -- Records.**

1637 (1) The boundary commission for each county shall hear and decide, according to the

1638 provisions of this part, each protest filed under Section 10-2-407, with respect to an area that is  
1639 located within that county.

1640 (2) A boundary commission may:

1641 (a) adopt and enforce rules of procedure for the orderly and fair conduct of its  
1642 proceedings;

1643 (b) authorize a member of the commission to administer oaths if necessary in the  
1644 performance of the commission's duties;

1645 (c) employ staff personnel and professional or consulting services reasonably necessary  
1646 to enable the commission to carry out its duties; and

1647 (d) incur reasonable and necessary expenses to enable the commission to carry out its  
1648 duties.

1649 (3) The legislative body of each county shall, with respect to the boundary commission  
1650 in that county:

1651 (a) furnish the commission necessary quarters, equipment, and supplies;

1652 (b) pay necessary operating expenses incurred by the commission; and

1653 (c) reimburse the reasonable and necessary expenses incurred by each member  
1654 appointed under Subsection 10-2-409(2)(a)(iii) or (b)(iii), unless otherwise provided by  
1655 interlocal agreement.

1656 (4) Each county or municipal legislative body shall reimburse the reasonable and  
1657 necessary expenses incurred by a commission member who is an elected county or municipal  
1658 officer, respectively.

1659 (5) Records, information, and other relevant materials necessary to enable the  
1660 commission to carry out its duties shall, upon request by the commission, be furnished to the  
1661 boundary commission by the personnel, employees, and officers of:

1662 (a) for a proposed annexation of an area located in a county of the first class:

1663 (i) each county [~~and special~~], local district, and special service district whose  
1664 boundaries include an area that is the subject of a protest under the commission's consideration;  
1665 and

1666 (ii) each municipality whose boundaries may be affected by action of the boundary  
1667 commission; or

1668 (b) for a proposed annexation of an area located in a specified county, each affected

1669 entity:

1670 (i) whose boundaries include any part of the area proposed for annexation; or

1671 (ii) that may be affected by action of the boundary commission.

1672 Section 9. Section **10-2-413** is amended to read:

1673 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
1674 **study.**

1675 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
1676 a proposed annexing municipality denies an annexation petition under Subsection  
1677 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose  
1678 and engage a feasibility consultant within 45 days of:

1679 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
1680 been created before the filing of the protest; or

1681 (ii) the commission's creation, if the commission is created after the filing of a protest.

1682 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility  
1683 study with respect to a petition that proposes the annexation of an area that:

1684 (i) is undeveloped; and

1685 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private  
1686 real property within the municipality.

1687 (2) The commission shall require the feasibility consultant to:

1688 (a) complete a feasibility study on the proposed annexation and submit written results  
1689 of the study to the commission no later than 75 days after the feasibility consultant is engaged  
1690 to conduct the study;

1691 (b) submit with the full written results of the feasibility study a summary of the results  
1692 no longer than a page in length; and

1693 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility  
1694 study results and respond to questions at that hearing.

1695 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

1696 (i) the population and population density within the area proposed for annexation, the  
1697 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries  
1698 within 1/2 mile of the area proposed for annexation, that municipality;

1699 (ii) the geography, geology, and topography of and natural boundaries within the area

1700 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a  
1701 municipality with boundaries within 1/2 mile of the area proposed for annexation, that  
1702 municipality;

1703 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated  
1704 island or peninsula;

1705 (iv) whether the proposed annexation will hinder or prevent a future and more logical  
1706 and beneficial annexation or a future logical and beneficial incorporation;

1707 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,  
1708 other municipalities, [~~special~~] local districts, special service districts, school districts, and other  
1709 governmental entities;

1710 (vi) current and five-year projections of demographics and economic base in the area  
1711 proposed for annexation and surrounding unincorporated area, including household size and  
1712 income, commercial and industrial development, and public facilities;

1713 (vii) projected growth in the area proposed for annexation and the surrounding  
1714 unincorporated area during the next five years;

1715 (viii) the present and five-year projections of the cost of governmental services in the  
1716 area proposed for annexation;

1717 (ix) the present and five-year projected revenue to the proposed annexing municipality  
1718 from the area proposed for annexation;

1719 (x) the projected impact the annexation will have over the following five years on the  
1720 amount of taxes that property owners within the area proposed for annexation, the proposed  
1721 annexing municipality, and the remaining unincorporated county will pay;

1722 (xi) past expansion in terms of population and construction in the area proposed for  
1723 annexation and the surrounding unincorporated area;

1724 (xii) the extension during the past ten years of the boundaries of each other  
1725 municipality near the area proposed for annexation, the willingness of the other municipality to  
1726 annex the area proposed for annexation, and the probability that another municipality would  
1727 annex some or all of the area proposed for annexation during the next five years if the  
1728 annexation did not occur;

1729 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
1730 surrounding area;



1731 (xiv) the method of providing and the entity that has provided municipal-type services  
1732 in the past to the area proposed for incorporation and the feasibility of municipal-type services  
1733 being provided by the proposed annexing municipality; and

1734 (xv) the effect on each school district whose boundaries include part or all of the area  
1735 proposed for annexation or the proposed annexing municipality.

1736 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
1737 valorem property tax rates on residential property within the area proposed for annexation at  
1738 the same level that residential property within the proposed annexing municipality would be  
1739 without the annexation.

1740 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that  
1741 the level and quality of governmental services that will be provided to the area proposed for  
1742 annexation in the future is essentially comparable to the level and quality of governmental  
1743 services being provided within the proposed annexing municipality at the time of the feasibility  
1744 study.

1745 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth  
1746 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant  
1747 in conducting the feasibility study depending upon:

1748 (i) the size of the area proposed for annexation;

1749 (ii) the size of the proposed annexing municipality;

1750 (iii) the extent to which the area proposed for annexation is developed;

1751 (iv) the degree to which the area proposed for annexation is expected to develop and  
1752 the type of development expected; and

1753 (v) the number and type of protests filed against the proposed annexation.

1754 (b) Notwithstanding Subsection (4)(a), the commission may not modify the  
1755 requirement that the feasibility consultant provide a full and complete analysis of the items  
1756 listed in Subsections (3)(a)(viii), (ix), and (xv).

1757 (5) If the results of the feasibility study do not meet the requirements of Subsection  
1758 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
1759 recommendations as to how the boundaries of the area proposed for annexation may be altered  
1760 so that the requirements of Subsection 10-2-416(3) may be met.

1761 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and

1762 expenses shall be shared equally by the proposed annexing municipality and each entity or  
1763 group under Subsection 10-2-407(1) that files a protest.

1764 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property  
1765 owners under Subsection 10-2-407(1)(a)(ii), the county in which the area proposed for  
1766 annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

1767 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners  
1768 file a protest, the county and the proposed annexing municipality shall equally share the  
1769 property owners' share of the feasibility consultant's fees and expenses.

1770 Section 10. Section **10-2-414** is amended to read:

1771 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

1772 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of  
1773 an area located in a county of the first class do not meet the requirements of Subsection  
1774 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility  
1775 consultant's submission of the results of the study, file with the city recorder or town clerk of  
1776 the proposed annexing municipality a modified annexation petition altering the boundaries of  
1777 the proposed annexation.

1778 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the  
1779 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation  
1780 petition to the clerk of the county in which the area proposed for annexation is located.

1781 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the  
1782 requirements of Subsections 10-2-403(2), (3), and (4).

1783 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified  
1784 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same  
1785 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and  
1786 (3)(a) for an original annexation petition.

1787 (b) If the city recorder or town clerk certifies the modified annexation petition under  
1788 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send  
1789 written notice of the certification to:

1790 (i) the commission;

1791 (ii) each entity that filed a protest to the annexation petition; and

1792 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

1793 (c) (i) If the modified annexation petition proposes the annexation of an area that  
1794 includes part or all of a [~~special~~] local district, special service district, or school district that  
1795 was not included in the area proposed for annexation in the original petition, the city recorder  
1796 or town clerk, as the case may be, shall also send notice of the certification of the modified  
1797 annexation petition to the board of the [~~special~~] local district, special service district, or school  
1798 district.

1799 (ii) If the area proposed for annexation in the modified annexation petition is within  
1800 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the  
1801 area proposed for annexation in the original annexation petition, the city recorder or town  
1802 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
1803 petition to the legislative body of that municipality.

1804 (3) Within ten days of the commission's receipt of the notice under Subsection (2)(b),  
1805 the commission shall engage the feasibility consultant that conducted the feasibility study to  
1806 supplement the feasibility study to take into account the information in the modified  
1807 annexation petition that was not included in the original annexation petition.

1808 (4) The commission shall require the feasibility consultant to complete the  
1809 supplemental feasibility study and to submit written results of the supplemental study to the  
1810 commission no later than 30 days after the feasibility consultant is engaged to conduct the  
1811 supplemental feasibility study.

1812 Section 11. Section **10-2-418** is amended to read:

1813 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
1814 **Hearing.**

1815 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
1816 unincorporated area under this section without an annexation petition if:

1817 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
1818 unincorporated peninsulas contiguous to the municipality;

1819 (B) the majority of each island or peninsula consists of residential or commercial  
1820 development;

1821 (C) the area proposed for annexation requires the delivery of municipal-type services;  
1822 and

1823 (D) the municipality has provided most or all of the municipal-type services to the area

1824 for more than one year; or

1825 (ii) (A) the area to be annexed consists of one or more unincorporated islands within  
1826 the municipality, each of which has fewer than 500 residents; and

1827 (B) the municipality has provided one or more municipal-type services to the area for  
1828 at least one year.

1829 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
1830 portion of an island or peninsula under this section, leaving unincorporated the remainder of  
1831 the unincorporated island or peninsula, if:

1832 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body  
1833 determines that not annexing the entire unincorporated island or peninsula is in the  
1834 municipality's best interest; and

1835 (ii) for an annexation of one or more unincorporated islands under Subsection  
1836 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1837 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1838 (2) (a) The legislative body of each municipality intending to annex an area under this  
1839 section shall:

1840 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1841 area, describing the area proposed to be annexed;

1842 (ii) (A) publish notice at least once a week for three successive weeks in a newspaper  
1843 of general circulation within the municipality and the area proposed for annexation; or

1844 (B) if there is no newspaper of general circulation in the areas described in Subsection  
1845 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are  
1846 most likely to give notice to the residents of those areas;

1847 (iii) send written notice to the board of each ~~special~~ local district and special service  
1848 district whose boundaries contain some or all of the area proposed for annexation and to the  
1849 legislative body of the county in which the area proposed for annexation is located; and

1850 (iv) hold a public hearing on the proposed annexation no earlier than 60 days after the  
1851 adoption of the resolution under Subsection (2)(a)(i).

1852 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1853 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1854 to annex the area proposed for annexation;

1855 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);  
1856 (iii) describe the area proposed for annexation; and  
1857 (iv) state in conspicuous and plain terms that the municipal legislative body will annex  
1858 the area unless, at or before the public hearing under Subsection (2)(a)(iv), written protests to  
1859 the annexation are filed by the owners of private real property that:  
1860 (A) is located within the area proposed for annexation;  
1861 (B) covers a majority of the total private land area within the entire area proposed for  
1862 annexation; and  
1863 (C) is equal in value to at least 1/2 the value of all private real property within the  
1864 entire area proposed for annexation.  
1865 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be  
1866 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1867 (2)(a)(i).  
1868 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv) and subject  
1869 to Subsection (3)(b), the municipal legislative body may adopt an ordinance annexing the area  
1870 proposed for annexation under this section unless, at or before the hearing, written protests to  
1871 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
1872 owners of private real property that:  
1873 (i) is located within the area proposed for annexation;  
1874 (ii) covers:  
1875 (A) for a proposed annexation under Subsection (1)(a)(i), a majority of the total private  
1876 land area within the entire area proposed for annexation; or  
1877 (B) for a proposed annexation under Subsection (1)(a)(ii), 10% of the total private land  
1878 area within the island of unincorporated area that is proposed for annexation; and  
1879 (iii) is equal in value to at least:  
1880 (A) for a proposed annexation under Subsection (1)(a)(i), 1/2 the value of all private  
1881 real property within the entire area proposed for annexation; or  
1882 (B) for a proposed annexation under Subsection (1)(a)(ii), 10% of the value of all  
1883 private real property within the island of unincorporated area that is proposed for annexation.  
1884 (b) A municipal legislative body may not adopt an ordinance annexing an area  
1885 proposed for annexation under Subsection (1)(a)(ii) unless the legislative body of the county in

1886 which the area proposed for annexation has previously adopted a resolution approving the  
1887 annexation.

1888 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal  
1889 legislative body may not adopt an ordinance annexing the area proposed for annexation, and  
1890 the annexation proceedings under this section shall be considered terminated.

1891 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body  
1892 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an  
1893 unincorporated island regarding which protests have been filed and proceeding under  
1894 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

1895 Section 12. Section **10-2-419** is amended to read:

1896 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

1897 (1) The legislative bodies of two or more municipalities having common boundaries  
1898 may adjust their common boundaries as provided in this section.

1899 (2) (a) The legislative body of each municipality intending to adjust a boundary that is  
1900 common with another municipality shall:

1901 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a  
1902 common boundary;

1903 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the  
1904 adoption of the resolution under Subsection (2)(a)(i); and

1905 (iii) (A) publish notice at least once a week for three successive weeks in a newspaper  
1906 of general circulation within the municipality; or

1907 (B) if there is no newspaper of general circulation within the municipality, post at least  
1908 one notice per 1,000 population in places within the municipality that are most likely to give  
1909 notice to residents of the municipality.

1910 (b) The notice required under Subsection (2)(a)(iii) shall:

1911 (i) state that the municipal legislative body has adopted a resolution indicating the  
1912 municipal legislative body's intent to adjust a boundary that the municipality has in common  
1913 with another municipality;

1914 (ii) describe the area proposed to be adjusted;

1915 (iii) state the date, time, and place of the public hearing required under Subsection  
1916 (2)(a)(ii);

1917 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust  
1918 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written  
1919 protests to the adjustment are filed by the owners of private real property that:

1920 (A) is located within the area proposed for adjustment;

1921 (B) covers at least 25% of the total private land area within the area proposed for  
1922 adjustment; and

1923 (C) is equal in value to at least 15% of the value of all private real property within the  
1924 area proposed for adjustment; and

1925 (v) state that the area that is the subject of the boundary adjustment will, because of the  
1926 boundary adjustment, be automatically annexed to a local district providing fire protection,  
1927 paramedic, and emergency services, as provided in Section [~~17B-2-515.5~~] 17B-1-416, if:

1928 (A) the municipality to which the area is being added because of the boundary  
1929 adjustment is entirely within the boundaries of a local district:

1930 (I) that provides fire protection, paramedic, and emergency services; and

1931 (II) in the creation of which an election was not required because of Subsection  
1932 [~~17B-2-214~~] 17B-1-214(3)(c); and

1933 (B) the municipality from which the area is being taken because of the boundary  
1934 adjustment is not within the boundaries of the local district; and

1935 (vi) state that the area proposed for annexation to the municipality will be  
1936 automatically withdrawn from a local district providing fire protection, paramedic, and  
1937 emergency services, as provided in Subsection [~~17B-2-601~~] 17B-1-502(2), if:

1938 (A) the municipality to which the area is being added because of the boundary  
1939 adjustment is not within the boundaries of a local district:

1940 (I) that provides fire protection, paramedic, and emergency services; and

1941 (II) in the creation of which an election was not required because of Subsection  
1942 [~~17B-2-214~~] 17B-1-214(3)(c); and

1943 (B) the municipality from which the area is being taken because of the boundary  
1944 adjustment is entirely within the boundaries of the local district.

1945 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be  
1946 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1947 (2)(a)(i).

1948 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal  
1949 legislative body may adopt an ordinance adjusting the common boundary unless, at or before  
1950 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with  
1951 the city recorder or town clerk, as the case may be, by the owners of private real property that:

1952 (a) is located within the area proposed for adjustment;

1953 (b) covers at least 25% of the total private land area within the area proposed for  
1954 adjustment; and

1955 (c) is equal in value to at least 15% of the value of all private real property within the  
1956 area proposed for adjustment.

1957 (4) The municipal legislative body shall comply with the requirements of Section  
1958 10-2-425 as if the boundary change were an annexation.

1959 (5) An ordinance adopted under Subsection (3) becomes effective when each  
1960 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
1961 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an  
1962 annexation.

1963 Section 13. Section **10-2-425** is amended to read:

1964 **10-2-425. Filing of plat or map and amended articles -- Notice requirements --**  
1965 **Effective date of annexation.**

1966 (1) Within 30 days after enacting an ordinance annexing an unincorporated area or  
1967 adjusting a boundary under this part, the municipal legislative body shall:

1968 (a) send notice of the enactment to each affected entity;

1969 (b) file with the lieutenant governor:

1970 (i) a certified copy of the ordinance approving the annexation or boundary adjustment,  
1971 together with a plat or map prepared by a licensed surveyor, approved by the municipal  
1972 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,  
1973 showing the new boundaries of the affected area; and

1974 (ii) (A) if the municipality has articles of incorporation, amended articles of  
1975 incorporation reflecting the annexation or boundary adjustment, as provided in Section  
1976 10-1-117; or

1977 (B) if the municipality does not have articles of incorporation, written notice of the  
1978 adoption of an annexation ordinance, accompanied by a copy of the ordinance; and



1979 (c) in accordance with Section 26-8a-414, file the documents described in Subsection  
1980 (1)(b)(i) with the Department of Health.

1981 (2) If an annexation or boundary adjustment under this part also causes an automatic  
1982 annexation to a local district under Section [~~17B-2-515.5~~] 17B-1-416 or an automatic  
1983 withdrawal from a local district under Subsection [~~17B-2-601~~] 17B-1-502(2), the municipal  
1984 legislative body shall, as soon as practicable after enacting an ordinance annexing an  
1985 unincorporated area or adjusting a boundary, send notice of the annexation or boundary  
1986 adjustment to the local district to which the annexed area is automatically annexed or from  
1987 which the annexed area is automatically withdrawn.

1988 (3) The municipal legislative body shall comply with the notice requirements of  
1989 Section 10-1-116.

1990 (4) Each notice required under Subsections (1) and (3) relating to an annexation shall  
1991 state the effective date of the annexation, as determined under Subsection (5).

1992 (5) An annexation under this part is completed and takes effect:

1993 (a) for the annexation of an area located in a county of the first class:

1994 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

1995 (A) the ordinance is adopted during the preceding November 1 through April 30; and

1996 (B) the requirements of Subsection (1) are met before that July 1; or

1997 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

1998 (A) the ordinance is adopted during the preceding May 1 through October 31; and

1999 (B) the requirements of Subsection (1) are met before that January 1; and

2000 (b) for all other annexations, the date of the lieutenant governor's issuance of:

2001 (i) a certification of amended articles under Subsection 10-1-117(3), for an annexation

2002 by a municipality that has articles of incorporation and filed with the lieutenant governor

2003 amended articles of incorporation under Subsection (1)(a)(iii)(A); or

2004 (ii) a certificate of annexation under Subsection (1)(b), for an annexation by a

2005 municipality that does not have articles of incorporation and filed with the lieutenant governor

2006 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

2007 Section 14. Section **10-2-428** is amended to read:

2008 **10-2-428. Neither annexation nor boundary adjustment has an effect on the**

2009 **boundaries of most local districts.**

2010 Except as provided in Section [~~17B-2-515.5~~] 17B-1-416 and Subsection [~~17B-2-601~~  
 2011 17B-1-502(2), the annexation of an unincorporated area by a municipality or the adjustment of  
 2012 a boundary shared by municipalities does not affect the boundaries of [~~an independent special~~  
 2013 ~~district under Title 17A, Chapter 2, Independent Special Districts, or~~] a local district under  
 2014 Title 17B, [~~Chapter 2,~~] Limited Purpose Local Government Entities - Local Districts, or a  
 2015 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

2016 Section 15. Section **10-5-119** is amended to read:

2017 **10-5-119. Special fund balance -- Disposition when fund no longer required.**

2018 Whenever the necessity for maintaining any special fund of a town has ceased to exist  
 2019 and a balance remains in the fund, the governing body shall authorize the transfer of the  
 2020 balance to the fund balance account in the general fund of the town, subject to the following:

2021 (1) Any balance remaining in a special assessment fund and any unrequired balance in  
 2022 its special improvements guaranty fund shall be treated in the manner provided in Sections  
 2023 [~~17A-3-332 and 17A-3-334~~] 11-42-413 and 11-42-701;

2024 (2) Any balance remaining in a capital improvements or capital projects fund shall be  
 2025 transferred to the appropriate debt service fund or other fund as the bond ordinance may require  
 2026 and otherwise to the fund balance account in the general fund;

2027 (3) Whenever any balance held in a trust fund for a specific purpose, other than a  
 2028 cemetery perpetual care trust fund, is to be transferred because its original purpose or  
 2029 restriction has ceased to exist, a public hearing shall be held in the manner provided in Sections  
 2030 10-5-108 and 10-5-109. The published notice shall invite those persons who contributed to the  
 2031 fund to appear at the hearing. If the council determines the fund balance amounts are  
 2032 refundable to the original contributors, a 30-day period following the hearing shall be allowed  
 2033 for persons having an interest in the fund to file with the council a verified claim only for the  
 2034 amount of each claimant's contributions. Any claim not filed in accordance with this section  
 2035 shall be invalid. Any balance remaining, after refunds to eligible contributors, shall be  
 2036 transferred to the fund balance account in the general fund of the town; and

2037 (4) Whenever the council decides, in conformity with applicable laws and ordinances,  
 2038 that the need for continued maintenance of its cemetery perpetual care trust fund no longer  
 2039 exists, it may transfer the balance in such fund to the capital improvements fund for  
 2040 expenditure for land, buildings, and major improvements to be used exclusively for cemetery

2041 purposes.

2042 Section 16. Section **10-6-131** is amended to read:

2043 **10-6-131. Transfer of balances in special funds.**

2044 Whenever the necessity for maintaining any special fund of a city has ceased to exist  
2045 and a balance remains in the fund, the governing body shall authorize the transfer of the  
2046 balance to the fund balance account in the general fund of the city, except that:

2047 (1) Any balance remaining in a special assessment fund and any unrequired balance in  
2048 its special improvements guaranty fund shall be treated in the manner provided in Sections  
2049 [~~17A-3-332 and 17A-3-334~~] 11-42-413 and 11-42-701;

2050 (2) Any balance remaining in a capital improvements or capital projects fund shall be  
2051 transferred to the appropriate debt service fund or other fund as the bond ordinance may require  
2052 and otherwise to the fund balance account in the general fund;

2053 (3) Whenever any balance held in a trust fund for a specific purpose, other than a  
2054 cemetery perpetual care trust fund, is to be transferred because its original purpose or  
2055 restriction has ceased to exist, a public hearing shall be held in the manner provided in Sections  
2056 10-6-113 and 10-6-114. The published notice shall invite those persons who contributed to the  
2057 fund to appear at the hearing. If the governing body determines the fund balance amounts are  
2058 refundable to the original contributors, a 30 day period following the hearing shall be allowed  
2059 for persons having an interest in the fund to file with the governing body a verified claim only  
2060 for the amount of each claimant's contributions. Any claim not so filed shall be forever barred.  
2061 Any balance remaining, after refunds to eligible contributors, shall be transferred to the fund  
2062 balance account in the general fund of the city; and

2063 (4) Whenever the governing body decides, in conformity with applicable laws and  
2064 ordinances, that the need for continued maintenance of its cemetery perpetual care trust fund no  
2065 longer exists, it may transfer the balance in such fund to the capital improvements fund for  
2066 expenditure for land, buildings and major improvements to be used exclusively for cemetery  
2067 purposes.

2068 Section 17. Section **10-7-14.2** is amended to read:

2069 **10-7-14.2. Special tax -- Grant of power to levy.**

2070 There is granted to the municipalities of the state not in an improvement district created  
2071 for the purpose of establishing and maintaining a sewage collection, treatment, or disposal

2072 system or a system for the supply, treatment, or distribution of water pursuant to the provisions  
2073 of Title [~~17A~~] 17B, Chapter 2, Part [~~3~~] 4, Improvement District Act, in addition to all other  
2074 rights of assessment, the right to levy a tax annually not to exceed .0008 per dollar of taxable  
2075 value of taxable property in the municipality. The money raised by the levy shall be placed in a  
2076 special fund and used only for the purpose of financing the construction of facilities to purify  
2077 the drinking water of the municipality and the construction of facilities for the treatment and  
2078 disposal of the sewage of the municipality, or to pay principal and interest on bonds issued for  
2079 the construction of facilities if construction has actually commenced subsequent to the  
2080 enactment of this statute. The municipality may accumulate from year to year and reserve in  
2081 the special fund the money raised for this purpose. The levy shall be made and collected in the  
2082 same manner as other property taxes are levied and collected by municipalities.

2083 Section 18. Section **10-9a-103** is amended to read:

2084 **10-9a-103. Definitions.**

2085 As used in this chapter:

2086 (1) "Affected entity" means a county, municipality, [~~independent special district under~~  
2087 ~~Title 17A, Chapter 2, Independent Special Districts,~~] local district [~~under Title 17B, Chapter 2,~~  
2088 ~~Local Districts~~], special service district under Title 17A, Chapter 2, Part 13, Utah Special  
2089 Service District Act, school district, interlocal cooperation entity established under Title 11,  
2090 Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property  
2091 owners association, or the Utah Department of Transportation, if:

2092 (a) the entity's services or facilities are likely to require expansion or significant  
2093 modification because of an intended use of land;

2094 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
2095 plan; or

2096 (c) the entity has filed with the municipality a request for notice during the same  
2097 calendar year and before the municipality provides notice to an affected entity in compliance  
2098 with a requirement imposed under this chapter.

2099 (2) "Appeal authority" means the person, board, commission, agency, or other body  
2100 designated by ordinance to decide an appeal of a decision of a land use application or a  
2101 variance.

2102 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or

2103 residential property if the sign is designed or intended to direct attention to a business, product,  
2104 or service that is not sold, offered, or existing on the property where the sign is located.

2105 (4) "Charter school" includes:

2106 (a) an operating charter school;

2107 (b) a charter school applicant that has its application approved by a chartering entity in  
2108 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

2109 (c) an entity who is working on behalf of a charter school or approved charter applicant  
2110 to develop or construct a charter school building.

2111 (5) "Chief executive officer" means the:

2112 (a) mayor in municipalities operating under all forms of municipal government except  
2113 the council-manager form; or

2114 (b) city manager in municipalities operating under the council-manager form of  
2115 municipal government.

2116 (6) "Conditional use" means a land use that, because of its unique characteristics or  
2117 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be  
2118 compatible in some areas or may be compatible only if certain conditions are required that  
2119 mitigate or eliminate the detrimental impacts.

2120 (7) "Constitutional taking" means a governmental action that results in a taking of  
2121 private property so that compensation to the owner of the property is required by the:

2122 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

2123 (b) Utah Constitution Article I, Section 22.

2124 (8) "Culinary water authority" means the department, agency, or public entity with  
2125 responsibility to review and approve the feasibility of the culinary water system and sources for  
2126 the subject property.

2127 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
2128 or more of a person's major life activities, including a person having a record of such an  
2129 impairment or being regarded as having such an impairment.

2130 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
2131 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
2132 802.

2133 (10) "Elderly person" means a person who is 60 years old or older, who desires or

2134 needs to live with other elderly persons in a group setting, but who is capable of living  
2135 independently.

2136 (11) "General plan" means a document that a municipality adopts that sets forth general  
2137 guidelines for proposed future development of the land within the municipality.

2138 (12) "Identical plans" means building plans submitted to a municipality that are  
2139 substantially identical to building plans that were previously submitted to and reviewed and  
2140 approved by the municipality and describe a building that is:

2141 (a) located on land zoned the same as the land on which the building described in the  
2142 previously approved plans is located; and

2143 (b) subject to the same geological and meteorological conditions and the same law as  
2144 the building described in the previously approved plans.

2145 (13) "Land use application" means an application required by a municipality's land use  
2146 ordinance.

2147 (14) "Land use authority" means a person, board, commission, agency, or other body  
2148 designated by the local legislative body to act upon a land use application.

2149 (15) "Land use ordinance" means a planning, zoning, development, or subdivision  
2150 ordinance of the municipality, but does not include the general plan.

2151 (16) "Land use permit" means a permit issued by a land use authority.

2152 (17) "Legislative body" means the municipal council.

2153 (18) "Local district" means an entity under Title 17B, Limited Purpose Local  
2154 Government Entities - Local Districts, and any other governmental or quasi-governmental  
2155 entity that is not a county, municipality, school district, or unit of the state.

2156 ~~[(18)]~~ (19) "Lot line adjustment" means the relocation of the property boundary line in  
2157 a subdivision between two adjoining lots with the consent of the owners of record.

2158 ~~[(19)]~~ (20) "Moderate income housing" means housing occupied or reserved for  
2159 occupancy by households with a gross household income equal to or less than 80% of the  
2160 median gross income for households of the same size in the county in which the city is located.

2161 ~~[(20)]~~ (21) "Nominal fee" means a fee that reasonably reimburses a municipality only  
2162 for time spent and expenses incurred in:

2163 (a) verifying that building plans are identical plans; and

2164 (b) reviewing and approving those minor aspects of identical plans that differ from the

2165 previously reviewed and approved building plans.

2166 [~~(21)~~] (22) "Noncomplying structure" means a structure that:

2167 (a) legally existed before its current land use designation; and

2168 (b) because of one or more subsequent land use ordinance changes, does not conform  
2169 to the setback, height restrictions, or other regulations, excluding those regulations, which  
2170 govern the use of land.

2171 [~~(22)~~] (23) "Nonconforming use" means a use of land that:

2172 (a) legally existed before its current land use designation;

2173 (b) has been maintained continuously since the time the land use ordinance governing  
2174 the land changed; and

2175 (c) because of one or more subsequent land use ordinance changes, does not conform  
2176 to the regulations that now govern the use of the land.

2177 [~~(23)~~] (24) "Official map" means a map drawn by municipal authorities and recorded in  
2178 a county recorder's office that:

2179 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
2180 highways and other transportation facilities;

2181 (b) provides a basis for restricting development in designated rights-of-way or between  
2182 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
2183 the land; and

2184 (c) has been adopted as an element of the municipality's general plan.

2185 [~~(24)~~] (25) "Person" means an individual, corporation, partnership, organization,  
2186 association, trust, governmental agency, or any other legal entity.

2187 [~~(25)~~] (26) "Plan for moderate income housing" means a written document adopted by  
2188 a city legislative body that includes:

2189 (a) an estimate of the existing supply of moderate income housing located within the  
2190 city;

2191 (b) an estimate of the need for moderate income housing in the city for the next five  
2192 years as revised biennially;

2193 (c) a survey of total residential land use;

2194 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
2195 income housing; and

2196 (e) a description of the city's program to encourage an adequate supply of moderate  
2197 income housing.

2198 ~~[(26)]~~ (27) "Plat" means a map or other graphical representation of lands being laid out  
2199 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

2200 ~~[(27)]~~ (28) "Public hearing" means a hearing at which members of the public are  
2201 provided a reasonable opportunity to comment on the subject of the hearing.

2202 ~~[(28)]~~ (29) "Public meeting" means a meeting that is required to be open to the public  
2203 under Title 52, Chapter 4, Open and Public Meetings Act.

2204 ~~[(29)]~~ (30) "Record of survey map" means a map of a survey of land prepared in  
2205 accordance with Section 17-23-17.

2206 ~~[(30)]~~ (31) "Residential facility for elderly persons" means a single-family or  
2207 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not  
2208 include a health care facility as defined by Section 26-21-2.

2209 ~~[(31)]~~ (32) "Residential facility for persons with a disability" means a residence:

2210 (a) in which more than one person with a disability resides; and

2211 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
2212 Chapter 2, Licensure of Programs and Facilities; or

2213 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
2214 Health Care Facility Licensing and Inspection Act.

2215 ~~[(32)]~~ (33) "Sanitary sewer authority" means the department, agency, or public entity  
2216 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
2217 wastewater systems.

2218 ~~[(33)] "Special district" means an entity established under the authority of Title 17A,~~  
2219 ~~Special Districts, and any other governmental or quasi-governmental entity that is not a county,~~  
2220 ~~municipality, school district, or unit of the state.]~~

2221 (34) "Specified public utility" means an electrical corporation, gas corporation, or  
2222 telephone corporation, as those terms are defined in Section 54-2-1.

2223 (35) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
2224 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
2225 way.

2226 (36) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be



2227 divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
2228 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
2229 installment plan or upon any and all other plans, terms, and conditions.

2230 (b) "Subdivision" includes:

2231 (i) the division or development of land whether by deed, metes and bounds description,  
2232 devise and testacy, map, plat, or other recorded instrument; and

2233 (ii) except as provided in Subsection (36)(c), divisions of land for residential and  
2234 nonresidential uses, including land used or to be used for commercial, agricultural, and  
2235 industrial purposes.

2236 (c) "Subdivision" does not include:

2237 (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
2238 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
2239 neither the resulting combined parcel nor the parcel remaining from the division or partition  
2240 violates an applicable land use ordinance;

2241 (ii) a recorded agreement between owners of adjoining unsubdivided properties  
2242 adjusting their mutual boundary if:

2243 (A) no new lot is created; and

2244 (B) the adjustment does not violate applicable land use ordinances;

2245 (iii) a recorded document, executed by the owner of record:

2246 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
2247 property into one legal description encompassing all such parcels of property; or

2248 (B) joining a subdivided parcel of property to another parcel of property that has not  
2249 been subdivided, if the joinder does not violate applicable land use ordinances; or

2250 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting  
2251 their mutual boundary if:

2252 (A) no new dwelling lot or housing unit will result from the adjustment; and

2253 (B) the adjustment will not violate any applicable land use ordinance.

2254 (d) The joining of a subdivided parcel of property to another parcel of property that has  
2255 not been subdivided does not constitute a subdivision under this Subsection (36) as to the  
2256 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
2257 subdivision ordinance.

2258 (37) "Unincorporated" means the area outside of the incorporated area of a city or  
2259 town.

2260 (38) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
2261 land use zones, overlays, or districts.

2262 Section 19. Section **10-9a-305** is amended to read:

2263 **10-9a-305. Other entities required to conform to municipality's land use**  
2264 **ordinances -- Exceptions -- School districts and charter schools.**

2265 (1) (a) Each county, municipality, school district, charter school, [~~special~~] local district,  
2266 special service district, and political subdivision of the state shall conform to any applicable  
2267 land use ordinance of any municipality when installing, constructing, operating, or otherwise  
2268 using any area, land, or building situated within that municipality.

2269 (b) In addition to any other remedies provided by law, when a municipality's land use  
2270 ordinances is violated or about to be violated by another political subdivision, that municipality  
2271 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
2272 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

2273 (2) (a) Except as provided in Subsection (3), a school district or charter school is  
2274 subject to a municipality's land use ordinances.

2275 (b) (i) Notwithstanding Subsection (3), a municipality may subject a charter school to  
2276 standards within each zone pertaining to setback, height, bulk and massing regulations, off-site  
2277 parking, curb cut, traffic circulation, and construction staging.

2278 (ii) The standards to which a municipality may subject a charter school under  
2279 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

2280 (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality  
2281 may deny or withhold approval of a charter school's land use application is the charter school's  
2282 failure to comply with a standard imposed under Subsection (2)(b)(i).

2283 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an  
2284 obligation to comply with a requirement of an applicable building or safety code to which it is  
2285 otherwise obligated to comply.

2286 (3) A municipality may not:

2287 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
2288 construction methods or materials, building codes, building use for educational purposes, or the

- 2289 placement or use of temporary classroom facilities on school property;
- 2290 (b) except as otherwise provided in this section, require a school district or charter  
2291 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
2292 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
2293 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
2294 required to connect an otherwise isolated school site to an existing roadway;
- 2295 (c) require a district or charter school to pay fees not authorized by this section;
- 2296 (d) provide for inspection of school construction or assess a fee or other charges for  
2297 inspection, unless the school district or charter school is unable to provide for inspection by an  
2298 inspector, other than the project architect or contractor, who is qualified under criteria  
2299 established by the state superintendent;
- 2300 (e) require a school district or charter school to pay any impact fee for an improvement  
2301 project that is not reasonably related to the impact of the project upon the need that the  
2302 improvement is to address; or
- 2303 (f) impose regulations upon the location of a project except as necessary to avoid  
2304 unreasonable risks to health or safety.
- 2305 (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate  
2306 the siting of a new school with the municipality in which the school is to be located, to:
- 2307 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
2308 the impacts between the new school and future highways; and
- 2309 (b) to maximize school, student, and site safety.
- 2310 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:
- 2311 (a) provide a walk-through of school construction at no cost and at a time convenient to  
2312 the district or charter school; and
- 2313 (b) provide recommendations based upon the walk-through.
- 2314 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 2315 (i) a municipal building inspector;
- 2316 (ii) a school district building inspector; or
- 2317 (iii) an independent, certified building inspector who is:
- 2318 (A) not an employee of the contractor;
- 2319 (B) approved by a municipal building inspector or a school district building inspector;

2320 and

2321 (C) licensed to perform the inspection that the inspector is requested to perform.

2322 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

2323 (c) If a school district or charter school uses an independent building inspector under

2324 Subsection (6)(a)(iii), the school district or charter school shall submit to the state

2325 superintendent of public instruction, on a monthly basis during construction of the school

2326 building, a copy of each inspection certificate regarding the school building.

2327 (7) (a) A charter school shall be considered a permitted use in all zoning districts

2328 within a municipality.

2329 (b) Each land use application for any approval required for a charter school, including

2330 an application for a building permit, shall be processed on a first priority basis.

2331 (c) Parking requirements for a charter school may not exceed the minimum parking

2332 requirements for schools or other institutional public uses throughout the municipality.

2333 (d) If a municipality has designated zones for a sexually oriented business, or a

2334 business which sells alcohol, a charter school may be prohibited from a location which would

2335 otherwise defeat the purpose for the zone unless the charter school provides a waiver.

2336 (e) (i) A school district or a charter school may seek a certificate authorizing permanent

2337 occupancy of a school building from:

2338 (A) the state superintendent of public instruction, as provided in Subsection

2339 53A-20-104(3), if the school district or charter school used an independent building inspector

2340 for inspection of the school building; or

2341 (B) a municipal official with authority to issue the certificate, if the school district or

2342 charter school used a municipal building inspector for inspection of the school building.

2343 (ii) A school district may issue its own certificate authorizing permanent occupancy of

2344 a school building if it used its own building inspector for inspection of the school building,

2345 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

2346 (iii) A charter school may seek a certificate authorizing permanent occupancy of a

2347 school building from a school district official with authority to issue the certificate, if the

2348 charter school used a school district building inspector for inspection of the school building.

2349 (iv) A certificate authorizing permanent occupancy issued by the state superintendent

2350 of public instruction under Subsection 53A-20-104(3) or a school district official with authority

2351 to issue the certificate shall be considered to satisfy any municipal requirement for an  
2352 inspection or a certificate of occupancy.

2353 Section 20. Section **11-2-1** is amended to read:

2354 **11-2-1. Local authorities may designate and acquire property for playgrounds**  
2355 **and recreational facilities.**

2356 The governing body of any city, town, school district, [~~special~~] local district, special  
2357 service district, or county may designate and set apart for use as playgrounds, athletic fields,  
2358 gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television  
2359 transmission and relay facilities, or other recreational facilities, any lands, buildings or personal  
2360 property owned by such cities, towns, counties, [~~special~~] local districts, special service districts,  
2361 or school districts that may be suitable for such purposes; and may, in such manner as may be  
2362 authorized and provided by law for the acquisition of lands or buildings for public purposes in  
2363 such cities, towns, counties, [~~special~~] local districts, special service districts, and school  
2364 districts, acquire lands, buildings, and personal property therein for such use; and may equip,  
2365 maintain, operate and supervise the same, employing such play leaders, recreation directors,  
2366 supervisors and other employees as it may deem proper. Such acquisition of lands, buildings  
2367 and personal property and the equipping, maintaining, operating and supervision of the same  
2368 shall be deemed to be for public, governmental and municipal purposes.

2369 Section 21. Section **11-13-103** is amended to read:

2370 **11-13-103. Definitions.**

2371 As used in this chapter:

2372 (1) "Additional project capacity" means electric generating capacity provided by a  
2373 generating unit that first produces electricity on or after May 6, 2002 and that is constructed or  
2374 installed at or adjacent to the site of a project that first produced electricity before May 6, 2002,  
2375 regardless of whether:

2376 (a) the owners of the new generating unit are the same as or different from the owner of  
2377 the project; and

2378 (b) the purchasers of electricity from the new generating unit are the same as or  
2379 different from the purchasers of electricity from the project.

2380 (2) "Board" means the Permanent Community Impact Fund Board created by Section  
2381 9-4-304, and its successors.

- 2382 (3) "Candidate" means one or more of:
- 2383 (a) the state;
- 2384 (b) a county, municipality, school district, [~~special~~] local district, special service
- 2385 district, or other political subdivision of the state; and
- 2386 (c) a prosecution district.
- 2387 (4) "Commercial project entity" means a project entity, defined in Subsection (12),
- 2388 that:
- 2389 (a) has no taxing authority; and
- 2390 (b) is not supported in whole or in part by and does not expend or disburse tax
- 2391 revenues.
- 2392 (5) "Direct impacts" means an increase in the need for public facilities or services that
- 2393 is attributable to the project or facilities providing additional project capacity, except impacts
- 2394 resulting from the construction or operation of a facility that is:
- 2395 (a) owned by an owner other than the owner of the project or of the facilities providing
- 2396 additional project capacity; and
- 2397 (b) used to furnish fuel, construction, or operation materials for use in the project.
- 2398 (6) "Electric interlocal entity" means an interlocal entity described in Subsection
- 2399 11-13-203(3).
- 2400 (7) "Energy services interlocal entity" means an interlocal entity that is described in
- 2401 Subsection 11-13-203(4).
- 2402 (8) (a) "Estimated electric requirements," when used with respect to a qualified energy
- 2403 services interlocal entity, includes any of the following that meets the requirements of
- 2404 Subsection (8)(b):
- 2405 (i) generation capacity;
- 2406 (ii) generation output; or
- 2407 (iii) an electric energy production facility.
- 2408 (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements"
- 2409 if it is needed by the qualified energy services interlocal entity to perform the qualified energy
- 2410 services interlocal entity's contractual or legal obligations to any of its members.
- 2411 (9) "Interlocal entity" means:
- 2412 (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal

2413 entity; or

2414 (b) a separate legal or administrative entity created under Section 11-13-205.

2415 (10) "Out-of-state public agency" means a public agency as defined in Subsection  
2416 (13)(c), (d), or (e).

2417 (11) (a) "Project":

2418 (i) means an electric generation and transmission facility owned by a Utah interlocal  
2419 entity or an electric interlocal entity; and

2420 (ii) includes fuel or fuel transportation facilities and water facilities owned by that Utah  
2421 interlocal entity or electric interlocal entity and required for the generation and transmission  
2422 facility.

2423 (b) "Project" includes a project entity's ownership interest in:

2424 (i) facilities that provide additional project capacity; and

2425 (ii) additional generating, transmission, fuel, fuel transportation, water, or other  
2426 facilities added to a project.

2427 (12) "Project entity" means a Utah interlocal entity or an electric interlocal entity that  
2428 owns a project.

2429 (13) "Public agency" means:

2430 (a) a city, town, county, school district, ~~[special]~~ local district, special service district,  
2431 or other political subdivision of the state;

2432 (b) the state or any department, division, or agency of the state;

2433 (c) any agency of the United States;

2434 (d) any political subdivision or agency of another state or the District of Columbia  
2435 including any interlocal cooperation or joint powers agency formed under the authority of the  
2436 law of the other state or the District of Columbia; and

2437 (e) any Indian tribe, band, nation, or other organized group or community which is  
2438 recognized as eligible for the special programs and services provided by the United States to  
2439 Indians because of their status as Indians.

2440 (14) "Qualified energy services interlocal entity" means an energy services interlocal  
2441 entity that at the time that the energy services interlocal entity acquires its interest in facilities  
2442 providing additional project capacity has at least five members that are Utah public agencies.

2443 (15) "Utah interlocal entity":

2444 (a) means an interlocal entity described in Subsection 11-13-203(2); and  
 2445 (b) includes a separate legal or administrative entity created under Chapter 47, Laws of  
 2446 Utah 1977, Section 3, as amended.

2447 (16) "Utah public agency" means a public agency under Subsection (13)(a) or (b).  
 2448 Section 22. Section **11-14-102** is amended to read:

2449 **11-14-102. Definitions.**

2450 For the purpose of this chapter:

2451 (1) "Bond" means any bond authorized to be issued under this chapter, including  
 2452 municipal bonds.

2453 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

2454 (3) "Governing body" means:

2455 (a) for a county, city, or town, the legislative body of the county, city, or town;

2456 (b) for ~~[an independent special district or]~~ a local district, the board of trustees of the  
 2457 ~~[independent special district or]~~ local district;

2458 (c) for a school district, the local board of education; or

2459 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special  
 2460 Service District Act:

2461 (i) the governing body of the county or municipality that created the special service  
 2462 district, if no administrative control board has been established under Section 17A-2-1326; or

2463 (ii) the administrative control board, if one has been established under Section  
 2464 17A-2-1326 and the power to issue bonds not payable from taxes has been delegated to the  
 2465 administrative control board.

2466 ~~[(4) "Independent special district" means a district operating under Title 17A, Chapter~~  
 2467 ~~2, Independent Special Districts.]~~

2468 ~~[(5)]~~ (4) "Local district" means a district operating under Title 17B, ~~[Chapter 2,]~~  
 2469 Limited Purpose Local Government Entities - Local Districts.

2470 ~~[(6)]~~ (5) (a) "Local political subdivision" means a county, city, town, school district,  
 2471 ~~[independent special district, or]~~ local district, or special service district.

2472 (b) "Local political subdivision" does not include the state and its institutions.

2473 Section 23. Section **11-14-301** is amended to read:

2474 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**



2475 **under constitutional and statutory limitations.**

2476 (1) If the governing body has declared the bond proposition to have carried and no  
2477 contest has been filed, or if a contest has been filed and favorably terminated, the governing  
2478 body may proceed to issue the bonds voted at the election.

2479 (2) It is not necessary that all of the bonds be issued at one time, but bonds approved by  
2480 the voters may not be issued more than ten years after the date of the election.

2481 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause  
2482 the indebtedness of the local political subdivision to exceed that permitted by the Utah  
2483 Constitution or statutes.

2484 (b) In computing the amount of indebtedness that may be incurred pursuant to  
2485 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,  
2486 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,  
2487 of the taxable property in the local political subdivision, as computed from the last applicable  
2488 equalized assessment [~~rolls for state and county purposes prior to~~] roll before the incurring of  
2489 the additional indebtedness[~~, except that in the case of cities the last equalized assessment rolls~~  
2490 ~~for city purposes shall be controlling~~].

2491 (c) In determining the fair market value of the taxable property in the local political  
2492 subdivision as provided in this section, the value of all tax equivalent property, as defined in  
2493 Section 59-3-102, shall be included as a part of the total fair market value of taxable property  
2494 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property  
2495 Act.

2496 (4) Bonds of improvement districts issued in a manner that they are payable solely  
2497 from the revenues to be derived from the operation of the facilities of the district may not be  
2498 included as bonded indebtedness for the purposes of the computation.

2499 (5) Where bonds are issued by a city, town, or county payable solely from revenues  
2500 derived from the operation of revenue-producing facilities of the city, town, or county, or  
2501 payable solely from a special fund into which are deposited excise taxes levied and collected by  
2502 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the  
2503 city, town, or county, or any combination of those excise taxes, the bonds shall be included as  
2504 bonded indebtedness of the city, town, or county only to the extent required by the Utah  
2505 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,

2506 town, or county need not be authorized at an election, except as otherwise provided by the Utah  
2507 Constitution, the bonds being hereby expressly excluded from the election requirement of  
2508 Section 11-14-201.

2509 (6) A bond election is not void when the amount of bonds authorized at the election  
2510 exceeded the limitation applicable to the local political subdivision at the time of holding the  
2511 election, but the bonds may be issued from time to time in an amount within the applicable  
2512 limitation at the time the bonds are issued.

2513 Section 24. Section **11-14a-1** is amended to read:

2514 **11-14a-1. Notice of debt issuance.**

2515 (1) For purposes of this chapter:

2516 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,  
2517 and contracts with municipal building authorities.

2518 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2519 (b) (i) "Local government entity" means a county, city, town, school district, [~~or~~  
2520 ~~special~~] local district, or special service district.

2521 (ii) "Local government entity" does not mean an entity created by an interlocal  
2522 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over  
2523 \$10,000,000.

2524 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly  
2525 or partially to fund a rejected project.

2526 (d) "Rejected Project" means a project for which a local government entity sought  
2527 voter approval for general obligation bond financing and failed to receive that approval.

2528 (2) Unless a local government entity complies with the requirements of this section, it  
2529 may not adopt a new debt resolution.

2530 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2531 (i) advertise its intent to issue debt in a newspaper of general circulation; or

2532 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least  
2533 95% of the residents of the local government entity.

2534 (b) (i) The local government entity shall ensure that the advertisement is published at  
2535 least once each week for the two weeks before the meeting at which the resolution will be  
2536 considered on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller

- 2537 than 18 point and surrounded by a 1/4 inch border.
- 2538 (ii) The local government entity shall ensure that the notice:
- 2539 (A) is at least as large as the bill or other mailing that it accompanies;
- 2540 (B) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and
- 2541 (C) contains the information required by Subsection (3)(c).
- 2542 (c) The local government entity shall ensure that the advertisement or notice:
- 2543 (i) identifies the local government entity;
- 2544 (ii) states that the entity will meet on a day, time, and place identified in the
- 2545 advertisement or notice to hear public comments regarding a resolution authorizing the
- 2546 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;
- 2547 (iii) contains:
- 2548 (A) the name of the entity that will issue the debt;
- 2549 (B) the purpose of the debt; and
- 2550 (C) that type of debt and the maximum principal amount that may be issued;
- 2551 (iv) invites all concerned citizens to attend the public hearing; and
- 2552 (v) states that some or all of the proposed debt would fund a project whose general
- 2553 obligation bond financing was rejected by the voters.
- 2554 (4) (a) The resolution considered at the hearing shall identify:
- 2555 (i) the type of debt proposed to be issued;
- 2556 (ii) the maximum principal amount that might be issued;
- 2557 (iii) the interest rate;
- 2558 (iv) the term of the debt; and
- 2559 (v) how the debt will be repaid.
- 2560 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
- 2561 hearing need not be in final form and need not be adopted or rejected at the meeting at which
- 2562 the public hearing is held.
- 2563 (ii) The local government entity may not, in the final resolution, increase the maximum
- 2564 principal amount of debt contained in the notice and discussed at the hearing.
- 2565 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
- 2566 a later meeting without recomplying with the published notice requirements of this section.
- 2567 Section 25. Section **11-27-2** is amended to read:

2568 **11-27-2. Definitions.**

2569 As used in this chapter:

2570 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of  
2571 refunding outstanding bonds in advance of their maturity.

2572 (2) "Assessments" means a special tax levied against property within a special  
2573 improvement district to pay all or a portion of the costs of making improvements in the district.

2574 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,  
2575 special improvement bond, or refunding bond.

2576 (4) "General obligation bond" means any bond, note, warrant, certificate of  
2577 indebtedness, or other obligation of a public body payable in whole or in part from revenues  
2578 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any  
2579 applicable constitutional or statutory debt limitation.

2580 (5) "Governing body" means the council, commission, county legislative body, board  
2581 of directors, board of trustees, board of education, board of regents, or other legislative body of  
2582 a public body designated in this chapter that is vested with the legislative powers of the public  
2583 body, and, with respect to the state, the State Bonding Commission created by Section  
2584 63B-1-201.

2585 (6) "Government obligations" means:

2586 (a) direct obligations of the United States of America, or other securities, the principal  
2587 of and interest on which are unconditionally guaranteed by the United States of America; or

2588 (b) obligations of any state, territory, or possession of the United States, or of any of  
2589 the political subdivisions of any state, territory, or possession of the United States, or of the  
2590 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

2591 (7) "Issuer" means the public body issuing any bond or bonds.

2592 (8) "Public body" means the state or any agency, authority, instrumentality, or  
2593 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,  
2594 agency, school district, ~~special~~ local district, special service district, or other governmental  
2595 entity now or hereafter existing under the laws of the state.

2596 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the  
2597 purpose of refunding outstanding bonds.

2598 (10) "Resolution" means a resolution of the governing body of a public body taking

2599 formal action under this chapter.

2600 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or  
2601 other obligation for the payment of money issued by a public body or any predecessor of any  
2602 public body and that is payable from designated revenues not derived from ad valorem taxes or  
2603 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all  
2604 of the following:

2605 (a) any obligation constituting an indebtedness within the meaning of any applicable  
2606 constitutional or statutory debt limitation;

2607 (b) any obligation issued in anticipation of the collection of taxes, where the entire  
2608 issue matures not later than one year from the date of the issue; and

2609 (c) any special improvement bond.

2610 (12) "Special improvement bond" means any bond, note, warrant, certificate of  
2611 indebtedness, or other obligation of a public body or any predecessor of any public body that is  
2612 payable from assessments levied on benefitted property and from any special improvement  
2613 guaranty fund.

2614 (13) "Special improvement guaranty fund" means any special improvement guaranty  
2615 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;  
2616 Title 17A, Chapter 3, Part 2, County Improvement Districts Act; or any predecessor or similar  
2617 statute.

2618 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,  
2619 or other obligation of a public body issued under authority of [~~Title 17A, Chapter 2, Part 16,~~  
2620 ~~Great Salt Lake Development Authority, or any similar statutes, including~~] Title 17C, Limited  
2621 Purpose Local Government Entities - Community Development and Renewal Agencies.

2622 Section 26. Section **11-30-2** is amended to read:

2623 **11-30-2. Definitions.**

2624 As used in this chapter:

2625 (1) "Attorney general" means the attorney general of the state or one of his assistants.

2626 (2) "Bonds" means any evidence or contract of indebtedness that is issued or  
2627 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2628 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2629 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general

2630 obligations of the issuing public body or are payable solely from a specified source, including,  
2631 but not limited to, annual appropriations by the public body.

2632 (3) "County attorney" means the county attorney of a county or one of his assistants.

2633 (4) "Lease" means any lease agreement, lease purchase agreement, and installment  
2634 purchase agreement, and any certificate of interest or participation in any of the foregoing.  
2635 Reference in this chapter to issuance of bonds includes execution and delivery of leases.

2636 (5) "Person" means any person, association, corporation, or other entity.

2637 (6) "Public body" means the state or any agency, authority, instrumentality, or  
2638 institution of the state, or any county, municipality, quasi-municipal corporation, school  
2639 district, ~~[special]~~ local district, special service district, political subdivision, or other  
2640 governmental entity existing under the laws of the state, whether or not possessed of any taxing  
2641 power. With respect to leases, public body, as used in this chapter, refers to the public body  
2642 which is the lessee, or is otherwise the obligor with respect to payment under any such leases.  
2643 (7) "Refunding bonds" means any bonds that are issued to refund outstanding bonds,  
2644 including both refunding bonds and advance refunding bonds.

2645 (8) "State" means the state of Utah.

2646 (9) "Validity" means any matter relating to the legality and validity of the bonds and  
2647 the security therefor, including, without limitation, the legality and validity of:

2648 (a) a public body's authority to issue and deliver the bonds;

2649 (b) any ordinance, resolution, or statute granting the public body authority to issue and  
2650 deliver the bonds;

2651 (c) all proceedings, elections, if any, and any other actions taken or to be taken in  
2652 connection with the issuance, sale, or delivery of the bonds;

2653 (d) the purpose, location, or manner of the expenditure of funds;

2654 (e) the organization or boundaries of the public body;

2655 (f) any assessments, taxes, rates, rentals, fees, charges, or tolls levied or that may be  
2656 levied in connection with the bonds;

2657 (g) any lien, proceeding, or other remedy for the collection of those assessments, taxes,  
2658 rates, rentals, fees, charges, or tolls;

2659 (h) any contract or lease executed or to be executed in connection with the bonds;

2660 (i) the pledge of any taxes, revenues, receipts, rentals, or property, or encumbrance

2661 thereon or security interest therein to secure the bonds; and

2662 (j) any covenants or provisions contained in or to be contained in the bonds. If any  
2663 deed, will, statute, resolution, ordinance, lease, indenture, contract, franchise, or other  
2664 instrument may have an effect on any of the aforementioned, validity also means a declaration  
2665 of the validity and legality thereof and of rights, status, or other legal relations arising  
2666 therefrom.

2667 Section 27. Section **11-31-2** is amended to read:

2668 **11-31-2. Definitions.**

2669 As used in this chapter:

2670 (1) "Bonds" means any evidence or contract of indebtedness that is issued or  
2671 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2672 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2673 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2674 obligations of the issuing public body or are payable solely from a specified source, including,  
2675 but not limited to, annual appropriations by the public body.

2676 (2) "Legislative body" means, with respect to any action to be taken by a public body  
2677 with respect to bonds, the board, commission, council, agency, or other similar body authorized  
2678 by law to take legislative action on behalf of the public body, and in the case of the state, the  
2679 Legislature, the state treasurer, the commission created under Section 63B-1-201, and any other  
2680 entities the Legislature designates.

2681 (3) "Public body" means the state and any public department, public agency, or other  
2682 public entity existing under the laws of the state, including, without limitation, any agency,  
2683 authority, instrumentality, or institution of the state, and any county, city, town, municipal  
2684 corporation, quasi-municipal corporation, state university or college, school district, special  
2685 service district [~~or other special~~], local district, [~~improvement district, water conservancy~~  
2686 ~~district, metropolitan water district, drainage district, irrigation district, fire protection district,~~]  
2687 separate legal or administrative entity created under the Interlocal Cooperation Act or other  
2688 joint agreement entity, [~~redevelopment~~] community development and renewal agency, and any  
2689 other political subdivision, public authority, public agency, or public trust existing under the  
2690 laws of the state.

2691 Section 28. Section **11-34-1** is amended to read:

2692 **11-34-1. Definitions.**

2693 As used in this chapter:

2694 (1) "Bonds" means any evidence or contract of indebtedness that is issued or  
2695 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2696 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2697 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2698 obligations of the issuing public body or are payable solely from a specified source, including,  
2699 but not limited to, annual appropriations by the public body.

2700 (2) "Public body" means the state and any public department, public agency, or other  
2701 public entity existing under the laws of the state, including, without limitation, any agency,  
2702 authority, instrumentality, or institution of the state, and any county, city, town, municipal  
2703 corporation, quasi-municipal corporation, state university or college, school district, special  
2704 service district [~~or other special~~], local district, [~~improvement district, water conservancy~~  
2705 ~~district, metropolitan water district, drainage district, irrigation district, fire protection district,~~]  
2706 separate legal or administrative entity created under the Interlocal Cooperation Act or other  
2707 joint agreement entity, [~~redevelopment~~] community development and renewal agency, and any  
2708 other political subdivision, public authority, public agency, or public trust existing under the  
2709 laws of this state.

2710 Section 29. Section **11-36-102** is amended to read:

2711 **11-36-102. Definitions.**

2712 As used in this chapter:

2713 (1) "Building permit fee" means the fees charged to enforce the uniform codes adopted  
2714 pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not greater  
2715 than the fees indicated in the appendix to the International Building Code.

2716 (2) "Capital facilities plan" means the plan required by Section 11-36-201.

2717 (3) "Development activity" means any construction or expansion of a building,  
2718 structure, or use, any change in use of a building or structure, or any changes in the use of land  
2719 that creates additional demand and need for public facilities.

2720 (4) "Development approval" means any written authorization from a local political  
2721 subdivision that authorizes the commencement of development activity.

2722 (5) "Enactment" means:



- 2723 (a) a municipal ordinance, for municipalities;
- 2724 (b) a county ordinance, for counties; and
- 2725 (c) a governing board resolution, for ~~[special]~~ local districts or special service districts.
- 2726 (6) "Hookup fees" means reasonable fees, not in excess of the approximate average
- 2727 costs to the political subdivision, for services provided for and directly attributable to the
- 2728 connection to utility services, including gas, water, sewer, power, or other municipal, county,
- 2729 ~~[or independent special]~~ local district, or special service district utility services.
- 2730 (7) (a) "Impact fee" means a payment of money imposed upon development activity as
- 2731 a condition of development approval.
- 2732 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a
- 2733 hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- 2734 (8) (a) "Local political subdivision" means a county, a municipality, ~~[or a special]~~ a
- 2735 local district ~~[created]~~ under Title ~~[17A, Special Districts]~~ 17B, Limited Purpose Local
- 2736 Government Entities - Local Districts, or a special service district under Title 17A, Chapter 2,
- 2737 Part 13, Utah Special Service District Act.
- 2738 (b) "Local political subdivision" does not mean school districts, whose impact fee
- 2739 activity is governed by Section 53A-20-100.5.
- 2740 (9) "Private entity" means an entity with private ownership that provides culinary water
- 2741 that is required to be used as a condition of development.
- 2742 (10) (a) "Project improvements" means site improvements and facilities that are:
- 2743 (i) planned and designed to provide service for development resulting from a
- 2744 development activity; and
- 2745 (ii) necessary for the use and convenience of the occupants or users of development
- 2746 resulting from a development activity.
- 2747 (b) "Project improvements" does not mean system improvements.
- 2748 (11) "Proportionate share" means the cost of public facility improvements that are
- 2749 roughly proportionate and reasonably related to the service demands and needs of any
- 2750 development activity.
- 2751 (12) "Public facilities" means only the following capital facilities that have a life
- 2752 expectancy of ten or more years and are owned or operated by or on behalf of a local political
- 2753 subdivision or private entity:

- 2754 (a) water rights and water supply, treatment, and distribution facilities;
  - 2755 (b) wastewater collection and treatment facilities;
  - 2756 (c) storm water, drainage, and flood control facilities;
  - 2757 (d) municipal power facilities;
  - 2758 (e) roadway facilities;
  - 2759 (f) parks, recreation facilities, open space, and trails; and
  - 2760 (g) public safety facilities.
- 2761 (13) (a) "Public safety facility" means:
- 2762 (i) a building constructed or leased to house police, fire, or other public safety entities;
  - 2763 or
  - 2764 (ii) a fire suppression vehicle with a ladder reach of at least 75 feet, costing in excess of
  - 2765 \$1,250,000, that is necessary for fire suppression in commercial areas with one or more
  - 2766 buildings at least five stories high.
- 2767 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
- 2768 incarceration.
- 2769 (14) (a) "Roadway facilities" means streets or roads that have been designated on an
- 2770 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,
- 2771 together with all necessary appurtenances.
- 2772 (b) "Roadway facilities" includes associated improvements to federal or state roadways
- 2773 only when the associated improvements:
- 2774 (i) are necessitated by the new development; and
  - 2775 (ii) are not funded by the state or federal government.
- 2776 (c) "Roadway facilities" does not mean federal or state roadways.
- 2777 (15) (a) "Service area" means a geographic area designated by a local political
- 2778 subdivision on the basis of sound planning or engineering principles in which a defined set of
- 2779 public facilities provide service within the area.
- 2780 (b) "Service area" may include the entire local political subdivision.
- 2781 (16) (a) "System improvements" means:
- 2782 (i) existing public facilities that are designed to provide services to service areas within
  - 2783 the community at large; and
  - 2784 (ii) future public facilities identified in a capital facilities plan that are intended to

2785 provide services to service areas within the community at large.

2786 (b) "System improvements" does not mean project improvements.

2787 Section 30. Section **11-36-201** is amended to read:

2788 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**  
2789 **Summary -- Exemptions.**

2790 (1) (a) Each local political subdivision and private entity shall comply with the  
2791 requirements of this chapter before establishing or modifying any impact fee.

2792 (b) A local political subdivision may not:

2793 (i) establish any new impact fees that are not authorized by this chapter; or

2794 (ii) impose or charge any other fees as a condition of development approval unless  
2795 those fees are a reasonable charge for the service provided.

2796 (c) Notwithstanding any other requirements of this chapter, each local political  
2797 subdivision shall ensure that each existing impact fee that is charged for any public facility not  
2798 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

2799 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)  
2800 that are charged by local political subdivisions need not comply with the requirements of this  
2801 chapter until July 1, 1997.

2802 (ii) By July 1, 1997, each local political subdivision shall:

2803 (A) review any impact fees in existence as of the effective date of this act, and prepare  
2804 and approve the analysis required by this section for each of those impact fees; and

2805 (B) ensure that the impact fees comply with the requirements of this chapter.

2806 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a  
2807 capital facilities plan.

2808 (b) (i) As used in this Subsection (2)(b):

2809 (A) (I) "Affected entity" means each county, municipality, [~~independent special district~~  
2810 ~~under Title 17A, Chapter 2, Independent Special Districts,~~] local district under Title 17B,

2811 [~~Chapter 2,~~] Limited Purpose Local Government Entities - Local Districts, special service  
2812 district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, school district,

2813 interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and  
2814 specified public utility:

2815 (Aa) whose services or facilities are likely to require expansion or significant

2816 modification because of the facilities proposed in the proposed capital facilities plan; or

2817 (Bb) that has filed with the local political subdivision or private entity a copy of the  
2818 general or long-range plan of the county, municipality, [~~independent special district,~~] local  
2819 district, special service district, school district, interlocal cooperation entity, or specified public  
2820 utility.

2821 (II) "Affected entity" does not include the local political subdivision or private entity  
2822 that is required under this Subsection (2) to provide notice.

2823 (B) "Specified public utility" means an electrical corporation, gas corporation, or  
2824 telephone corporation, as those terms are defined in Section 54-2-1.

2825 (ii) Before preparing a capital facilities plan for facilities proposed on land located  
2826 within a county of the first or second class, each local political subdivision and each private  
2827 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare  
2828 a capital facilities plan.

2829 (iii) Each notice under Subsection (2)(b)(ii) shall:

2830 (A) indicate that the local political subdivision or private entity intends to prepare a  
2831 capital facilities plan;

2832 (B) describe or provide a map of the geographic area where the proposed capital  
2833 facilities will be located;

2834 (C) be sent to:

2835 (I) each county in whose unincorporated area and each municipality in whose  
2836 boundaries is located the land on which the proposed facilities will be located;

2837 (II) each affected entity;

2838 (III) the Automated Geographic Reference Center created in Section 63F-1-506;

2839 (IV) the association of governments, established pursuant to an interlocal agreement  
2840 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to  
2841 be located; and

2842 (V) the state planning coordinator appointed under Section 63-38d-202; and

2843 (D) with respect to the notice to affected entities, invite the affected entities to provide  
2844 information for the local political subdivision or private entity to consider in the process of  
2845 preparing, adopting, and implementing a capital facilities plan concerning:

2846 (I) impacts that the facilities proposed in the capital facilities plan may have on the

2847 affected entity; and  
2848 (II) facilities or uses of land that the affected entity is planning or considering that may  
2849 conflict with the facilities proposed in the capital facilities plan.

2850 (c) The plan shall identify:  
2851 (i) demands placed upon existing public facilities by new development activity; and  
2852 (ii) the proposed means by which the local political subdivision will meet those  
2853 demands.

2854 (d) Municipalities and counties need not prepare a separate capital facilities plan if the  
2855 general plan required by Sections 10-9a-401 and 17-27a-401 contains the elements required by  
2856 Subsection (2)(c).

2857 (e) (i) If a local political subdivision prepares an independent capital facilities plan  
2858 rather than including a capital facilities element in the general plan, the local political  
2859 subdivision shall, before adopting the capital facilities plan:

2860 (A) give public notice of the plan according to this Subsection (2)(e);  
2861 (B) at least 14 days before the date of the public hearing:  
2862 (I) make a copy of the plan, together with a summary designed to be understood by a  
2863 lay person, available to the public; and  
2864 (II) place a copy of the plan and summary in each public library within the local  
2865 political subdivision; and  
2866 (C) hold a public hearing to hear public comment on the plan.

2867 (ii) Municipalities shall comply with the notice and hearing requirements of, and,  
2868 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections  
2869 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2).

2870 (iii) Counties shall comply with the notice and hearing requirements of, and, except as  
2871 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and  
2872 17-27a-801 and Subsection 17-27a-502(2).

2873 (iv) [~~Special~~] Local districts, special service districts, and private entities shall comply  
2874 with the notice and hearing requirements of, and receive the protections of, Section  
2875 [~~17A-1-203~~] 17B-1-111.

2876 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in  
2877 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning

2878 commission in the capital facilities planning process.

2879 (f) (i) Local political subdivisions with a population or serving a population of less  
2880 than 5,000 as of the last federal census need not comply with the capital facilities plan  
2881 requirements of this part, but shall ensure that the impact fees imposed by them are based upon  
2882 a reasonable plan.

2883 (ii) Subsection (2)(f)(i) does not apply to private entities.

2884 (3) In preparing the plan, each local political subdivision shall generally consider all  
2885 revenue sources, including impact fees, to finance the impacts on system improvements.

2886 (4) A local political subdivision may only impose impact fees on development  
2887 activities when its plan for financing system improvements establishes that impact fees are  
2888 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the  
2889 future, in comparison to the benefits already received and yet to be received.

2890 (5) (a) Each local political subdivision imposing impact fees shall prepare a written  
2891 analysis of each impact fee that:

2892 (i) identifies the impact on system improvements required by the development activity;

2893 (ii) demonstrates how those impacts on system improvements are reasonably related to  
2894 the development activity;

2895 (iii) estimates the proportionate share of the costs of impacts on system improvements  
2896 that are reasonably related to the new development activity; and

2897 (iv) based upon those factors and the requirements of this chapter, identifies how the  
2898 impact fee was calculated.

2899 (b) In analyzing whether or not the proportionate share of the costs of public facilities  
2900 are reasonably related to the new development activity, the local political subdivision shall  
2901 identify, if applicable:

2902 (i) the cost of existing public facilities;

2903 (ii) the manner of financing existing public facilities, such as user charges, special  
2904 assessments, bonded indebtedness, general taxes, or federal grants;

2905 (iii) the relative extent to which the newly developed properties and the other  
2906 properties in the municipality have already contributed to the cost of existing public facilities,  
2907 by such means as user charges, special assessments, or payment from the proceeds of general  
2908 taxes;

2909 (iv) the relative extent to which the newly developed properties and the other  
2910 properties in the municipality will contribute to the cost of existing public facilities in the  
2911 future;

2912 (v) the extent to which the newly developed properties are entitled to a credit because  
2913 the municipality is requiring their developers or owners, by contractual arrangement or  
2914 otherwise, to provide common facilities, inside or outside the proposed development, that have  
2915 been provided by the municipality and financed through general taxation or other means, apart  
2916 from user charges, in other parts of the municipality;

2917 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

2918 (vii) the time-price differential inherent in fair comparisons of amounts paid at  
2919 different times.

2920 (c) Each local political subdivision that prepares a written analysis under this  
2921 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,  
2922 designed to be understood by a lay person.

2923 (6) Each local political subdivision that adopts an impact fee enactment under Section  
2924 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit  
2925 to each public library within the local political subdivision:

2926 (a) a copy of the written analysis required by Subsection (5)(a); and

2927 (b) a copy of the summary required by Subsection (5)(c).

2928 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any  
2929 impact fee in effect on the effective date of this chapter that is pledged as a source of revenues  
2930 to pay bonded indebtedness that was incurred before the effective date of this chapter.

2931 Section 31. Section **11-36-202** is amended to read:

2932 **11-36-202. Impact fees -- Enactment -- Required provisions.**

2933 (1) (a) Each local political subdivision wishing to impose impact fees shall pass an  
2934 impact fee enactment.

2935 (b) The impact fee imposed by that enactment may not exceed the highest fee justified  
2936 by the impact fee analysis performed pursuant to Section 11-36-201.

2937 (c) In calculating the impact fee, each local political subdivision may include:

2938 (i) the construction contract price;

2939 (ii) the cost of acquiring land, improvements, materials, and fixtures;

2940 (iii) the cost for planning, surveying, and engineering fees for services provided for and  
2941 directly related to the construction of the system improvements; and

2942 (iv) debt service charges, if the political subdivision might use impact fees as a revenue  
2943 stream to pay the principal and interest on bonds, notes, or other obligations issued to finance  
2944 the costs of the system improvements.

2945 (d) In calculating an impact fee, a local political subdivision may not include an  
2946 expense for overhead unless the expense is calculated pursuant to a methodology that is  
2947 consistent with:

2948 (i) generally accepted cost accounting practices; and

2949 (ii) the methodological standards set forth by the federal Office of Management and  
2950 Budget for federal grant reimbursement.

2951 (e) In calculating an impact fee, each local political subdivision shall base amounts  
2952 calculated under Subsection (1)(c) on realistic estimates, and the assumptions underlying those  
2953 estimates shall be disclosed in the impact fee analysis.

2954 (f) In enacting an impact fee enactment:

2955 (i) municipalities shall:

2956 (A) make a copy of the impact fee enactment available to the public at least 14 days  
2957 before the date of the public hearing; and

2958 (B) comply with the notice and hearing requirements of, and, except as provided in  
2959 Subsection 11-36-401(4)(f), receive the protections of Sections 10-9a-205 and 10-9a-801;

2960 (ii) counties shall:

2961 (A) make a copy of the impact fee enactment available to the public at least 14 days  
2962 before the date of the public hearing; and

2963 (B) comply with the notice and hearing requirements of, and, except as provided in  
2964 Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and 17-27a-801;  
2965 and

2966 (iii) ~~special~~ local districts and special service districts, shall:

2967 (A) make a copy of the impact fee enactment available to the public at least 14 days  
2968 before the date of the public hearing; and

2969 (B) comply with the notice and hearing requirements of, and receive the protections of,  
2970 Section ~~[17A-1-203]~~ 17B-1-111.



2971 (g) Nothing contained in Subsection (1)(f) or in the subsections referenced in  
2972 Subsections (1)(f)(i)(B) and (ii)(B) may be construed to require involvement by a planning  
2973 commission in the impact fee enactment process.

2974 (2) The local political subdivision shall ensure that the impact fee enactment contains:

2975 (a) a provision establishing one or more service areas within which it shall calculate  
2976 and impose impact fees for various land use categories;

2977 (b) either:

2978 (i) a schedule of impact fees for each type of development activity that specifies the  
2979 amount of the impact fee to be imposed for each type of system improvement; or

2980 (ii) the formula that the local political subdivision will use to calculate each impact fee;

2981 (c) a provision authorizing the local political subdivision to adjust the standard impact  
2982 fee at the time the fee is charged to:

2983 (i) respond to unusual circumstances in specific cases; and

2984 (ii) ensure that the impact fees are imposed fairly; and

2985 (d) a provision governing calculation of the amount of the impact fee to be imposed on  
2986 a particular development that permits adjustment of the amount of the fee based upon studies  
2987 and data submitted by the developer.

2988 (3) The local political subdivision may include a provision in the impact fee enactment  
2989 that:

2990 (a) exempts low income housing and other development activities with broad public  
2991 purposes from impact fees and establishes one or more sources of funds other than impact fees  
2992 to pay for that development activity;

2993 (b) imposes an impact fee for public facility costs previously incurred by a local  
2994 political subdivision to the extent that new growth and development will be served by the  
2995 previously constructed improvement; and

2996 (c) allows a credit against impact fees for any dedication of land for, improvement to,  
2997 or new construction of, any system improvements provided by the developer if the facilities:

2998 (i) are identified in the capital facilities plan; and

2999 (ii) are required by the local political subdivision as a condition of approving the  
3000 development activity.

3001 (4) Except as provided in Subsection (3)(b), the local political subdivision may not

3002 impose an impact fee to cure deficiencies in public facilities serving existing development.

3003 (5) Notwithstanding the requirements and prohibitions of this chapter, a local political  
3004 subdivision may impose and assess an impact fee for environmental mitigation when:

3005 (a) the local political subdivision has formally agreed to fund a Habitat Conservation  
3006 Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec 1531, et seq.  
3007 or other state or federal environmental law or regulation;

3008 (b) the impact fee bears a reasonable relationship to the environmental mitigation  
3009 required by the Habitat Conservation Plan; and

3010 (c) the legislative body of the local political subdivision adopts an ordinance or  
3011 resolution:

3012 (i) declaring that an impact fee is required to finance the Habitat Conservation Plan;

3013 (ii) establishing periodic sunset dates for the impact fee; and

3014 (iii) requiring the legislative body to:

3015 (A) review the impact fee on those sunset dates;

3016 (B) determine whether or not the impact fee is still required to finance the Habitat  
3017 Conservation Plan; and

3018 (C) affirmatively reauthorize the impact fee if the legislative body finds that the impact  
3019 fee must remain in effect.

3020 (6) Each political subdivision shall ensure that any existing impact fee for  
3021 environmental mitigation meets the requirements of Subsection (5) by July 1, 1995.

3022 (7) Notwithstanding any other provision of this chapter:

3023 (a) a municipality imposing impact fees to fund fire trucks as of the effective date of  
3024 this act may impose impact fees for fire trucks until July 1, 1997; and

3025 (b) an impact fee to pay for a public safety facility that is a fire suppression vehicle  
3026 may not be imposed with respect to land that has a zoning designation other than commercial.

3027 (8) Notwithstanding any other provision of this chapter, a local political subdivision  
3028 may impose and collect impact fees on behalf of a school district if authorized by Section  
3029 53A-20-100.5.

3030 Section 32. Section **11-36-501** is amended to read:

3031 **11-36-501. Private entity assessment of impact fees -- Notice and hearing -- Audit.**

3032 (1) A private entity may only impose a charge for public facilities as a condition of

3033 development approval by imposing an impact fee. A private entity shall comply with the  
3034 requirements of this chapter before imposing an impact fee.

3035 (2) Except as otherwise specified in this chapter, a private entity is subject to the same  
3036 requirements of this chapter as a local political subdivision.

3037 (3) Where notice and hearing requirements are specified, a private entity shall comply  
3038 with the notice and hearing requirements for [~~special~~] local districts.

3039 (4) A private entity that assesses an impact fee under this chapter is subject to the audit  
3040 requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,  
3041 Interlocal Organizations, and Other Local Entities Act.

3042 Section 33. Section **11-39-101** is amended to read:

3043 **11-39-101. Definitions.**

3044 As used in this chapter:

3045 (1) "Bid limit" means:

3046 (a) for a building improvement:

3047 (i) for the year 2003, \$40,000; and

3048 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an  
3049 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
3050 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
3051 year; and

3052 (b) for a public works project:

3053 (i) for the year 2003, \$125,000; and

3054 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an  
3055 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
3056 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
3057 year.

3058 (2) "Building improvement":

3059 (a) means the construction or repair of a public building or structure; and

3060 (b) does not include construction or repair at an international airport.

3061 (3) "Consumer Price Index" means the Consumer Price Index for All Urban  
3062 Consumers as published by the Bureau of Labor Statistics of the United States Department of  
3063 Labor.

- 3064 (4) "Design-build project":  
3065 (a) means a building improvement or public works project costing over \$250,000 with  
3066 respect to which both the design and construction are provided for in a single contract with a  
3067 contractor or combination of contractors capable of providing design-build services; and  
3068 (b) does not include a building improvement or public works project:  
3069 (i) that is undertaken by a local entity under contract with a construction manager that  
3070 guarantees the contract price and is at risk for any amount over the contract price; and  
3071 (ii) each component of which is competitively bid.
- 3072 (5) "Design-build services" means the engineering, architectural, and other services  
3073 necessary to formulate and implement a design-build project, including its actual construction.
- 3074 (6) "Emergency repairs" means a building improvement or public works project  
3075 undertaken on an expedited basis to:  
3076 (a) eliminate an imminent risk of damage to or loss of public or private property;  
3077 (b) remedy a condition that poses an immediate physical danger; or  
3078 (c) reduce a substantial, imminent risk of interruption of an essential public service.
- 3079 [~~(7) "Independent special district" means an independent special district under Title~~  
3080 ~~17A, Chapter 2, Independent Special Districts, excluding a special service district under Title~~  
3081 ~~17A, Chapter 2, Part 13, Utah Special Service District Act.~~]
- 3082 (7) "Governing body" means:  
3083 (a) for a county, city, or town, the legislative body of the county, city, or town;  
3084 (b) for a local district, the board of trustees of the local district; and  
3085 (c) for a special service district:  
3086 (i) the legislative body of the county, city, or town that established the special service  
3087 district, if no administrative control board has been appointed under Section 17A-2-1326; or  
3088 (ii) the administrative control board of the special service district, if an administrative  
3089 control board has been appointed under Section 17A-2-1326.
- 3090 (8) "Local district" has the same meaning as defined in Section [~~17B-2-101~~]  
3091 17B-1-102.
- 3092 (9) "Local entity" means a county, city, town, [~~special district, or~~] local district, or  
3093 special service district.
- 3094 (10) "Lowest responsive responsible bidder" means a prime contractor who:

3095 (a) has submitted a bid in compliance with the invitation to bid and within the  
3096 requirements of the plans and specifications for the building improvement or public works  
3097 project;

3098 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial  
3099 strength, past performance, integrity, reliability, and other factors that the local entity uses to  
3100 assess the ability of a bidder to perform fully and in good faith the contract requirements;

3101 (c) has furnished a bid bond or equivalent in money as a condition to the award of a  
3102 prime contract; and

3103 (d) furnishes a payment and performance bond as required by law.

3104 (11) "Procurement code" means the provisions of Title 63, Chapter 56, Utah  
3105 Procurement Code.

3106 (12) "Public works project":

3107 (a) means the construction of:

3108 (i) a park or recreational facility; or

3109 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or  
3110 flood control; and

3111 (b) does not include:

3112 (i) the replacement or repair of existing infrastructure on private property;

3113 (ii) construction commenced before June 1, 2003; and

3114 (iii) construction or repair at an international airport.

3115 [~~(13) "Special district" has the same meaning as defined in Section 17A-1-101.~~]

3116 (13) "Special service district means a special service district under Title 17A, Chapter  
3117 2, Part 13, Utah Special Service District Act.

3118 Section 34. Section **11-39-103** is amended to read:

3119 **11-39-103. Requirements for undertaking a building improvement or public**  
3120 **works project -- Request for bids -- Authority to reject bids.**

3121 (1) If the estimated cost of the building improvement or public works project exceeds  
3122 the bid limit, the local entity shall, if it determines to proceed with the building improvement or  
3123 public works project:

3124 (a) request bids for completion of the building improvement or public works project  
3125 by:

3126 (i) publishing notice at least twice in a newspaper published or of general circulation in  
3127 the local entity at least five days before opening the bids; or

3128 (ii) if there is no newspaper published or of general circulation in the local entity,  
3129 posting notice at least five days before opening the bids in at least five public places in the  
3130 local entity and leaving the notice posted for at least three days; and

3131 (b) except as provided in Subsection (3), enter into a contract for the completion of the  
3132 building improvement or public works project with:

3133 (i) the lowest responsive responsible bidder; or

3134 (ii) for a design-build project that the local entity began formulating before March 1,  
3135 2004 and with respect to which a contract is entered into before September 1, 2004, a  
3136 responsible bidder that:

3137 (A) offers design-build services; and

3138 (B) satisfies the local entity's criteria relating to financial strength, past performance,  
3139 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder  
3140 to perform fully and in good faith the contract requirements for a design-build project.

3141 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject  
3142 any or all bids submitted.

3143 (b) (i) The cost of a building improvement or public works project may not be divided  
3144 to avoid:

3145 (A) exceeding the bid limit; and

3146 (B) subjecting the local entity to the requirements of this section.

3147 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a  
3148 building improvement or public works project that would, without dividing, exceed the bid  
3149 limit if the local entity complies with the requirements of this section with respect to each part  
3150 of the building improvement or public works project that results from dividing the cost.

3151 (3) (a) The local entity may reject any or all bids submitted.

3152 (b) If the local entity rejects all bids submitted but still intends to undertake the  
3153 building improvement or public works project, the local entity shall again request bids by  
3154 following the procedure provided in Subsection (1)(a).

3155 (c) If, after twice requesting bids by following the procedure provided in Subsection  
3156 (1)(a), the local entity determines that no satisfactory bid has been submitted, the [legislative]

3157 governing body may undertake the building improvement or public works project as it  
3158 considers appropriate.

3159 Section 35. Section **11-39-107** is amended to read:

3160 **11-39-107. Procurement code.**

3161 (1) This chapter may not be construed to:

3162 (a) prohibit a county legislative body from adopting the procedures of the procurement  
3163 code; or

3164 (b) limit the application of the procurement code to a [~~special district or~~] local district  
3165 or special service district.

3166 (2) (a) In seeking bids and awarding a contract for a building improvement or public  
3167 works project, a county legislative body may elect to follow the provisions of the procurement  
3168 code, as the county legislative body considers appropriate under the circumstances, for  
3169 specification preparation, source selection, or contract formation.

3170 (b) A county legislative body's election to adopt the procedures of the procurement  
3171 code may not excuse the county from complying with the requirements to award a contract for  
3172 work in excess of the bid limit and to publish notice of the intent to award.

3173 (c) An election under Subsection (2)(a) may be made on a case-by-case basis, unless  
3174 the county has previously adopted the procurement code as permitted by Subsection  
3175 63-56-102(3)(e).

3176 (d) The county legislative body shall:

3177 (i) make each election under Subsection (2)(a) in an open meeting; and

3178 (ii) specify in its action the portions of the procurement code to be followed.

3179 (3) If the estimated cost of the building improvement or public works project proposed  
3180 by a [~~special district or~~] local district or special service district exceeds the bid limit, the  
3181 [~~legislative~~] governing body of the [~~special district or~~] local district or special service district  
3182 may, if it determines to proceed with the building improvement or public works project, use the  
3183 competitive procurement procedures of the procurement code in place of the comparable  
3184 provisions of this chapter.

3185 Section 36. Section **11-40-101** is amended to read:

3186 **11-40-101. Definitions.**

3187 As used in this chapter:

3188 (1) "Applicant" means a person who seeks employment with a public water utility,  
3189 either as an employee or as an independent contractor, and who, after employment, would, in  
3190 the judgment of the public water utility, be in a position to affect the safety or security of the  
3191 publicly owned treatment works or public water system or to affect the safety or well-being of  
3192 patrons of the public water utility.

3193 (2) "Division" means the Criminal Investigation and Technical Services Division of the  
3194 Department of Public Safety, established in Section 53-10-103.

3195 (3) "Independent contractor":

3196 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,  
3197 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or  
3198 equipment, or related control or security facilities or equipment, to the public water utility; and

3199 (b) includes the employees and agents of the engineer, contractor, consultant, or  
3200 supplier.

3201 (4) "Person seeking access" means a person who seeks access to a public water utility's  
3202 public water system or publicly owned treatment works and who, after obtaining access, would,  
3203 in the judgment of the public water utility, be in a position to affect the safety or security of the  
3204 publicly owned treatment works or public water system or to affect the safety or well-being of  
3205 patrons of the public water utility.

3206 (5) " Publicly owned treatment works" has the same meaning as defined in Section  
3207 19-5-102.

3208 (6) "Public water system" has the same meaning as defined in Section 19-4-102.

3209 (7) "Public water utility" means a county, city, town, [~~independent special district~~  
3210 ~~under Title 17A, Chapter 2, Independent Special Districts,~~] local district under Title 17B,  
3211 Chapter [~~2,~~] 1, Provisions Applicable to All Local Districts, special service district under Title  
3212 17A, Chapter 2, Part 13, Utah Special Service District Act, or other political subdivision of the  
3213 state that operates publicly owned treatment works or a public water system.

3214 Section 37. Section **11-42-101** is enacted to read:

3215 **CHAPTER 42. ASSESSMENT AREA ACT**

3216 **Part 1. General Provisions**

3217 **11-42-101. Title.**

3218 This chapter is known as the "Assessment Area Act."



3219 Section 38. Section **11-42-102** is enacted to read:

3220 **11-42-102. Definitions.**

3221 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203  
3222 that represent at least 50% of the frontage, area, taxable value, fair market value, lots, number  
3223 of connections, or equivalent residential units of the property proposed to be assessed,  
3224 according to the same assessment method by which the assessment is proposed to be levied,  
3225 after eliminating:

3226 (a) protests relating to:

3227 (i) property that has been deleted from a proposed assessment area; or

3228 (ii) an improvement that has been deleted from the proposed improvements to be  
3229 provided to property within the proposed assessment area; and

3230 (b) protests that have been withdrawn under Subsection 11-42-203(3).

3231 (2) "Assessment area" means an area, or, if more than one area is designated, the  
3232 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a  
3233 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the  
3234 costs of improvements, operation and maintenance, or economic promotion activities that  
3235 benefit property within the area.

3236 (3) "Assessment bonds" means bonds that are:

3237 (a) issued under Section 11-42-605; and

3238 (b) payable in part or in whole from assessments levied in an assessment area,  
3239 improvement revenues, and a guaranty fund or reserve fund.

3240 (4) "Assessment fund" means a special fund that a local entity establishes under  
3241 Section 11-42-412.

3242 (5) "Assessment lien" means a lien on property within an assessment area that arises  
3243 from the levy of an assessment, as provided in Section 11-42-501.

3244 (6) "Assessment method" means the method by which an assessment is levied against  
3245 property, whether by frontage, area, taxable value, fair market value, lot, number of  
3246 connections, equivalent residential unit, or any combination of these methods.

3247 (7) "Assessment ordinance" means an ordinance adopted by a local entity under  
3248 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

3249 (8) "Assessment resolution" means a resolution adopted by a local entity under Section

3250 11-42-404 that levies an assessment on benefitted property within an assessment area.

3251 (9) "Benefitted property" means property within an assessment area that benefits from  
3252 improvements, operation and maintenance, or economic promotion activities.

3253 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in  
3254 anticipation of the issuance of assessment bonds.

3255 (11) "Bonds" means assessment bonds and refunding assessment bonds.

3256 (12) "Commercial area" means an area in which at least 75% of the property is devoted  
3257 to the interchange of goods or commodities.

3258 (13) "Connection fee" means a fee charged by a local entity to pay for the costs of  
3259 connecting property to a publicly owned sewer, water, gas, telecommunications, or electrical  
3260 system, whether or not improvements are installed on the property.

3261 (14) "Contract price" means:

3262 (a) the cost of acquiring an improvement, if the improvement is acquired; or

3263 (b) the amount payable to one or more contractors for the design, engineering,  
3264 inspection, and construction of an improvement.

3265 (15) "Designation ordinance" means an ordinance adopted by a local entity under  
3266 Section 11-42-206 designating an assessment area.

3267 (16) "Designation resolution" means a resolution adopted by a local entity under  
3268 Section 11-42-206 designating an assessment area.

3269 (17) "Economic promotion activities" means activities that promote economic growth  
3270 in a commercial area of a local entity, including:

3271 (a) sponsoring festivals and markets;

3272 (b) promoting business investment;

3273 (c) helping to coordinate public and private actions; and

3274 (d) developing and issuing publications designed to improve the economic well-being  
3275 of the commercial area.

3276 (18) "Equivalent residential unit" means a dwelling, unit, or development that is equal  
3277 to a single-family residence in terms of the nature of its use or impact on an improvement to be  
3278 provided in the assessment area.

3279 (19) "Governing body" means:

3280 (a) for a county, city, or town, the legislative body of the county, city, or town;

- 3281 (b) for a local district, the board of trustees of the local district; and  
3282 (c) for a special service district:  
3283 (i) the legislative body of the county, city, or town that established the special service  
3284 district, if no administrative control board has been appointed under Section 17A-2-1326; or  
3285 (ii) the administrative control board of the special service district, if an administrative  
3286 control board has been appointed under Section 17A-2-1326.  
3287 (20) "Guaranty fund" means the fund established by a local entity under Section  
3288 11-42-701.  
3289 (21) "Improved property" means property proposed to be assessed within an  
3290 assessment area upon which a residential, commercial, or other building has been built.  
3291 (22) "Improvement" means any publicly owned infrastructure, system, or other facility  
3292 that:  
3293 (a) a local entity is authorized to provide; or  
3294 (b) the governing body of a local entity determines is necessary or convenient to enable  
3295 the local entity to provide a service that the local entity is authorized to provide.  
3296 (23) "Improvement revenues":  
3297 (a) means charges, fees, impact fees, or other revenues that a local entity receives from  
3298 improvements; and  
3299 (b) does not include revenue from assessments.  
3300 (24) "Incidental refunding costs" means any costs of issuing refunding assessment  
3301 bonds and calling, retiring, or paying prior bonds, including:  
3302 (a) legal and accounting fees;  
3303 (b) charges of fiscal agents, escrow agents, and trustees;  
3304 (c) underwriting discount costs, printing costs, the costs of giving notice;  
3305 (d) any premium necessary in the calling or retiring of prior bonds;  
3306 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to  
3307 refund the outstanding prior bonds;  
3308 (f) any other costs that the governing body determines are necessary or desirable to  
3309 incur in connection with the issuance of refunding assessment bonds; and  
3310 (g) any interest on the prior bonds that is required to be paid in connection with the  
3311 issuance of the refunding assessment bonds.

3312 (25) "Installment payment date" means the date on which an installment payment of an  
 3313 assessment is payable.

3314 (26) "Interim warrant" means a warrant issued by a local entity under Section  
 3315 11-42-601.

3316 (27) "Jurisdictional boundaries" means:

3317 (a) for a county, the boundaries of the unincorporated area of the county; and

3318 (b) for each other local entity, the boundaries of the local entity.

3319 (28) "Local district" means a local district under Title 17B, Limited Purpose Local  
 3320 Government Entities - Local Districts.

3321 (29) "Local entity" means a county, city, town, special service district, or local district.

3322 (30) "Local entity obligations" means assessment bonds, refunding assessment bonds,  
 3323 interim warrants, and bond anticipation notes issued by a local entity.

3324 (31) "Mailing address" means:

3325 (a) a property owner's last-known address using the name and address appearing on the

3326 last completed real property assessment roll of the county in which the property is located; ~~§~~ → [or]

3326a and ←~~§~~

3327 (b) if the property is improved property:

3328 (i) the property's street number; or

3329 (ii) the post office box, rural route number, or other mailing address of the property, if  
 3330 a street number has not been assigned.

3331 (32) "Net improvement revenues" means all improvement revenues that a local entity  
 3332 has received since the last installment payment date, less all amounts payable by the local entity  
 3333 from those improvement revenues for operation and maintenance costs.

3334 (33) "Operation and maintenance costs" means the costs that a local entity incurs in  
 3335 operating and maintaining improvements in an assessment area, including service charges,  
 3336 administrative costs, ongoing maintenance charges, and tariffs or other charges for electrical,  
 3337 water, gas, or other utility usage.

3338 (34) "Optional facilities":

3339 (a) means facilities in an assessment area that:

3340 (i) can be conveniently installed at the same time as improvements in the assessment  
 3341 area; and

3342 (ii) are requested by a property owner on whose property or for whose benefit the

3343 improvements are being installed; and

3344 (b) includes private driveways, irrigation ditches, and water turnouts.

3345 (35) "Overhead costs" means the actual costs incurred or the estimated costs to be

3346 incurred by a local entity in connection with an assessment area for appraisals, legal fees, filing

3347 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and paying

3348 agent fees, publishing and mailing costs, costs of levying an assessment, recording costs, and

3349 all other incidental costs.

3350 (36) "Prior bonds" means the assessment bonds that are refunded in part or in whole by

3351 refunding assessment bonds.

3352 (37) "Prior assessment ordinance" means the ordinance levying the assessments from

3353 which the prior bonds are payable.

3354 (38) "Prior assessment resolution" means the resolution levying the assessments from

3355 which the prior bonds are payable.

3356 (39) "Project engineer" means the surveyor or engineer employed by or private

3357 consulting engineer engaged by a local entity to perform the necessary engineering services for

3358 and to supervise the construction or installation of the improvements.

3359 (40) "Property" includes real property and any interest in real property, including water

3360 rights, leasehold rights, and personal property related to the property.

3361 (41) "Property price" means the price at which a local entity purchases or acquires by

3362 eminent domain property to make improvements in an assessment area.

3363 (42) "Provide" or "providing," with reference to an improvement, includes the

3364 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and

3365 expansion of an improvement.

3366 (43) "Public agency" means:

3367 (a) the state or any agency, department, or division of the state; and

3368 (b) a political subdivision of the state.

3369 (44) "Reduced payment obligation" means the full obligation of an owner of property

3370 within an assessment area to pay an assessment levied on the property after the assessment has

3371 been reduced because of the issuance of refunding assessment bonds, as provided in Section

3372 11-42-608.

3373 (45) "Refunding assessment bonds" means assessment bonds that a local entity issues

3374 under Section 11-42-607 to refund, in part or in whole, assessment bonds.

3375 (46) "Reserve fund" means a fund established by a local entity under Section  
3376 11-42-702.

3377 (47) "Service" means water, sewer, garbage collection, library, recreation, or electric  
3378 service, economic promotion activities, or any other service that a local entity is required or  
3379 authorized to provide.

3380 (48) "Special service district" means a special service district under Title 17A, Chapter  
3381 2, Part 13, Utah Special Service District Act.

3382 (49) "Unimproved property" means property upon which no residential, commercial, or  
3383 other building has been built.

3384 (50) "Voluntary assessment area" means an assessment area that contains only property  
3385 whose owners have voluntarily consented to an assessment.

3386 Section 39. Section **11-42-103** is enacted to read:

3387 **11-42-103. Limit on effect of this chapter.**

3388 Nothing in this chapter may be construed to authorize a local entity to provide an  
3389 improvement or service that the local entity is not otherwise authorized to provide.

3390 Section 40. Section **11-42-104** is enacted to read:

3391 **11-42-104. Waiver by property owners -- Requirements.**

3392 (1) The owners of property to be assessed within an assessment area may waive:

3393 (a) the prepayment period under Subsection 11-42-411(6);

3394 (b) a procedure that a local entity is required to follow to:

3395 (i) designate an assessment area; or

3396 (ii) levy an assessment; or

3397 (c) a period to contest a local entity action.

3398 (2) Each waiver under this section shall:

3399 (a) be in writing;

3400 (b) be signed by all the owners of property to be assessed within the assessment area;

3401 (c) describe the prepayment period, procedure, or contest period being waived;

3402 (d) state that the owners waive the prepayment period, procedure, or contest period;

3403 and

3404 (e) state that the owners consent to the local entity taking the required action to waive

3405 the prepayment period, procedure, or contest period.

3406 Section 41. Section **11-42-105** is enacted to read:

3407 **11-42-105. This chapter does not limit other local entity powers -- Resolution of a**  
3408 **conflict with other statutory provisions.**

3409 (1) This chapter may not be construed to limit a power that a local entity has under  
3410 other applicable law to:

3411 (a) make an improvement or provide a service;

3412 (b) create a district;

3413 (c) levy an assessment or tax; or

3414 (d) issue bonds or refunding bonds.

3415 (2) If there is a conflict between a provision of this chapter and any other statutory  
3416 provision, the provision of this chapter governs.

3417 Section 42. Section **11-42-106** is enacted to read:

3418 **11-42-106. Action to contest assessment or proceeding -- Requirements --**  
3419 **Exclusive remedy -- Bond incontestable.**

3420 (1) A person who contests an assessment or any proceeding to designate an assessment  
3421 area or levy an assessment may commence a civil action against the local entity to set aside a  
3422 proceeding or enjoin the levy or collection of an assessment.

3423 (2) (a) Each action under Subsection (1) shall be commenced in the district court with  
3424 jurisdiction in the county in which the assessment area is located.

3425 (b) An action under Subsection (1) may not be commenced against and a summons  
3426 relating to the action may not be served on the local entity more than 30 days after the effective  
3427 date of the assessment resolution or ordinance or, in the case of an amendment, the amended  
3428 resolution or ordinance.

3429 (3) (a) An action under this section is the exclusive remedy of a person who claims an  
3430 error or irregularity in an assessment or in any proceeding to designate an assessment area or  
3431 levy an assessment.

3432 (b) A court may not hear any complaint that a person was authorized to make but did  
3433 not make in a protest under Section 11-42-203 or at a hearing under Section 11-42-204.

3434 (4) An assessment or a proceeding to designate an assessment area or to levy an  
3435 assessment may not be declared invalid or set aside in part or in whole because of an error or

3436 irregularity that does not go to the equity or justice of the assessment or proceeding.

3437 (5) After the expiration of the 30-day period referred to in Subsection (2)(b):

3438 (a) assessment bonds and refunding assessment bonds issued or to be issued with  
3439 respect to an assessment area and assessments levied on property in the assessment area  
3440 become at that time incontestable against all persons who have not commenced an action and  
3441 served a summons as provided in this section; and

3442 (b) a suit to enjoin the issuance or payment of assessment bonds or refunding  
3443 assessment bonds, the levy, collection, or enforcement of an assessment, or to attack or  
3444 question in any way the legality of assessment bonds, refunding assessment bonds, or an  
3445 assessment may not be commenced, and a court may not inquire into those matters.

3446 Section 43. Section **11-42-107** is enacted to read:

3447 **11-42-107. Accepting donation or contribution.**

3448 A local entity may accept any donation or contribution from any source for the payment  
3449 or the making of an improvement in an assessment area.

3450 Section 44. Section **11-42-108** is enacted to read:

3451 **11-42-108. Utility connections before paving or repaving is done -- Failure to**  
3452 **make connection.**

3453 (1) The governing body may require:

3454 (a) that before paving or repaving is done within an assessment area, all water, gas,  
3455 sewer, and underground electric and telecommunications connections be made under the  
3456 regulations and at the distances from the street mains to the line of the property abutting on the  
3457 street to be paved or repaved that the local entity prescribes by resolution or ordinance; and

3458 (b) the water company owning the water pipe main, the gas company owning the gas  
3459 pipe main, and the electric or telecommunications company owning the underground electric or  
3460 telecommunications facilities to make the connections.

3461 (2) Upon the failure of a water company, gas company, or electric or  
3462 telecommunications company to make a required connection:

3463 (a) the local entity may cause the connection to be made; and

3464 (b) (i) the cost that the local entity incurs in making the connection shall be deducted  
3465 from the amount of any debt the local entity owes to the company; and

3466 (ii) the local entity may not pay a bill from the company until all the cost has been



3467 offset as provided in Subsection (2)(b)(i).

3468 Section 45. Section **11-42-109** is enacted to read:

3469 **11-42-109. Severability.**

3470 A court's invalidation of any provision of this chapter may not be considered to affect  
3471 the validity of any other provision of this chapter.

3472 Section 46. Section **11-42-201** is enacted to read:

3473 **Part 2. Designating an Assessment Area**

3474 **11-42-201. Resolution or ordinance designating an assessment area -- Zones**  
3475 **within an assessment area -- Preconditions to adoption of a resolution or ordinance.**

3476 (1) (a) Subject to the requirements of this part, a local entity intending to levy an  
3477 assessment on property to pay some or all of the cost of providing improvements benefitting  
3478 the property, performing operation and maintenance benefitting the property, or conducting  
3479 economic promotion activities benefitting the property may adopt a resolution or ordinance  
3480 designating an assessment area.

3481 (b) A designation resolution or ordinance may divide the assessment area into zones to  
3482 allow the governing body to levy a different level of assessment or to use a different  
3483 assessment method in each zone to reflect more fairly the benefits that property within the  
3484 different zones is expected to receive because of the proposed improvement, operation and  
3485 maintenance, or economic promotion activities.

3486 (c) The boundaries of a proposed assessment area may include property that is not  
3487 intended to be assessed.

3488 (2) Before adopting a designation resolution or ordinance, the governing body of the  
3489 local entity shall:

3490 (a) give notice as provided in Section 11-42-202;

3491 (b) receive and consider all protests filed under Section 11-42-203; and

3492 (c) hold a public hearing as provided in Section 11-42-204.

3493 Section 47. Section **11-42-202** is enacted to read:

3494 **11-42-202. Notice of a proposed assessment area designation.**

3495 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

3496 (a) state that the local entity proposes to:

3497 (i) designate one or more areas within the local entity's jurisdictional boundaries as an

3498 assessment area:

3499 (ii) provide an improvement to property within the proposed assessment area; and

3500 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
3501 property within the assessment area;

3502 (b) describe the proposed assessment area by any reasonable method that allows an  
3503 owner of property in the proposed assessment area to determine that the owner's property is  
3504 within the proposed assessment area;

3505 (c) describe, in a general way, the improvements to be provided to the assessment area,  
3506 including:

3507 (i) the general nature of the improvements; and

3508 (ii) the general location of the improvements, by reference to streets or portions or  
3509 extensions of streets or by any other means that the governing body chooses that reasonably  
3510 describes the general location of the improvements;

3511 (d) a statement of the estimated cost of the improvements as determined by a project  
3512 engineer;

3513 (e) a statement that the local entity proposes to levy an assessment on benefitted  
3514 property within the assessment area to pay some or all of the cost of the improvements  
3515 according to the estimated direct and indirect benefits to the property from the improvements;

3516 (f) a statement of the assessment method by which the assessment is proposed to be  
3517 levied;

3518 (g) a statement of the time within which and the location at which protests against  
3519 designation of the proposed assessment area or of the proposed improvements are required to  
3520 be filed and the method by which the number of protests required to defeat the designation of  
3521 the proposed assessment area or acquisition or construction of the proposed improvements are  
3522 to be determined;

3523 (h) state the date, time, and place of the public hearing under Section 11-42-204;

3524 (i) if the governing body elects to create and fund a reserve fund under Section  
3525 11-42-702, a description of how the reserve fund will be funded and replenished and how  
3526 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;

3527 (j) if the governing body intends to designate a voluntary assessment area, a property  
3528 owner consent form that:

3529 (i) estimates the total assessment to be levied against the particular parcel of property;

3530 (ii) describes any additional benefits that the governing body expects the assessed

3531 property to receive from the improvements; and

3532 (iii) designates the date and time by which the fully executed consent form is required

3533 to be submitted to the governing body;

3534 (k) if the local entity intends to levy an assessment to pay operation and maintenance

3535 costs or for economic promotion activities:

3536 (i) a description of the operation and maintenance costs or economic promotion

3537 activities to be paid by assessments and the initial estimated annual assessment to be levied;

3538 (ii) a description of how the estimated assessment will be determined;

3539 (iii) a description of how and when the governing body will adjust the assessment to

3540 reflect current operation and maintenance costs or the costs of current economic promotion

3541 activities;

3542 (iv) a description of the method of assessment if different from the method of

3543 assessment to be used for financing any improvement; and

3544 (v) a statement of the maximum number of years over which the assessment for

3545 operation and maintenance or economic promotion activities will be levied; and

3546 (l) if the governing body intends to divide the proposed assessment area into zones

3547 under Subsection 11-42-201(1)(b), a description of the proposed zones.

3548 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information

3549 that the governing body considers to be appropriate, including:

3550 (a) the amount or proportion of the cost of the improvement to be paid by the local

3551 entity or from sources other than an assessment;

3552 (b) the estimated amount of each type of assessment for the various improvements to

3553 be financed according to the method of assessment that the governing body chooses; and

3554 (c) provisions for any optional improvements.

3555 (3) Each notice required under Subsection 11-42-201(2)(a) shall:

3556 (a) (i) be published in a newspaper of general circulation within the local entity's

3557 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at

3558 least five but not more than 20 days before the deadline under Section 11-42-203 for filing

3559 protests; or

3560 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional  
3561 boundaries, be posted in at least three public places within the local entity's jurisdictional  
3562 boundaries at least 20 but not more than 35 days before the deadline under Section 11-42-203  
3563 for filing protests; and

3564 (b) be mailed, postage prepaid, within ten days after the first publication or posting of  
3565 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed  
3566 assessment area at the property owner's mailing address.

3567 Section 48. Section **11-42-203** is enacted to read:

3568 **11-42-203. Protests.**

3569 (1) An owner of property that is proposed to be included within an assessment area  
3570 may, within the time specified in the notice under Section 11-42-202, file a written protest  
3571 against:

3572 (a) the designation of the assessment area;

3573 (b) the inclusion of the owner's property in the proposed assessment area;

3574 (c) the proposed improvements to be acquired or constructed; or

3575 (d) any other aspect of the proposed designation of an assessment area.

3576 (2) Each protest under Subsection (1)(a) shall describe or otherwise identify the  
3577 property owned by the person filing the protest.

3578 (3) An owner may withdraw a protest at any time before the conclusion of the hearing  
3579 under Section 11-42-204 by filing a written withdrawal with the governing body.

3580 (4) If the governing body intends to assess property within the proposed assessment  
3581 area by type of improvement or by zone, the governing body shall, in determining whether  
3582 adequate protests have been filed, aggregate the protests by the type of improvement or by  
3583 zone.

3584 (5) The failure of an owner of property within the proposed assessment area to file a  
3585 timely written protest constitutes a waiver of any objection to:

3586 (a) the designation of the assessment area;

3587 (b) any improvement to be provided to property within the assessment area; and

3588 (c) the inclusion of the owner's property within the assessment area.

3589 Section 49. Section **11-42-204** is enacted to read:

3590 **11-42-204. Hearing.**

- 3591           (1) On the date and at the time and place specified in the notice under Section  
3592 11-42-202, the governing body shall hold a public hearing.
- 3593           (2) The governing body may continue the public hearing from time to time to a fixed  
3594 future date and time.
- 3595           (3) At the public hearing, the governing body shall:
- 3596           (a) hear all objections to the designation of the proposed assessment area or the  
3597 improvements proposed to be provided in the assessment area;
- 3598           (b) hear all persons desiring to be heard; and
- 3599           (c) consider all protests filed under Section 11-42-203.
- 3600           (4) The governing body may make changes in:
- 3601           (a) improvements proposed to be provided to the proposed assessment area; or  
3602 (b) the area or areas proposed to be included within the proposed assessment area.
- 3603           Section 50. Section **11-42-205** is enacted to read:
- 3604           **11-42-205. Unimproved property.**
- 3605           (1) A local entity may not designate an assessment area in which more than 75% of the  
3606 property proposed to be assessed consists of unimproved property unless the local entity:
- 3607           (a) has obtained an appraisal of the unimproved property from an appraiser who is a  
3608 member of the Appraisal Institute, verifying that the market value of the property, after  
3609 completion of the proposed improvements, is at least three times the amount of the assessment  
3610 proposed to be levied against the unimproved property;
- 3611           (b) has obtained from each owner of unimproved property:
- 3612           (i) financial information acceptable to the governing body demonstrating the owner's  
3613 ability to pay the proposed assessment; or
- 3614           (ii) a financial institution's commitment securing, to the governing body's satisfaction,  
3615 the owner's obligation to pay the proposed assessment; and
- 3616           (c) has prepared a development plan, approved by a qualified, independent third party,  
3617 describing the plan of development and the financial feasibility of the plan, taking into account  
3618 growth trends, absorption studies, and other demographic information applicable to the  
3619 unimproved property.
- 3620           (2) Information that an owner provides to a local entity under Subsection (1)(b)(i) is  
3621 not a record for purposes of Title 63, Chapter 2, Government Records Access and Management

3622 Act.

3623 Section 51. Section **11-42-206** is enacted to read:

3624 **11-42-206. Adoption of a resolution or ordinance regarding a proposed**  
3625 **assessment area -- Designation of an assessment area may not occur if adequate protests**  
3626 **filed -- Recording of resolution or ordinance and notice of proposed assessment.**

3627 (1) After holding a public hearing under Section 11-42-204 and considering protests  
3628 filed under Section 11-42-203, and subject to Subsection (3), the governing body shall adopt a  
3629 resolution or ordinance:

3630 (a) abandoning the proposal to designate an assessment area; or

3631 (b) designating an assessment area as described in the notice under Section 11-42-202  
3632 or with the changes made as authorized under Subsection 11-42-204(4).

3633 (2) If the notice under Section 11-42-202 indicates that the proposed assessment area is  
3634 a voluntary assessment area, the governing body shall:

3635 (a) delete from the proposed assessment area all property whose owners have not  
3636 submitted an executed consent form consenting to inclusion of the owner's property in the  
3637 proposed assessment area; and

3638 (b) determine whether to designate a voluntary assessment area, after considering:

3639 (i) the amount of the proposed assessment to be levied on the property within the  
3640 voluntary assessment area; and

3641 (ii) the benefits that property within the voluntary assessment area will receive from  
3642 improvements proposed to be financed by assessments on the property.

3643 (3) If adequate protests have been filed, the governing body may not designate an  
3644 assessment area as described in the notice under Section 11-42-202.

3645 (4) (a) If the governing body adopts a designation resolution or ordinance designating  
3646 an assessment area, the governing body shall, within 15 days after adopting the designation  
3647 resolution or ordinance:

3648 (i) record the original or certified copy of the designation resolution or ordinance in the  
3649 office of the recorder of the county in which property within the assessment area is located; and

3650 (ii) file with the recorder of the county in which property within the assessment area is  
3651 located a notice of proposed assessment that:

3652 (A) states that the local entity has designated an assessment area; and

3653 (B) lists, by legal description and tax identification number, the property proposed to  
3654 be assessed.

3655 (b) A governing body's failure to comply with the requirements of Subsection (4)(a)  
3656 does not invalidate the designation of an assessment area.

3657 (5) After the adoption of a designation resolution or ordinance under Subsection (1)(b),  
3658 the local entity may begin providing the specified improvements.

3659 Section 52. Section **11-42-207** is enacted to read:

3660 **11-42-207. Adding property to an assessment area.**

3661 (1) A local entity may add to a designated assessment area property to be benefitted  
3662 and assessed if:

3663 (a) construction of the improvements in the assessment area has not been completed;  
3664 and

3665 (b) the governing body:

3666 (i) finds that the inclusion of the property will not adversely affect the owners of  
3667 property already in the assessment area;

3668 (ii) obtains from each owner of property to be added and benefitted a written consent  
3669 that contains:

3670 (A) the owner's consent to:

3671 (I) the owner's property being added to the assessment area; and

3672 (II) the making of the proposed improvements with respect to the owner's property;

3673 (B) the legal description and tax identification number of the property to be added; and

3674 (C) the owner's waiver of any right to protest the creation of the assessment area;

3675 (iii) amends the designation resolution or ordinance to include the added property; and

3676 (iv) within 15 days after amending the designation resolution or ordinance;

3677 (A) records in the office of the recorder of the county in which the added property is  
3678 located the original or certified copy of the amended designation resolution or ordinance

3679 containing the legal description and tax identification number of each additional parcel of  
3680 property added to the assessment area and proposed to be assessed; and

3681 (B) gives written notice to the property owner of the inclusion of the owner's property  
3682 in the assessment area.

3683 (2) The failure of a local entity's governing body to comply with the requirement of

3684 Subsection (1)(b)(iv) does not affect the validity of the amended designation resolution or  
3685 ordinance.

3686 (3) Except as provided in this section, a local entity may not add to an assessment area  
3687 land not included in a notice under Section 11-42-202, or provide for making improvements  
3688 that are not stated in the notice, unless the local entity gives notice as provided in Section  
3689 11-42-202 and holds a hearing as required under Section 11-42-204 as to the added land or  
3690 additional improvements.

3691 Section 53. Section **11-42-208** is enacted to read:

3692 **11-42-208. Recording notice of deletion if property is deleted from an assessment**  
3693 **area.**

3694 If, after adoption of a designation resolution or ordinance under Section 11-42-206, a  
3695 local entity deletes property from the assessment area, the local entity shall record a notice of  
3696 deletion in a form that includes the legal description and tax identification number of the  
3697 property and otherwise complies with applicable recording statutes.

3698 Section 54. Section **11-42-301** is enacted to read:

3699 **Part 3. Contracts for Improvements**

3700 **11-42-301. Improvements made only under contract let to lowest responsible**  
3701 **bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to contract**  
3702 **requirement.**

3703 (1) Except as otherwise provided in this section, a local entity may make improvements  
3704 in an assessment area only under contract let to the lowest responsive, responsible bidder for  
3705 the kind of service, material, or form of construction that the local entity's governing body  
3706 determines in compliance with any applicable local entity ordinances.

3707 (2) A local entity may:

3708 (a) divide improvements into parts;

3709 (b) (i) let separate contracts for each part; or

3710 (ii) combine multiple parts into the same contract; and

3711 (c) let a contract on a unit basis.

3712 (3) (a) A local entity may not let a contract until after publishing notice as provided in  
3713 Subsection (3)(b) at least one time in a newspaper of general circulation within the boundaries  
3714 of the local entity at least 15 days before the date specified for receipt of bids.



3715 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will  
3716 receive sealed bids at a specified time and place for the construction of the improvements.

3717 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to  
3718 publish the notice or to publish the notice within 15 days before the date specified for receipt of  
3719 bids, the governing body may proceed to let a contract for the improvements if the local entity  
3720 receives at least three sealed and bona fide bids from contractors by the time specified for the  
3721 receipt of bids.

3722 (d) A local entity may publish a notice required under this Subsection (3) at the same  
3723 time as a notice under Section 11-42-202.

3724 (4) (a) A local entity may accept as a sealed bid a bid that is:

3725 (i) manually sealed and submitted; or

3726 (ii) electronically sealed and submitted.

3727 (b) The governing body or project engineer shall, at the time specified in the notice  
3728 under Subsection (3), open and examine the bids.

3729 (c) In open session, the governing body:

3730 (i) shall declare the bids; and

3731 (ii) may reject any or all bids if the governing body considers the rejection to be for the  
3732 public good.

3733 (d) The local entity may award the contract to the lowest responsive, responsible bidder  
3734 even if the price bid by that bidder exceeds the estimated costs as determined by the project  
3735 engineer.

3736 (e) A local entity may in any case:

3737 (i) refuse to award a contract;

3738 (ii) obtain new bids after giving a new notice under Subsection (3);

3739 (iii) determine to abandon the assessment area; or

3740 (iv) not make some of the improvements proposed to be made.

3741 (5) A local entity is not required to let a contract as provided in this section for:

3742 (a) an improvement or part of an improvement the cost of which or the making of  
3743 which is donated or contributed;

3744 (b) an improvement that consists of furnishing utility service or maintaining  
3745 improvements;

- 3746 (c) labor, materials, or equipment supplied by the local entity;  
3747 (d) the local entity's acquisition of completed or partially completed improvements in  
3748 an assessment area;  
3749 (e) design, engineering, and inspection costs incurred with respect to the construction  
3750 of improvements in an assessment area; or  
3751 (f) additional work performed in accordance with the terms of a contract duly let to the  
3752 lowest responsible bidder.  
3753 (6) A local entity may itself furnish utility service and maintain improvements within an  
3754 assessment area.  
3755 (7) (a) A local entity may acquire completed or partially completed improvements in an  
3756 assessment area, but may not pay an amount for those improvements that exceeds their fair  
3757 market value.  
3758 (b) Upon the local entity's payment for completed or partially completed  
3759 improvements, title to the improvements shall be conveyed to the local entity or another public  
3760 agency.  
3761 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works  
3762 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an  
3763 assessment area.  
3764 Section 55. Section **11-42-302** is enacted to read:  
3765 **11-42-302. Contracts for work in an assessment area -- Sources of payment --**  
3766 **Payments as work progresses.**  
3767 (1) A contract for work in an assessment area or for the purchase of property required  
3768 to make an improvement in an assessment area may require the contract obligation to be paid  
3769 from proceeds from the sale of assessment bonds, interim warrants, or bond anticipation notes.  
3770 (2) (a) To the extent that a contract is not paid from the sources stated in Subsection  
3771 (1), the local entity shall advance funds to pay the contract obligation from other legally  
3772 available money, according to the requirements of the contract.  
3773 (b) A local entity may reimburse itself for an amount paid from its general fund or  
3774 other funds under Subsection (2)(a) from:  
3775 (i) the proceeds from the sale of assessment bonds, interim warrants, or bond  
3776 anticipation notes; or

3777 (ii) assessments or improvement revenues that are not pledged for the payment of  
3778 assessment bonds, interim warrants, or bond anticipation notes.

3779 (c) A local entity may not reimburse itself for costs of making an improvement that are  
3780 properly chargeable to the local entity or for which an assessment may not be levied.

3781 (3) (a) A contract for work in an assessment area may provide for payments to the  
3782 contractor as the work progresses.

3783 (b) If a contract provides for periodic payments:

3784 (i) periodic payments may not exceed 90% of the value of the work done to the date of  
3785 the payment, as determined by estimates of the project engineer; and

3786 (ii) a final payment may be made only after the contractor has completed the work and  
3787 the local entity has accepted the work.

3788 (c) If a local entity retains money payable to a contractor as the work progresses, the  
3789 local entity shall retain or withhold and release the money as provided in Section 13-8-5.

3790 Section 56. Section **11-42-401** is enacted to read:

3791 **Part 4. Assessments**

3792 **11-42-401. Levying an assessment.**

3793 (1) A local entity may levy an assessment against property within an assessment area as  
3794 provided in this part.

3795 (2) Before a governing body may adopt a resolution or ordinance levying an  
3796 assessment against property within an assessment area:

3797 (a) the governing body shall:

3798 (i) subject to Subsection (3), prepare an assessment list designating:

3799 (A) each parcel of property proposed to be assessed; and

3800 (B) the amount of the assessment to be levied against the property;

3801 (ii) appoint a board of equalization as provided in Section 11-42-403; and

3802 (iii) give notice as provided in Section 11-42-402; and

3803 (b) the board of equalization, appointed under Section 11-42-403, shall hold hearings,

3804 make any corrections to assessments it considers appropriate, and report its findings to the

3805 governing body as provided in Section 11-42-403.

3806 (3) An assessment list under Subsection (2)(a)(i) may be prepared at any time after:

3807 (a) the estimated or actual operation and maintenance costs have been determined, if

3808 the assessment is to pay operation and maintenance costs:

3809 (b) the light service has commenced, if the assessment is to pay for light service;

3810 (c) the park maintenance has commenced, if the assessment is to pay for park  
3811 maintenance;

3812 (d) adoption of a resolution or ordinance under Section 11-42-206, if the assessment is  
3813 to pay for economic promotion activities; or

3814 (e) for any other assessment, the governing body has determined:

3815 (i) the estimated or actual acquisition and construction costs of all proposed  
3816 improvements within the assessment area, including overhead costs and authorized  
3817 contingencies;

3818 (ii) the estimated or actual property price for all property to be acquired to provide the  
3819 proposed improvements; and

3820 (iii) the reasonable cost of any work to be done by the local entity.

3821 (4) A local entity may levy an assessment for some or all of the cost of improvements  
3822 within an assessment area, including payment of:

3823 (a) operation and maintenance costs of improvements constructed within the  
3824 assessment area;

3825 (b) the actual cost that the local entity pays for utility services furnished or for  
3826 maintenance of improvements provided by another or, if the local entity itself furnishes utility  
3827 service or maintains improvements, for the reasonable cost of supplying the service or  
3828 maintenance;

3829 (c) the reasonable cost of supplying labor, materials, or equipment in connection with  
3830 improvements; and

3831 (d) the reasonable cost of connection fees or the cost of any sewer, water, gas, electric,  
3832 or telecommunications connections if the local entity owns or supplies these services, to the  
3833 depth that the local entity's governing body considers just and equitable.

3834 (5) A local entity may not levy an assessment for an amount donated or contributed for  
3835 an improvement or part of an improvement.

3836 (6) The validity of an otherwise valid assessment is not affected because the actual cost  
3837 of improvements exceeds the estimated cost.

3838 (7) An assessment levied to pay for operation and maintenance costs may not be levied

3839 over a period of time exceeding the reasonable useful life of the facilities to be maintained by  
3840 the levy.

3841 Section 57. Section **11-42-402** is enacted to read:

3842 **11-42-402. Notice of assessment and board of equalization hearing.**

3843 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

3844 (1) state:

3845 (a) that an assessment list is completed and available for examination at the offices of  
3846 the local entity;

3847 (b) the total estimated or actual cost of the improvements;

3848 (c) the amount of the total estimated or actual cost of the proposed improvements to be  
3849 paid by the local entity;

3850 (d) the amount of the assessment to be levied against benefitted property within the  
3851 assessment area;

3852 (e) the assessment method used to calculate the proposed assessment;

3853 (f) the unit cost used to calculate the assessments shown on the assessment list, based  
3854 on the assessment method used to calculate the proposed assessment; and

3855 (g) the dates, times, and place of the board of equalization hearings under Subsection  
3856 11-42-401(2)(b);

3857 (2) beginning at least 20 but not more than 35 days before the first hearing of the board  
3858 of equalization:

3859 (a) be published at least once in a newspaper of general circulation within the local  
3860 entity's jurisdictional boundaries; or

3861 (b) if there is no newspaper of general circulation within the local entity's jurisdictional  
3862 boundaries, be posted in at least three public places within the local entity's jurisdictional  
3863 boundaries; and

3864 (3) be mailed, postage prepaid, within ten days after the first publication or posting of  
3865 the notice under Subsection (2) to each owner of property to be assessed within the proposed  
3866 assessment area at the property owner's mailing address.

3867 Section 58. Section **11-42-403** is enacted to read:

3868 **11-42-403. Board of equalization.**

3869 (1) After preparing an assessment list under Subsection 11-42-401(2)(a)(i), the

3870 governing body shall appoint a board of equalization.

3871 (2) Each board of equalization under this section shall, at the option of the governing  
3872 body, consist of:

3873 (a) three or more members of the governing body;

3874 (b) (i) two members of the governing body; and

3875 (ii) (A) a representative of the treasurer's office of the local entity; or

3876 (B) a representative of the office of the local entity's engineer or the project engineer;

3877 or

3878 (c) (i) one member of the governing body;

3879 (ii) a representative of the treasurer's office of the local entity; and

3880 (iii) a representative of the office of the local entity's engineer or the project engineer.

3881 (3) (a) The board of equalization shall hold hearings on at least three consecutive days  
3882 for at least one hour per day between 9 a.m. and 9 p.m., as specified in the notice under Section  
3883 11-42-402.

3884 (b) The board of equalization may continue a hearing from time to time to a specific  
3885 place and a specific hour and day until the board's work is completed.

3886 (c) At each hearing, the board of equalization shall hear arguments from any person  
3887 who claims to be aggrieved, including arguments relating to:

3888 (i) the direct or indirect benefits accruing to a tract, block, lot, or parcel of property in  
3889 the assessment area; or

3890 (ii) the amount of the proposed assessment against the tract, block, lot, or parcel.

3891 (4) (a) After the hearings under Subsection (3) are completed, the board of equalization  
3892 shall:

3893 (i) consider all facts and arguments presented at the hearings; and

3894 (ii) make any corrections to the proposed assessment list that the board considers just  
3895 and equitable.

3896 (b) A correction under Subsection (4)(a)(ii) may:

3897 (i) eliminate one or more pieces of property from the assessment list; or

3898 (ii) increase or decrease the amount of the assessment proposed to be levied against a  
3899 parcel of property.

3900 (c) (i) If the board of equalization makes a correction under Subsection (4)(a)(ii) that

3901 results in an increase of a proposed assessment, the board shall, before approving a corrected  
3902 assessment list:

3903 (A) give notice as provided in Subsection (4)(c)(ii);

3904 (B) hold a hearing at which the owner whose assessment is proposed to be increased

3905 may appear and object to the proposed increase; and

3906 (C) after holding a hearing, make any further corrections that the board considers just  
3907 and equitable with respect to the proposed increased assessment.

3908 (ii) Each notice required under Subsection (4)(c)(i)(A) shall:

3909 (A) state:

3910 (I) that the property owner's assessment is proposed to be increased;

3911 (II) the amount of the proposed increased assessment;

3912 (III) that a hearing will be held at which the owner may appear and object to the

3913 increase; and

3914 (IV) the date, time, and place of the hearing; and

3915 (B) be mailed, at least 15 days before the date of the hearing, to each owner of property  
3916 as to which the assessment is proposed to be increased at the property owner's mailing address.

3917 (5) (a) After the board of equalization has held all hearings required by this section and  
3918 has made all corrections the board considers just and equitable, the board shall report to the  
3919 governing body its findings that:

3920 (i) each parcel of property within the assessment area will be directly or indirectly  
3921 benefitted in an amount not less than the assessment to be levied against the property; and

3922 (ii) except as provided in Subsection 11-42-409(6), no parcel of property on the  
3923 assessment list will bear more than its proportionate share of the cost of the improvements  
3924 benefitting the property.

3925 (b) The board of equalization shall mail a copy of the board's final report to each  
3926 property owner who objected at the board hearings to the assessment proposed to be levied  
3927 against the property owner's property at the property owner's mailing address.

3928 (6) (a) If a board of equalization includes members other than the governing body of  
3929 the local entity, a property owner may appeal a decision of the board to the governing body by  
3930 filing with the governing body a written notice of appeal within 15 days after the board's final  
3931 report is mailed to property owners under Subsection (5)(b).

3932 (b) Except as provided in Subsection (6)(a), no appeal may be taken from the findings  
3933 of a board of equalization.

3934 (7) The findings of a board of equalization are final:

3935 (a) when approved by the governing body, if no appeal is allowed under Subsection  
3936 (6); or

3937 (b) after the time for appeal under Subsection (6) is passed, if an appeal is allowed  
3938 under that Subsection.

3939 (8) (a) If a governing body has levied an assessment to pay operation and maintenance  
3940 costs within an assessment area, the governing body may periodically appoint a new board of  
3941 equalization to review assessments for operation and maintenance costs.

3942 (b) Each board of equalization appointed under Subsection (8)(a) shall comply with the  
3943 requirements of Subsections (3) through (6).

3944 (9) The failure of an owner of property within the assessment area to appear before the  
3945 board of equalization to object to the levy of the assessment constitutes a waiver of all  
3946 objections to the levy, except an objection that the governing body failed to obtain jurisdiction  
3947 to order that the improvements which the assessment is intended to pay be provided to the  
3948 assessment area.

3949 Section 59. Section **11-42-404** is enacted to read:

3950 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**  
3951 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**  
3952 **interest.**

3953 (1) (a) After receiving a final report from a board of equalization under Subsection  
3954 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection  
3955 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an  
3956 assessment against benefitted property within the assessment area.

3957 (b) Each local entity that levies an assessment under this chapter shall levy the  
3958 assessment at one time only, unless the assessment is to pay operation and maintenance costs  
3959 or the costs of economic promotion activities.

3960 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):

3961 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to  
3962 be assessed;



3963 (ii) need not include the legal description or tax identification number of the parcels of  
3964 property assessed in the assessment area; and

3965 (iii) is adequate for purposes of identifying the property to be assessed within the  
3966 assessment area if the assessment resolution or ordinance incorporates by reference the  
3967 corrected assessment list that describes the property assessed by legal description and tax  
3968 identification number.

3969 (2) (a) Each local entity that adopts an assessment resolution or ordinance shall give  
3970 notice of the adoption by:

3971 (i) publishing a copy of the resolution or ordinance once in a newspaper of general  
3972 circulation within the local entity's jurisdictional boundaries; or

3973 (ii) if there is no newspaper of general circulation with the local entity's jurisdictional  
3974 boundaries, posting a copy of the resolution or ordinance in at least three public places within  
3975 the local entity's jurisdictional boundaries for at least 21 days.

3976 (b) No other publication or posting of the resolution or ordinance is required.

3977 (3) Notwithstanding any other statutory provision regarding the effective date of a  
3978 resolution or ordinance, each assessment resolution or ordinance takes effect:

3979 (a) on the date of publication or posting of the notice under Subsection (2); or

3980 (b) at a later date provided in the resolution or ordinance.

3981 (4) (a) The governing body of each local entity that has adopted an assessment  
3982 resolution or ordinance under Subsection (1) shall, within five days after the 25-day  
3983 prepayment period under Subsection 11-42-411(6) has passed, file a notice of assessment  
3984 interest with the recorder of the county in which the assessed property is located.

3985 (b) Each notice of assessment interest under Subsection (4)(a) shall:

3986 (i) state that the local entity has an assessment interest in the assessed property;

3987 (ii) if the assessment is to pay operation and maintenance costs or for economic  
3988 promotion activities, state the maximum number of years over which an assessment will be  
3989 payable; and

3990 (iii) describe the property assessed by legal description and tax identification number.

3991 (c) A local entity's failure to file a notice of assessment interest under this Subsection  
3992 (4) has no affect on the validity of an assessment levied under an assessment resolution or  
3993 ordinance adopted under Subsection (1).

3994 Section 60. Section **11-42-405** is enacted to read:

3995 **11-42-405. Limit on amount of assessment -- Costs required to be paid by the local**  
3996 **entity.**

3997 (1) An assessment levied within an assessment area may not, in the aggregate, exceed  
3998 the sum of:

3999 (a) the contract price or estimated contract price;

4000 (b) the acquisition price of improvements;

4001 (c) the reasonable cost of:

4002 (i) (A) utility services, maintenance, and operation, to the extent permitted by

4003 Subsection 11-42-401(4); and

4004 (B) labor, materials, or equipment supplied by the local entity;

4005 (ii) economic promotion activities; or

4006 (iii) operation and maintenance costs;

4007 (d) the price or estimated price of purchasing property;

4008 (e) any connection fees;

4009 (f) estimated interest on interim warrants and bond anticipation notes issued with

4010 respect to an assessment area;

4011 (g) overhead costs not to exceed 15% of the sum of Subsections (1)(a), (b), (c), and (e);

4012 (h) an amount for contingencies of not more than 10% of the sum of Subsections (1)(a)

4013 and (c), if the assessment is levied before construction of the improvements in the assessment

4014 area is completed;

4015 (i) an amount sufficient to fund a reserve fund, if the governing body creates and funds

4016 a reserve fund as provided in Section 11-42-702; and

4017 (j) 1/2 the cost of grading changes as provided in Section 11-42-407.

4018 (2) Each local entity providing an improvement in an assessment area shall pay, from

4019 improvement revenues not pledged to the payment of bonds and from any other legally

4020 available money:

4021 (a) overhead costs for which an assessment cannot be levied;

4022 (b) the costs of providing an improvement for which an assessment was not levied, if

4023 the assessment is levied before construction of the improvement in the assessment area is

4024 completed; and

4025 (c) the acquisition and constructions costs of an improvement for the benefit of  
4026 property against which an assessment may not be levied.

4027 Section 61. Section **11-42-406** is enacted to read:

4028 **11-42-406. Assessment for economic promotion activities.**

4029 (1) An assessment levied to pay for economic promotion activities may not extend for  
4030 more than five years after the date of the notice under Section 11-42-402.

4031 (2) If a local entity designates an assessment area for economic promotion activities,  
4032 the local entity:

4033 (a) shall spend on economic promotion activities at least 70% of the money generated  
4034 from an assessment levied in the assessment area and from improvement revenues; and

4035 (b) may not spend more than 30% of that money on administrative costs, including  
4036 salaries, benefits, rent, travel, and costs incidental to publications.

4037 Section 62. Section **11-42-407** is enacted to read:

4038 **11-42-407. Improvements that change the grade of an existing street, alley, or**  
4039 **sidewalk -- Improvements that improve an intersection or spaces opposite an alley.**

4040 (1) If an improvement in an assessment area involves changing the grade of an existing  
4041 street, alley, or sidewalk, the local entity shall pay half of the cost of bringing the street, alley,  
4042 or sidewalk to the established grade.

4043 (2) If an improvement in an assessment area improves an intersection of streets or  
4044 spaces opposite an alley, the local entity may levy an assessment against the other properties to  
4045 be assessed in the assessment area for the cost of the improvement.

4046 Section 63. Section **11-42-408** is enacted to read:

4047 **11-42-408. Assessment against government land prohibited -- Exception.**

4048 (1) (a) Except as provided in Subsection (2), a local entity may not levy an assessment  
4049 against property owned by the federal government or a public agency, even if the property  
4050 benefits from the improvement.

4051 (b) Notwithstanding Subsection (1)(a), a public agency may contract with a local  
4052 entity:

4053 (i) for the local entity to provide an improvement to property owned by the public  
4054 agency; and

4055 (ii) to pay for the improvement provided by the local entity.

4056 (c) Nothing in this section may be construed to prevent a local entity from imposing on  
4057 and collecting from a public agency, or a public agency from paying, a reasonable charge for a  
4058 service rendered or material supplied by the local entity to the public agency, including a  
4059 charge for water, sewer, or lighting service.

4060 (2) Notwithstanding Subsection (1):

4061 (a) a local entity may continue to levy and enforce an assessment against property  
4062 acquired by a public agency within an assessment area if the acquisition occurred after the  
4063 assessment area was designated; and

4064 (b) property that is subject to an assessment lien at the time it is acquired by a public  
4065 agency continues to be subject to the lien and to enforcement of the lien if the assessment and  
4066 interest on the assessment are not paid when due.

4067 Section 64. Section **11-42-409** is enacted to read:

4068 **11-42-409. Assessment requirements.**

4069 (1) (a) Each local entity that levies an assessment under this chapter shall levy the  
4070 assessment on each block, lot, tract, or parcel of property that borders, is adjacent to, or  
4071 benefits from an improvement:

4072 (i) to the extent that the improvement directly or indirectly benefits the property; and

4073 (ii) to whatever depth on the parcel of property that the governing body determines,  
4074 including the full depth.

4075 (b) The validity of an otherwise valid assessment is not affected by the fact that the  
4076 benefit to the property from the improvement:

4077 (i) is only indirect; or

4078 (ii) does not increase the fair market value of the property.

4079 (2) The assessment method a governing body uses to calculate an assessment may be  
4080 according to frontage, area, taxable value, fair market value, lot, number of connections,  
4081 equivalent residential unit, or any combination of these methods, as the governing body  
4082 considers fair and equitable.

4083 (3) In calculating assessments, a governing body may:

4084 (a) use different methods for different improvements in an assessment area; and

4085 (b) assess different amounts in different zones, even when using the same method, if  
4086 acquisition or construction costs differ from zone to zone.

4087 (4) (a) Each local entity shall make an allowance for each corner lot receiving the same  
4088 improvement on both sides so that the property is not assessed at the full rate on both sides.

4089 (b) A local entity may allocate a corner lot allowance under Subsection (4)(a) to all  
4090 other benefitted property within the assessment area by increasing the assessment levied  
4091 against the other property.

4092 (5) (a) Assessments shall be fair and equitable according to the benefit to the benefitted  
4093 property from the improvement.

4094 (b) To comply with Subsection (5)(a), a local entity may levy assessments within  
4095 zones.

4096 (6) A local entity may levy an assessment that would otherwise violate a provision of  
4097 this chapter if the owners of all property to be assessed enter into a written agreement with the  
4098 local entity consenting to the assessment.

4099 Section 65. Section **11-42-410** is enacted to read:

4100 **11-42-410. Amending an assessment resolution or ordinance.**

4101 (1) A governing body may adopt a resolution or ordinance amending the original  
4102 assessment resolution or ordinance adopted under Section 11-42-404 to:

4103 (a) correct a deficiency, omission, error, or mistake:

4104 (i) with respect to:

4105 (A) the total cost of an improvement;

4106 (B) operation and maintenance costs; or

4107 (C) the cost of economic promotion activities; or

4108 (ii) that results in a tract, lot, block, or parcel not being fully assessed or assessed in an  
4109 incorrect amount;

4110 (b) reallocate or adjust assessments under the original assessment resolution or  
4111 ordinance for operation and maintenance costs or the costs of economic promotion activities;

4112 (c) reallocate or adjust assessments under the original assessment resolution or  
4113 ordinance; or

4114 (d) reduce an assessment as a result of the issuance of refunding bonds.

4115 (2) If an amendment under Subsection (1)(a) results in an increase in an assessment,  
4116 the governing body shall comply with the notice requirements of Section 11-42-402.

4117 Section 66. Section **11-42-411** is enacted to read:

4118 **11-42-411. Providing for assessments to be paid in installments.**

4119 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to  
4120 Subsection (1)(b), provide that some or all of the assessment be paid in installments over a  
4121 period not to exceed 20 years from the effective date of the resolution or ordinance.

4122 (b) If an assessment resolution or ordinance provides that some or all of the assessment  
4123 be paid in installments for a period exceeding ten years from the effective date of the resolution  
4124 or ordinance, the governing body:

4125 (i) shall make a determination that:

4126 (A) the improvement for which the assessment is made has a reasonable useful life for  
4127 the full period during which installments are to be paid; or

4128 (B) it would be in the best interests of the local entity and the property owners for  
4129 installments to be paid for more than ten years; and

4130 (ii) may provide in the resolution or ordinance that no assessment is payable during  
4131 some or all of the period ending three years after the effective date of the resolution or  
4132 ordinance.

4133 (2) An assessment resolution or ordinance that provides for the assessment to be paid  
4134 in installments may provide that the unpaid balance be paid over the period of time that  
4135 installments are payable:

4136 (a) in substantially equal installments of principal; or

4137 (b) in substantially equal installments of principal and interest.

4138 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be  
4139 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance  
4140 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and  
4141 variable rates, as determined by the governing body, from the effective date of the resolution or  
4142 ordinance or another date specified in the resolution or ordinance.

4143 (b) If the assessment is for operation and maintenance costs or for the costs of  
4144 economic promotion activities:

4145 (i) a local entity may charge interest only from the date each installment is due; and

4146 (ii) the first installment of an assessment shall be due 15 days after the effective date of  
4147 the assessment resolution or ordinance.

4148 (c) If an assessment resolution or ordinance provides for the unpaid balance of the

4149 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall  
4150 specify:

4151 (i) the basis upon which the rate is to be determined from time to time;

4152 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

4153 (iii) a maximum rate that the assessment may bear.

4154 (4) Interest payable on assessments may include:

4155 (a) interest on assessment bonds;

4156 (b) ongoing local entity costs incurred for administration of the assessment area;

4157 (c) any costs incurred with respect to:

4158 (i) securing a letter of credit or other instrument to secure payment or repurchase of  
4159 bonds; or

4160 (ii) retaining a marketing agent or an indexing agent.

4161 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition  
4162 to the amount of each installment annually or at more frequent intervals as provided in the  
4163 assessment resolution or ordinance.

4164 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of  
4165 economic promotion activities, a property owner may pay some or all of the entire assessment  
4166 without interest if paid within 25 days after the assessment resolution or ordinance takes effect.

4167 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any  
4168 time prepay some or all of the assessment levied against the owner's property.

4169 (c) A local entity may require a prepayment of an installment to include:

4170 (i) an amount equal to the interest that would accrue on the assessment to the next date  
4171 on which interest is payable on bonds issued in anticipation of the collection of the assessment;  
4172 and

4173 (ii) the amount necessary, in the governing body's opinion or the opinion of the officer  
4174 designated by the governing body, to assure the availability of money to pay:

4175 (A) interest that becomes due and payable on those bonds; and

4176 (B) any premiums that become payable on bonds that are called in order to use the  
4177 money from the prepaid assessment installment.

4178 Section 67. Section **11-42-412** is enacted to read:

4179 **11-42-412. Assessment fund -- Uses of money in the fund -- Treasurer's duties**

4180 **with respect to the fund.**

4181 (1) The governing body of each local entity that levies an assessment under this part on  
4182 benefitted property within an assessment area shall establish an assessment fund.

4183 (2) The governing body shall:

4184 (a) deposit into the assessment fund all money paid to the local entity from assessments  
4185 and interest on assessments; and

4186 (b) deposit into a separate account in the assessment fund all money paid to the local  
4187 entity from improvement revenues.

4188 (3) Money in an assessment fund may be expended only for paying:

4189 (a) the local entity's costs and expenses of making, operating, and maintaining  
4190 improvements to the extent permitted under Section 11-42-415;

4191 (b) operation and maintenance costs;

4192 (c) economic promotion activities;

4193 (d) local entity obligations; and

4194 (e) costs that the local entity incurs with respect to:

4195 (i) administration of the assessment area; or

4196 (ii) obtaining a letter of credit or other instrument or fund to secure the payment of  
4197 assessment bonds.

4198 (4) The treasurer of the local entity:

4199 (a) shall:

4200 (i) subject to Subsection (4)(b)(i), be the custodian of the assessment fund;

4201 (ii) keep the assessment fund intact and separate from all other local entity funds and  
4202 money;

4203 (iii) invest money in an assessment fund by following the procedures and requirements  
4204 of Title 51, Chapter 7, State Money Management Act; and

4205 (iv) keep on deposit in the assessment fund any interest received from the investment  
4206 of money in the assessment fund and use the interest exclusively for the purposes for which the  
4207 assessment fund was established; and

4208 (b) may:

4209 (i) arrange for the assessment fund to be held by a trustee bank on behalf of the local  
4210 entity; and



4211 (ii) pay money out of the assessment fund only for the purposes listed in Subsection  
4212 (3).

4213 (5) When all local entity obligations have been paid or legally considered paid in full,  
4214 the treasurer of the local entity shall transfer all money remaining in the assessment fund as  
4215 provided in Section 11-42-414.

4216 Section 68. Section **11-42-413** is enacted to read:

4217 **11-42-413. Surplus assessments -- Payment of bonds -- Rebate of assessment if**  
4218 **improvements abandoned.**

4219 (1) As used in this section:

4220 (a) "Current owner" means the owner of property at the time a rebate under this section  
4221 is paid.

4222 (b) "Last-known address" means the last address of an owner of property within an  
4223 assessment area according to the last completed real property assessment roll of the county in  
4224 which the property is located.

4225 (c) "Net assessment" means the amount of an assessment after subtracting:

4226 (i) the amount required to pay for any improvements that have been made prior to their  
4227 being abandoned; and

4228 (ii) any damages or costs related to an abandonment of improvements.

4229 (2) (a) If the total cost of completed and accepted improvements is less than the total  
4230 amount of assessments levied for those improvements, the local entity shall place the surplus in  
4231 the assessment fund.

4232 (b) If a local entity issues assessment bonds before a surplus under Subsection (2)(a) is  
4233 determined, the local entity shall hold the surplus in the assessment fund and use the surplus  
4234 for the payment of the bonds, interest, and any penalties and costs.

4235 (3) If a local entity abandons improvements in an assessment area before the  
4236 improvements have been started or, if started, before they have been completed and accepted  
4237 but after an assessment has been levied, the local entity shall rebate the net assessment to the  
4238 current owner.

4239 Section 69. Section **11-42-414** is enacted to read:

4240 **11-42-414. Remaining interest and other money in assessment fund to be**  
4241 **transferred to the guaranty fund or the local entity's general fund.**

4242 The treasurer of each local entity that collects interest from the investment of an  
4243 assessment fund or that receives penalties, costs, and other amounts for the benefit and credit  
4244 of an assessment that remain after all local entity obligations are paid in full and cancelled shall  
4245 transfer the remaining amount to:

- 4246 (1) the guaranty fund, if required by bond covenants; or  
4247 (2) the local entity's general fund.

4248 Section 70. Section **11-42-415** is enacted to read:

4249 **11-42-415. Improvement revenues.**

4250 (1) A local entity may, by resolution adopted by the governing body, provide for the  
4251 pledge and use of any improvement revenues to pay:

4252 (a) some or all of the costs and expenses of making, operating, and maintaining  
4253 improvements, to the extent permitted under this chapter; and

4254 (b) some or all of the principal of and interest on assessment bonds, interim warrants,  
4255 and bond anticipation notes issued against the assessment area to make improvements within  
4256 the assessment area.

4257 (2) (a) If the governing body adopts a resolution under Subsection (1), the local entity:

4258 (i) may:

4259 (A) provide for assessments to be levied in the full amount of the estimated cost of the  
4260 improvements, as determined by a project engineer;

4261 (B) agree to use installment payments from assessments to pay the costs of the  
4262 improvements and to pay principal of and interest on any assessment bonds, interim warrants,  
4263 and bond anticipation notes when due; and

4264 (C) reduce installment payments, as provided in Subsection (2)(a)(ii), if the local entity  
4265 receives net improvement revenues and pledges them to pay operation and maintenance costs  
4266 of the improvements and to pay principal of and interest on assessment bonds, interim  
4267 warrants, or bond anticipation notes; and

4268 (ii) shall authorize a local entity official to:

4269 (A) determine on each installment payment date the amount of net improvement  
4270 revenues that the local entity has received since the last installment payment date; and

4271 (B) reduce the amount of the installment payment due on the next succeeding  
4272 installment payment date by an amount that is no greater than the amount of the net

- 4273 improvement revenues described in Subsection (2)(a)(ii)(A).
- 4274 (b) A local entity may not reduce installment payments under Subsection (2)(a)(ii) if:
- 4275 (i) the reduction exceeds the amount of net improvement revenues that have been
- 4276 pledged to pay:
- 4277 (A) operation and maintenance costs of the improvements; and
- 4278 (B) principal of and interest on assessment bonds, interim warrants, and bond
- 4279 anticipation notes; or
- 4280 (ii) after the reduction, the sum of the assessment installment payments and the net
- 4281 improvement revenues are insufficient to pay:
- 4282 (A) operation and maintenance costs of the improvements; and
- 4283 (B) principal of and interest on assessment bonds, interim warrants, and bond
- 4284 anticipation notes.
- 4285 (c) The local entity shall require that each reduction of installment payments be made
- 4286 so that the assessments levied against each assessed property receive a proportionate share of
- 4287 the reduction.
- 4288 (d) A reduction under Subsection (2)(a)(ii) does not apply to an assessment or interest
- 4289 on an assessment that has been paid.
- 4290 (3) (a) Not more than 14 days after making a determination under Subsection (2)(a)(ii)
- 4291 to reduce an installment payment, the local entity's governing body shall mail notice of the
- 4292 reduction to each owner of property within the assessment area at the property owner's mailing
- 4293 address.
- 4294 (b) The governing body may include the notice required under Subsection (3)(a) with
- 4295 or in any other notice regarding the payment of assessments and interest on assessments that
- 4296 the governing body sends to owners.
- 4297 (4) (a) If an owner of assessed property pays more than the amount of the reduced
- 4298 installment payment on the installment payment date after a notice under Subsection (3) is
- 4299 mailed, the local entity may, by following the procedure under Subsection (3), provide
- 4300 additional notice to the owner that:
- 4301 (i) the owner has overpaid the assessment installment payment; and
- 4302 (ii) the local entity will:
- 4303 (A) credit the amount of the overpayment against the next installment payment due; or

4304 (B) if no further installment payment is due, refund the amount of the overpayment  
4305 upon receipt of a written refund request from the owner.

4306 (b) If a local entity receives an overpayment of an installment payment, it shall:

4307 (i) credit the amount of the overpayment against the next installment payment due; or

4308 (ii) refund the amount of the overpayment to the owner if:

4309 (A) no further installment payment is due; and

4310 (B) the owner submits a written request for a refund.

4311 (c) A local entity is not required to pay interest on an overpayment that it holds.

4312 Section 71. Section **11-42-416** is enacted to read:

4313 **11-42-416. Validation of prior assessment proceedings.**

4314 (1) Subject to Subsection (2), all proceedings taken before April 30, 2007 related to the  
4315 levy of assessments are validated, ratified, and confirmed, and the assessments are declared to  
4316 be legal and valid assessments.

4317 (2) Nothing in this section may be construed to affect the validity of an assessment  
4318 whose legality is being contested on April 30, 2007.

4319 (3) (a) This chapter applies to all assessments levied after April 30, 2007, even though  
4320 proceedings were taken before that date under provisions of the law then in effect but repealed  
4321 or modified on or after that date.

4322 (b) Proceedings taken as described in Subsection (3)(a) under the law in effect before  
4323 April 30, 2007 are validated, ratified, and confirmed, except to the extent that those  
4324 proceedings are the subject of an action pending on April 30, 2007 challenging the  
4325 proceedings.

4326 Section 72. Section **11-42-501** is enacted to read:

4327 **Part 5. Assessment Liens**

4328 **11-42-501. Assessment constitutes a lien -- Characteristics of an assessment lien.**

4329 (1) Each assessment levied under this chapter, including any installment of an  
4330 assessment, interest, and any penalties and costs of collection, constitutes a lien against the  
4331 property assessed as of the effective date of the assessment resolution or ordinance.

4332 (2) A lien under this section:

4333 (a) is superior to the lien of a trust deed, mortgage, mechanic's or materialman's lien, or  
4334 other encumbrances;

4335 (b) is equal to and on a parity with a lien for general property taxes;

4336 (c) applies without interruption, change in priority, or alteration in any manner to any  
4337 reduced payment obligations; and

4338 (d) continues until the assessments, reduced payment obligations, and any interest,  
4339 penalties, and costs are paid, despite a sale of the property for or on account of a delinquent  
4340 general property tax, special tax, or other assessment or the issuance of a tax deed, an  
4341 assignment of interest by the county, or a sheriff's certificate of sale or deed.

4342 Section 73. Section **11-42-502** is enacted to read:

4343 **11-42-502. Enforcement of an assessment lien -- Methods of enforcing lien --**  
4344 **Redemption of property -- Remedies are cumulative to other remedies.**

4345 (1) If an assessment or an installment of an assessment is not paid when due, the local  
4346 entity may sell the property on which the assessment has been levied for the amount due plus  
4347 interest, penalties, and costs, in the manner provided:

4348 (a) by resolution or ordinance of the local entity;

4349 (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for  
4350 delinquent general property taxes; or

4351 (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a  
4352 trust deed in favor of the local entity.

4353 (2) Except as modified by this chapter, each tax sale under Subsection (1)(b) shall be  
4354 governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same extent as if the sale  
4355 were for the sale of property for delinquent general property taxes.

4356 (3) (a) In a foreclosure under Subsection (1)(c):

4357 (i) the local entity may bid at the sale;

4358 (ii) the local entity's governing body shall designate a trustee satisfying the  
4359 requirements of Section 57-1-21;

4360 (iii) each trustee designated under Subsection (3)(a)(ii) has a power of sale with respect  
4361 to the property that is the subject of the delinquent assessment lien;

4362 (iv) the property that is the subject of the delinquent assessment lien is considered to  
4363 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to  
4364 exercise the trustee's power of sale under Subsection (3)(a)(iii);

4365 (v) if no one bids at the sale and pays the local entity the amount due on the

4366 assessment, plus interest and costs, the property is considered sold to the local entity for those  
4367 amounts; and

4368 (vi) the local entity's chief financial officer may substitute and appoint one or more  
4369 successor trustees, as provided in Section 57-1-22.

4370 (b) The designation of a trustee under Subsection (3)(a)(ii) shall be disclosed in the  
4371 notice of default that the trustee gives to commence the foreclosure, and need not be stated in a  
4372 separate instrument.

4373 (4) (a) The redemption of property that is the subject of a tax sale under Subsection  
4374 (1)(b) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

4375 (b) The redemption of property that is the subject of a foreclosure proceeding under  
4376 Subsection (1)(c) is governed by Title 57, Chapter 1, Conveyances.

4377 (5) (a) The remedies provided for in this part for the collection of an assessment and  
4378 the enforcement of an assessment lien are cumulative.

4379 (b) The use of one or more of the remedies provided for in this part may not be  
4380 considered to deprive the local entity of any other remedy or means of collecting the  
4381 assessment or enforcing the assessment lien.

4382 Section 74. Section **11-42-503** is enacted to read:

4383 **11-42-503. Local entity payments to avoid a default in local entity obligations --**  
4384 **Reimbursement of payments when property sold at tax or foreclosure sale.**

4385 (1) To avoid a default in the payment of outstanding local entity obligations, a local  
4386 entity may pay:

4387 (a) the delinquent amount due, plus interest, penalties, and costs;

4388 (b) the amounts described in Subsection (1)(a) and the full balance of an assessment, if  
4389 accelerated; or

4390 (c) any part of an assessment or an installment of an assessment that becomes due  
4391 during the redemption period.

4392 (2) A local entity may:

4393 (a) pay the amounts under Subsection (1) from a guaranty fund or a reserve fund, or  
4394 from any money legally available to the local entity; and

4395 (b) charge the amounts paid against the delinquent property.

4396 (3) (a) Upon the tax sale or foreclosure of the property charged as provided in

4397 Subsection (2):

4398 (i) all amounts that the local entity paid shall be included in the sale price of the  
4399 property recovered in the sale; and

4400 (ii) the local entity's guaranty fund, reserve fund, or other source of money paid under  
4401 Subsection (2)(a), as the case may be, shall be reimbursed for those amounts.

4402 (b) If the property charged as provided in Subsection (2) is sold to the local entity at the  
4403 tax sale or foreclosure and additional assessment installments become due, the local entity:

4404 (i) may pay the additional installments from the guaranty fund or reserve fund, as the  
4405 case may be, or from any legally available money;

4406 (ii) shall recover, in a sale of the property, the amount of the installments paid; and

4407 (iii) shall reimburse the guaranty fund or reserve fund when the property is sold.

4408 Section 75. Section **11-42-504** is enacted to read:

4409 **11-42-504. Assessments on property that the local entity acquires at tax sale or**  
4410 **foreclosure -- Transferring title of property in lieu of paying assessments --**

4411 **Reimbursement.**

4412 (1) (a) Each local entity that purchases property at a tax sale or foreclosure under this  
4413 part shall pay into the assessment fund all applicable annual installments of assessments and  
4414 interest for as long as the local entity owns the property.

4415 (b) A local entity may make payments required under this Subsection (1) from the  
4416 guaranty fund or reserve fund.

4417 (2) (a) In lieu of making payments under Subsection (1), a local entity may elect to  
4418 transfer title of the property to the owners of all outstanding assessment bond, refunding  
4419 assessment bonds, interim warrants, or bond anticipation note as payment in full for all  
4420 delinquent assessments with respect to the property.

4421 (b) If a local entity transfers title to property as provided in Subsection (2)(a) or sells  
4422 property it has received from a tax sale or foreclosure, the selling price may not be less than the  
4423 amount sufficient to reimburse the local entity for all amounts the local entity paid with respect  
4424 to an assessment on the property, including an amount sufficient to reimburse the guaranty  
4425 fund or reserve fund, as the case may be, for all amounts paid from the fund for delinquent  
4426 assessments or installments of assessments relating to the property, plus interest, penalties, and  
4427 costs.

4428 (c) Each local entity that sells property it has received from a tax sale or foreclosure  
4429 shall place the money it receives from the sale into the guaranty fund, reserve fund, or other  
4430 local entity fund, as the case may be, to the extent of full reimbursement as required in this  
4431 section.

4432 Section 76. Section **11-42-505** is enacted to read:

4433 **11-42-505. Default in the payment of an installment of an assessment -- Interest**  
4434 **and costs -- Restoring the property owner to the right to pay installments.**

4435 (1) If an assessment is payable in installments and a default occurs in the payment of an  
4436 installment when due, the governing body may:

4437 (a) declare the delinquent amount to be immediately due and subject to collection as  
4438 provided in this chapter;

4439 (b) accelerate payment of the total unpaid balance of the assessment and declare the  
4440 whole of the unpaid principal and the interest then due to be immediately due and payable; and

4441 (c) charge and collect all costs of collection, including attorney fees.

4442 (2) Interest shall accrue from the date of delinquency on all applicable amounts under  
4443 Subsections (1)(a) and (b) until paid in full.

4444 (3) Any interest assessed for or collection costs charged under this section shall be:

4445 (a) the same as apply to delinquent real property taxes for the year in which the balance  
4446 of the fee or charge becomes delinquent; or

4447 (b) as the governing body determines.

4448 (4) Notwithstanding Subsection (1), a property owner shall be restored to the right to  
4449 pay an assessment in installments in the same manner as if no default had occurred if the owner  
4450 pays the amount of all unpaid installments that are past due, with interest, collection and  
4451 foreclosure costs, and administrative, redemption, and other fees, including attorney fees,  
4452 before:

4453 (a) the final date that payment may be legally made under a final sale or foreclosure of  
4454 property to collect delinquent assessment installments, if collection is enforced under Title 59,  
4455 Chapter 2, Part 13, Collection of Taxes; or

4456 (b) the end of the three-month reinstatement period provided by Section 57-1-31, if  
4457 collection is enforced through the method of foreclosing trust deeds.

4458 Section 77. Section **11-42-506** is enacted to read:



4459 **11-42-506. Release of assessment lien and notice of proposed assessment.**

4460 (1) (a) Upon an assessment on a parcel of property having been paid in full, the local  
4461 entity shall file, in the office of the recorder of the county in which the property is located, a  
4462 release and discharge of the assessment lien on that property.

4463 (b) Each release and discharge under Subsection (1)(a) shall:

4464 (i) include a legal description of the affected property; and

4465 (ii) comply with other applicable requirements for recording a document.

4466 (2) (a) Upon all assessments levied within an assessment area having been paid in full,  
4467 or upon payment in full having been provided for, the local entity shall file, in the office of the  
4468 recorder of the county in which the property within the assessment area is located, a notice of  
4469 the dissolution of the assessment area.

4470 (b) Each notice under Subsection (2)(a) shall:

4471 (i) include a legal description of the property assessed within the assessment area; and

4472 (ii) comply with all other applicable requirements for recording a document.

4473 Section 78. Section **11-42-601** is enacted to read:

4474 **Part 6. Interim Warrants, Bond Anticipation Notes, Assessment Bonds, and Refunding**

4475 **Assessment Bonds**

4476 **11-42-601. Interim warrants.**

4477 (1) A local entity may issue interim warrants against an assessment area.

4478 (2) An interim warrant may be in any amount up to:

4479 (a) as portions of the work on improvements in an assessment area are completed, 90%  
4480 of the value of the completed work, as estimated by the local entity's project engineer;

4481 (b) 100% of the value of the work completed, after completion of the work and  
4482 acceptance of the work by the local entity's project engineer; and

4483 (c) the price of property, the acquisition of which is required for an improvement.

4484 (3) The governing body may:

4485 (a) issue interim warrants at not less than par value in a manner the governing body  
4486 determines; and

4487 (b) use the proceeds from the issuance of interim warrants to pay:

4488 (i) the contract price;

4489 (ii) the property price; and

4490 (iii) related costs, including overhead costs.  
4491 (4) (a) Interim warrants shall bear interest from the date of their issuance until paid.  
4492 (b) (i) The governing body shall:  
4493 (A) approve the interest rate applicable to interim warrants; and  
4494 (B) fix a maturity date for each interim warrant.  
4495 (ii) The interest rate applicable to interim warrants may be fixed or variable or a  
4496 combination of fixed and variable.  
4497 (iii) If interim warrants carry a variable interest rate, the governing body shall specify  
4498 the basis upon which the rate is to be determined, the manner in which the rate is to be  
4499 adjusted, and a maximum interest rate.  
4500 (iv) A local entity may provide for interest on interim warrants to be paid  
4501 semiannually, annually, or at maturity.  
4502 (v) If an interim warrant matures before the local entity has available sources of  
4503 payment under Section 11-42-603, the local entity may authorize the issuance of a new interim  
4504 warrant to pay the principal and interest on the maturing warrant.  
4505 (c) The local entity shall include interest accruing on interim warrants in the cost of  
4506 improvements in the assessment area.  
4507 (5) A local entity may purchase some or all of the interim warrants it has issued using  
4508 the local entity's general fund money.  
4509 Section 79. Section **11-42-602** is enacted to read:  
4510 **11-42-602. Bond anticipation notes.**  
4511 (1) A local entity may by resolution authorize the issuance of bond anticipation notes.  
4512 (2) A local entity may use the proceeds from the issuance of bond anticipation notes to  
4513 pay:  
4514 (a) the estimated acquisition and contract price;  
4515 (b) the property price; and  
4516 (c) related costs, including overhead costs.  
4517 (3) Each resolution authorizing the issuance of bond anticipation notes shall:  
4518 (a) describe the bonds in anticipation of which the bond anticipation notes are to be  
4519 issued;  
4520 (b) specify the principal amount and maturity dates of the notes; and

4521 (c) specify the interest rate applicable to the notes.

4522 (4) (a) The interest rate on bond anticipation notes issued under this section may be  
4523 fixed, variable, or a combination of fixed and variable, as determined by the governing body.

4524 (b) If bond anticipation notes carry a variable interest rate, the governing body shall  
4525 specify the basis upon which the rate is to be determined, the manner in which the rate is to be  
4526 adjusted, and a maximum interest rate.

4527 (c) A local entity may provide for interest on bond anticipation notes to be paid  
4528 semiannually, annually, or at maturity.

4529 (5) A local entity may:

4530 (a) issue and sell bond anticipation notes in a manner and at a price, either at, below, or  
4531 above face value, as the governing body determines by resolution; and

4532 (b) make bond anticipation notes redeemable prior to maturity, at the governing body's  
4533 option and in the manner and upon the terms fixed by the resolution authorizing their issuance.

4534 (6) Bond anticipation notes shall be executed, be in a form, and have details and terms  
4535 as provided in the resolution authorizing their issuance.

4536 (7) A local entity may issue bond anticipation notes to refund bond anticipation notes  
4537 previously issued by the local entity.

4538 Section 80. Section **11-42-603** is enacted to read:

4539 **11-42-603. Sources of payment for interim warrants and bond anticipation notes.**

4540 Each local entity that has issued interim warrants or bond anticipation notes shall pay  
4541 the warrants or notes from:

4542 (1) proceeds from the sale of assessment bonds;

4543 (2) cash the local entity receives from the payment for improvements;

4544 (3) improvement revenues that are not pledged to the payment of assessment bonds;

4545 (4) proceeds from the sale of interim warrants or bond anticipation notes; or

4546 (5) the local entity's guaranty fund or, if applicable, the reserve fund.

4547 Section 81. Section **11-42-604** is enacted to read:

4548 **11-42-604. Notice regarding resolution or ordinance authorizing interim warrants**

4549 **or bond anticipation notes -- Complaint contesting warrants or notes -- Prohibition**  
4550 **against contesting warrants and notes.**

4551 (1) A local entity may publish notice, as provided in Subsection (2), of a resolution or

4552 ordinance that the governing body has adopted authorizing the issuance of interim warrants or  
4553 bond anticipation notes.

4554 (2) (a) If a local entity chooses to publish notice under Subsection (1)(a), the notice  
4555 shall:

4556 (i) be published in a newspaper of general circulation within the local entity;

4557 (ii) contain:

4558 (A) the name of the issuer of the interim warrants or bond anticipation notes;

4559 (B) the purpose of the issue;

4560 (C) the maximum principal amount that may be issued;

4561 (D) the maximum length of time over which the interim warrants or bond anticipation  
4562 notes may mature;

4563 (E) the maximum interest rate, if there is a maximum rate; and

4564 (F) the times and place where a copy of the resolution or ordinance may be examined,  
4565 as required under Subsection (2)(b).

4566 (b) The local entity shall allow examination of the resolution or ordinance authorizing  
4567 the issuance of the interim warrants or bond anticipation notes at its office during regular  
4568 business hours.

4569 (3) Any person may, within 30 days after publication of a notice under Subsection (1),  
4570 file a verified, written complaint in the district court of the county in which the person resides,  
4571 contesting the regularity, formality, or legality of the interim warrants or bond anticipation  
4572 notes issued by the local entity or the proceedings relating to the issuance of the interim  
4573 warrants or bond anticipation notes.

4574 (4) After the 30-day period under Subsection (3), no person may contest the regularity,  
4575 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity  
4576 under the resolution or ordinance that was the subject of the notice under Subsection (1), or the  
4577 proceedings relating to the issuance of the interim warrants or bond anticipation notes.

4578 Section 82. Section **11-42-605** is enacted to read:

4579 **11-42-605. Local entity may authorize the issuance of assessment bonds -- Limit**  
4580 **on amount of bonds -- Features of assessment bonds.**

4581 (1) After the 25-day prepayment period under Subsection 11-42-411(6) has passed or,  
4582 if the 25-day prepayment period is waived under Section 11-42-104, after the assessment

4583 resolution or ordinance takes effect, a local entity may authorize the issuance of bonds to pay  
4584 the costs of improvements in an assessment area, and other related costs, against the funds that  
4585 the local entity will receive because of an assessment in an assessment area.

4586 (2) The aggregate principal amount of bonds authorized under Subsection (1) may not  
4587 exceed the unpaid balance of assessments at the end of the 25-day prepayment period under  
4588 Subsection 11-42-411(5).

4589 (3) Assessment bonds issued under this section:

4590 (a) are fully negotiable for all purposes;

4591 (b) shall mature at a time that does not exceed the period that installments of  
4592 assessments in the assessment area are due and payable, plus one year;

4593 (c) shall bear interest at the lowest rate or rates reasonably obtainable;

4594 (d) may not be dated earlier than the effective date of the assessment ordinance;

4595 (e) shall be payable at the place, shall be in the form, and shall be sold in the manner  
4596 and with the details that are provided in the resolution authorizing the issuance of the bonds;

4597 (f) shall be issued, as the governing body determines:

4598 (i) in bearer form, with or without interest coupons attached; or

4599 (ii) in registered form as provided in Title 15, Chapter 7, Registered Public Obligations  
4600 Act; and

4601 (g) provide that interest be paid semiannually, annually, or at another interval as  
4602 specified by the governing body.

4603 (4) (a) A local entity may:

4604 (i) (A) provide that assessment bonds be callable for redemption before maturity; and

4605 (B) fix the terms and conditions of redemption, including the notice to be given and  
4606 any premium to be paid;

4607 (ii) subject to Subsection (4)(b), require assessment bonds to bear interest at a fixed or  
4608 variable rate, or a combination of fixed and variable rates;

4609 (iii) specify terms and conditions under which:

4610 (A) assessment bonds bearing interest at a variable interest rate may be converted to  
4611 bear interest at a fixed interest rate; and

4612 (B) the local entity agrees to repurchase the bonds; and

4613 (iv) engage a remarketing agent and indexing agent, subject to the terms and conditions

4614 that the governing body agrees to:

4615 (v) include all costs associated with assessment bonds, including any costs resulting  
4616 from any of the actions the local entity is authorized to take under this section, in an assessment  
4617 levied under Section 11-42-401.

4618 (b) If assessment bonds carry a variable interest rate, the local entity shall specify:

4619 (i) the basis upon which the variable rate is to be determined over the life of the bonds;

4620 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

4621 (iii) a maximum rate that the bonds may carry.

4622 (5) (a) Nothing in this part may be construed to authorize the issuance of assessment  
4623 bonds to pay for the cost of ordinary repairs to pavement, sewers, drains, curbing, gutters, or  
4624 sidewalks.

4625 (b) Notwithstanding Subsection (5)(a), a local entity may issue assessment bonds to  
4626 pay for extraordinary repairs to pavement, sewers, drains, curbing, gutters, or sidewalk.

4627 (c) A local entity's governing body may define by resolution or ordinance what  
4628 constitutes ordinary repairs and extraordinary repairs for purposes of this Subsection (5).

4629 (d) Nothing in this Subsection (5) may be construed to limit a local entity from levying  
4630 an assessment within an assessment area to pay operation and maintenance costs as described  
4631 in a notice under Section 11-42-402.

4632 (6) If a local entity has issued bond anticipation notes under Section 11-42-602 in  
4633 anticipation of assessment bonds that the local entity issues under this part, the local entity  
4634 shall provide for the retirement of the bond anticipation notes contemporaneously with the  
4635 issuance of the assessment bonds.

4636 Section 83. Section **11-42-606** is enacted to read:

4637 **11-42-606. Assessment bonds are not a local entity's general obligation -- Liability**  
4638 **and responsibility of a local entity that issues assessment bonds.**

4639 (1) Assessment bonds are not a general obligation of the local entity that issues them.

4640 (2) A local entity that issues assessment bonds:

4641 (a) may not be held liable for payment of the bonds except to the extent of:

4642 (i) funds created and received from assessments against which the bonds are issued;

4643 (ii) improvement revenues; and

4644 (iii) the local entity's guaranty fund under Section 11-42-701 or, if applicable, reserve

4645 fund under Section 11-42-702; and  
4646 (b) is responsible for:  
4647 (i) the lawful levy of all assessments;  
4648 (ii) the collection and application of improvement revenues, as provided in this  
4649 chapter;  
4650 (iii) the creation and maintenance of a guaranty fund or, if applicable, a reserve fund;  
4651 and  
4652 (iv) the faithful accounting, collection, settlement, and payment of:  
4653 (A) assessments and improvement revenues; and  
4654 (B) money in a guaranty fund or, if applicable, a reserve fund.  
4655 (3) If a local entity illegally assesses property that is exempt from assessment, the local  
4656 entity:  
4657 (a) is liable to the holders of assessment bonds for the payment of the illegal  
4658 assessment; and  
4659 (b) shall pay the amount for which it is liable under Subsection (3)(a) from the local  
4660 entity's general fund or other legally available money.  
4661 Section 84. Section **11-42-607** is enacted to read:  
4662 **11-42-607. Refunding assessment bonds.**  
4663 (1) A local entity may, by a resolution adopted by the governing body, authorize the  
4664 issuance of refunding assessment bonds as provided in this section, in whole or in part, whether  
4665 at or before the maturity of the prior bonds, at stated maturity, upon redemption, or declaration  
4666 of maturity.  
4667 (2) (a) Subject to Subsection (2)(b), the issuance of refunding assessment bonds is  
4668 governed by Title 11, Chapter 27, Utah Refunding Bond Act.  
4669 (b) If there is a conflict between a provision of Title 11, Chapter 27, Utah Refunding  
4670 Bond Act, and a provision of this part, the provision of this part governs.  
4671 (3) In issuing refunding assessment bonds, the local entity shall require the refunding  
4672 assessment bonds and interest on the bonds to be payable from and secured, to the extent the  
4673 prior bonds were payable from and secured, by:  
4674 (a) (i) the same assessments; or  
4675 (ii) the reduced assessments adopted by the governing body under Section 11-42-608;

4676 (b) the guaranty fund or, if applicable, reserve fund; and  
4677 (c) improvement revenues.  
4678 (4) Refunding assessment bonds:  
4679 (a) shall be payable solely from the sources described in Subsection (3);  
4680 (b) shall mature no later than the date that is one year after the final maturity of the  
4681 prior bonds;  
4682 (c) may not mature at a time or bear interest at a rate that will cause the local entity to  
4683 be unable to pay, from the sources listed in Subsection (3), the bonds when due;  
4684 (d) shall bear interest as the governing body determines, subject to the provisions of  
4685 Section 11-42-605 relating to interest;  
4686 (e) may be issued to pay one or more issues of the local entity's prior bonds; and  
4687 (f) if issued to refund two or more issues of prior bonds, may be issued in one or more  
4688 series.  
4689 (5) A local entity may provide for the payment of incidental costs associated with  
4690 refunding assessment bonds:  
4691 (a) by advancing money from the local entity's general fund or other fund, if the local  
4692 entity's governing body:  
4693 (i) determines that the advance is in the best interests of the local entity and its citizens,  
4694 including the owners of property within the assessment area; and  
4695 (ii) provides that the assessments, interest on assessments, and improvement revenue  
4696 from which the prior bonds are payable not be reduced during the period necessary to provide  
4697 funds from those sources to reimburse the local entity with interest at the same rate that applies  
4698 to the assessments;  
4699 (b) from premiums that the local entity receives from the sale of refunding assessment  
4700 bonds;  
4701 (c) from earnings on the investment of refunding assessment bonds pending their use to  
4702 refund prior bonds;  
4703 (d) from any other sources legally available to the local entity for this purpose; or  
4704 (e) from any combination of Subsections (5)(a) through (d).  
4705 Section 85. Section **11-42-608** is enacted to read:  
4706 **11-42-608. Reducing assessments after issuance of refunding assessment bonds.**



4707 (1) Each local entity that issues refunding assessment bonds shall adopt a resolution or  
4708 ordinance amending the assessment resolution or assessment ordinance previously adopted.

4709 (2) Each amending resolution or ordinance under Subsection (1) shall:

4710 (a) reduce, as determined by the local entity's governing body:

4711 (i) the assessments levied under the previous resolution or ordinance;

4712 (ii) the interest payable on the assessments levied under the previous resolution or  
4713 ordinance; or

4714 (iii) both the assessments levied under the previous resolution or ordinance and the  
4715 interest payable on those assessments;

4716 (b) allocate the reductions under Subsection (2)(a) so that the then unpaid assessments  
4717 levied against benefitted property within the assessment area and the unpaid interest on those  
4718 assessments receive a proportionate share of the reductions;

4719 (c) (i) state the amounts of the reduced payment obligation for each property assessed  
4720 in the prior resolution or ordinance; or

4721 (ii) incorporate by reference a revised assessment list approved by the governing body  
4722 containing the reduced payment obligations; and

4723 (d) state the effective date of any reduction in the assessment levied in the prior  
4724 resolution or ordinance.

4725 (3) A resolution or ordinance under Subsection (2) is not required to describe each  
4726 block, lot, part of block or lot, tract, or parcel of property assessed.

4727 (4) Each reduction under Subsection (2)(a) shall be the amount by which the principal  
4728 or interest or both payable on the refunding assessment bonds, after accounting for incidental  
4729 refunding costs associated with the refunding assessment bonds, is less than the amount of  
4730 principal or interest or both payable on the prior bonds.

4731 (5) A reduction under Subsection (2)(a) does not apply to an assessment or interest  
4732 paid before the reduction.

4733 (6) A resolution or ordinance under Subsection (2) may not become effective before  
4734 the date when all principal, interest, any redemption premium on the prior bonds, and any  
4735 advances made under Subsection 11-42-607(5)(a) are fully paid or legally considered to be  
4736 paid.

4737 (7) (a) At least 21 days before the first payment of a reduced assessment becomes due,

4738 each local entity shall provide notice of the reduced payment obligations resulting from  
4739 adoption of a resolution or ordinance under Subsection (2) by mailing, postage prepaid, a  
4740 notice to each owner of benefitted property within the assessment area at the owner's mailing  
4741 address.

4742 (b) Each notice under Subsection (7)(a) shall:

4743 (i) identify the property subject to the assessment; and

4744 (ii) state the amount of the reduced payment obligations that will be payable after the  
4745 applicable date stated in the resolution or ordinance under Subsection (1).

4746 (c) A notice under Subsection (7)(a) may:

4747 (i) contain other information that the governing body considers appropriate; and

4748 (ii) be included with any other notice regarding the payment of an assessment and  
4749 interest that the local entity sends to property owners in the assessment area within the time and  
4750 addressed as required under Subsection (7)(a).

4751 (d) The validity of a resolution or ordinance under Subsection (1) is not affected by:

4752 (i) a local entity's failure to provide notice as required under this Subsection (7); or

4753 (ii) a defect in the content of the notice or the manner or time in which the notice was  
4754 provided.

4755 (e) Whether or not notice under this Subsection (7) is properly given, no other notice is  
4756 required to be given to owners of property within an assessment area in connection with the  
4757 issuance of refunding assessment bonds.

4758 (8) Except for the amount of reduction to a prior assessment or interest on a prior  
4759 assessment, neither the issuance of refunding assessment bonds nor the adoption of a resolution  
4760 or ordinance under Subsection (1) affects:

4761 (a) the validity or continued enforceability of a prior assessment or interest on the  
4762 assessment; or

4763 (b) the validity, enforceability, or priority of an assessment lien.

4764 (9) Each reduction of a prior assessment and the interest on the assessment shall  
4765 continue to exist in favor of the refunding assessment bonds.

4766 (10) Even after payment in full of the prior bonds that are refunded by refunding  
4767 assessment bonds, an assessment lien continues to exist to secure payment of the reduced  
4768 payment obligations, the penalties and costs of collection of those obligations, and the

4769 refunding assessment bonds in the same manner, to the same extent, and with the same priority  
4770 as the assessment lien.

4771 (11) A lien securing a reduced payment obligation from which refunding assessment  
4772 bonds are payable and by which the bonds are secured is subordinate to an assessment lien  
4773 securing the original or prior assessment and prior bonds until the prior bonds are paid in full  
4774 or legally considered to be paid in full.

4775 (12) Unless prior bonds are paid in full simultaneously with the issuance of refunding  
4776 assessment bonds, the local entity shall:

4777 (a) irrevocably set aside the proceeds of the refunding assessment bonds in an escrow  
4778 or other separate account; and

4779 (b) pledge that account as security for the payment of the prior bonds, refunding  
4780 assessment bonds, or both.

4781 (13) This part applies to all refunding assessment bonds:

4782 (a) whether already issued or yet to be issued; and

4783 (b) even though the prior bonds they refunded were issued under prior law, whether or  
4784 not that law is currently in effect.

4785 Section 86. Section **11-42-609** is enacted to read:

4786 **11-42-609. Validation of previously issued obligations.**

4787 (1) Subject to Subsection (2):

4788 (a) all local entity obligations issued by a local entity before April 30, 2007 are:

4789 (i) validated, ratified, and confirmed; and

4790 (ii) declared to constitute legally binding obligations in accordance with their terms;

4791 and

4792 (b) all proceedings before April 30, 2007 related to the authorization and issuance of  
4793 local entity obligations are validated, ratified, and confirmed.

4794 (2) Nothing in this section may be construed to affect the validity of local entity  
4795 obligations, a guaranty fund, or a reserve fund whose legality is being contested on April 30,  
4796 2007.

4797 (3) (a) This chapter applies to all local entity obligations issued after April 30, 2007,  
4798 even though proceedings were taken before that date under provisions of the law then in effect  
4799 but repealed or modified on or after that date.

4800 (b) Proceedings taken as described in Subsection (3)(a) under the law in effect before  
4801 April 30, 2007 are validated, ratified, and confirmed, subject to question only as provided in  
4802 Section 11-42-106.

4803 (4) The validity of local entity obligations issued before April 30, 2007 is not affected  
4804 by changes to the law under which they were issued that become effective on or after April 30,  
4805 2007.

4806 Section 87. Section **11-42-701** is enacted to read:

4807 **Part 7. Guaranty and Reserve Funds**

4808 **11-42-701. Guaranty fund.**

4809 (1) Except as provided in Section 11-42-702, each local entity that issues assessment  
4810 bonds shall:

4811 (a) create a guaranty fund, as provided in this section, to secure bonds, to the extent of  
4812 the money in the fund; and

4813 (b) fund the guaranty fund by:

4814 (i) appropriations from the local entity's general fund;

4815 (ii) a property tax levy of not to exceed .0002 per dollar of taxable value of taxable  
4816 property within the local entity's jurisdictional boundaries;

4817 (iii) issuing general obligation bonds; or

4818 (iv) appropriations from other sources as determined by the local entity's governing  
4819 body.

4820 (2) A tax levied by a local entity under Subsection (1)(b)(ii) to fund a guaranty fund is  
4821 not included for purposes of calculating the maximum levy limitation applicable to the local  
4822 entity.

4823 (3) A local entity may covenant for the benefit of bond holders that, as long as the  
4824 bonds are outstanding and unpaid, the local entity will:

4825 (a) create a guaranty fund as provided in this section;

4826 (b) (i) to the extent legally permissible and by any of the methods described in  
4827 Subsection (1)(b), transfer each year to the guaranty fund an amount of money up to the  
4828 amount the local entity would collect by levying a tax of .0002 per dollar of taxable value of  
4829 taxable property within the local entity until the balance in the guaranty fund equals 10% of the  
4830 amount of all outstanding bonds; and

4831 (ii) in subsequent years transfer to the guaranty fund the amount necessary to replenish  
4832 or maintain the guaranty fund at 10% of the amount of all outstanding bonds; and

4833 (c) invest the funds on deposit in the guaranty fund as provided in Title 51, Chapter 7,  
4834 State Money Management Act.

4835 (4) A local entity may create subaccounts within a guaranty fund for each issue of  
4836 outstanding assessment bonds and refunding assessment bonds in a manner that the local  
4837 entity's governing body considers appropriate to allocate among the bond issues the securities  
4838 held in and interest earnings on the guaranty fund for purposes of complying with federal law.

4839 (5) A local entity may transfer to its general fund any money in its guaranty fund that  
4840 exceeds 10% of the amount of all of the local entity's outstanding assessment bonds and  
4841 refunding assessment bonds that are secured by the guaranty fund.

4842 (6) For purposes of Subsections (3)(b) and (5), refunding assessment bonds may not be  
4843 considered outstanding until the principal of and interest and any redemption premiums on the  
4844 prior bonds that are refunded by the refunding assessment bonds are fully paid or legally  
4845 considered to be paid.

4846 Section 88. Section **11-42-702** is enacted to read:

4847 **11-42-702. Reserve fund.**

4848 (1) In lieu of creating and funding a guaranty fund under Section 11-42-701 for an  
4849 issue of assessment bonds or refunding assessment bonds, a local entity may establish a reserve  
4850 fund to secure the issue.

4851 (2) If a local entity establishes a reserve fund under this section:

4852 (a) the bonds secured by the reserve fund are not secured by a guaranty fund under  
4853 Section 11-42-701;

4854 (b) the local entity is not required to fund a guaranty fund under Section 11-42-701 for  
4855 those bonds; and

4856 (c) unless otherwise provided in this part or in the proceedings authorizing the issuance  
4857 of bonds, the provisions of this part regarding a guaranty fund have no application to the bonds  
4858 that are secured by the reserve fund.

4859 (3) Each local entity that establishes a reserve fund shall:

4860 (a) fund and replenish the reserve fund in the amounts and manner provided in the  
4861 proceedings authorizing the issuance of the bonds that are secured by the reserve fund; and

4862 (b) invest the funds on deposit in the reserve fund as provided in Title 51, Chapter 7,  
4863 State Money Management Act.

4864 (4) (a) Subject to Subsection (4)(b), a local entity may replenish a reserve fund under  
4865 this section by any of the methods described in Subsection 11-42-701(1)(b).

4866 (b) The proceedings authorizing the issuance of assessment bonds or refunding bonds  
4867 shall provide that if a local entity uses any of the methods described in Subsection  
4868 11-42-701(1)(b) to replenish a reserve fund, the local entity shall be reimbursed, with interest  
4869 at a rate that the local entity determines, with money that the local entity receives from  
4870 foreclosing on delinquent property.

4871 (5) Upon the retirement of bonds secured by a reserve fund, the local entity shall:

4872 (a) terminate the reserve fund; and

4873 (b) disburse all remaining money in the fund as provided in the proceedings  
4874 authorizing the issuance of the bonds.

4875 Section 89. Section **11-42-703** is enacted to read:

4876 **11-42-703. Payment from guaranty fund or reserve fund if insufficient funds**  
4877 **available in the assessment fund -- Payment by warrant from guaranty fund or reserve**  
4878 **fund -- Subrogation.**

4879 (1) If a bond is presented to the local entity for payment at a time when there is  
4880 insufficient money in the assessment fund to pay the amount due, the local entity shall pay the  
4881 amount due from the guaranty fund or, if applicable, reserve fund.

4882 (2) If there is insufficient money in the guaranty fund or, if applicable, the reserve fund  
4883 to pay the amount due under Subsection (1), the local entity may pay by a warrant drawn  
4884 against the guaranty fund or, if applicable, reserve fund.

4885 (3) If a local entity pays from its guaranty fund or reserve fund any principal or interest  
4886 owing under a bond:

4887 (a) the local entity is subrogated to the rights of the bond holders; and

4888 (b) the proceeds from the bond shall become part of the guaranty fund or reserve fund,  
4889 as the case may be.

4890 Section 90. Section **11-42-704** is enacted to read:

4891 **11-42-704. Transfers from local entity funds to replenish guaranty fund or**  
4892 **reserve fund.**

4893 If the guaranty fund or, if applicable, the reserve fund has insufficient money for the  
4894 local entity to purchase property on which it bids at a sale under Part 5, Assessment Liens, for  
4895 delinquent assessments, the local entity may transfer or appropriate money from its general  
4896 fund or other available sources, as the governing body determines, to replenish the guaranty  
4897 fund or reserve fund.

4898 Section 91. Section **11-42-705** is enacted to read:

4899 **11-42-705. Warrants to meet guaranty fund and reserve fund liabilities -- Levy to**  
4900 **pay warrants authorized -- Limit on the levy.**

4901 (1) A local entity may issue warrants, bearing interest at a rate determined by the  
4902 governing body, against a guaranty fund or reserve fund to meet any financial liabilities  
4903 accruing against the fund.

4904 (2) (a) If a local entity issues warrants under Subsection (1), the local entity shall,  
4905 subject to Subsection (2)(b), include in its next annual tax levy an amount sufficient, with other  
4906 guaranty fund or reserve fund resources, to pay all issued and outstanding warrants under  
4907 Subsection (1) for all assessment areas within the local entity.

4908 (b) A levy under Subsection (2)(a):

4909 (i) may not exceed .0002 per dollar of taxable value of taxable property in the local  
4910 entity; and

4911 (ii) is exempt from the statutory limit applicable to the local entity's property tax levy.

4912 Section 92. Section **11-42-706** is enacted to read:

4913 **11-42-706. Validation of prior guaranty fund or reserve fund proceedings.**

4914 (1) Subject to Subsection (2), all proceedings before April 30, 2007 related to the  
4915 creation, maintenance, and use of a guaranty fund or reserve fund are validated, ratified, and  
4916 confirmed.

4917 (2) Nothing in this section may be construed to affect the validity of a guaranty fund or  
4918 reserve fund whose legality is being contested on April 30, 2007.

4919 Section 93. Section **14-1-18** is amended to read:

4920 **14-1-18. Definitions -- Application of Procurement Code to payment and**  
4921 **performance bonds.**

4922 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,  
4923 town, school district, [~~public transit district, special~~] local district, [~~redevelopment~~] special

4924 service district, community development and renewal agency, public corporation, institution of  
4925 higher education of the state, public agency of any political subdivision, and, to the extent  
4926 provided by law, any other entity which expends public funds for construction.

4927 (b) For purposes of applying Section 63-56-504 to a political subdivision, "state"  
4928 includes "political subdivision."

4929 (2) Section 63-56-504 applies to all contracts for the construction, alteration, or repair  
4930 of any public building or public work of the state or a political subdivision of the state.

4931 Section 94. Section **15-7-2** is amended to read:

4932 **15-7-2. Definitions.**

4933 As used in this chapter:

4934 (1) "Authorized officer" means any individual required or permitted by any law or by  
4935 the issuing public entity to execute on behalf of the public entity, a certificated registered  
4936 public obligation or a writing relating to an uncertificated registered public obligation.

4937 (2) "Certificated registered public obligation" means a registered public obligation  
4938 which is represented by an instrument.

4939 (3) "Code" means the Internal Revenue Code of 1954.

4940 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or  
4941 other means of the seal of the issuer, official, or official body.

4942 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,  
4943 or other means of a manual signature.

4944 (6) "Financial intermediary" means a bank, broker, clearing corporation or other  
4945 person, or the nominee of any of them, which in the ordinary course of its business maintains  
4946 registered public obligation accounts for its customers.

4947 (7) "Issuer" means a public entity which issues an obligation.

4948 (8) "Obligation" means an agreement by a public entity to pay principal and any  
4949 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,  
4950 an installment purchase agreement, or otherwise, and includes a share, participation, or other  
4951 interest in any such agreement.

4952 (9) "Official actions" means the actions by statute, order, ordinance, resolution,  
4953 contract, or other authorized means by which the issuer provides for issuance of a registered  
4954 public obligation.



4955 (10) "Official" or "official body" means the person or group of persons that is  
4956 empowered to provide for the original issuance of an obligation of the issuer, by defining the  
4957 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a  
4958 registered public obligation and any successor of such person or group of persons.

4959 (11) "Public entity" means any entity, department, or agency which is empowered  
4960 under the laws of one or more states, territories, possessions of the United States or the District  
4961 of Columbia, including this state, to issue obligations any interest with respect to which may,  
4962 under any provision of law, be provided an exemption from the income tax referred to in the  
4963 Code. The term "public entity" includes, without limitation, this state, an entity deriving  
4964 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a  
4965 municipal corporation, a quasi-municipal corporation, a state university or college, a school  
4966 district, a special service district [~~or other special~~], a local district, [~~an improvement district, a~~  
4967 ~~water conservancy district, a metropolitan water district, a drainage district, an irrigation~~  
4968 ~~district, a fire protection district,~~] a separate legal or administrative entity created under the  
4969 Interlocal Cooperation Act or other joint agreement entity, a [~~redevelopment~~] community  
4970 development and renewal agency, any other political subdivision, a public authority or public  
4971 agency, a public trust, a nonprofit corporation, or other organizations.

4972 (12) "Registered public obligation" means an obligation issued by a public entity which  
4973 is issued pursuant to a system of registration.

4974 (13) "System of registration" and its variants means a plan that provides:

4975 (a) with respect to a certificated registered public obligation, that:

4976 (i) the certificated registered public obligation specifies a person entitled to the  
4977 registered public obligation and the rights it represents[;]; and [~~that~~]

4978 (ii) transfer of the certificated registered public obligation and the rights it represents  
4979 may be registered upon books maintained for that purpose by or on behalf of the issuer; and

4980 (b) with respect to an uncertificated registered public obligation, that:

4981 (i) books maintained by or on behalf of the issuer for the purpose of registration of the  
4982 transfer of a registered public obligation specify a person entitled to the registered public  
4983 obligation and the rights evidenced by it; and [~~that~~]

4984 (ii) transfer of the uncertificated registered public obligation and the rights evidenced  
4985 by it be registered upon such books.

4986 (14) "Uncertificated registered public obligation" means a registered public obligation  
4987 which is not represented by an instrument.

4988 Section 95. Section **17-23-17** is amended to read:

4989 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
4990 **of monuments -- Record of corner changes -- Penalties.**

4991 (1) As used in this section, "land surveyor" means a surveyor who is licensed to  
4992 practice land surveying in this state in accordance with Title 58, Chapter 22, Professional  
4993 Engineers and Professional Land Surveyors Licensing Act.

4994 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
4995 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
4996 a boundary line shall file a map of the survey that meets the requirements of this section with  
4997 the county surveyor or designated office within 90 days of the establishment or reestablishment  
4998 of a boundary.

4999 (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
5000 (2)(a)(i) is guilty of a class C misdemeanor.

5001 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
5002 separate violation.

5003 (b) The county surveyor or designated office shall file and index the map of the survey.

5004 (c) The map shall be a public record in the office of the county surveyor or designated  
5005 office.

5006 (3) This type of map shall show:

5007 (a) the location of survey by quarter section and township and range;

5008 (b) the date of survey;

5009 (c) the scale of drawing and north point;

5010 (d) the distance and course of all lines traced or established, giving the basis of bearing  
5011 and the distance and course to two or more section corners or quarter corners, including  
5012 township and range, or to identified monuments within a recorded subdivision;

5013 (e) all measured bearings, angles, and distances separately indicated from those of  
5014 record;

5015 (f) a written boundary description of property surveyed;

5016 (g) all monuments set and their relation to older monuments found;

- 5017 (h) a detailed description of monuments found and monuments set, indicated  
5018 separately;
- 5019 (i) the surveyor's seal or stamp; and  
5020 (j) the surveyor's business name and address.
- 5021 (4) (a) The map shall contain a written narrative that explains and identifies:  
5022 (i) the purpose of the survey;  
5023 (ii) the basis on which the lines were established; and  
5024 (iii) the found monuments and deed elements that controlled the established or  
5025 reestablished lines.
- 5026 (b) If the narrative is a separate document, it shall contain:  
5027 (i) the location of the survey by quarter section and by township and range;  
5028 (ii) the date of the survey;  
5029 (iii) the surveyor's stamp or seal; and  
5030 (iv) the surveyor's business name and address.
- 5031 (c) The map and narrative shall be referenced to each other if they are separate  
5032 documents.
- 5033 (5) The map and narrative shall be created on material of a permanent nature on stable  
5034 base reproducible material in the sizes required by the county surveyor.
- 5035 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference  
5036 a point on a property or land line shall be durably and visibly marked or tagged with the  
5037 registered business name or the letters "L.S." followed by the registration number of the  
5038 surveyor in charge.
- 5039 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall  
5040 be marked with the official title of the office.
- 5041 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the  
5042 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
5043 submit to the county surveyor or designated office a record of the changes made.
- 5044 (b) The record shall be submitted within 45 days of the corner visits and shall include  
5045 the surveyor's seal, business name, and address.
- 5046 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
5047 license of any land surveyor who fails to comply with the requirements of this section,

5048 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and  
5049 Professional Licensing Act.

5050 (9) Each federal or state agency, board, or commission, [~~special~~] local district, special  
5051 service district, or municipal corporation that makes a boundary survey of lands within this  
5052 state shall comply with this section.

5053 Section 96. Section **17-27a-103** is amended to read:

5054 **17-27a-103. Definitions.**

5055 As used in this chapter:

5056 (1) "Affected entity" means a county, municipality, [~~independent special district under~~  
5057 ~~Title 17A, Chapter 2, Independent Special Districts,~~] local district [~~under Title 17B, Chapter 2,~~  
5058 ~~Local Districts~~], special service district under Title 17A, Chapter 2, Part 13, Utah Special  
5059 Service District Act, school district, interlocal cooperation entity established under Title 11,  
5060 Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association,  
5061 public utility, or the Utah Department of Transportation, if:

5062 (a) the entity's services or facilities are likely to require expansion or significant  
5063 modification because of an intended use of land;

5064 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
5065 or

5066 (c) the entity has filed with the county a request for notice during the same calendar  
5067 year and before the county provides notice to an affected entity in compliance with a  
5068 requirement imposed under this chapter.

5069 (2) "Appeal authority" means the person, board, commission, agency, or other body  
5070 designated by ordinance to decide an appeal of a decision of a land use application or a  
5071 variance.

5072 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
5073 residential property if the sign is designed or intended to direct attention to a business, product,  
5074 or service that is not sold, offered, or existing on the property where the sign is located.

5075 (4) "Charter school" includes:

5076 (a) an operating charter school;

5077 (b) a charter school applicant that has its application approved by a chartering entity in  
5078 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

5079 (c) an entity who is working on behalf of a charter school or approved charter applicant  
5080 to develop or construct a charter school building.

5081 (5) "Chief executive officer" means the person or body that exercises the executive  
5082 powers of the county.

5083 (6) "Conditional use" means a land use that, because of its unique characteristics or  
5084 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
5085 compatible in some areas or may be compatible only if certain conditions are required that  
5086 mitigate or eliminate the detrimental impacts.

5087 (7) "Constitutional taking" means a governmental action that results in a taking of  
5088 private property so that compensation to the owner of the property is required by the:

- 5089 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 5090 (b) Utah Constitution Article I, Section 22.

5091 (8) "Culinary water authority" means the department, agency, or public entity with  
5092 responsibility to review and approve the feasibility of the culinary water system and sources for  
5093 the subject property.

5094 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
5095 or more of a person's major life activities, including a person having a record of such an  
5096 impairment or being regarded as having such an impairment.

5097 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
5098 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
5099 802.

5100 (10) "Elderly person" means a person who is 60 years old or older, who desires or  
5101 needs to live with other elderly persons in a group setting, but who is capable of living  
5102 independently.

5103 (11) "Gas corporation" has the same meaning as defined in Section 54-2-1.

5104 (12) "General plan" means a document that a county adopts that sets forth general  
5105 guidelines for proposed future development of the unincorporated land within the county.

5106 (13) "Identical plans" means building plans submitted to a county that are substantially  
5107 identical building plans that were previously submitted to and reviewed and approved by the  
5108 county and describe a building that is:

- 5109 (a) located on land zoned the same as the land on which the building described in the

5110 previously approved plans is located; and

5111 (b) subject to the same geological and meteorological conditions and the same law as  
5112 the building described in the previously approved plans.

5113 (14) "Interstate pipeline company" means a person or entity engaged in natural gas  
5114 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
5115 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

5116 (15) "Intrastate pipeline company" means a person or entity engaged in natural gas  
5117 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
5118 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

5119 (16) "Land use application" means an application required by a county's land use  
5120 ordinance.

5121 (17) "Land use authority" means a person, board, commission, agency, or other body  
5122 designated by the local legislative body to act upon a land use application.

5123 (18) "Land use ordinance" means a planning, zoning, development, or subdivision  
5124 ordinance of the county, but does not include the general plan.

5125 (19) "Land use permit" means a permit issued by a land use authority.

5126 (20) "Legislative body" means the county legislative body, or for a county that has  
5127 adopted an alternative form of government, the body exercising legislative powers.

5128 (21) "Local district" means any entity under Title 17B, Limited Purpose Local  
5129 Government Entities - Local Districts, and any other governmental or quasi-governmental  
5130 entity that is not a county, municipality, school district, or unit of the state.

5131 [~~(21)~~] (22) "Lot line adjustment" means the relocation of the property boundary line in  
5132 a subdivision between two adjoining lots with the consent of the owners of record.

5133 [~~(22)~~] (23) "Moderate income housing" means housing occupied or reserved for  
5134 occupancy by households with a gross household income equal to or less than 80% of the  
5135 median gross income for households of the same size in the county in which the housing is  
5136 located.

5137 [~~(23)~~] (24) "Nominal fee" means a fee that reasonably reimburses a county only for  
5138 time spent and expenses incurred in:

5139 (a) verifying that building plans are identical plans; and

5140 (b) reviewing and approving those minor aspects of identical plans that differ from the

5141 previously reviewed and approved building plans.

5142 [~~(24)~~] (25) "Noncomplying structure" means a structure that:

5143 (a) legally existed before its current land use designation; and

5144 (b) because of one or more subsequent land use ordinance changes, does not conform  
5145 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
5146 the use of land.

5147 [~~(25)~~] (26) "Nonconforming use" means a use of land that:

5148 (a) legally existed before its current land use designation;

5149 (b) has been maintained continuously since the time the land use ordinance regulation  
5150 governing the land changed; and

5151 (c) because of one or more subsequent land use ordinance changes, does not conform  
5152 to the regulations that now govern the use of the land.

5153 [~~(26)~~] (27) "Official map" means a map drawn by county authorities and recorded in  
5154 the county recorder's office that:

5155 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
5156 highways and other transportation facilities;

5157 (b) provides a basis for restricting development in designated rights-of-way or between  
5158 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
5159 the land; and

5160 (c) has been adopted as an element of the county's general plan.

5161 [~~(27)~~] (28) "Person" means an individual, corporation, partnership, organization,  
5162 association, trust, governmental agency, or any other legal entity.

5163 [~~(28)~~] (29) "Plan for moderate income housing" means a written document adopted by  
5164 a county legislative body that includes:

5165 (a) an estimate of the existing supply of moderate income housing located within the  
5166 county;

5167 (b) an estimate of the need for moderate income housing in the county for the next five  
5168 years as revised biennially;

5169 (c) a survey of total residential land use;

5170 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
5171 income housing; and

5172 (e) a description of the county's program to encourage an adequate supply of moderate  
5173 income housing.

5174 ~~[(29)]~~ (30) "Plat" means a map or other graphical representation of lands being laid out  
5175 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

5176 ~~[(30)]~~ (31) "Public hearing" means a hearing at which members of the public are  
5177 provided a reasonable opportunity to comment on the subject of the hearing.

5178 ~~[(31)]~~ (32) "Public meeting" means a meeting that is required to be open to the public  
5179 under Title 52, Chapter 4, Open and Public Meetings Act.

5180 ~~[(32)]~~ (33) "Record of survey map" means a map of a survey of land prepared in  
5181 accordance with Section 17-23-17.

5182 ~~[(33)]~~ (34) "Residential facility for elderly persons" means a single-family or  
5183 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not  
5184 include a health care facility as defined by Section 26-21-2.

5185 ~~[(34)]~~ (35) "Residential facility for persons with a disability" means a residence:

5186 (a) in which more than one person with a disability resides; and

5187 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
5188 Chapter 2, Licensure of Programs and Facilities; or

5189 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
5190 Health Care Facility Licensing and Inspection Act.

5191 ~~[(35)]~~ (36) "Sanitary sewer authority" means the department, agency, or public entity  
5192 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
5193 wastewater systems.

5194 ~~[(36)]~~ "Special district" means ~~any entity established under the authority of Title 17A,~~  
5195 ~~Special Districts, and any other governmental or quasi-governmental entity that is not a county,~~  
5196 ~~municipality, school district, or unit of the state.]~~

5197 (37) "Specified public utility" means an electrical corporation, gas corporation, or  
5198 telephone corporation, as those terms are defined in Section 54-2-1.

5199 (38) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
5200 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
5201 way.

5202 (39) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be



5203 divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
5204 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
5205 installment plan or upon any and all other plans, terms, and conditions.

5206 (b) "Subdivision" includes:

5207 (i) the division or development of land whether by deed, metes and bounds description,  
5208 devise and testacy, map, plat, or other recorded instrument; and

5209 (ii) except as provided in Subsection (39)(c), divisions of land for residential and  
5210 nonresidential uses, including land used or to be used for commercial, agricultural, and  
5211 industrial purposes.

5212 (c) "Subdivision" does not include:

5213 (i) a bona fide division or partition of agricultural land for agricultural purposes;

5214 (ii) a recorded agreement between owners of adjoining properties adjusting their  
5215 mutual boundary if:

5216 (A) no new lot is created; and

5217 (B) the adjustment does not violate applicable land use ordinances;

5218 (iii) a recorded document, executed by the owner of record:

5219 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
5220 property into one legal description encompassing all such parcels of property; or

5221 (B) joining a subdivided parcel of property to another parcel of property that has not  
5222 been subdivided, if the joinder does not violate applicable land use ordinances;

5223 (iv) a bona fide division or partition of land in a county other than a first class county  
5224 for the purpose of siting, on one or more of the resulting separate parcels:

5225 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas  
5226 corporation, interstate pipeline company, or intrastate pipeline company; or

5227 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
5228 utility service regeneration, transformation, retransmission, or amplification facility; or

5229 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
5230 their mutual boundary if:

5231 (A) no new dwelling lot or housing unit will result from the adjustment; and

5232 (B) the adjustment will not violate any applicable land use ordinance.

5233 (d) The joining of a subdivided parcel of property to another parcel of property that has

5234 not been subdivided does not constitute a subdivision under this Subsection (39) as to the  
5235 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision  
5236 ordinance.

5237 (40) "Township" means a contiguous, geographically defined portion of the  
5238 unincorporated area of a county, established under this part or reconstituted or reinstated under  
5239 Section 17-27a-306, with planning and zoning functions as exercised through the township  
5240 planning commission, as provided in this chapter, but with no legal or political identity  
5241 separate from the county and no taxing authority, except that "township" means a former  
5242 township under Chapter 308, Laws of Utah 1996 where the context so indicates.

5243 (41) "Unincorporated" means the area outside of the incorporated area of a  
5244 municipality.

5245 (42) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
5246 land use zones, overlays, or districts.

5247 Section 97. Section **17-27a-305** is amended to read:

5248 **17-27a-305. Other entities required to conform to county's land use ordinances --**  
5249 **Exceptions -- School districts and charter schools.**

5250 (1) (a) Each county, municipality, school district, charter school, [~~special~~] local district,  
5251 special service district, and political subdivision of the state shall conform to any applicable  
5252 land use ordinance of any county when installing, constructing, operating, or otherwise using  
5253 any area, land, or building situated within the unincorporated portion of the county.

5254 (b) In addition to any other remedies provided by law, when a county's land use  
5255 ordinance is violated or about to be violated by another political subdivision, that county may  
5256 institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
5257 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

5258 (2) (a) Except as provided in Subsection (3), a school district or charter school is  
5259 subject to a county's land use ordinances.

5260 (b) (i) Notwithstanding Subsection (3), a county may subject a charter school to  
5261 standards within each zone pertaining to setback, height, bulk and massing regulations, off-site  
5262 parking, curb cut, traffic circulation, and construction staging.

5263 (ii) The standards to which a county may subject a charter school under Subsection  
5264 (2)(b)(i) shall be objective standards only and may not be subjective.

5265 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may  
5266 deny or withhold approval of a charter school's land use application is the charter school's  
5267 failure to comply with a standard imposed under Subsection (2)(b)(i).

5268 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an  
5269 obligation to comply with a requirement of an applicable building or safety code to which it is  
5270 otherwise obligated to comply.

5271 (3) A county may not:

5272 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
5273 construction methods or materials, building codes, building use for educational purposes, or the  
5274 placement or use of temporary classroom facilities on school property;

5275 (b) except as otherwise provided in this section, require a school district or charter  
5276 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
5277 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
5278 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
5279 required to connect an otherwise isolated school site to an existing roadway;

5280 (c) require a district or charter school to pay fees not authorized by this section;

5281 (d) provide for inspection of school construction or assess a fee or other charges for  
5282 inspection, unless the school district or charter school is unable to provide for inspection by an  
5283 inspector, other than the project architect or contractor, who is qualified under criteria  
5284 established by the state superintendent;

5285 (e) require a school district or charter school to pay any impact fee for an improvement  
5286 project that is not reasonably related to the impact of the project upon the need that the  
5287 improvement is to address; or

5288 (f) impose regulations upon the location of a project except as necessary to avoid  
5289 unreasonable risks to health or safety.

5290 (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate  
5291 the siting of a new school with the county in which the school is to be located, to:

5292 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
5293 the impacts between the new school and future highways; and

5294 (b) to maximize school, student, and site safety.

5295 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:

5296 (a) provide a walk-through of school construction at no cost and at a time convenient to  
5297 the district or charter school; and

5298 (b) provide recommendations based upon the walk-through.

5299 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

5300 (i) a county building inspector;

5301 (ii) a school district building inspector; or

5302 (iii) an independent, certified building inspector who is:

5303 (A) not an employee of the contractor;

5304 (B) approved by a county building inspector or a school district building inspector; and

5305 (C) licensed to perform the inspection that the inspector is requested to perform.

5306 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

5307 (c) If a school district or charter school uses an independent building inspector under

5308 Subsection (6)(a)(iii), the school district or charter school shall submit to the state

5309 superintendent of public instruction, on a monthly basis during construction of the school

5310 building, a copy of each inspection certificate regarding the school building.

5311 (7) (a) A charter school shall be considered a permitted use in all zoning districts

5312 within a county.

5313 (b) Each land use application for any approval required for a charter school, including

5314 an application for a building permit, shall be processed on a first priority basis.

5315 (c) Parking requirements for a charter school may not exceed the minimum parking

5316 requirements for schools or other institutional public uses throughout the county.

5317 (d) If a county has designated zones for a sexually oriented business, or a business

5318 which sells alcohol, a charter school may be prohibited from a location which would otherwise

5319 defeat the purpose for the zone unless the charter school provides a waiver.

5320 (e) (i) A school district or a charter school may seek a certificate authorizing permanent

5321 occupancy of a school building from:

5322 (A) the state superintendent of public instruction, as provided in Subsection

5323 53A-20-104(3), if the school district or charter school used an independent building inspector

5324 for inspection of the school building; or

5325 (B) a county official with authority to issue the certificate, if the school district or

5326 charter school used a county building inspector for inspection of the school building.

5327 (ii) A school district may issue its own certificate authorizing permanent occupancy of  
5328 a school building if it used its own building inspector for inspection of the school building,  
5329 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

5330 (iii) A charter school may seek a certificate authorizing permanent occupancy of a  
5331 school building from a school district official with authority to issue the certificate, if the  
5332 charter school used a school district building inspector for inspection of the school building.

5333 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
5334 of public instruction under Subsection 53A-20-104(3) or a school district official with authority  
5335 to issue the certificate shall be considered to satisfy any county requirement for an inspection or  
5336 a certificate of occupancy.

5337 Section 98. Section **17-35b-302** is amended to read:

5338 **17-35b-302. Urban county structural form of county government.**

5339 (1) The structural form of county government known as the "urban county" form  
5340 retains, without change or modification, except to the extent that changes or modifications may  
5341 be effectuated under other proceedings authorized by law, all existing incorporated cities and  
5342 towns, special taxing districts, public authorities, [county] service areas, and other local public  
5343 entities functioning within the boundaries of the county. Under this form of government, the  
5344 county remains vested with all powers and duties vested in counties by general law, but in  
5345 addition is vested with and empowered to exercise within the unincorporated territory of the  
5346 county all powers and duties which, by general law, are conferred upon cities whose population  
5347 is equal to that of the unincorporated territory of such county.

5348 (2) The urban county is empowered to enter into contractual arrangements for the joint  
5349 exercise of powers or for performance of services and, for that purpose, may employ and be  
5350 subject to the provisions of Title 11, Chapter 13, Interlocal Cooperation Act. By contract, the  
5351 urban county may perform for any city, town, special taxing district, public authority, [county]  
5352 service area, or other local public entity within the county any governmental service or function  
5353 which such entity is lawfully empowered to perform for itself within its own territory, or which  
5354 the county is lawfully empowered to perform anywhere within the county boundaries. No  
5355 contract service or function shall be performed by the county except for a consideration which  
5356 is at least substantially equal to the cost of performing it.

5357 (3) The plan for an urban county form of county government may provide for

5358 organization of the unincorporated territory of the county into one or more [county] service  
5359 areas and, for this purpose, may provide for special organizing or implementing procedures  
5360 which differ from those provided in Title [17A] 17B, Chapter [2] 2a, Part [4, County] 9,  
5361 Service [Areas] Area Act. Except to the extent that the plan provides to the contrary, all  
5362 noncontract services and functions lawfully performed by the county solely within  
5363 unincorporated territory and not on a countywide basis shall, after the effective date of the plan,  
5364 be considered performed and extended solely as services of, and financed by and through, the  
5365 county service area. The plan may provide for, limit, or condition the services and functions  
5366 which the urban county is authorized to perform and extend within the territory of incorporated  
5367 cities and towns within the county and may provide procedures by which such provisions,  
5368 limits, or conditions may be established and changed from time to time.

5369 (4) The plan for the urban county shall provide for the election of a county council,  
5370 composed of not less than three members. The council shall be the county legislative body and  
5371 shall exercise all legislative powers authorized by law. The plan shall specify:

5372 (a) whether the members of the council are to be elected from districts, at large, or by a  
5373 combination of district and at-large constituencies;

5374 (b) their qualifications and terms of office, and whether such terms are concurrent or  
5375 overlapping;

5376 (c) grounds for and methods for removal of council members from office;

5377 (d) procedures for filling vacancies on the council, provided that the procedures shall  
5378 conform with Section 20A-1-508; and

5379 (e) the compensation, if any, of council members together with procedures for  
5380 prescribing and changing such compensation from time to time.

5381 Section 99. Section **17-35b-303** is amended to read:

5382 **17-35b-303. Community council form of county government.**

5383 (1) The structural form of county government known as the "community council" form  
5384 unites in a single consolidated city and county government the powers, duties, and functions  
5385 which, immediately prior to its effective date, are vested in the county, the largest city in the  
5386 county, such other cities and towns as elect to merge in it, and all special taxing districts, public  
5387 authorities, [county] service areas, and other local public entities functioning within the  
5388 boundaries of the county, except school districts. The consolidated government shall have

5389 power to extend on a countywide basis any governmental service or function which is  
5390 authorized by law or which the previous county, cities, and other local public agencies included  
5391 therein were empowered to provide for their residents, but no such service shall be provided  
5392 within an incorporated municipality which continues to provide that service for its own  
5393 inhabitants, except upon a contract basis for the municipality, and no taxes, assessments, fees,  
5394 or other charges shall be extended or collected within the municipality for the purpose of  
5395 financing any service which is not provided by the consolidated government within the  
5396 municipality. "Largest city," as used in this section, means a city or cities the population of  
5397 which, as shown by the most recent decennial or special census, exceeds 35% of the total  
5398 county population.

5399 (2) The incorporated cities and towns, other than the largest city, in the county shall  
5400 retain independent corporate existence and shall continue to provide local services to their  
5401 inhabitants of the type and to the extent provided in the plan, but any such city or town, by  
5402 majority vote of its qualified voters, cast either concurrently with the election at which the plan  
5403 is approved or subsequently to it, as provided by the governing body of the city or town, may  
5404 cause the city or town to be dissolved and its powers, duties, and functions vested in the  
5405 countywide government.

5406 (3) The county legislative body of the countywide government shall be a council  
5407 composed of not less than five persons as specified in the plan, elected respectively from  
5408 communities, which collectively include all of the territory within the county, having  
5409 boundaries described in the plan embracing substantially equal populations. In addition to  
5410 other powers vested in the countywide government by law or pursuant to this act, the county  
5411 council shall have all of the legislative and policymaking powers which it is possible for the  
5412 governing body of a county or a city to possess and which are not expressly denied by the  
5413 constitution, by a general law applicable to all cities or all counties, or by a specific restriction  
5414 in the plan itself.

5415 (4) The voters of each community shall elect a community council composed of the  
5416 community's elected member of the county council, who shall be chairman of the community  
5417 council, and not less than two nor more than four additional members elected either from  
5418 districts of substantially equal population within the community, or at large therein, as may be  
5419 provided in the plan. A community council shall have the power and duty, in conformity with

5420 guidelines prescribed by the county council, to adopt policies and formulate specific programs  
5421 relating to and defining the kinds and levels of local governmental services necessary to satisfy  
5422 the needs and desires of the citizens within the community, but a community council shall have  
5423 no power to engage personnel or to acquire facilities, property, or equipment for the  
5424 administration or performance of such services. Authorized programs for local governmental  
5425 services which have been approved by a community council shall be submitted to the county  
5426 council for implementation and shall be carried into effect by the county council and county  
5427 executive unless, by a vote of not less than 3/4 of its entire membership, the county council  
5428 determines that a particular program, in whole or in part, should be rejected as contrary to the  
5429 general welfare of the county. A community council program for local governmental services  
5430 within a community:

5431 (a) shall include a method or methods for financing such services;

5432 (b) may provide for supplying of such services by contract or by joint or cooperative  
5433 action pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, in which case the  
5434 community council shall be considered a "public agency" within the meaning of said act; and

5435 (c) may provide for supplying of such services through the creation of [county] service  
5436 areas pursuant to Title [17A] 17B, Chapter [2] 2a, Part [4, ~~County~~] 9, Service Area Act.

5437 (5) Notwithstanding Subsection (4) [~~of this section~~], in any community which includes,  
5438 in whole or in part, the territory of a city or town, no community council program for local  
5439 government services above the minimum level of area-wide services provided countywide may  
5440 be submitted to the county council for implementation unless it first is submitted to the  
5441 governing body of each such city or town for review. Within 30 days after such submission, the  
5442 governing body of the city or town:

5443 (a) may file with the community council a written statement of its comments,  
5444 suggestions, and recommendations relating to the program, and the community council shall  
5445 give due consideration thereto; or

5446 (b) may, by resolution or ordinance, provide that any designated part of the community  
5447 council program relating to a service to be provided within the city or town shall be submitted  
5448 to the voters thereof at a general or special election to be held therein within 60 days after the  
5449 date of the resolution or ordinance. Any part of the program submitted to the voters of a city or  
5450 town under this Subsection (5) shall not be included in the program as submitted to the county



5451 council unless it receives an approving vote at such election by majority of all votes cast on the  
5452 question.

5453 (6) Except as provided herein, the qualifications, mode of election, term of office,  
5454 method of removal, procedure to fill vacancies, compensation, and other appropriate provisions  
5455 relating to membership on the county council or community councils shall be provided in the  
5456 plan.

5457 (7) Upon the effective date of the plan and as provided in it, all properties and assets,  
5458 whether tangible or intangible, and all obligations, debts, and liabilities, of those governmental  
5459 entities which are merged into the new countywide government shall become vested and  
5460 transferred by operation of law in and to the new countywide government. The properties,  
5461 assets, obligations, debts, and liabilities of any city or town not merged into the new  
5462 countywide government, so far as allocated, used, or incurred primarily to discharge a function  
5463 which under the plan will no longer be a responsibility of the city or town, shall likewise be  
5464 vested in and transferred to the new countywide government. All transfers under this  
5465 Subsection (7) shall be subject to equitable adjustments, conditions, and limitations provided in  
5466 the plan and determined by procedures specified in the plan, but the contractual rights of any  
5467 bondholder or creditor shall not be impaired.

5468 (8) Upon the effective date of the plan and as provided in it, nonelective officers and  
5469 employees of governmental entities which are merged into the new countywide government  
5470 and such officers and employees of nonmerged cities or towns whose qualifications and duties  
5471 relate primarily to functions which under the plan will no longer be a responsibility of those  
5472 cities or towns, shall be blanketed in and transferred to the new countywide government as  
5473 officers and employees of it. Standards and procedures relating to such personnel transfers, and  
5474 for resolving disputes or grievances relating thereto, shall be provided in the plan.

5475 Section 100. Section **17-36-9** is amended to read:

5476 **17-36-9. Budget -- Financial plan -- Contents -- Municipal services and capital**  
5477 **projects funds.**

5478 (1) (a) The budget for each fund shall provide a complete financial plan for the budget  
5479 period and shall contain in tabular form classified by the account titles as required by the  
5480 uniform system of budgeting, accounting, and reporting:

5481 (i) estimates of all anticipated revenues;

5482 (ii) all appropriations for expenditures; and  
5483 (iii) any additional data required by Section 17-36-10 or by the uniform system of  
5484 budgeting, accounting, and reporting.

5485 (b) The total of appropriated expenditures shall be equal to the total of anticipated  
5486 revenues.

5487 (2) (a) Each first-, second-, and third-class county that provides municipal-type  
5488 services under Section 17-34-1 shall:

5489 (i) establish a special revenue fund, "Municipal Services Fund," and a capital projects  
5490 fund, "Municipal Capital Projects Fund," or establish a [~~special~~] local district or special service  
5491 district to provide municipal services; and

5492 (ii) budget appropriations for municipal services and municipal capital projects from  
5493 these funds.

5494 (b) The Municipal Services Fund is subject to the same budgetary requirements as the  
5495 county's general fund.

5496 (c) (i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue  
5497 derived from any taxes otherwise authorized by law, income derived from the investment of  
5498 money contained within the municipal services fund and the municipal capital projects fund,  
5499 the appropriate portion of federal money, and fees collected into a municipal services fund and  
5500 a municipal capital projects fund.

5501 (ii) The county may not deposit revenue derived from a fee, tax, or other source based  
5502 upon a countywide assessment or from a countywide service or function into a municipal  
5503 services fund or a municipal capital projects fund.

5504 (d) The maximum accumulated unappropriated surplus in the municipal services fund,  
5505 as determined prior to adoption of the tentative budget, may not exceed an amount equal to the  
5506 total estimated revenues of the current fiscal period.

5507 Section 101. Section **17-36-29** is amended to read:

5508 **17-36-29. Special fund ceases -- Transfer.**

5509 If the necessity to maintain any special fund ceases and there is a balance in such fund,  
5510 the governing body shall authorize the transfer of the balance to the fund balance account in the  
5511 General Fund. Any balance which remains in a special assessment fund and any unrequired  
5512 balance in a special improvement guaranty fund shall be treated as provided in [~~Section~~

5513 17A-3-341] Subsection 11-42-701(5). Any balance which remains in a capital projects fund  
5514 shall be transferred to the appropriate debt service fund or such other fund as the bond  
5515 ordinance requires or to the general fund balance account.

5516 Section 102. Section **17-41-101** is amended to read:

5517 **17-41-101. Definitions.**

5518 As used in this chapter:

5519 (1) "Advisory board" means:

5520 (a) for an agriculture protection area, the agriculture protection area advisory board  
5521 created as provided in Section 17-41-201; and

5522 (b) for an industrial protection area, the industrial protection area advisory board  
5523 created as provided in Section 17-41-201.

5524 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
5525 livestock, and livestock products.

5526 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
5527 livestock, and livestock products when more than 50% of the processed or merchandised  
5528 products are produced by the farm operator.

5529 (3) "Agriculture protection area" means a geographic area created under the authority  
5530 of this chapter that is granted the specific legal protections contained in this chapter.

5531 (4) "Applicable legislative body" means:

5532 (a) with respect to a proposed agriculture protection area or industrial protection area:

5533 (i) the legislative body of the county in which the land proposed to be included in an  
5534 agriculture protection area or industrial protection area is located, if the land is within the  
5535 unincorporated part of the county; or

5536 (ii) the legislative body of the city or town in which the land proposed to be included in  
5537 an agriculture protection area or industrial protection area is located; and

5538 (b) with respect to an existing agriculture protection area or industrial protection area:

5539 (i) the legislative body of the county in which the agriculture protection area or  
5540 industrial protection area is located, if the agriculture protection area or industrial protection  
5541 area is within the unincorporated part of the county; or

5542 (ii) the legislative body of the city or town in which the agriculture protection area or  
5543 industrial protection area is located.

- 5544 (5) "Crops, livestock, and livestock products" includes:
- 5545 (a) land devoted to the raising of useful plants and animals with a reasonable
- 5546 expectation of profit, including:
- 5547 (i) forages and sod crops;
- 5548 (ii) grains and feed crops;
- 5549 (iii) livestock as defined in Subsection 59-2-102[(26)] (27)(d);
- 5550 (iv) trees and fruits; or
- 5551 (v) vegetables, nursery, floral, and ornamental stock; or
- 5552 (b) land devoted to and meeting the requirements and qualifications for payments or
- 5553 other compensation under a crop-land retirement program with an agency of the state or federal
- 5554 government.
- 5555 (6) "Industrial protection area" means a geographic area created under the authority of
- 5556 this chapter that is granted the specific legal protections contained in this chapter.
- 5557 (7) (a) "Municipal" means of or relating to a city or town.
- 5558 (b) "Municipality" means a city or town.
- 5559 (8) "Planning commission" means:
- 5560 (a) a countywide planning commission if the land proposed to be included in the
- 5561 agriculture protection area or industrial protection area is within the unincorporated part of the
- 5562 county and not within a township;
- 5563 (b) a township planning commission if the land proposed to be included in the
- 5564 agriculture protection area or industrial protection area is within a township; or
- 5565 (c) a planning commission of a city or town if the land proposed to be included in the
- 5566 agriculture protection area or industrial protection area is within a city or town.
- 5567 (9) "Political subdivision" means a county, city, town, school district, ~~[or special]~~ local
- 5568 district, or special service district.
- 5569 (10) "Proposal sponsors" means the owners of land in agricultural production or
- 5570 industrial use who are sponsoring the proposal for creating an agriculture protection area or
- 5571 industrial protection area, respectively.
- 5572 (11) "State agency" means each department, commission, board, council, agency,
- 5573 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
- 5574 unit, bureau, panel, or other administrative unit of the state.

5575 (12) "Unincorporated" means not within a city or town.

5576 Section 103. Section **17-43-201** is amended to read:

5577 **17-43-201. Local substance abuse authorities -- Responsibilities.**

5578 (1) (a) (i) In each county operating under a county executive-council form of  
5579 government under Section 17-52-504, the county legislative body is the local substance abuse  
5580 authority, provided however that any contract for plan services shall be administered by the  
5581 county executive.

5582 (ii) In each county operating under a council-manager form of government under  
5583 Section 17-52-505, the county manager is the local substance abuse authority.

5584 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
5585 county legislative body is the local substance abuse authority.

5586 (b) Within legislative appropriations and county matching funds required by this  
5587 section, and under the policy direction of the board and the administrative direction of the  
5588 division, each local substance abuse authority shall:

5589 (i) develop substance abuse prevention and treatment services plans; and

5590 (ii) provide substance abuse services to residents of the county.

5591 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
5592 Cooperation Act, two or more counties may join to provide substance abuse prevention and  
5593 treatment services.

5594 (b) The legislative bodies of counties joining to provide services may establish  
5595 acceptable ways of apportioning the cost of substance abuse services.

5596 (c) Each agreement for joint substance abuse services shall:

5597 (i) (A) designate the treasurer of one of the participating counties or another person as  
5598 the treasurer for the combined substance abuse authorities and as the custodian of moneys  
5599 available for the joint services; and

5600 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
5601 treasurer, may make payments from the moneys for the joint services upon audit of the  
5602 appropriate auditing officer or officers representing the participating counties;

5603 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
5604 the participating counties as the designated auditing officer for the combined substance abuse  
5605 authorities;

5606 (iii) (A) provide for the appointment of the county or district attorney of one of the  
5607 participating counties as the designated legal officer for the combined substance abuse  
5608 authorities; and

5609 (B) authorize the designated legal officer to request and receive the assistance of the  
5610 county or district attorneys of the other participating counties in defending or prosecuting  
5611 actions within their counties relating to the combined substance abuse authorities; and

5612 (iv) provide for the adoption of management, clinical, financial, procurement,  
5613 personnel, and administrative policies as already established by one of the participating  
5614 counties or as approved by the legislative body of each participating county or interlocal board.

5615 (d) An agreement for joint substance abuse services may provide for joint operation of  
5616 services and facilities or for operation of services and facilities under contract by one  
5617 participating local substance abuse authority for other participating local substance abuse  
5618 authorities.

5619 (3) (a) Each local substance abuse authority is accountable to the department, the  
5620 Department of Health, and the state with regard to the use of state and federal funds received  
5621 from those departments for substance abuse services, regardless of whether the services are  
5622 provided by a private contract provider.

5623 (b) Each local substance abuse authority shall comply, and require compliance by its  
5624 contract provider, with all directives issued by the department and the Department of Health  
5625 regarding the use and expenditure of state and federal funds received from those departments  
5626 for the purpose of providing substance abuse programs and services. The department and  
5627 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
5628 shall consult and coordinate with local substance abuse authorities with regard to programs and  
5629 services.

5630 (4) Each local substance abuse authority shall:

5631 (a) review and evaluate substance abuse prevention and treatment needs and services,  
5632 including substance abuse needs and services for individuals incarcerated in a county jail or  
5633 other county correctional facility;

5634 (b) annually prepare and submit to the division a plan approved by the county  
5635 legislative body for funding and service delivery that includes:

5636 (i) provisions for services, either directly by the substance abuse authority or by

5637 contract, for adults, youth, and children, including those incarcerated in a county jail or other  
5638 county correctional facility; and

5639 (ii) primary prevention, targeted prevention, early intervention, and treatment services;

5640 (c) establish and maintain, either directly or by contract, programs licensed under Title  
5641 62A, Chapter 2, Licensure of Programs and Facilities;

5642 (d) appoint directly or by contract a full or part time director for substance abuse  
5643 programs, and prescribe the director's duties;

5644 (e) provide input and comment on new and revised policies established by the board;

5645 (f) establish and require contract providers to establish administrative, clinical,  
5646 procurement, personnel, financial, and management policies regarding substance abuse services  
5647 and facilities, in accordance with the policies of the board, and state and federal law;

5648 (g) establish mechanisms allowing for direct citizen input;

5649 (h) annually contract with the division to provide substance abuse programs and  
5650 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and  
5651 Mental Health Act;

5652 (i) comply with all applicable state and federal statutes, policies, audit requirements,  
5653 contract requirements, and any directives resulting from those audits and contract requirements;

5654 (j) promote or establish programs for the prevention of substance abuse within the  
5655 community setting through community-based prevention programs;

5656 (k) provide funding equal to at least 20% of the state funds that it receives to fund  
5657 services described in the plan;

5658 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
5659 Cooperation Act, Title ~~[17A]~~ 17B, Chapter 1, Part ~~[4, Uniform]~~ 6, Fiscal Procedures for  
5660 ~~[Special]~~ Local Districts ~~[Act]~~, and Title 51, Chapter 2a, Accounting Reports from Political  
5661 Subdivisions, Interlocal Organizations, and Other Local Entities Act;

5662 (m) for persons convicted of driving under the influence in violation of Section  
5663 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

5664 (i) a screening;

5665 (ii) an assessment;

5666 (iii) an educational series; and

5667 (iv) substance abuse treatment; and

5668 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to  
5669 supplement the cost of providing the services described in Subsection (4)(m).

5670 (5) Before disbursing any public funds, each local substance abuse authority shall  
5671 require that each entity that receives any public funds from the local substance abuse authority  
5672 agrees in writing that:

5673 (a) the entity's financial records and other records relevant to the entity's performance  
5674 of the services provided to the local substance abuse authority shall be subject to examination  
5675 by:

5676 (i) the division;

5677 (ii) the local substance abuse authority director;

5678 (iii) (A) the county treasurer and county or district attorney; or

5679 (B) if two or more counties jointly provide substance abuse services under an  
5680 agreement under Subsection (2), the designated treasurer and the designated legal officer;

5681 (iv) the county legislative body; and

5682 (v) in a county with a county executive that is separate from the county legislative  
5683 body, the county executive;

5684 (b) the county auditor may examine and audit the entity's financial and other records  
5685 relevant to the entity's performance of the services provided to the local substance abuse  
5686 authority; and

5687 (c) the entity will comply with the provisions of Subsection (3)(b).

5688 (6) A local substance abuse authority may receive property, grants, gifts, supplies,  
5689 materials, contributions, and any benefit derived therefrom, for substance abuse services. If  
5690 those gifts are conditioned upon their use for a specified service or program, they shall be so  
5691 used.

5692 (7) (a) As used in this section, "public funds" means the same as that term is defined in  
5693 Section 17-43-203.

5694 (b) Public funds received for the provision of services pursuant to the local substance  
5695 abuse plan may not be used for any other purpose except those authorized in the contract  
5696 between the local substance abuse authority and the provider for the provision of plan services.

5697 Section 104. Section **17-43-301** is amended to read:

5698 **17-43-301. Local mental health authorities -- Responsibilities.**



5699 (1) (a) (i) In each county operating under a county executive-council form of  
5700 government under Section 17-52-504, the county legislative body is the local mental health  
5701 authority, provided however that any contract for plan services shall be administered by the  
5702 county executive.

5703 (ii) In each county operating under a council-manager form of government under  
5704 Section 17-52-505, the county manager is the local mental health authority.

5705 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
5706 county legislative body is the local mental health authority.

5707 (b) Within legislative appropriations and county matching funds required by this  
5708 section, under the policy direction of the board and the administrative direction of the division,  
5709 each local mental health authority shall provide mental health services to persons within the  
5710 county.

5711 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
5712 Cooperation Act, two or more counties may join to provide mental health prevention and  
5713 treatment services.

5714 (b) The legislative bodies of counties joining to provide services may establish  
5715 acceptable ways of apportioning the cost of mental health services.

5716 (c) Each agreement for joint mental health services shall:

5717 (i) (A) designate the treasurer of one of the participating counties or another person as  
5718 the treasurer for the combined mental health authorities and as the custodian of moneys  
5719 available for the joint services; and

5720 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
5721 treasurer, may make payments from the moneys available for the joint services upon audit of  
5722 the appropriate auditing officer or officers representing the participating counties;

5723 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
5724 the participating counties as the designated auditing officer for the combined mental health  
5725 authorities;

5726 (iii) (A) provide for the appointment of the county or district attorney of one of the  
5727 participating counties as the designated legal officer for the combined mental health  
5728 authorities; and

5729 (B) authorize the designated legal officer to request and receive the assistance of the

5730 county or district attorneys of the other participating counties in defending or prosecuting  
5731 actions within their counties relating to the combined mental health authorities; and

5732 (iv) provide for the adoption of management, clinical, financial, procurement,  
5733 personnel, and administrative policies as already established by one of the participating  
5734 counties or as approved by the legislative body of each participating county or interlocal board.

5735 (d) An agreement for joint mental health services may provide for:

5736 (i) joint operation of services and facilities or for operation of services and facilities  
5737 under contract by one participating local mental health authority for other participating local  
5738 mental health authorities; and

5739 (ii) allocation of appointments of members of the mental health advisory council  
5740 between or among participating counties.

5741 (3) (a) Each local mental health authority is accountable to the department, the  
5742 Department of Health, and the state with regard to the use of state and federal funds received  
5743 from those departments for mental health services, regardless of whether the services are  
5744 provided by a private contract provider.

5745 (b) Each local mental health authority shall comply, and require compliance by its  
5746 contract provider, with all directives issued by the department and the Department of Health  
5747 regarding the use and expenditure of state and federal funds received from those departments  
5748 for the purpose of providing mental health programs and services. The department and  
5749 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
5750 shall consult and coordinate with local mental health authorities with regard to programs and  
5751 services.

5752 (4) (a) Each local mental health authority shall:

5753 (i) review and evaluate mental health needs and services, including mental health needs  
5754 and services for persons incarcerated in a county jail or other county correctional facility;

5755 (ii) as provided in Subsection (4)(b), annually prepare and submit to the division a plan  
5756 approved by the county legislative body for mental health funding and service delivery, either  
5757 directly by the local mental health authority or by contract;

5758 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
5759 62A, Chapter 2, Licensure of Programs and Facilities;

5760 (iv) appoint, directly or by contract, a full-time or part-time director for mental health

5761 programs and prescribe the director's duties;

5762 (v) provide input and comment on new and revised policies established by the board;

5763 (vi) establish and require contract providers to establish administrative, clinical,

5764 personnel, financial, procurement, and management policies regarding mental health services

5765 and facilities, in accordance with the policies of the board and state and federal law;

5766 (vii) establish mechanisms allowing for direct citizen input;

5767 (viii) annually contract with the division to provide mental health programs and

5768 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

5769 Mental Health Act;

5770 (ix) comply with all applicable state and federal statutes, policies, audit requirements,

5771 contract requirements, and any directives resulting from those audits and contract requirements;

5772 (x) provide funding equal to at least 20% of the state funds that it receives to fund

5773 services described in the plan;

5774 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

5775 Cooperation Act, Title ~~[17A]~~ 17B, Chapter 1, Part ~~[4, Uniform]~~ 6, Fiscal Procedures for

5776 ~~[Special]~~ Local Districts ~~[Act]~~, and Title 51, Chapter 2a, Accounting Reports from Political

5777 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and

5778 (xii) take and retain physical custody of minors committed to the physical custody of

5779 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,

5780 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

5781 (b) Each plan under Subsection (4)(a)(ii) shall include services for adults, youth, and

5782 children, which shall include:

5783 (i) inpatient care and services;

5784 (ii) residential care and services;

5785 (iii) outpatient care and services;

5786 (iv) 24-hour crisis care and services;

5787 (v) psychotropic medication management;

5788 (vi) psychosocial rehabilitation, including vocational training and skills development;

5789 (vii) case management;

5790 (viii) community supports, including in-home services, housing, family support

5791 services, and respite services;

5792 (ix) consultation and education services, including case consultation, collaboration  
5793 with other county service agencies, public education, and public information; and

5794 (x) services to persons incarcerated in a county jail or other county correctional facility.

5795 (5) Before disbursing any public funds, each local mental health authority shall require  
5796 that each entity that receives any public funds from a local mental health authority agrees in  
5797 writing that:

5798 (a) the entity's financial records and other records relevant to the entity's performance  
5799 of the services provided to the mental health authority shall be subject to examination by:

5800 (i) the division;

5801 (ii) the local mental health authority director;

5802 (iii) (A) the county treasurer and county or district attorney; or

5803 (B) if two or more counties jointly provide mental health services under an agreement  
5804 under Subsection (2), the designated treasurer and the designated legal officer;

5805 (iv) the county legislative body; and

5806 (v) in a county with a county executive that is separate from the county legislative  
5807 body, the county executive;

5808 (b) the county auditor may examine and audit the entity's financial and other records  
5809 relevant to the entity's performance of the services provided to the local mental health  
5810 authority; and

5811 (c) the entity will comply with the provisions of Subsection (3)(b).

5812 (6) A local mental health authority may receive property, grants, gifts, supplies,  
5813 materials, contributions, and any benefit derived therefrom, for mental health services. If those  
5814 gifts are conditioned upon their use for a specified service or program, they shall be so used.

5815 (7) (a) As used in this section, "public funds" means the same as that term is defined in  
5816 Section 17-43-303.

5817 (b) Public funds received for the provision of services pursuant to the local mental  
5818 health plan may not be used for any other purpose except those authorized in the contract  
5819 between the local mental health authority and the provider for the provision of plan services.

5820 Section 105. Section **17-50-103** is amended to read:

5821 **17-50-103. Use of "county" prohibited -- Legal action to compel compliance.**

5822 (1) For purposes of this section:

5823           ~~[(b)]~~ (a) (i) "Existing local entity" means a ~~[special district,]~~ local district, special  
5824 service district, or other political subdivision of the state created before May 1, 2000.

5825           (ii) "Existing local entity" does not include a county, city, town, or school district.

5826           ~~[(c)]~~ (b) (i) ~~["Special"]~~ "Local district" means a ~~[special]~~ local district under Title ~~[17A;~~  
5827 ~~Special Districts,]~~ 17B, Limited Purpose Local Government Entities - Local Districts, that:

5828           (A) by statute is a political and corporate entity separate from the county that created it;  
5829 and

5830           (B) by statute is not subject to the direction and control of the county that created it.

5831           (ii) The county legislative body's statutory authority to appoint members to the  
5832 governing body of a ~~[special]~~ local district does not alone make the ~~[special]~~ local district  
5833 subject to the direction and control of that county.

5834           ~~[(a)]~~ (c) (i) "New local entity" means a city, town, school district, ~~[special district,]~~  
5835 local district ~~[under Title 17B, Chapter 2, Local Districts,]~~ special service district, or other  
5836 political subdivision of the state created on or after May 1, 2000.

5837           (ii) "New local entity" does not include a county.

5838           (2) (a) A new local entity may not use the word "county" in its name.

5839           (b) After January 1, 2005, an existing local entity may not use the word "county" in its  
5840 name unless the county whose name is used by the existing local entity gives its written  
5841 consent.

5842           (3) A county with a name similar to the name of a new local entity or existing local  
5843 entity in violation of this section may bring legal action in district court to compel compliance  
5844 with this section.

5845           Section 106. Section **17-52-403** is amended to read:

5846           **TITLE 17A. LOCAL GOVERNMENT CONTROLLED SERVICE PROVIDERS**

5847                           **CHAPTER 3. DEPENDENT DISTRICTS**

5848           **17-52-403. Adoption of optional plan -- Effect of adoption.**

5849           (1) If a proposed optional plan is approved at an election held under Section  
5850 17-52-206:

5851           (a) the proposed optional plan becomes effective according to its terms and, subject to  
5852 Subsection 17-52-401(1)(c), at the time specified in it, is public record open to inspection by  
5853 the public, and is judicially noticeable by all courts;

5854 (b) the county clerk shall, within ten days of the canvass of the election, file with the  
5855 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct  
5856 copy;

5857 (c) all public officers and employees shall cooperate fully in making the transition  
5858 between forms of county government; and

5859 (d) the county legislative body may enact and enforce necessary ordinances to bring  
5860 about an orderly transition to the new form of government, including any transfer of power,  
5861 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with  
5862 the approved optional plan and necessary or convenient to place it into full effect.

5863 (2) Adoption of an optional plan changing only the form of county government without  
5864 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County  
5865 Government, does not alter or affect the boundaries, organization, powers, duties, or functions  
5866 of any:

5867 (a) school district;

5868 (b) justice court;

5869 (c) ~~[independent special]~~ local district ~~[established]~~ under Title ~~[17A, Chapter 2,~~  
5870 ~~Independent Special Districts]~~ 17B, Limited Purpose Local Government Entities - Local  
5871 Districts;

5872 (d) special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
5873 District Act;

5874 ~~[(d)]~~ (e) city or town; or

5875 ~~[(e)]~~ (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
5876 Cooperation Act.

5877 (3) After the adoption of an optional plan, the county remains vested with all powers  
5878 and duties vested generally in counties by statute.

5879 Section 107. Section **17A-2-1314** is amended to read:

5880 **17A-2-1314. Rights, powers, and authority of special service district.**

5881 (1) In addition to all other rights, powers, and authority granted by law or by other  
5882 provisions of this part, a service district has the following rights, powers and authority:

5883 (a) The right to sue and be sued.

5884 (b) The power to exercise all powers of eminent domain possessed by the county or

5885 municipality which established the service district.

5886 (c) The power to enter into contracts considered desirable by the governing authority of  
5887 the service district to carry out the functions of the service district, including, without  
5888 limitation, the power to enter into contracts with the government of the United States or any of  
5889 its agencies, the State of Utah, counties, municipalities, school districts, and other public  
5890 corporations, districts, or political subdivisions including institutions of higher education.  
5891 These contracts may include, without limitation, provisions concerning the use, operation, and  
5892 maintenance of any facilities of the service district and the collection of fees or charges with  
5893 respect to commodities, services, or facilities provided by the service district.

5894 (d) The power to acquire or construct facilities, to purchase, take, receive, lease, take  
5895 by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and  
5896 otherwise deal in and with real and personal property, or any interest in them, wherever  
5897 situated, either within or outside of the service district, including water and water rights, and  
5898 including the power to acquire other than by condemnation property or interests in property  
5899 owned or held by institutions of higher education.

5900 (e) The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and  
5901 otherwise dispose of or contract with respect to the use, operation, and maintenance of, all or  
5902 any part of its property and assets, including water and water rights.

5903 (f) The power to accept governmental grants, loans, or funds and to comply with the  
5904 conditions of them.

5905 (g) The right to utilize any officers, employees, property, equipment, offices, or  
5906 facilities of the county or municipality which established the service district, and for which the  
5907 governing authority of the service district shall reimburse the county or municipality from  
5908 service district funds, a reasonable amount for the services so rendered or for the property,  
5909 equipment, offices, or facilities so used.

5910 (h) The right to employ officers, employees, and agents for the service district,  
5911 including engineers, accountants, attorneys, and financial consultants, and to fix their  
5912 compensation.

5913 (i) The right to adopt an official seal for the service district.

5914 (2) The county legislative body shall by ordinance establish those classes of contracts  
5915 of a service district which shall be subject to the requirements of Title 11, Chapter 39, Building

5916 Improvements and Public Works Projects, or of any law hereafter enacted for the same  
5917 purpose.

5918 (3) The governing authority of a municipality shall by ordinance establish those classes  
5919 of contracts of a service district which shall be subject to the requirements of Title 11, Chapter  
5920 39, Building Improvements and Public Works Projects, or of any law hereafter enacted for the  
5921 same purpose.

5922 (4) (a) A special service district is, to the same extent as if it were a local district,  
5923 subject to and governed by:

5924 (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-109, 17B-1-110, 17B-1-111,  
5925 17B-1-112, 17B-1-113, and 17B-1-116;

5926 (ii) Sections 17B-1-304, 17B-1-305, 17B-1-306, 17B-1-307, 17B-1-310, 17B-1-312,  
5927 and 17B-1-313;

5928 (iii) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

5929 (iv) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports; and

5930 (v) Title 17B, Chapter 1, Part 8, Local District Personnel Management.

5931 (b) For purposes of applying the provisions listed in Subsection (4)(a) to a special  
5932 service district, each reference in those provisions to the local district board of trustees means:

5933 (i) the legislative body of the county, city, or town that established the special service  
5934 district, to the extent that the county or municipal legislative body has not delegated authority  
5935 to an administrative control board appointed under Section 17A-2-1326; or

5936 (ii) the administrative control board of the special service district, to the extent that the  
5937 county or municipal legislative body has delegated authority to an administrative control board  
5938 appointed under Section 17A-2-1326.

5939 Section 108. Section **17A-2-1315** is amended to read:

5940 **17A-2-1315. Designation of assessment area by special service district.**

5941 [(+) In addition to all other rights, powers, and authority granted by law or by other  
5942 provisions of this part, a special service district ~~[established by a county]~~ under this part may  
5943 ~~[organize an improvement district under Chapter 3, Part 2]~~ designate an assessment area and  
5944 levy an assessment as provided in Title 11, Chapter 42, Assessment Area Act. ~~[This~~  
5945 ~~improvement district has all the rights, powers, and authority of an improvement district~~  
5946 ~~otherwise organized under Chapter 3, Part 3, except:]~~



5947 ~~[(a) notwithstanding Subsection 17A-3-228(4), any bonds issued under Chapter 3, Part~~  
5948 ~~2, need comply only with the requirements of Section 11-14-304 with regard to the use of~~  
5949 ~~manual and facsimile signatures;]~~

5950 ~~[(b) the governing authority of the service district may act in the same capacity as the~~  
5951 ~~governing body of a county with respect to all actions required to be taken in the creation or~~  
5952 ~~administration of an improvement district under Chapter 3, Part 2; and]~~

5953 ~~[(c) notwithstanding Subsection 17A-3-204(1), an improvement district created by a~~  
5954 ~~service district may be organized to include any incorporated or unincorporated area of the~~  
5955 ~~county and may cause improvements to be made within any incorporated or unincorporated~~  
5956 ~~area of the county, and the consent of the governing body of the municipality in which an~~  
5957 ~~incorporated area lies is not required prior to the establishment of an improvement district that~~  
5958 ~~includes all or part of that incorporated area.]~~

5959 ~~[(2) In addition to all other rights, powers, and authority granted by law or by other~~  
5960 ~~provisions of this part, a service district established by a municipality under this part may~~  
5961 ~~organize an improvement district under Chapter 3, Part 3. This improvement district has all the~~  
5962 ~~rights, powers, and authority of an improvement district otherwise organized under Chapter 3,~~  
5963 ~~Part 3, except that:]~~

5964 ~~[(a) notwithstanding Section 17A-3-328, any bonds issued under Chapter 3, Part 3,~~  
5965 ~~need comply only with the requirements of Section 11-14-304, with regard to the use of manual~~  
5966 ~~and facsimile signatures;]~~

5967 ~~[(b) the governing authority of the service district may act in the same capacity as the~~  
5968 ~~governing body of a municipality with respect to all actions required to be taken in the creation~~  
5969 ~~or administration of an improvement district under Chapter 3, Part 3; and]~~

5970 ~~[(c) notwithstanding Subsection 17A-3-313(1), assessments for improvements in an~~  
5971 ~~improvement district organized under Chapter 3, Part 3, may include assessments for all~~  
5972 ~~interest on any bonds issued.]~~

5973 Section 109. Section **17A-2-1326** is amended to read:

5974 **17A-2-1326. Administrative control board -- Powers -- Compensation.**

5975 (1) (a) The legislative body of a municipality or county that has established a special  
5976 service district may, by resolution adopted at the time of the establishment or at any time  
5977 afterwards, create an administrative control board for the special service district.

5978 (b) (i) Except as provided in Subsection (1)(f), each administrative control board shall  
5979 consist of at least three and no more than seven persons.

5980 (ii) (A) If a county establishes a service district that includes all or part of one or more  
5981 municipalities or one or more improvement districts organized under Title 17A, Chapter 2, Part  
5982 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, to  
5983 provide the same service as the service district, the municipality or improvement district may  
5984 appoint one member to represent it on any administrative control board created.

5985 (B) A member appointed under Subsection (1)(b)(ii)(A) may, but need not, be a  
5986 qualified elector of the service district.

5987 (c) (i) If a service district is providing commodities, services, or facilities to an  
5988 institution of higher education, that institution may appoint the number of members necessary  
5989 to assure that it has at least 1/3 of the total of the board members to represent it on the board.

5990 (ii) Members appointed under Subsection (1)(c)(i) may, but need not, be qualified  
5991 electors of the service district.

5992 (d) The number of members of the administrative control board shall be increased by  
5993 the number of improvement district, municipal, or institution of higher education members  
5994 appointed.

5995 (e) (i) Except as provided in Subsections (1)(b)(ii)(B), (c)(ii), and (e)(ii), each member  
5996 of an administrative control board shall be a qualified elector of the service district.

5997 (ii) A member of an administrative control board may be other than a qualified elector  
5998 of the service district if at least 90% of the owners of property located within the service  
5999 district are not qualified electors of the service district.

6000 (f) Notwithstanding Subsection (1)(b), each administrative control board of a special  
6001 service district that provides jail services as provided in Subsection 17A-2-1304(1)(a)(x) shall  
6002 consist of nine members, three of whom shall be selected from a list of at least six  
6003 recommendations from the county sheriff, three of whom shall be selected from a list of at least  
6004 six recommendations from the municipalities within the county, and three of whom shall be  
6005 selected from a list of at least six recommendations from the county executive.

6006 (2) Members of the administrative control board other than improvement district,  
6007 municipal, or institution of higher education members shall be either appointed or elected as  
6008 provided in Title 17A, Chapter 1, Part 3, Special District Board Selection Procedures.

6009 (3) (a) If a service district was established to provide either water or sewerage service  
6010 or both, the governing authority may by resolution adopted at or after the time of establishment,  
6011 or if the service district was established before March 29, 1983, or within 90 days after that  
6012 date, create an administrative control board according to Subsection (1).

6013 (b) A resolution creating a service district for water or sewerage purposes adopted  
6014 under Section 17A-2-1305 after March 29, 1983, shall identify all existing water and sewerage  
6015 districts within the area of the proposed service district.

6016 (4) (a) One-half of the members initially elected or appointed shall serve two-year  
6017 terms and 1/2 shall serve four year terms.

6018 (b) The initial terms shall be determined by lot.

6019 (5) (a) The legislative body of the municipality or county that established the service  
6020 district may, by resolution, delegate any of its powers to the administrative control board,  
6021 including the power to act as the governing authority of the service district and to exercise all  
6022 or any of the powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and  
6023 17A-2-1321.

6024 (b) Notwithstanding anything to the contrary in this part, the legislative body of the  
6025 municipality or county may not delegate the power to:

6026 (i) levy a tax on the taxable property of the service district;

6027 (ii) issue bonds payable from taxes;

6028 (iii) call or hold an election for the authorization of the tax or bonds;

6029 (iv) levy assessments;

6030 (v) issue interim warrants or bonds payable from those assessments; or

6031 (vi) appoint a board of equalization under Section [~~17A-3-217~~ or Section 17A-3-317]  
6032 11-42-404.

6033 (6) The county or municipal legislative body that created the district may revoke in  
6034 whole or in part any power or authority delegated to an administrative control board or other  
6035 officers or employees.

6036 (7) Administrative control board members may receive compensation and  
6037 reimbursement of expenses as provided in Section [~~17B-2-404~~] 17B-1-307 to the same extent  
6038 as if they were members of a board of trustees of a local district.

6039 (8) If a county legislative body establishes an administrative control board under this

6040 section for a special service district that provides jail service as provided in Subsection  
6041 17A-2-1304(1)(a)(x), the administrative control board may review and approve any amount  
6042 charged to the special service district as reimbursement to the county for services provided  
6043 under Subsection 17A-2-1314(1)(g) before the amount is included in the special service district  
6044 budget.

6045 Section 110. Section **17A-2-1330** is amended to read:

6046 **17A-2-1330. Other districts not affected -- Election by other districts to become**  
6047 **service districts.**

6048 (1) The adoption of this part shall not affect the existence or operation of any  
6049 improvement district operating under authority of Title 17B, Chapter ~~[2]~~ 2a, Part ~~[3]~~ 4,  
6050 metropolitan water district, water conservancy district, county service area, drainage district,  
6051 fire protection district, or other district in existence on July 1, 1975; and, except as otherwise  
6052 provided in Sections ~~[17A-2-502]~~ 17B-2a-204 and ~~[17A-2-601]~~ 17B-2a-302, such districts  
6053 may continue to be established pursuant to existing laws authorizing the same. Any such  
6054 district existing on July 1, 1975, or established afterwards which provides services of the type  
6055 permitted by this part for service districts may elect to become a service district and be  
6056 governed by the provisions of this part upon:

6057 (a) adoption of a resolution or ordinance by the governing authority of the district so  
6058 electing; and

6059 (b) establishment of a new service district to supply the same services as the former  
6060 district to the same area as the former district after compliance with the procedures for the  
6061 establishment of service districts provided for in this part.

6062 (2) Any outstanding bonds, notes or other obligations of any former district described  
6063 in Subsection (1) shall become the bonds, notes, and obligations of the new service district  
6064 with like effect as if issued by the service district; and any election authorizing the issuance of  
6065 bonds of the former district shall have like effect as a bond election held under this part. Taxes  
6066 in the amount and at the rate levied by the former district in the tax year preceding the change  
6067 to the service district may continue to be levied by the service district without authorization at  
6068 an election in the service district. No increase in the rate of these taxes shall be made unless an  
6069 election authorizing the increase is held as provided for in this part; except that if any  
6070 outstanding bonds are payable from taxes, the service district may levy such taxes as are

6071 necessary to pay the principal of and interest on these bonds without limit as to rate or amount  
6072 and without an election.

6073 Section 111. Section **17B-1-101** is enacted to read:

6074 **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT**

6075 **ENTITIES - LOCAL DISTRICTS**

6076 **CHAPTER 1. PROVISIONS APPLICABLE TO ALL LOCAL DISTRICTS**

6077 **Part 1. General Provisions**

6078 **17B-1-101. Title.**

6079 This title is known as "Limited Purpose Local Government Entities - Local Districts."

6080 Section 112. Section **17B-1-102**, which is renumbered from Section 17B-2-101 is  
6081 renumbered and amended to read:

6082 ~~[17B-2-101].~~ **17B-1-102. Definitions.**

6083 As used in this [chapter] title:

6084 (1) "Appointing authority" means the person or body authorized to make an  
6085 appointment to the board of trustees.

6086 (2) "Basic local district":

6087 (a) means a local district that is not a cemetery maintenance district, drainage district,  
6088 fire protection district, improvement district, irrigation district, metropolitan water district,  
6089 mosquito abatement district, public transit district, service area, or water conservancy district;  
6090 and

6091 (b) includes an entity that was, under the law in effect before April 30, 2007, created  
6092 and operated as a local district, as defined under the law in effect before April 30, 2007.

6093 (3) "Bond" means:

6094 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
6095 warrant, certificate of indebtedness, or otherwise; and

6096 (b) a lease agreement, installment purchase agreement, or other agreement that:

6097 (i) includes an obligation by the district to pay money; and

6098 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
6099 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
6100 Act.

6101 (4) "Cemetery maintenance district" means a local district that operates under and is

6102 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District  
6103 Act, including an entity that was created and operated as a cemetery maintenance district under  
6104 the law in effect before April 30, 2007.

6105 (5) "Drainage district" means a local district that operates under and is subject to the  
6106 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that  
6107 was created and operated as a drainage district under the law in effect before April 30, 2007.

6108 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
6109 water, or other real or personal property required to provide a service that a local district is  
6110 authorized to provide, including any related or appurtenant easement or right-of-way,  
6111 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

6112 (7) "Fire protection district" means a local district that operates under and is subject to  
6113 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an  
6114 entity that was created and operated as a fire protection district under the law in effect before  
6115 April 30, 2007.

6116 (8) "General obligation bond":

6117 (a) means a bond that is directly payable from and secured by ad valorem property  
6118 taxes that are:

6119 (i) levied by the district that issues the bond; and

6120 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

6121 and

6122 (b) does not include:

6123 (i) a short-term bond;

6124 (ii) a tax and revenue anticipation bond; or

6125 (iii) a special assessment bond.

6126 (9) "Improvement district" means a local district that operates under and is subject to  
6127 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
6128 entity that was created and operated as a county improvement district under the law in effect  
6129 before April 30, 2007.

6130 (10) "Irrigation district" means a local district that operates under and is subject to the  
6131 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that  
6132 was created and operated as an irrigation district under the law in effect before April 30, 2007.

6133 (11) "Local district" means a limited purpose local government entity, as described in  
 6134 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

6135 (a) this chapter; or

6136 (b) (i) this chapter; and

6137 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

6138 (B) Chapter 2a, Part 2, Drainage District Act;

6139 (C) Chapter 2a, Part 3, Fire Protection District Act;

6140 (D) Chapter 2a, Part 4, Improvement District Act;

6141 (E) Chapter 2a, Part 5, Irrigation District Act;

6142 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

6143 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

6144 (H) Chapter 2a, Part 8, Public Transit District Act;

6145 (I) Chapter 2a, Part 9, Service Area Act; or

6146 (J) Chapter 2a, Part 10, Water Conservancy District Act.

6147 (12) "Metropolitan water district" means a local district that operates under and is  
 6148 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District  
 6149 Act, including an entity that was created and operated as a metropolitan water district under the  
 6150 law in effect before April 30, 2007.

6151 (13) "Mosquito abatement district" means a local district that operates under and is  
 6152 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District  
 6153 Act, including an entity that was created and operated as a mosquito abatement district under  
 6154 the law in effect before April 30, 2007.

6155 ~~[(1) "Local district" means a local government entity, created according to the~~  
 6156 ~~provisions of Part 2, Creation of Local Districts, that is not a general purpose government~~  
 6157 ~~entity but is a separate legal and corporate entity and a political subdivision of the state;~~  
 6158 ~~authorized to provide limited services in a defined geographic area, as provided in Part 2,~~  
 6159 ~~Creation of Local Districts.]~~

6160 ~~[(2)]~~ (14) "Municipal" means of or relating to a municipality.

6161 ~~[(3)]~~ (15) "Municipality" means a city or town.

6162 (16) "Person" has the same meaning as defined in Section 68-3-12.

6163 ~~[(4)]~~ (17) "Political subdivision" means a county, city, town, local district under this

6164 [~~chapter, independent special district under Title 17A, Chapter 2, Independent Special~~  
6165 ~~Districts,]~~ title, special service district under Title 17A, Chapter 2, Part 13, Utah Special  
6166 Service Districts Act, an entity created by interlocal cooperation agreement under Title 11,  
6167 Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute  
6168 as a political subdivision of the state.

6169 ~~[(5)]~~ (18) "Private," with respect to real property, means not owned by the United  
6170 States or any agency of the federal government, the state, a county, [a municipality, a school  
6171 district, an independent special district under Title 17A, Chapter 2, Independent Special  
6172 Districts, a local district, or any other] or a political subdivision [of the state].

6173 (19) "Public entity" means:

6174 (a) the United States or an agency of the United States;

6175 (b) the state or an agency of the state;

6176 (c) a political subdivision of the state or an agency of a political subdivision of the  
6177 state;

6178 (d) another state or an agency of that state; or

6179 (e) a political subdivision of another state or an agency of that political subdivision.

6180 (20) "Public transit district" means a local district that operates under and is subject to  
6181 the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an  
6182 entity that was created and operated as a public transit district under the law in effect before  
6183 April 30, 2007.

6184 (21) "Revenue bond":

6185 (a) means a bond payable from designated taxes or other revenues other than the local  
6186 district's ad valorem property taxes; and

6187 (b) does not include:

6188 (i) an obligation constituting an indebtedness within the meaning of an applicable  
6189 constitutional or statutory debt limit;

6190 (ii) a tax and revenue anticipation bond; or

6191 (iii) a special assessment bond.

6192 (22) "Service area" means a local district that operates under and is subject to the  
6193 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was  
6194 created and operated as a county service area or a regional service area under the law in effect



6195 before April 30, 2007.

6196 (23) "Short-term bond" means a bond that is required to be repaid during the fiscal year  
6197 in which the bond is issued.

6198 (24) "Special assessment" means an assessment levied against property to pay all or a  
6199 portion of the costs of making improvements that benefit the property.

6200 (25) "Special assessment bond" means a bond payable from special assessments.

6201 (26) "Taxable value" means the taxable value of property as computed from the most  
6202 recent equalized assessment roll for county purposes.

6203 (27) "Tax and revenue anticipation bond" means a bond:

6204 (a) issued in anticipation of the collection of taxes or other revenues or a combination  
6205 of taxes and other revenues; and

6206 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
6207 issued.

6208 [~~(6)~~] (28) "Unincorporated" means not included within a municipality.

6209 (29) "Water conservancy district" means a local district that operates under and is  
6210 subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District  
6211 Act, including an entity that was created and operated as a water conservancy district under the  
6212 law in effect before April 30, 2007.

6213 (30) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,  
6214 power plant, and any facility, improvement, or property necessary or convenient for supplying  
6215 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a local  
6216 district.

6217 Section 113. Section **17B-1-103** is enacted to read:

6218 **17B-1-103. Local district status and powers.**

6219 (1) A local district:

6220 (a) is:

6221 (i) a body corporate and politic with perpetual succession;

6222 (ii) a quasi-municipal corporation; and

6223 (iii) a political subdivision of the state; and

6224 (b) may sue and be sued.

6225 (2) A local district may:

- 6226 (a) acquire, by any lawful means, or lease any real or personal property necessary or  
6227 convenient to the full exercise of the district's powers;
- 6228 (b) acquire, by any lawful means, any interest in real or personal property necessary or  
6229 convenient to the full exercise of the district's powers;
- 6230 (c) transfer an interest in or dispose of any property or interest described in Subsections  
6231 (2)(a) and (b);
- 6232 (d) acquire or construct works, facilities, and improvements necessary or convenient to  
6233 the full exercise of the district's powers, and operate, control, maintain, and use those works,  
6234 facilities, and improvements;
- 6235 (e) borrow money and incur indebtedness for any lawful district purpose;
- 6236 (f) issue bonds, including refunding bonds:
- 6237 (i) for any lawful district purpose; and
- 6238 (ii) as provided in and subject to Part 10, Local District Bonds.
- 6239 (g) levy and collect property taxes:
- 6240 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting  
6241 from tax delinquencies in a preceding year; and
- 6242 (ii) as provided in and subject to Part 10, Local District Property Tax Levy;
- 6243 (h) as provided in Title 78, Chapter 34, Eminent Domain, acquire by eminent domain  
6244 property necessary to the exercise of the district's powers;
- 6245 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 6246 (j) (i) impose fees or other charges for commodities, services, or facilities provided by  
6247 the district, to pay some or all of the district's costs of providing the commodities, services, and  
6248 facilities, including the costs of:
- 6249 (A) maintaining and operating the district;
- 6250 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 6251 (C) issuing bonds and paying debt service on district bonds; and
- 6252 (D) providing a reserve established by the board of trustees; and
- 6253 (ii) take action the board of trustees considers appropriate and adopt regulations to  
6254 assure the collection of all fees and charges that the district imposes;
- 6255 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's  
6256 property to district facilities in order for the district to provide service to the property;

6257 (l) enter into a contract that the local district board of trustees considers necessary,  
6258 convenient, or desirable to carry out the district's purposes, including a contract:  
6259 (i) with the United States or any department or agency of the United States;  
6260 (ii) to indemnify and save harmless; or  
6261 (iii) to do any act to exercise district powers;  
6262 (m) purchase supplies, equipment, and materials;  
6263 (n) encumber district property upon terms and conditions that the board of trustees  
6264 considers appropriate;  
6265 (o) exercise other powers and perform other functions that are provided by law;  
6266 (p) construct and maintain works and establish and maintain facilities, including works  
6267 or facilities:  
6268 (i) across or along any public street or highway, subject to Subsection (3) and if the  
6269 district:  
6270 (A) promptly restores the street or highway, as much as practicable, to its former state  
6271 of usefulness; and  
6272 (B) does not use the street or highway in a manner that completely or unnecessarily  
6273 impairs the usefulness of it;  
6274 (ii) in, upon, or over any vacant public lands that are or become the property of the  
6275 state, including school and institutional trust lands, as defined in Section 53C-1-103, if the  
6276 director of the School and Institutional Trust Lands Administration, acting under Sections  
6277 53C-1-102 and 53C-1-303, consents; or  
6278 (iii) across any stream of water or watercourse, subject to Section 73-3-29;  
6279 (q) perform any act or exercise any power reasonably necessary for the efficient  
6280 operation of the local district in carrying out its purposes;  
6281 (r) designate an assessment area and levy an assessment on land within the assessment  
6282 area, as provided in Title 11, Chapter 42, Assessment Area Act;  
6283 (s) contract with another political subdivision of the state to allow the other political  
6284 subdivision to use the surplus capacity of or have an ownership interest in the district's works  
6285 or facilities, upon the terms and for the consideration, whether monetary or nonmonetary  
6286 consideration or no consideration, that the district's board of trustees considers to be in the best  
6287 interests of the district and the public; and

6288 (t) contract with another political subdivision of the state or with a public or private  
6289 owner of property on which the district has a right-of-way to allow the political subdivision or  
6290 owner to use the surface of the land on which the district has a right-of-way, upon the terms  
6291 and for the consideration, whether monetary or nonmonetary consideration or no consideration,  
6292 that the district's board of trustees considers to be in the best interests of the district and the  
6293 public.

6294 (3) With respect to a local district's use of a street or highway, as provided in  
6295 Subsection (2)(q)(i):

6296 (a) the district shall comply with the reasonable rules and regulations of the  
6297 governmental entity, whether state, county, or municipal, with jurisdiction over the street or  
6298 highway, concerning:

6299 (i) an excavation and the refilling of an excavation;

6300 (ii) the relaying of pavement; and

6301 (iii) the protection of the public during a construction period; and

6302 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over  
6303 the street or highway:

6304 (i) may not require the district to pay a license or permit fee or file a bond; and

6305 (ii) may require the district to pay a reasonable inspection fee.

6306 (4) (a) A local district may:

6307 (i) acquire, lease, or construct and operate electrical generation, transmission, and  
6308 distribution facilities, if:

6309 (A) the purpose of the facilities is to harness energy that results inherently from the  
6310 district's:

6311 (I) operation of a project or facilities that the district is authorized to operate; or

6312 (II) providing a service that the district is authorized to provide;

6313 (B) the generation of electricity from the facilities is incidental to the primary  
6314 operations of the district; and

6315 (C) operation of the facilities will not hinder or interfere with the primary operations of  
6316 the district.

6317 (ii) (A) use electricity generated by the facilities; or

6318 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric

6319 utility or municipality with an existing system for distributing electricity.

6320 (b) A district may not act as a retail distributor or seller of electricity.

6321 (c) Revenue that a district receives from the sale of electricity from electrical  
6322 generation facilities it owns or operates under this section may be used for any lawful district  
6323 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or  
6324 constructing the facilities.

6325 (5) A local district may adopt and, after adoption, alter a corporate seal.

6326 Section 114. Section **17B-1-104**, which is renumbered from Section 17B-2-102 is  
6327 renumbered and amended to read:

6328 [~~17B-2-102~~]. **17B-1-104. Property owner provisions.**

6329 (1) For purposes of this [chapter] title:

6330 (a) the owner of real property shall be the fee title owner according to the records of the  
6331 county recorder on the date of the filing of the request or petition; and

6332 (b) the value of private real property shall be determined according to the last  
6333 assessment before the filing of the request or petition, as determined by:

6334 (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property  
6335 subject to assessment by the county;

6336 (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of  
6337 Property, for property subject to assessment by the State Tax Commission; or

6338 (iii) the county, for all other property.

6339 (2) For purposes of each provision of this [chapter] title that requires the owners of  
6340 private real property covering a percentage of the total private land area within the proposed  
6341 local district to sign a request, petition, or protest:

6342 (a) a parcel of real property may not be included in the calculation of the required  
6343 percentage unless the request or petition is signed by:

6344 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority  
6345 ownership interest in that parcel; or

6346 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
6347 of owners of that parcel;

6348 (b) the signature of a person signing a request or petition in a representative capacity on  
6349 behalf of an owner is invalid unless:

6350 (i) the person's representative capacity and the name of the owner the person represents  
6351 are indicated on the request or petition with the person's signature; and

6352 (ii) the person provides documentation accompanying the request or petition that  
6353 reasonably substantiates the person's representative capacity; and

6354 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a  
6355 request or petition on behalf of a deceased owner.

6356 Section 115. Section **17B-1-105**, which is renumbered from Section 17A-1-204 is  
6357 renumbered and amended to read:

6358 ~~[17A-1-204].~~ **17B-1-105. Name of local district -- Name change.**

6359 (1) (a) The name of each [~~special~~] local district created on or after May 1, 2000 shall  
6360 comply with Subsection 17-50-103(2)(a).

6361 [~~2~~] (b) The board of each [~~special~~] local district affected by Subsection  
6362 17-50-103(2)(b) shall ensure that after January 1, 2005 the [~~special~~] local district name  
6363 complies with the requirements of that Subsection.

6364 (2) The name of a local district created after April 30, 2007 may not include the name  
6365 of a county or municipality.

6366 (3) The name of a local district may include words descriptive of the type of service  
6367 that the district provides.

6368 [~~3~~] (4) (a) A [~~special~~] local district board may change the name of that [~~special~~] local  
6369 district by:

6370 (i) holding a public hearing on the proposed name change;

6371 (ii) adopting a resolution approving the name change; and

6372 (iii) giving written notice of the name change to the lieutenant governor, the State Tax  
6373 Commission, the state auditor, and the clerk, recorder, and assessor of each county in which  
6374 any part of the [~~special~~] local district is located.

6375 (b) A name change under Subsection [~~3~~] (4)(a) becomes effective upon the board's  
6376 giving the notice required under Subsection [~~3~~] (4)(a)(iii).

6377 Section 116. Section **17B-1-106**, which is renumbered from Section 17B-2-104 is  
6378 renumbered and amended to read:

6379 ~~[17B-2-104].~~ **17B-1-106. Notice before preparing or amending a**  
6380 **long-range plan or acquiring certain property.**

6381 (1) As used in this section:

6382 (a) (i) "Affected entity" means each county, municipality, [~~independent special district~~  
6383 ~~under Title 17A, Chapter 2, Independent Special Districts,~~] local district under this [~~chapter~~  
6384 title, special service district, school district, interlocal cooperation entity established under Title  
6385 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

6386 (A) whose services or facilities are likely to require expansion or significant  
6387 modification because of an intended use of land; or

6388 (B) that has filed with the local district a copy of the general or long-range plan of the  
6389 county, municipality, [~~independent special district,~~] local district, school district, interlocal  
6390 cooperation entity, or specified public utility.

6391 (ii) "Affected entity" does not include the local district that is required under this  
6392 section to provide notice.

6393 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
6394 telephone corporation, as those terms are defined in Section 54-2-1.

6395 (2) (a) If a local district under this [~~chapter~~] title located in a county of the first or  
6396 second class prepares a long-range plan regarding its facilities proposed for the future or  
6397 amends an already existing long-range plan, the local district shall, before preparing a  
6398 long-range plan or amendments to an existing long-range plan, provide written notice, as  
6399 provided in this section, of its intent to prepare a long-range plan or to amend an existing  
6400 long-range plan.

6401 (b) Each notice under Subsection (2)(a) shall:

6402 (i) indicate that the local district intends to prepare a long-range plan or to amend a  
6403 long-range plan, as the case may be;

6404 (ii) describe or provide a map of the geographic area that will be affected by the  
6405 long-range plan or amendments to a long-range plan;

6406 (iii) be sent to:

6407 (A) each county in whose unincorporated area and each municipality in whose  
6408 boundaries is located the land on which the proposed long-range plan or amendments to a  
6409 long-range plan are expected to indicate that the proposed facilities will be located;

6410 (B) each affected entity;

6411 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

6412 (D) each association of governments, established pursuant to an interlocal agreement  
6413 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
6414 described in Subsection (2)(b)(iii)(A) is a member; and

6415 (E) the state planning coordinator appointed under Section 63-38d-202;

6416 (iv) with respect to the notice to counties and municipalities described in Subsection  
6417 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to  
6418 consider in the process of preparing, adopting, and implementing the long-range plan or  
6419 amendments to a long-range plan concerning:

6420 (A) impacts that the use of land proposed in the proposed long-range plan or  
6421 amendments to a long-range plan may have on the county, municipality, or affected entity; and

6422 (B) uses of land that the county, municipality, or affected entity is planning or  
6423 considering that may conflict with the proposed long-range plan or amendments to a long-range  
6424 plan; and

6425 (v) include the address of an Internet website, if the local district has one, and the name  
6426 and telephone number of a person where more information can be obtained concerning the  
6427 local district's proposed long-range plan or amendments to a long-range plan.

6428 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire  
6429 real property in a county of the first or second class for the purpose of expanding the district's  
6430 infrastructure or other facilities used for providing the services that the district is authorized to  
6431 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire  
6432 the property if the intended use of the property is contrary to:

6433 (i) the anticipated use of the property under the county or municipality's general plan;

6434 or

6435 (ii) the property's current zoning designation.

6436 (b) Each notice under Subsection (3)(a) shall:

6437 (i) indicate that the local district intends to acquire real property;

6438 (ii) identify the real property; and

6439 (iii) be sent to:

6440 (A) each county in whose unincorporated area and each municipality in whose  
6441 boundaries the property is located; and

6442 (B) each affected entity.



6443 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
6444 63-2-304(7).

6445 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district  
6446 previously provided notice under Subsection (2) identifying the general location within the  
6447 municipality or unincorporated part of the county where the property to be acquired is located.

6448 (ii) If a local district is not required to comply with the notice requirement of  
6449 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide  
6450 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real  
6451 property.

6452 Section 117. Section **17B-1-107**, which is renumbered from Section 17A-1-701 is  
6453 renumbered and amended to read:

6454 ~~[17A-1-701].~~ **17B-1-107. Recording a release of lien.**

6455 If a ~~[special]~~ local district records a lien upon real property for an unpaid assessment by  
6456 the owner and the owner then pays the assessment in full, including any interest and penalties,  
6457 the ~~[special]~~ local district recording the lien shall record the release of the lien.

6458 Section 118. Section **17B-1-108**, which is renumbered from Section 17A-1-802 is  
6459 renumbered and amended to read:

6460 ~~[17A-1-802].~~ **17B-1-108. Restrictions on local district procurement of**  
6461 **architect-engineer services.**

6462 (1) As used in this section~~[, "architect-engineer"]~~:

6463 (a) "Architect-engineer services" means those professional services within the scope of  
6464 the practice of architecture as defined in Section 58-3a-102~~[, or]~~.

6465 (b) "Engineer services" means those professional services within the scope of the  
6466 practice of professional engineering as defined in Section 58-22-102.

6467 (2) When a ~~[special]~~ local district elects to obtain architect services or engineering  
6468 services by using a competitive procurement process and has provided public notice of its  
6469 competitive procurement process:

6470 (a) a higher education entity, or any part of one, may not submit a proposal in response  
6471 to the ~~[special]~~ local district's competitive procurement process; and

6472 (b) the ~~[special]~~ local district may not award a contract to perform the architect services  
6473 or engineering services solicited in the competitive procurement process to a higher education

6474 entity or any part of one.

6475 (3) Notwithstanding Subsection 63-56-102(3)(d), each local district board that engages  
 6476 the services of a professional architect, engineer, or surveyor and considers more than one such  
 6477 professional for the engagement:

6478 (a) shall consider, as a minimum, in the selection process:

6479 (i) the qualifications, experience, and background of each firm submitting a proposal;

6480 (ii) the specific individuals assigned to the project and the time commitments of each  
 6481 to the project; and

6482 (iii) the project schedule and the approach to the project that the firm will take; and

6483 (b) may engage the services of a professional architect, engineer, or surveyor based on  
 6484 the criteria under Subsection (3)(a) rather than solely on lowest cost.

6485 Section 119. Section **17B-1-109**, which is renumbered from Section 17A-1-202 is  
 6486 renumbered and amended to read:

6487 **[17A-1-202]. 17B-1-109. Procurement -- Use of recycled goods.**

6488 The procurement officer or other person responsible for purchasing supplies for each  
 6489 ~~[special]~~ local district shall give recycled items consideration when inviting bids and  
 6490 purchasing supplies, in compliance with Section 11-37-101.

6491 Section 120. Section **17B-1-110**, which is renumbered from Section 17A-1-201 is  
 6492 renumbered and amended to read:

6493 **[17A-1-201]. 17B-1-110. Compliance with nepotism requirements.**

6494 Each ~~[special]~~ local district shall comply with Title 52, Chapter 3, Prohibiting  
 6495 Employment of Relatives.

6496 Section 121. Section **17B-1-111**, which is renumbered from Section 17A-1-203 is  
 6497 renumbered and amended to read:

6498 **[17A-1-203]. 17B-1-111. Impact fee resolution -- Notice and hearing**  
 6499 **requirements.**

6500 (1) (a) ~~[When any special]~~ If a local district wishes to impose impact fees, the  
 6501 ~~[governing]~~ board of trustees of the [special] local district shall:

6502 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,  
 6503 Chapter 36, Impact Fees Act;

6504 (ii) make a copy of the impact fee resolution available to the public at least 14 days

6505 before the date of the public hearing and hold a public hearing on the proposed impact fee  
6506 resolution; and

6507 (iii) provide reasonable notice of the public hearing at least 14 days before the date of  
6508 the hearing.

6509 (b) After the public hearing, the [~~governing~~] board of trustees may:

6510 (i) adopt the impact fee resolution as proposed;

6511 (ii) amend the impact fee resolution and adopt or reject it as amended; or

6512 (iii) reject the resolution.

6513 (2) A [~~special~~] local district meets the requirements of reasonable notice required by  
6514 this section if it:

6515 (a) posts notice of the hearing or meeting in at least three public places within the  
6516 jurisdiction and publishes notice of the hearing or meeting in a newspaper of general  
6517 circulation in the jurisdiction, if one is available; or

6518 (b) gives actual notice of the hearing or meeting.

6519 (3) The [~~special~~] local district's [~~governing~~] board of trustees may enact a resolution  
6520 establishing stricter notice requirements than those required by this section.

6521 (4) (a) Proof that one of the two forms of notice required by this section was given is  
6522 prima facie evidence that notice was properly given.

6523 (b) If notice given under authority of this section is not challenged within 30 days from  
6524 the date of the meeting for which the notice was given, the notice is considered adequate and  
6525 proper.

6526 Section 122. Section **17B-1-112** is enacted to read:

6527 **17B-1-112. Publishing district information in telephone directory.**

6528 (1) Each local district with a total annual budget over \$5,000 shall:

6529 (a) subject to Subsection (2), provide the name, telephone number, and address of the  
6530 district to the telephone directory publisher serving the geographic area within which the  
6531 district is located; and

6532 (b) request the telephone directory publisher to publish the district's name, telephone  
6533 number, and address in the government or other appropriate government-related section of the  
6534 publisher's telephone directory that serves the area within which the district is located.

6535 (2) If the district does not have a telephone or address or both, the district shall provide

6536 the telephone number or address or both, as the case may be, of the district's officer in charge  
6537 of the district's day to day operations, for and in the place of the telephone number or address  
6538 or both of the district.

6539 (3) Subsection (1) does not apply to a local district whose name, telephone number,  
6540 and address are published in the government or other appropriate government-related section of  
6541 the telephone directory of the telephone directory publisher serving the geographic area within  
6542 which the local district is located.

6543 Section 123. Section **17B-1-113**, which is renumbered from Section 17A-1-504 is  
6544 renumbered and amended to read:

6545 ~~[17A-1-504].~~ **17B-1-113. Liability insurance.**

6546 ~~[(1)(a)(i) Except as provided in Subsection (1)(a)(ii), the legislative body of each~~  
6547 ~~county, city, or town that creates a special district after May 4, 1998, shall, within 60 days of~~  
6548 ~~the special district's creation, deliver written notification of the creation to the state auditor.]~~

6549 ~~[(ii) Notwithstanding Subsection (1)(a)(i), each special district created after May 4,~~  
6550 ~~1998, shall, within 60 days of its creation, deliver written notification of its creation to the state~~  
6551 ~~auditor, if the special district was created by other than a county, city, or town.]~~

6552 ~~[(b) The state auditor shall maintain a list of all special districts in the state.]~~

6553 ~~[(2)]~~ Each ~~[special]~~ local district with an annual operating budget of ~~[at least]~~ \$50,000  
6554 or more shall obtain liability insurance as considered appropriate by the [special] local district  
6555 board.

6556 Section 124. Section **17B-1-114** is enacted to read:

6557 **17B-1-114. Local district property taxes on a parity with general taxes.**

6558 Unless otherwise specifically provided by statute, property taxes levied by a local  
6559 district shall constitute a lien on the property on a parity with and collectible at the same time  
6560 and in the same manner as general county taxes that are a lien on the property.

6561 Section 125. Section **17B-1-115** is enacted to read:

6562 **17B-1-115. Validation of previously created local districts -- Continuation of**  
6563 **certain local districts under this chapter.**

6564 (1) Each local district created before April 30, 2007 under the law in effect at the time  
6565 of the creation is declared to be validly and legally constituted.

6566 (2) An entity created and operating under the law in effect before April 30, 2007 as a

6567 local district but not as a cemetery maintenance district, drainage district, fire protection  
6568 district, improvement district, irrigation district, metropolitan water district, mosquito  
6569 abatement district, public transit district, service area, or water conservancy district shall  
6570 continue on and after April 30, 2007 as a local district subject to the provisions of this chapter  
6571 but not subject to the provisions of Chapter 2a, Provisions Applicable to Different Types of  
6572 Local Districts.

6573 (3) Nothing in this title may be construed to prohibit or limit a local district from  
6574 providing on or after April 30, 2007 a service that it was authorized before that date to provide.

6575 Section 126. Section **17B-1-116** is enacted to read:

6576 **17B-1-116. Property exempt from taxation and execution.**

6577 All property and assets of a local district are exempt from taxation and exempt from  
6578 execution.

6579 Section 127. Section **17B-1-117** is enacted to read:

6580 **17B-1-117. Severability.**

6581 A court's invalidation of any provision of this title may not be considered to affect the  
6582 validity of any other provision of this title.

6583 Section 128. Section **17B-1-201**, which is renumbered from Section 17B-2-201 is  
6584 renumbered and amended to read:

6585 **Part 2. Creation of a Local District**

6586 ~~[17B-2-201].~~ **17B-1-201. Definitions.**

6587 As used in this part:

6588 (1) "Applicable area" means:

6589 (a) for a county, the unincorporated area of the county that is included within the  
6590 proposed local district; or

6591 (b) for a municipality, the area of the municipality that is included within the proposed  
6592 local district.

6593 (2) "Governing body" means:

6594 (a) for a county or municipality, the legislative body of the county or municipality; and

6595 (b) for a local district, the board of trustees of the local district.

6596 (3) "Initiating local district" means a local district that adopts a resolution proposing  
6597 the creation of a local district under Subsection 17B-1-203(1)(d).

6598            [~~(2)~~] (4) "Petition" means a petition under Subsection [~~17B-2-203~~] 17B-1-203(1)(a) or  
6599 (b).

6600            [~~(3)~~] (5) "Property owner petition" means a petition under Subsection [~~17B-2-203~~]  
6601 17B-1-203(1)(a).

6602            [(4)] (6) "Property owner request" means a request under Section [~~17B-2-204~~]  
6603 17B-1-204 that is signed by owners of real property as provided in Subsection [~~17B-2-204~~]  
6604 17B-1-204(2)(b)(i).

6605            [(5)] (7) "Registered voter request" means a request under Section [~~17B-2-204~~]  
6606 17B-1-204 that is signed by registered voters as provided in Subsection [~~17B-2-204~~]  
6607 17B-1-204(2)(b)(ii).

6608            [(6)] (8) "Registered voter petition" means a petition under Subsection [~~17B-2-203~~]  
6609 17B-1-203(1)(b).

6610            [(7)] (9) "Request" means a request as described in Section [~~17B-2-204~~] 17B-1-204.

6611            [(8)] (10) "Responsible body" means the [~~legislative~~] governing body of:

6612            (a) the municipality in which the proposed local district is located, if the petition or  
6613 resolution proposes the creation of a local district located entirely within a single municipality;

6614            (b) the county in which the proposed local district is located, if the petition or resolution  
6615 proposes the creation of a local district located entirely within a single county and all or part of  
6616 the proposed local district is located within:

6617            (i) the unincorporated part of the county; or

6618            (ii) more than one municipality within the county; [~~or~~]

6619            (c) if the petition or resolution proposes the creation of a local district located within  
6620 more than one county, the county whose boundaries include more of the area of the proposed  
6621 local district than is included within the boundaries of any other county[~~;~~]; or

6622            (d) the initiating local district, if a resolution proposing the creation of a local district is  
6623 adopted under Subsection 17B-1-203(1)(d).

6624            [(9)] (11) "Responsible clerk" means the clerk of the county or the clerk or recorder of  
6625 the municipality whose legislative body is the responsible body.

6626            Section 129. Section **17B-1-202**, which is renumbered from Section 17B-2-202 is  
6627 renumbered and amended to read:

6628            [~~17B-2-202~~].            **17B-1-202. Local district may be created -- Services that may**

6629 **be provided -- Limitations -- Name.**

6630 (1) (a) A local district may be created as provided in this part to provide within its  
6631 boundaries service consisting of:

6632 [~~(a)~~] (i) the operation of an airport;

6633 [~~(b)~~] (ii) the operation of a cemetery;

6634 [~~(c)~~] the operation of a system for the generation or distribution of electricity;]

6635 [~~(d)~~] the operation of a system for the transmission of natural or manufactured gas that  
6636 is:]

6637 [~~(i)~~] connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as  
6638 defined in Section 54-2-1, that is regulated under Section 54-4-1; and]

6639 [~~(ii)~~] to be used to facilitate gas utility service within the district if such gas utility  
6640 service is not available within the district prior to the acquisition or construction of such a  
6641 system;]

6642 [~~(e)~~] (iii) fire protection, paramedic, and emergency services;

6643 [~~(f)~~] (iv) garbage collection and disposal;

6644 [~~(g)~~] (v) health care, including health department or hospital service;

6645 [~~(h)~~] (vi) the operation of a library;

6646 [~~(i)~~] (vii) abatement or control of mosquitos and other insects;

6647 [~~(j)~~] (viii) the operation of parks or recreation facilities or services;

6648 [~~(k)~~] (ix) the operation of a sewage system;

6649 [~~(l)~~] (x) street lighting;

6650 [~~(m)~~] (xi) the construction and maintenance of curb, gutter, and sidewalk;

6651 [~~(n)~~] (xii) transportation, including public transit and providing streets and roads;

6652 [~~(o)~~] (xiii) the operation of a system [~~for the control of storm or flood waters~~], or one  
6653 or more components of a system, for the collection, storage, retention, control, conservation,  
6654 treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage,  
6655 irrigation, and culinary water, whether the system is operated on a wholesale or retail level or  
6656 both;

6657 [~~(p)~~] the operation of an irrigation water system;]

6658 [~~(q)~~] the operation of a culinary water system; or]

6659 (xiv) extended police protection; or

6660           ~~[(r)]~~ (xv) subject to Subsection (1)(b), the underground installation of an electric utility  
6661 line or the conversion to underground of an existing electric utility line.

6662           (b) Each local district that provides the service of the underground installation of an  
6663 electric utility line or the conversion to underground of an existing electric utility line shall, in  
6664 installing or converting the line, provide advance notice to and coordinate with the utility that  
6665 owns the line.

6666           (2) For purposes of this section:

6667           (a) "Operation" means all activities involved in providing the indicated service  
6668 including acquisition and ownership of property reasonably necessary to provide the indicated  
6669 service and acquisition, construction, and maintenance of facilities and equipment reasonably  
6670 necessary to provide the indicated service.

6671           (b) "System" means the aggregate of interrelated components that combine together to  
6672 provide the indicated service including~~[(i)]~~, for a sewage system, collection and treatment~~;~~  
6673 ~~and~~.

6674           ~~[(ii) for an irrigation or culinary water system, collection, retention, treatment, and~~  
6675 ~~distribution to either the end user or another that in turn distributes to the end user.]~~

6676           (3) (a) ~~[Except as provided in Subsection (3)(b), a]~~ A local district may not be created  
6677 to provide and may not after its creation provide ~~[no]~~ more than two of the services listed in  
6678 Subsection (1).

6679           ~~[(b) Notwithstanding Subsection (3)(a), a local district may be created to provide and~~  
6680 ~~may after its creation provide services consisting of:]~~

6681           ~~[(i) the operation of some or all of the components of a sewage system;]~~

6682           ~~[(ii) the operation of some or all of the components of an irrigation water system; and]~~

6683           ~~[(iii) the operation of some or all of the components of a culinary water system.]~~

6684           (b) Subsection (3)(a) may not be construed to prohibit a local district from providing  
6685 more than two services if, before April 30, 2007, the local district was authorized to provide  
6686 those services.

6687           (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to  
6688 provide and may not after its creation provide to an area the same service already being  
6689 provided to that area by another political subdivision, unless the other political subdivision  
6690 gives its written consent.



6691 (b) For purposes of Subsection (4)(a), a local district does not provide the same service  
6692 as another political subdivision if it operates a component of a system that is different from a  
6693 component operated by another political subdivision but within the same:

- 6694 (i) sewage system; or
- 6695 (ii) [~~irrigation~~] water system[~~;~~ ~~or~~].
- 6696 [~~(iii) culinary water system.~~]

6697 (5) (a) Except for a local district in the creation of which an election is not required  
6698 under Subsection [~~17B-2-214~~] 17B-1-214(3)(c), the area of a local district may include all or  
6699 part of the unincorporated area of one or more counties and all or part of one or more  
6700 municipalities.

6701 (b) The area of a local district need not be contiguous.

6702 [~~(6) The name of a local district:~~]

6703 [~~(a) may include words descriptive of the type of service provided by the local district;~~  
6704 ~~and]~~

6705 [~~(b) may not include the name of a county or municipality.~~]

6706 Section 130. Section **17B-1-203**, which is renumbered from Section 17B-2-203 is  
6707 renumbered and amended to read:

6708 [~~17B-2-203~~]. **17B-1-203. Process to initiate the creation of a local district**  
6709 **-- Petition or resolution.**

6710 (1) The process to create a local district may be initiated by:

6711 (a) subject to Section [~~17B-2-204~~] 17B-1-204, a petition signed by the owners of  
6712 private real property that:

- 6713 (i) is located within the proposed local district;
- 6714 (ii) covers at least 33% of the total private land area within the proposed local district  
6715 as a whole and within each applicable area;
- 6716 (iii) is equal in value to at least 25% of the value of all private real property within the  
6717 proposed local district as a whole and within each applicable area; and

6718 (iv) complies with the requirements of Subsection [~~17B-2-205~~] 17B-1-205(1) and  
6719 Section [~~17B-2-208~~] 17B-1-208;

6720 (b) subject to Section [~~17B-2-204~~] 17B-1-204, a petition that:

- 6721 (i) is signed by registered voters residing within the proposed local district as a whole

6722 and within each applicable area, equal in number to at least 33% of the number of votes cast in  
6723 the proposed local district as a whole and in each applicable area, respectively, for the office of  
6724 governor at the last regular general election prior to the filing of the petition; and

6725 (ii) complies with the requirements of Subsection [~~17B-2-205~~] 17B-1-205(1) and  
6726 Section [~~17B-2-208; or~~] 17B-1-208;

6727 (c) a resolution proposing the creation of a local district, adopted by the legislative  
6728 body of each county whose unincorporated area includes and each municipality whose  
6729 boundaries include any of the proposed local district[-]; or

6730 (d) a resolution proposing the creation of a local district, adopted by the board of  
6731 trustees of an existing local district whose boundaries completely encompass the proposed  
6732 local district, if:

6733 (i) the proposed local district is being created to provide one or more components of  
6734 the same service that the initiating local district is authorized to provide; and

6735 (ii) the initiating local district is not providing to the area of the proposed local district  
6736 any of the components that the proposed local district is being created to provide.

6737 (2) (a) Each resolution under Subsection (1)(c) or (d) shall:

6738 (i) describe the area proposed to be included in the proposed local district;

6739 (ii) be accompanied by a map that shows the boundaries of the proposed local district;

6740 (iii) describe the service proposed to be provided by the proposed local district;

6741 (iv) explain the anticipated method of paying the costs of providing the proposed  
6742 service;

6743 (v) state the estimated average financial impact on a household within the proposed  
6744 local district; [~~and~~]

6745 (vi) state the number of members that the board of trustees of the proposed local  
6746 district will have, consistent with the requirements of Subsection [~~17B-2-402(1)~~.]  
6747 17B-1-302(2);

6748 (vii) for a proposed basic local district:

6749 (A) state whether the members of the board of trustees will be elected or appointed or  
6750 whether some members will be elected and some appointed, as provided in Section  
6751 17B-1-1402;

6752 (B) if one or more members will be elected, state the basis upon which each elected

6753 member will be elected; and

6754 (C) if applicable, explain how the election or appointment of board members will  
 6755 transition from one method to another based on stated milestones or events, as provided in  
 6756 Section 17B-1-1402;

6757 (viii) for a proposed improvement district whose remaining area members or county  
 6758 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those  
 6759 members will be elected; and

6760 (ix) for a proposed service area that is entirely within the unincorporated area of a  
 6761 single county, state whether the initial board of trustees will be:

6762 (A) the county legislative body;

6763 (B) appointed as provided in Section 17B-1-304; or

6764 (C) elected as provided in Section 17B-1-306.

6765 (b) Each county or municipal legislative body adopting a resolution under Subsection  
 6766 (1)(c) shall, on or before the first public hearing under Section [~~17B-2-210~~] 17B-1-210, mail or  
 6767 deliver a copy of the resolution to the responsible body if the county or municipal legislative  
 6768 body's resolution is one of multiple resolutions adopted by multiple county or municipal  
 6769 legislative bodies proposing the creation of the same local district.

6770 Section 131. Section **17B-1-204**, which is renumbered from Section 17B-2-204 is  
 6771 renumbered and amended to read:

6772 [~~17B-2-204~~]. **17B-1-204. Request for service required before filing of**  
 6773 **petition -- Request requirements.**

6774 (1) A petition may not be filed until after:

6775 (a) a request has been filed with:

6776 (i) the clerk of each county in whose unincorporated area any part of the proposed local  
 6777 district is located; and

6778 (ii) the clerk or recorder of each municipality in which any part of the proposed local  
 6779 district is located; and

6780 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

6781 (i) has adopted a resolution under Subsection [~~17B-2-212~~] 17B-1-212(1) indicating  
 6782 whether it will provide the requested service; or

6783 (ii) is considered to have declined to provide the requested service under Subsection

6784 [~~17B-2-212~~] 17B-1-212(2) or (3).

6785 (2) Each request under Subsection (1)(a) shall:

6786 (a) ask the county or municipality to provide the service proposed to be provided by the  
6787 proposed local district within the applicable area; and

6788 (b) be signed by:

6789 (i) the owners of private real property that:

6790 (A) is located within the proposed local district;

6791 (B) covers at least 10% of the total private land area within the applicable area; and

6792 (C) is equal in value to at least 7% of the value of all private real property within the  
6793 applicable area; or

6794 (ii) registered voters residing within the applicable area equal in number to at least 10%  
6795 of the number of votes cast in the applicable area for the office of governor at the last general  
6796 election prior to the filing of the request.

6797 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a  
6798 municipality in a petition under Section 10-2-403 filed before and still pending at the time of  
6799 filing of a petition shall be considered to be part of that municipality.

6800 Section 132. Section **17B-1-205**, which is renumbered from Section 17B-2-205 is  
6801 renumbered and amended to read:

6802 [~~17B-2-205~~]. **17B-1-205. Petition and request requirements -- Withdrawal**  
6803 **of signature.**

6804 (1) Each petition and request shall:

6805 (a) indicate the typed or printed name and current residence address of each property  
6806 owner or registered voter signing the petition;

6807 (b) if it is a property owner request or petition, indicate the address of the property as to  
6808 which the owner is signing the request or petition;

6809 (c) describe the entire area of the proposed local district;

6810 (d) be accompanied by a map showing the boundaries of the entire proposed local  
6811 district;

6812 (e) specify the service proposed to be provided by the proposed local district; [~~and~~]

6813 (f) for a proposed basic local district:

6814 (i) state whether the members of the board of trustees will be elected or appointed or

6815 whether some members will be elected and some appointed, as provided in Section  
 6816 17B-1-1402;

6817 (ii) if one or more members will be elected, state the basis upon which each elected  
 6818 member will be elected; and

6819 (iii) if applicable, explain how the election or appointment of board members will  
 6820 transition from one method to another based on stated milestones or events, as provided in  
 6821 Section 17B-1-1402;

6822 (g) for a proposed improvement district whose remaining area members or county  
 6823 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those  
 6824 members will be elected; and

6825 (h) for a proposed service area that is entirely within the unincorporated area of a single  
 6826 county, state whether the initial board of trustees will be:

6827 (i) the county legislative body;

6828 (ii) appointed as provided in Section 17B-1-304; or

6829 (iii) elected as provided in Section 17B-1-306; and

6830 [(f)] (i) designate up to five signers of the petition or request as sponsors, one of whom  
 6831 shall be designated as the contact sponsor, with the mailing address and telephone number of  
 6832 each.

6833 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the  
 6834 signer's signature at any time before the filing of the request or petition by filing a written  
 6835 withdrawal or reinstatement with:

6836 (a) in the case of a request:

6837 (i) the clerk of the county or the clerk or recorder of the municipality in whose  
 6838 applicable area the signer's property is located, if the request is a property owner request; or

6839 (ii) the clerk of the county or the clerk or recorder of the municipality in whose  
 6840 applicable area the signer resides, if the request is a registered voter request; or

6841 (b) in the case of a petition, the responsible clerk.

6842 Section 133. Section **17B-1-206**, which is renumbered from Section 17B-2-206 is  
 6843 renumbered and amended to read:

6844 [~~17B-2-206~~]. **17B-1-206. Request certification -- Amended request.**

6845 (1) Within 30 days after the filing of a request, the clerk of each county and the clerk or

6846 recorder of each municipality with which a request was filed shall:

6847 (a) with the assistance of other county or municipal officers from whom the clerk or  
6848 recorder requests assistance, determine, for the clerk or recorder's respective county or  
6849 municipality, whether the request complies with the requirements of Subsections [~~17B-2-204~~  
6850 17B-1-204(2) and [~~17B-2-205~~] 17B-1-205(1); and

6851 (b) (i) if the clerk or recorder determines that the request complies with the  
6852 requirements:

6853 (A) certify the request and deliver it to the legislative body of the county or  
6854 municipality, as the case may be; and

6855 (B) mail or deliver written notification of the certification to the contact sponsor; or  
6856 (ii) if the clerk or recorder determines that the request fails to comply with any of the  
6857 applicable requirements, reject the request and notify the contact sponsor in writing of the  
6858 rejection and the reasons for the rejection.

6859 (2) If the clerk or recorder fails to certify or reject a request within 30 days after its  
6860 filing, the request shall be considered to be certified.

6861 (3) Each county clerk or municipal clerk or recorder shall certify or reject requests in  
6862 the order in which they are filed.

6863 (4) (a) If the county clerk or municipal clerk or recorder rejects a request under  
6864 Subsection (1)(b)(ii), the request may be amended to correct the deficiencies for which it was  
6865 rejected and then refiled.

6866 (b) A valid signature on a request that was rejected under Subsection (1)(b)(ii) may be  
6867 used toward fulfilling the applicable signature requirement of the request as amended under  
6868 Subsection (4)(a).

6869 (5) Each county clerk and municipal clerk or recorder shall act in good faith in making  
6870 the determinations under this section.

6871 Section 134. Section **17B-1-207**, which is renumbered from Section 17B-2-207 is  
6872 renumbered and amended to read:

6873 [~~17B-2-207~~]. **17B-1-207. Signature on request may be used on petition.**

6874 A signature on a request may be used toward fulfilling the signature requirement of a  
6875 petition:

6876 (1) if the request notifies the signer in conspicuous language that the signature, unless

6877 withdrawn, would also be used for purposes of a petition to create a local district; and

6878 (2) unless the signer files a written withdrawal of the signature before the petition is  
6879 filed.

6880 Section 135. Section **17B-1-208**, which is renumbered from Section 17B-2-208 is  
6881 renumbered and amended to read:

6882 ~~[17B-2-208].~~ **17B-1-208. Additional petition requirements and limitations.**

6883 (1) Each petition shall:

6884 (a) be filed with the responsible clerk;

6885 (b) separately group signatures by county and municipality, so that all signatures of the  
6886 owners of real property located within or of registered voters residing within each county  
6887 whose unincorporated area includes and each municipality whose boundaries include part of  
6888 the proposed local district are grouped separately; and

6889 (c) state the number of members that the board of trustees of the proposed local district  
6890 will have, consistent with the requirements of Subsection ~~[17B-2-402(1):]~~ 17B-1-302(2).

6891 (2) (a) A petition may not propose the creation of a local district that includes an area  
6892 located within the unincorporated part of a county or within a municipality if the legislative  
6893 body of that county or municipality has adopted a resolution under Subsection ~~[17B-2-212]~~  
6894 17B-1-212(1) indicating that the county or municipality will provide to that area the service  
6895 proposed to be provided by the proposed local district.

6896 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is  
6897 considered to have declined to provide the requested service under Subsection ~~[17B-2-212]~~  
6898 17B-1-212(3).

6899 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that  
6900 proposes the creation of a local district whose area excludes that part of the unincorporated area  
6901 of a county or that part of a municipality to which the county or municipality has indicated, in a  
6902 resolution adopted under Section ~~[17B-2-212]~~ 17B-1-212, it will provide the requested service.

6903 (3) A petition may not propose the creation of a local district whose area includes:

6904 (a) some or all of an area described in a previously filed petition that, subject to

6905 Subsection ~~[17B-2-202]~~ 17B-1-202(4)(b):

6906 (i) proposes the creation of a local district to provide the same service as proposed by  
6907 the later filed petition; and

6908 (ii) is still pending at the time the later petition is filed; or

6909 (b) some or all of an area within a political subdivision that provides in that area the  
6910 same service proposed to be provided by the proposed local district.

6911 (4) A petition may not be filed more than 12 months after a county or municipal  
6912 legislative body declines to provide the requested service under Subsection [~~17B-2-212~~  
6913 17B-1-212](1) or is considered to have declined to provide the requested service under  
6914 Subsection [~~17B-2-212~~] 17B-1-212(2) or (3).

6915 Section 136. Section **17B-1-209**, which is renumbered from Section 17B-2-209 is  
6916 renumbered and amended to read:

6917 [~~17B-2-209~~]. **17B-1-209**. **Petition certification -- Amended petition.**

6918 (1) Within five days after the filing of a petition, the responsible clerk shall mail a copy  
6919 of the petition to the clerk of each other county and the clerk or recorder of each municipality  
6920 in which any part of the proposed local district is located.

6921 (2) (a) Within 35 days after the filing of a petition, the clerk of each county whose  
6922 unincorporated area includes and the clerk or recorder of each municipality whose boundaries  
6923 include part of the proposed local district shall:

6924 (i) with the assistance of other county or municipal officers from whom the county  
6925 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's  
6926 respective county or municipality, whether the petition complies with the requirements of  
6927 Subsection [~~17B-2-203~~] 17B-1-203(1)(a) or (b), as the case may be, and Subsections  
6928 [~~17B-2-208~~] 17B-1-208(2), (3), and (4); and

6929 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under  
6930 Subsection (2)(a)(i).

6931 (b) The responsible clerk may rely on the determinations of other county clerks or  
6932 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's  
6933 determinations and certification or rejection under Subsection (3).

6934 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

6935 [~~(a)~~] (i) determine whether the petition complies with Subsection [~~17B-2-203~~]  
6936 17B-1-203(1)(a) or (b), as the case may be, Subsection [~~17B-2-205~~] 17B-1-205(1), and Section  
6937 [~~17B-2-208~~] 17B-1-208; and

6938 [~~(b)-(i)~~] (ii) (A) if the responsible clerk determines that the petition complies with the



6939 applicable requirements:

6940 ~~[(A)]~~ (I) (Aa) certify the petition and deliver the certified petition to the responsible  
6941 body; and

6942 ~~[(B)]~~ (Bb) mail or deliver written notification of the certification to the contact  
6943 sponsor; or

6944 (II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to  
6945 the legislative body of each county whose unincorporated area includes and each municipality  
6946 whose boundaries include any of the proposed basic local district, with a notice indicating that  
6947 the clerk has determined that the petition complies with applicable requirements; or

6948 ~~[(ii)]~~ (B) if the responsible clerk determines that the petition fails to comply with any  
6949 of the applicable requirements, reject the petition and notify the contact sponsor in writing of  
6950 the rejection and the reasons for the rejection.

6951 (b) (i) A petition for which an election is not required under Subsection 17B-1-214(3)  
6952 and that proposes the creation of a basic local district that has within its boundaries fewer than  
6953 one residential dwelling unit per ten acres of land may not be certified without the approval, by  
6954 resolution, of the legislative body of each county whose unincorporated area includes and each  
6955 municipality whose boundaries include any of the proposed local district.

6956 (ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a  
6957 county or municipal legislative body may hold one or more public hearings on the petition.

6958 (iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that  
6959 subsection, the responsible clerk shall, within ten days after its approval:

6960 (A) certify the petition and deliver the certified petition to the responsible body; and

6961 (B) mail or deliver written notification of the certification to the contact sponsor.

6962 (4) ~~[H]~~ Except for a petition described in Subsection (3)(b)(i), if the responsible clerk  
6963 fails to certify or reject a petition within 45 days after its filing, the petition shall be considered  
6964 to be certified.

6965 (5) The responsible clerk shall certify or reject petitions in the order in which they are  
6966 filed.

6967 (6) (a) If the responsible clerk rejects a petition under Subsection (3)~~[(b)(ii)]~~ (a)(ii)(B),  
6968 the petition may be amended to correct the deficiencies for which it was rejected and then  
6969 refiled.

6970 (b) A valid signature on a petition that was rejected under Subsection (3)[~~(b)~~(ii)]  
6971 (a)(ii)(B) may be used toward fulfilling the applicable signature requirement of the petition as  
6972 amended under Subsection (6)(a).

6973 (c) If a petition is amended and refiled under Subsection (6)(a) after having been  
6974 rejected by the responsible clerk under Subsection (3)[~~(b)~~](a)(ii)(B), the amended petition shall  
6975 be considered as newly filed, and its processing priority shall be determined by the date on  
6976 which it is refiled.

6977 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall  
6978 act in good faith in making the determinations under this section.

6979 Section 137. Section **17B-1-210**, which is renumbered from Section 17B-2-210 is  
6980 renumbered and amended to read:

6981 ~~[17B-2-210]~~. **17B-1-210. Public hearing.**

6982 (1) The legislative body of each county and municipality with which a request is filed  
6983 or that adopts a resolution under Subsection [~~17B-2-203~~] 17B-1-203(1)(c) and the board of  
6984 trustees of each local district that adopts a resolution under Subsection 17B-1-203(1)(d) shall  
6985 hold a public hearing or a set of public hearings, sufficient in number and location to ensure  
6986 that no substantial group of residents of the proposed local district need travel an unreasonable  
6987 distance to attend a public hearing.

6988 (2) Each public hearing under Subsection (1) shall be held:

6989 (a) no later than 45 days after:

6990 (i) for a public hearing on a request, certification of a request under Subsection  
6991 [~~17B-2-206~~] 17B-1-206(1)(b)(i); or

6992 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection  
6993 [~~17B-2-203~~] 17B-1-203(1)(c) or (d);

6994 (b) within the proposed local district;

6995 (c) except as provided in Subsections (6) and (7), within the applicable area; and

6996 (d) for the purpose of:

6997 (i) for a public hearing on a request, allowing public input on:

6998 (A) whether the requested service is needed in the area of the proposed local district;

6999 (B) whether the service should be provided by the county or municipality or the

7000 proposed local district; and

7001 (C) all other matters relating to the request or the proposed local district; or  
 7002 (ii) for a public hearing on a resolution, allowing the public to ask questions of and  
 7003 obtain further information from the ~~[legislative]~~ governing body ~~[of each county or~~  
 7004 ~~municipality]~~ holding the hearing regarding the issues contained in or raised by the resolution.

7005 (3) A quorum of ~~[the legislative]~~ each governing body ~~[of each county or municipal~~  
 7006 ~~legislative body]~~ holding a public hearing under this section shall be present throughout each  
 7007 hearing held by that ~~[county or municipal legislative]~~ governing body.

7008 (4) Each hearing under this section shall be held on a weekday evening other than a  
 7009 holiday beginning no earlier than ~~[6:00]~~ 6 p.m.

7010 (5) At the beginning and end of each hearing concerning a resolution, the ~~[legislative]~~  
 7011 governing body shall announce the deadline for filing protests and generally explain the protest  
 7012 procedure and requirements.

7013 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or  
 7014 set of hearings required under this section if all the requirements of this section, other than the  
 7015 requirements of Subsection (2)(c), are met as to each hearing.

7016 (7) Notwithstanding Subsection (2)(c), a ~~[county or municipal legislative]~~ governing  
 7017 body may hold a public hearing or set of public hearings outside the applicable area if:

7018 (a) there is no reasonable place to hold a public hearing within the applicable area; and  
 7019 (b) the public hearing or set of public hearings is held as close to the applicable area as  
 7020 reasonably possible.

7021 Section 138. Section **17B-1-211**, which is renumbered from Section 17B-2-211 is  
 7022 renumbered and amended to read:

7023 ~~[17B-2-211]~~. **17B-1-211. Notice of public hearings -- Publication of**  
 7024 **resolution.**

7025 (1) Before holding a public hearing or set of public hearings under Section  
 7026 ~~[17B-2-210]~~ 17B-1-210, the legislative body of each county or municipality with which a  
 7027 request is filed or that adopts a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c) and  
 7028 the board of trustees of each local district that adopts a resolution under Subsection  
 7029 17B-1-203(1)(d) shall:

7030 (a) (i) except as provided in Subsection (1)(a)(ii), publish notice in a newspaper or  
 7031 combination of newspapers of general circulation within the applicable area; or

7032 (ii) if there is no newspaper or combination of newspapers of general circulation within  
7033 the applicable area, post at least one notice per 1,000 population of that area, at places within  
7034 the area that are most likely to provide actual notice to residents of the area; or

7035 (b) mail a notice to each registered voter residing within and each owner of real  
7036 property located within the proposed local district.

7037 (2) Each published notice under Subsection (1)(a) shall:

7038 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be  
7039 surrounded by a 1/4-inch border;

7040 (b) if possible, appear in a newspaper that is published at least one day per week;

7041 (c) if possible, appear in a newspaper of general interest and readership in the area and  
7042 not of limited subject matter;

7043 (d) be placed in a portion of the newspaper other than where legal notices and  
7044 classified advertisements appear; and

7045 (e) be run at least once each week for two successive weeks, with the final publication  
7046 being no less than three and no more than ten days before the hearing or the first of the set of  
7047 hearings.

7048 (3) Each notice required under Subsection (1) shall:

7049 (a) if the hearing or set of hearings is concerning a resolution:

7050 (i) contain the entire text or an accurate summary of the resolution; and

7051 (ii) state the deadline for filing a protest against the creation of the proposed local  
7052 district;

7053 (b) clearly identify each [~~county or municipal legislative~~] governing body involved in  
7054 the hearing or set of hearings;

7055 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
7056 the hearing or set of hearings; and

7057 (d) describe or include a map of the entire proposed local district.

7058 (4) County or municipal legislative bodies may jointly provide the notice required  
7059 under this section if all the requirements of this section are met as to each notice.

7060 Section 139. Section **17B-1-212**, which is renumbered from Section 17B-2-212 is  
7061 renumbered and amended to read:

7062 [~~17B-2-212~~]. **17B-1-212. Resolution indicating whether the requested**

7063 **service will be provided.**

7064 (1) Within 60 days after the last hearing required under Section [~~17B-2-210~~  
7065 17B-1-210 concerning a request, the legislative body of each county whose unincorporated area  
7066 includes and the legislative body of each municipality whose boundaries include any part of the  
7067 proposed local district shall adopt a resolution indicating whether the county or municipality  
7068 will provide to the area of the proposed local district within its boundaries the service proposed  
7069 to be provided by the proposed local district.

7070 (2) If the legislative body of a county or municipality fails to adopt a resolution within  
7071 the time provided under Subsection (1), the county or municipal legislative body shall be  
7072 considered to have declined to provide the service requested.

7073 (3) If the county or municipality adopts a resolution under Subsection (1) indicating  
7074 that it will provide the requested service but does not, within 120 days after the adoption of that  
7075 resolution, take substantial measures to provide the requested service, the county or municipal  
7076 legislative body shall be considered to have declined to provide the requested service.

7077 (4) Each county or municipality that adopts a resolution under Subsection (1)  
7078 indicating that it will provide the requested service shall diligently proceed to take all measures  
7079 necessary to provide the service.

7080 Section 140. Section **17B-1-213**, which is renumbered from Section 17B-2-213 is  
7081 renumbered and amended to read:

7082 [~~17B-2-213~~]. **17B-1-213. Protest after adoption of resolution -- Adoption**  
7083 **of resolution approving creation for certain districts.**

7084 (1) For purposes of this section, "adequate protests" means protests that are:

7085 (a) filed with the county clerk [~~or~~], municipal clerk or recorder, or local district  
7086 secretary or clerk, as the case may be, within 60 days after the last public hearing required  
7087 under Section [~~17B-2-210~~] 17B-1-210; and

7088 (b) signed by:

7089 (i) the owners of private real property that:

7090 (A) is located within the proposed local district;

7091 (B) covers at least 25% of the total private land area within the applicable area; and

7092 (C) is equal in value to at least 15% of the value of all private real property within the  
7093 applicable area; or

7094 (ii) registered voters residing within the applicable area equal in number to at least 25%  
7095 of the number of votes cast in the applicable area for the office of governor at the last general  
7096 election prior to the adoption of the resolution.

7097 (2) If adequate protests are filed, the ~~[county or municipal legislative]~~ governing body  
7098 that adopted a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c) or (d):

7099 (a) may not:

7100 (i) hold or participate in an election under Subsection ~~[17B-2-214]~~ 17B-1-214(1) with  
7101 respect to the applicable area;

7102 (ii) take any further action under the protested resolution to create a local district or  
7103 include the applicable area in a local district; or

7104 (iii) for a period of two years, adopt a resolution under Subsection ~~[17B-2-203]~~  
7105 17B-1-203(1)(c) or (d) proposing the creation of a local district including substantially the  
7106 same area as the applicable area and providing the same service as the proposed local district in  
7107 the protested resolution; and

7108 (b) shall, within five days ~~[of]~~ after receiving adequate protests, mail or deliver written  
7109 notification of the adequate protests to the responsible body.

7110 (3) Subsection (2)(a) may not be construed to prevent an election from being held for a  
7111 proposed local district whose boundaries do not include an applicable area that is the subject of  
7112 adequate protests.

7113 (4) (a) If adequate protests are not filed with respect to a resolution proposing the  
7114 creation of a local district for which an election is not required under Subsection ~~[17B-2-214]~~  
7115 17B-1-214(3)(c) or (d), a resolution approving the creation of the local district may be adopted  
7116 by:

7117 (i) (A) the legislative body of a county whose unincorporated area is included within  
7118 the proposed local district; and

7119 ~~[(ii)]~~ (B) the legislative body of a municipality whose area is included within the  
7120 proposed local district~~[-];~~ or

7121 (ii) the board of trustees of the initiating local district.

7122 (b) Each resolution adopted under Subsection (4)(a) shall:

7123 (i) describe the area included in the local district;

7124 (ii) be accompanied by a map that shows the boundaries of the local district;

- 7125 (iii) describe the service to be provided by the local district;
- 7126 (iv) state the name of the local district; and
- 7127 (v) provide a process for the appointment of the members of the initial board of
- 7128 trustees.

7129 Section 141. Section **17B-1-214**, which is renumbered from Section 17B-2-214 is

7130 renumbered and amended to read:

7131 ~~[17B-2-214]~~. **17B-1-214. Election -- Exceptions.**

7132 (1) (a) Except as provided in Subsection (3) and in Subsection ~~[17B-2-213]~~

7133 17B-1-213(2)(a), an election on the question of whether the local district should be created

7134 shall be held by:

- 7135 (i) if the proposed local district is located entirely within a single county, the
- 7136 responsible clerk; or
- 7137 (ii) except as provided under Subsection (1)(b), if the proposed local district is located
- 7138 within more than one county, the clerk of each county in which part of the proposed local
- 7139 district is located, in cooperation with the responsible clerk.

7140 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located

7141 within more than one county and the only area of a county that is included within the proposed

7142 local district is located within a single municipality, the election for that area shall be held by

7143 the municipal clerk or recorder, in cooperation with the responsible clerk.

7144 (2) Each election under Subsection (1) shall be held at the next special or regular

7145 general election date that is:

- 7146 (a) for an election pursuant to a property owner or registered voter petition, more than
- 7147 45 days after certification of the petition under Subsection ~~[17B-2-209]~~ 17B-1-209(3)(b)(i); or
- 7148 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
- 7149 required under Section ~~[17B-2-210]~~ 17B-1-210.

7150 (3) The election requirement of Subsection (1) does not apply to:

- 7151 (a) ~~[to]~~ a petition filed under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(a) if it contains the
- 7152 signatures of the owners of private real property that:
  - 7153 (i) is located within the proposed local district;
  - 7154 (ii) covers at least 67% of the total private land area within the proposed local district
  - 7155 as a whole and within each applicable area; and

7156 (iii) is equal in value to at least 50% of the value of all private real property within the  
7157 proposed local district as a whole and within each applicable area;

7158 (b) [~~to~~] a petition filed under Subsection [~~17B-2-203~~] 17B-1-203(1)(b) if it contains the  
7159 signatures of registered voters residing within the proposed local district as a whole and within  
7160 each applicable area, equal in number to at least 67% of the number of votes cast in the  
7161 proposed local district as a whole and in each applicable area, respectively, for the office of  
7162 governor at the last general election prior to the filing of the petition; [~~or~~]

7163 (c) [~~to~~] a resolution adopted under Subsection [~~17B-2-203~~] 17B-1-203(1)(c) on or after  
7164 May 5, 2003 that proposes the creation of a local district to provide fire protection, paramedic,  
7165 and emergency services, if the proposed local district includes a majority of the unincorporated  
7166 area of one or more counties[-]; or

7167 (d) a resolution adopted under Subsection 17B -1-203(1)(c) or (d) if the resolution  
7168 proposes the creation of a local district that has no registered voters within its boundaries.

7169 (4) (a) If the proposed local district is located in more than one county, the responsible  
7170 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each  
7171 municipality involved in an election under Subsection (1) so that the election is held on the  
7172 same date and in a consistent manner in each jurisdiction.

7173 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
7174 an election under Subsection (1) shall cooperate with the responsible clerk in holding the  
7175 election.

7176 (c) Except as otherwise provided in this part, each election under Subsection (1) shall  
7177 be governed by Title 20A, Election Code.

7178 Section 142. Section **17B-1-215**, which is renumbered from Section 17B-2-215 is  
7179 renumbered and amended to read:

7180 [~~17B-2-215~~]. **17B-1-215. Notice to lieutenant governor -- Certificate of**  
7181 **incorporation -- Local district incorporated -- Incorporation presumed conclusive.**

7182 (1) The responsible body shall file a notice with the lieutenant governor within ten days  
7183 after:

7184 (a) the canvass of an election under Section [~~17B-2-214~~] 17B-1-214, if a majority of  
7185 those voting at the election within the proposed local district as a whole vote in favor of the  
7186 creation of a local district;



7187 (b) certification of a petition as to which the election requirement of Subsection  
7188 ~~[17B-2-214]~~ 17B-1-214(1) does not apply because of Subsection ~~[17B-2-214]~~ 17B-1-214(3)(a)  
7189 or (b); or

7190 (c) adoption of a resolution under Subsection ~~[17B-2-213]~~ 17B-1-213(4) approving the  
7191 creation of a local district for which an election was not required under Subsection ~~[17B-2-214]~~  
7192 17B-1-214(3)(c) or (d), by the legislative body of each county whose unincorporated area is  
7193 included within and the legislative body of each municipality whose area is included within the  
7194 proposed local district, or by the board of trustees of the initiating local district.

7195 (2) The area of each local district shall consist of:

7196 (a) if an election was held under Section ~~[17B-2-214]~~ 17B-1-214, the area of the new  
7197 local district as approved at the election;

7198 (b) if an election was not required because of Subsection ~~[17B-2-214]~~ 17B-1-214(3)(a)  
7199 or (b), the area of the proposed local district as described in the petition; or

7200 (c) if an election was not required because of Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c)  
7201 or (d), the area of the new local district as described in the resolution adopted under Subsection  
7202 ~~[17B-2-213]~~ 17B-1-213(4).

7203 (3) In each notice under Subsection (1) the responsible body shall:

7204 (a) if the notice follows an election under Section ~~[17B-2-214]~~ 17B-1-214, certify the  
7205 results of the election;

7206 (b) describe the boundaries of the new local district with an accurate map or plat  
7207 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed  
7208 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and

7209 (c) certify that all requirements for the creation of a local district have been complied  
7210 with.

7211 ~~[(4) Within ten days after receiving the notice under Subsection (1), the lieutenant~~  
7212 ~~governor shall issue a certificate of incorporation for the new local district and send a copy of~~  
7213 ~~the certificate to the responsible body.]~~

7214 ~~[(5)]~~ (4) Upon the lieutenant governor's issuance of the certificate of creation under  
7215 Section 67-1a-6.5, the local district is created and incorporated.

7216 ~~[(6) A local district shall be conclusively presumed to be lawfully incorporated if no~~  
7217 ~~challenge to the existence or incorporation of the local district is filed in district court within 90~~

7218 days after the lieutenant governor issues a certificate of creation.]

7219 Section 143. Section **17B-1-216**, which is renumbered from Section 17B-2-216 is  
7220 renumbered and amended to read:

7221 ~~[17B-2-216].~~ **17B-1-216. Costs and expenses of creating a local district.**

7222 (1) Except as provided in Subsection (2), each county whose unincorporated area  
7223 includes and each municipality whose boundaries include some or all of the proposed local  
7224 district shall bear their respective costs and expenses associated with the procedure under this  
7225 part for creating a local district.

7226 (2) Within a year after its creation, each local district shall reimburse the costs and  
7227 expenses associated with the preparation, certification, and filing of the map of the local district  
7228 under Subsection ~~[17B-2-215]~~ 17B-1-215(3)(b).

7229 Section 144. Section **17B-1-217**, which is renumbered from Section 17A-2-103 is  
7230 renumbered and amended to read:

7231 ~~[17A-2-103].~~ **17B-1-217. Conclusive presumption regarding creation and**  
7232 **existence.**

7233 Notwithstanding any other provision of law, ~~[an independent special]~~ a local district  
7234 ~~[under this chapter]~~ shall be conclusively presumed to have been lawfully created and existing  
7235 if ~~[(1)]~~ for two years following the district's creation under Subsection 17B-1-215(4):

7236 ~~[(a)]~~ (1) the district has:

7237 ~~[(i)]~~ (a) levied and collected a tax; or

7238 ~~[(ii)]~~ (b) collected a fee, charge, or assessment ~~[, or tax increment]~~ for a commodity,  
7239 service, facility, or improvement provided by the district; and

7240 ~~[(b)]~~ (2) no challenge has been filed in court to the existence or creation of the district ~~;~~  
7241 ~~and~~].

7242 ~~[(2) the district has complied with Subsections 17A-1-102(1) and 17A-1-504(1).]~~

7243 Section 145. Section **17B-1-301**, which is renumbered from Section 17B-2-401 is  
7244 renumbered and amended to read:

7245 **Part 3. Board of Trustees**

7246 ~~[17B-2-401].~~ **17B-1-301. Board of trustees duties and powers.**

7247 (1) (a) Each local district shall be governed by a board of trustees which shall manage  
7248 and conduct the business and affairs of the district and shall determine all questions of district

7249 policy.

7250 (b) All powers of a local district are exercised through the board of trustees.

7251 (2) The board of trustees may:

7252 (a) fix the location of the local district's principal place of business and the location of  
7253 all offices and departments, if any;

7254 (b) fix the times of meetings of the board of trustees;

7255 [~~(b)~~] (c) select and use an official district seal;

7256 [~~(c)~~] (d) employ employees and agents, or delegate to district officers power to employ  
7257 employees and agents, for the operation of the local district and its properties and prescribe or  
7258 delegate to district officers the power to prescribe the duties, compensation, and terms and  
7259 conditions of employment of those employees and agents;

7260 [~~(d)~~] (e) require district officers and employees charged with the handling of district  
7261 funds to provide surety bonds in an amount set by the board or provide a blanket surety bond to  
7262 cover [~~all those~~] officers and employees;

7263 [~~(e)~~] (f) contract for or employ professionals to perform work or services for the local  
7264 district that cannot satisfactorily be performed by the officers or employees of the district;

7265 [~~(f)~~] (g) through counsel, prosecute on behalf of or defend the local district in all court  
7266 actions or other proceedings in which the district is a party or is otherwise involved;

7267 [~~(g)~~] (h) adopt bylaws for the orderly functioning of the board;

7268 [~~(h)~~] (i) adopt and enforce rules and regulations for the orderly operation of the local  
7269 district [~~and~~] or for carrying out the district's purposes [~~for which the district was created~~];

7270 [~~(i)~~] (j) prescribe a system of civil service for district employees;

7271 [~~(j)~~] (k) on behalf of the local district, enter into contracts that the board considers to be  
7272 for the benefit of the district;

7273 [~~(k)~~] (l) acquire, construct or cause to be constructed, operate, occupy, control, and use  
7274 buildings, works, or other facilities for carrying out the purposes of the local district;

7275 [~~(l)~~] (m) on behalf of the local district, acquire, use, hold, manage, occupy, and possess  
7276 property necessary to carry out the purposes of the district, dispose of property when the board  
7277 considers it appropriate, and institute and maintain in the name of the district any action or  
7278 proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district  
7279 property; [~~and~~]

7280 (n) delegate to a district officer the exercise of a district duty; and  
7281 ~~[(m)]~~ (o) exercise all powers and perform all functions in the operation of the local  
7282 district and its properties as are ordinarily exercised by the governing body of a political  
7283 subdivision of the state and as are necessary to accomplish the purposes of the district.

7284 Section 146. Section **17B-1-302**, which is renumbered from Section 17B-2-402 is  
7285 renumbered and amended to read:

7286 ~~[17B-2-402].~~ **17B-1-302. Board member qualifications -- Number of board**  
7287 **members.**

7288 (1) (a) Each member of a local district board of trustees shall be:

7289 (i) a registered voter; and

7290 (ii) except as provided in Subsections (1)(b) and (c), a resident within:

7291 (A) the boundaries of the local district; and

7292 (B) if applicable, the boundaries of the division of the local district from which the  
7293 member is elected.

7294 (b) (i) As used in this Subsection (1)(b):

7295 (A) "Proportional number" means the number of members of a board of trustees that  
7296 bears, as close as mathematically possible, the same proportion to all members of the board that  
7297 the number of seasonally occupied homes bears to all residences within the district that receive  
7298 service from the district.

7299 (B) "Seasonally occupied home" means a single-family residence:

7300 (I) that is located within the local district;

7301 (II) that receives service from the local district; and

7302 (III) whose owner:

7303 (Aa) does not reside permanently at the residence; and

7304 (Bb) may occupy the residence on a temporary or seasonal basis.

7305 (ii) If over 50% of the residences within a local district that receive service from the  
7306 local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is  
7307 replaced, for a proportional number of members of the board of trustees, with the requirement  
7308 that the member be an owner of land that:

7309 (A) receives service from the district; and

7310 (B) is located within:

7311 (I) the local district; and  
 7312 (II) if applicable, the division from which the member is elected.  
 7313 (c) For a board of trustees member in a basic local district that has within its  
 7314 boundaries fewer than one residential dwelling unit per ten acres of land, the requirement under  
 7315 Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land  
 7316 within the local district that receives service from the district, or an agent or officer of the  
 7317 owner.

7318 ~~[(1) The]~~ (2) Except as otherwise provided by statute, the number of members of each  
 7319 board of trustees of a local district shall be an odd number that is no less than three and no  
 7320 more than nine.

7321 ~~[(2)]~~ (3) For a newly created local district, the number of members of the initial board  
 7322 of trustees shall be the number specified:

7323 (a) for a local district whose creation was initiated by a petition under Subsection  
 7324 ~~[17B-2-203]~~ 17B-1-203(1)(a) or (b), in the petition; or

7325 (b) for a local district whose creation was initiated by a resolution under Subsection  
 7326 ~~[17B-2-203]~~ 17B-1-203(1)(c) or (d), in the resolution.

7327 ~~[(3)]~~ (4) (a) For an existing local district, the number of members of the board of  
 7328 trustees may be changed by a two-thirds vote of the board of trustees.

7329 (b) No change in the number of members of a board of trustees under Subsection ~~[(3)]~~  
 7330 (4)(a) may:

7331 (i) violate Subsection ~~[(1)]~~ (2); or

7332 (ii) serve to shorten the term of any member of the board.

7333 Section 147. Section **17B-1-303**, which is renumbered from Section 17B-2-403 is  
 7334 renumbered and amended to read:

7335 ~~[17B-2-403].~~ **17B-1-303. Term of board of trustees members -- Oath of**  
 7336 **office -- Bond.**

7337 (1) ~~[The]~~ (a) Except as provided in Subsection (1)(b), the term of each member of a  
 7338 board of trustees shall begin at noon on the first Monday of January following the member's  
 7339 election or appointment.

7340 (b) The term of each member of the initial board of trustees of a newly created local  
 7341 district shall begin:

- 7342 (i) upon appointment, for an appointed member; and  
7343 (ii) upon the member taking the oath of office after the canvass of the election at which  
7344 the member is elected, for an elected member.
- 7345 (2) (a) ~~[The]~~ (i) Subject to Subsection (2)(a)(ii), the term of each member of a board of  
7346 trustees shall be four years, except that approximately half the members of the initial board of  
7347 trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the  
7348 board members expires every two years.
- 7349 (ii) (A) If the terms of members of the initial board of trustees of a newly created local  
7350 district do not begin on the first Monday of January because of application of Subsection  
7351 (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection  
7352 (2)(a)(ii)(B), to result in the terms of their successors complying with:
- 7353 (I) the requirement under Subsection (1)(a) for a term to begin on the first Monday of  
7354 January; and
- 7355 (II) the requirement under Subsection (2)(a)(i) that terms be four years.
- 7356 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or  
7357 subtract more than a year from a member's term.
- 7358 (b) Each board of trustees member shall serve until a successor is duly elected or  
7359 appointed and qualified, unless the member earlier is removed from office or resigns or  
7360 otherwise leaves office.
- 7361 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
7362 17B-1-302(1):
- 7363 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and  
7364 (ii) the member may continue to serve until a successor is duly elected or appointed  
7365 and qualified.
- 7366 (3) (a) Before entering upon the duties of office, each member of a board of trustees  
7367 shall take the oath of office specified in Utah Constitution Article IV, Section 10.
- 7368 (b) The failure of a board of trustees member to take the oath required by Subsection  
7369 (3)(a) does not invalidate any official act of that member.
- 7370 (4) A board of trustees member is not limited in the number of terms the member may  
7371 serve.
- 7372 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees

7373 position shall be filled as provided in Section 20A-1-512.

7374 (6) (a) For purposes of this Subsection (6):

7375 (i) "Appointed official" means a person who:

7376 (A) is appointed as a member of a local district board of trustees by a county or

7377 municipality entitled to appoint a member to the board; and

7378 (B) holds an elected position with the appointing county or municipality.

7379 (ii) "Appointing [authority] entity" means the county or municipality that appointed the  
7380 appointed official to the board of trustees.

7381 (b) The board of trustees shall declare a midterm vacancy for the board position held  
7382 by an appointed official if:

7383 (i) during the appointed official's term on the board of trustees, the appointed official  
7384 ceases to hold the elected position with the appointing [authority] entity; and

7385 (ii) the appointing [authority] entity submits a written request to the board to declare  
7386 the vacancy.

7387 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
7388 appointing [authority] entity shall appoint another person to fill the remaining unexpired term  
7389 on the board of trustees.

7390 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
7391 performance of the member's duties, in the amount and with the sureties prescribed by the  
7392 board of trustees.

7393 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).  
7394 Section 148. Section **17B-1-304**, which is renumbered from Section 17A-1-303 is  
7395 renumbered and amended to read:

7396 ~~[17A-1-303]~~. **17B-1-304**. **Appointment procedures for appointed**  
7397 **members.**

7398 (1) The appointing authority may, by resolution, appoint persons to serve as members  
7399 of a [~~special~~] local district board by following the procedures established by this section.

7400 (2) (a) In any calendar year when appointment of a new [~~special~~] local district board  
7401 member is required, the appointing authority shall prepare a notice of vacancy that contains:

7402 (i) the positions that are vacant that must be filled by appointment;

7403 (ii) the qualifications required to be appointed to those positions;

7404 (iii) the procedures for appointment that the governing body will follow in making  
7405 those appointments; and

7406 (iv) the person to be contacted and any deadlines that a person must meet who wishes  
7407 to be considered for appointment to those positions.

7408 (b) The appointing authority shall:

7409 (i) post the notice of vacancy in four public places within the [~~special~~] local district at  
7410 least one month before the deadline for accepting nominees for appointment; and

7411 (ii) publish the notice of vacancy:

7412 (A) in a daily newspaper of general circulation within the [~~special~~] local district for  
7413 five consecutive days before the deadline for accepting nominees for appointment; or

7414 (B) in a local weekly newspaper circulated within the [~~special~~] local district in the  
7415 week before the deadline for accepting nominees for appointment.

7416 (c) The appointing authority may bill the [~~special~~] local district for the cost of  
7417 preparing, printing, and publishing the notice.

7418 (3) (a) Not sooner than two months after the appointing authority is notified of the  
7419 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants  
7420 who meet the qualifications established by law.

7421 (b) The appointing authority shall:

7422 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the  
7423 appointment;

7424 (ii) allow any interested persons to be heard; and

7425 (iii) adopt a resolution appointing a person to the [~~special~~] local district board.

7426 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the  
7427 appointing authority, the appointing authority shall select the appointee from the two top  
7428 candidates by lot.

7429 (4) Persons appointed to serve as members of the [~~special~~] local district board serve  
7430 four-year terms, but may be removed [~~with~~] for cause at any time after a hearing by 2/3 vote of  
7431 the appointing body.

7432 (5) At the end of each board member's term, the position is considered vacant and the  
7433 [~~governing body~~] appointing authority may either reappoint the old board member or appoint a  
7434 new member after following the appointment procedures established in this section.



7435 (6) Notwithstanding any other provision of this section, if the appointing authority  
7436 appoints one of its own members, it need not comply with the provisions of this section.

7437 Section 149. Section **17B-1-305**, which is renumbered from Section 17A-1-304 is  
7438 renumbered and amended to read:

7439 ~~[17A-1-304].~~ **17B-1-305. Notice of offices to be filled.**

7440 On or before February 1 of each municipal election year, the board of each [~~special~~]  
7441 local district shall prepare and transmit to the clerk of each county in which any part of the  
7442 district is located a written notice that:

7443 (1) designates the offices to be filled at that year's municipal general election; and

7444 (2) identifies the dates for filing a declaration of candidacy for those offices.

7445 Section 150. Section **17B-1-306**, which is renumbered from Section 17A-1-305 is  
7446 renumbered and amended to read:

7447 ~~[17A-1-305].~~ **17B-1-306. Local district board -- Election procedures.**

7448 (1) Except as provided in Subsection (11), each elected board member shall be selected  
7449 as provided in this section.

7450 (2) (a) Each election of a [~~special~~] local district board member shall be held:

7451 (i) in conjunction with the municipal general election; and

7452 (ii) at polling places designated by the clerk of each county in which the [~~special~~] local  
7453 district is located.

7454 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under  
7455 Subsection (2)(a)(ii) in an election of board members of an irrigation district [~~established under~~  
7456 ~~Chapter 2, Part 7, Irrigation Districts;~~] shall be one polling place per division of the district,  
7457 designated by the district board.

7458 (ii) Each polling place designated by an irrigation district board under Subsection  
7459 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection  
7460 (2)(a)(ii).

7461 (3) (a) The clerk of each [~~special~~] local district with a board member position to be  
7462 filled at the next municipal general election shall provide notice of:

7463 (i) each elective position of the [~~special~~] local district to be filled at the next municipal  
7464 general election;

7465 (ii) the constitutional and statutory qualifications for each position; and

7466 (iii) the dates and times for filing a declaration of candidacy.

7467 (b) The notice required under Subsection (3)(a) shall be:

7468 (i) posted in at least five public places within the ~~[special]~~ local district at least ten days  
7469 before the first day for filing a declaration of candidacy; or

7470 (ii) published in a newspaper of general circulation within the ~~[special]~~ local district at  
7471 least three but no more than ten days before the first day for filing a declaration of candidacy.

7472 (4) (a) To become a candidate for an elective ~~[special]~~ local district board position, the  
7473 prospective candidate shall file a declaration of candidacy in person with the ~~[special]~~ local  
7474 district, during office hours and not later than 5 p.m. between July 15 and August 15 of any  
7475 odd-numbered year.

7476 (b) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5  
7477 p.m. on the following Monday.

7478 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing  
7479 officer shall:

7480 (A) read to the prospective candidate the constitutional and statutory qualification  
7481 requirements for the office that the candidate is seeking; and

7482 (B) require the candidate to state whether or not the candidate meets those  
7483 requirements.

7484 (ii) If the prospective candidate does not meet the qualification requirements for the  
7485 office, the filing officer may not accept the declaration of candidacy.

7486 (iii) If it appears that the prospective candidate meets the requirements of candidacy,  
7487 the filing officer shall accept the declaration of candidacy.

7488 (d) ~~[(i) Except as provided in Subsection (4)(d)(ii), the]~~ The declaration of candidacy  
7489 shall substantially comply with the following form:

7490 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
7491 \_\_\_\_\_, City of, County of, State of Utah, (Zip Code) \_\_\_\_\_, (Telephone Number, if  
7492 any) \_\_\_\_\_; that I ~~[am a registered voter and qualified elector of the special]~~ meet the  
7493 qualifications for the office of board of trustees member for \_\_\_\_\_ (state  
7494 the name of the local district); that I am a candidate for ~~[the]~~ that office [of  
7495 \_\_\_\_\_(stating the term)] to be voted upon at the November municipal general election  
7496 to be held on Tuesday, the \_\_\_\_\_ day of November, \_\_\_\_\_, and I hereby request that my name

7497 be printed upon the official ballot for that election.

7498 (Signed) \_\_\_\_\_

7499 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
7500 of \_\_\_\_\_, \_\_\_\_\_.

7501 (Signed) \_\_\_\_\_

7502 (Clerk or Notary Public)"

7503 ~~[(ii) In a declaration of candidacy under Subsection (4)(d)(i) for an election of a board~~  
7504 ~~member of an irrigation district under Chapter 2, Part 7, Irrigation Districts, the words~~  
7505 ~~"registered voter and" shall not be included.]~~

7506 (e) Each person wishing to become a valid write-in candidate for an elective [special]  
7507 local district board position is governed by Section 20A-9-601.

7508 (f) If at least one person does not file a declaration of candidacy as required by this  
7509 section, a person shall be appointed to fill that board position by following the procedures and  
7510 requirements for appointment established in Section 20A-1-512.

7511 (g) If only one candidate files a declaration of candidacy for a position on the board of  
7512 an irrigation district ~~[established under Chapter 2, Part 7, Irrigation Districts]~~, the board need  
7513 not hold an election for that position and may appoint that candidate to the board.

7514 (5) There shall be no primary election.

7515 (6) (a) Except as provided in Subsection (6)(c), the [special] local district clerk shall  
7516 certify the candidate names to the clerk of each county in which the [special] local district is  
7517 located no later than August 20 of the municipal election year.

7518 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the  
7519 [special] local district is located shall coordinate the placement of the name of each candidate  
7520 for [special] local district office in the nonpartisan section of the municipal general election  
7521 ballot with the municipal election clerk.

7522 (ii) If consolidation of the [special] local district election ballot with the municipal  
7523 general election ballot is not feasible, the county clerk shall provide for a separate [special]  
7524 local district election ballot to be administered by separate election judges at polling locations  
7525 designated by the county clerk in consultation with the [special] local district.

7526 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board  
7527 of an irrigation district established under Chapter ~~[2]~~ 2a, Part ~~[7]~~ 5, Irrigation ~~[Districts]~~

7528 District Act.

7529 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall  
7530 prescribe the form of the ballot for each board member election.

7531 (B) Each ballot for an election of an irrigation district board member shall be in a  
7532 nonpartisan format.

7533 [~~(7) (a) (i) Except as provided in Subsection (7)(a)(ii), only qualified electors of the~~  
7534 ~~special district who are registered to vote and who are entitled to vote may vote.]~~

7535 [~~(7) (a) Each voter at an election for a board of trustees member of [an irrigation] a~~  
7536 ~~local district [established under Chapter 2, Part 7, Irrigation Districts;]~~ shall:

7537 (i) be a registered voter, except for an election of:

7538 (A) an irrigation district board of trustees member; or

7539 (B) a basic local district board of trustees member who is elected by property owners;

7540 and

7541 (ii) meet the requirements to vote established by the district.

7542 (b) Each voter may vote for as many candidates as there are offices to be filled.

7543 (c) The candidates who receive the highest number of votes are elected.

7544 (8) Except as otherwise provided by this section, the election of [~~special] local district~~  
7545 board members is governed by Title 20A, Election Code.

7546 (9) (a) A person elected to serve on a [~~special] local district board shall serve a~~  
7547 four-year term, beginning on the January 1 after the person's election.

7548 (b) A person elected shall be sworn in as soon as practical after January 1.

7549 (10) (a) Except as provided in Subsection (10)(b), each [~~special] local district shall~~  
7550 reimburse the county holding an election under this section for the costs of the election  
7551 attributable to that [~~special] local district.~~

7552 (b) Each irrigation district [~~established under Chapter 2, Part 7, Irrigation Districts;]~~  
7553 shall bear its own costs of each election it holds under this section.

7554 (11) This section does not apply to [~~a county] an improvement district [under Chapter~~  
7555 ~~2, Part 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and~~  
7556 ~~Gas;]~~ that provides electric or gas service.

7557 Section 151. Section **17B-1-307**, which is renumbered from Section 17B-2-404 is  
7558 renumbered and amended to read:

7559           ~~[17B-2-404].~~           **17B-1-307. Annual compensation -- Per diem compensation**  
 7560 **-- Participation in group insurance plan -- Reimbursement of expenses.**

7561           (1) (a) [~~A~~] Except as provided in Subsection 17B-1-308(1)(e), a member of a board of  
 7562 trustees may receive compensation for service on the board, as determined by the board of  
 7563 trustees.

7564           (b) The amount of compensation under this Subsection (1) may not exceed [~~\$3,500~~]  
 7565 \$5,000 per year.

7566           (c) (i) As determined by the board of trustees, a member of the board of trustees may  
 7567 participate in a group insurance plan provided to employees of the local district on the same  
 7568 basis as employees of the local district.

7569           (ii) The amount that the local district pays to provide a member with coverage under a  
 7570 group insurance plan shall be included as part of the member's compensation for purposes of  
 7571 Subsection (1)(b).

7572           (2) (a) As determined by the board of trustees, a member of a board of trustees may  
 7573 receive per diem compensation, in addition to the compensation provided in Subsection (1), for  
 7574 attendance at up to 12 meetings or activities per year related to any district business.

7575           (b) The amount of per diem compensation under Subsection (2)(a) shall be as  
 7576 established by the Division of Finance for policy boards, advisory boards, councils, or  
 7577 committees within state government.

7578           (3) In addition to any compensation a member receives under this section, each  
 7579 member of a board of trustees shall be reimbursed by the local district for all actual and  
 7580 necessary expenses incurred in attending board meetings and in performing the member's  
 7581 official duties.

7582           Section 152. Section **17B-1-308** is enacted to read:

7583           **17B-1-308. Boards of trustees comprised of county or municipal legislative body**  
 7584 **members.**

7585           (1) If a county or municipal legislative body by statute also serves as the board of  
 7586 trustees of a local district:

7587           (a) the board of trustees shall hold district meetings and keep district minutes,  
 7588 accounts, and other records separate from those of the county or municipality;

7589           (b) subject to Subsection (2), the board of trustees may use, respectively, existing

7590 county or municipal facilities and personnel for district purposes:

7591 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board  
7592 of trustees member coincides with the member's term as a county or municipal legislative body  
7593 member;

7594 (d) each board of trustees member represents the district at large; and

7595 (e) board members may not receive compensation for their service as board members  
7596 in addition to compensation they receive as members of a county or municipal legislative body.

7597 (2) The county or municipal legislative body, as the case may be, shall charge the local  
7598 district, and the local district shall pay to the county or municipality, a reasonable amount for:

7599 (a) the county or municipal facilities that the district uses; and

7600 (b) except for services rendered by the county or municipal legislative body members,  
7601 the services that the county or municipality renders to the local district.

7602 Section 153. Section **17B-1-309**, which is renumbered from Section 17B-2-405 is  
7603 renumbered and amended to read:

7604 ~~[17B-2-405].~~ **17B-1-309. Board officers -- Term.**

7605 (1) (a) The board of trustees shall elect from their number a chair and may elect other  
7606 officers as the board considers appropriate.

7607 (b) The offices of treasurer and clerk may not be held by the same person.

7608 (2) Each officer serves at the pleasure of the board of trustees, but the board may  
7609 designate a set term for officers.

7610 Section 154. Section **17B-1-310**, which is renumbered from Section 17B-2-406 is  
7611 renumbered and amended to read:

7612 ~~[17B-2-406].~~ **17B-1-310. Quorum of board of trustees -- Meetings of the**  
7613 **board.**

7614 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees  
7615 constitutes a quorum for the transaction of board business, and action by a majority of a  
7616 quorum constitutes action of the board.

7617 (ii) Except as otherwise required by law, an otherwise valid action of the board is not  
7618 made invalid because of the method chosen by the board to take or memorialize the action.

7619 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that  
7620 require more than a majority to constitute a quorum or that require action by more than a

7621 majority of a quorum to constitute action by the board.

7622 (ii) Except for board action to dispose of real property owned by the local district,  
7623 board bylaws or rules may not require a vote of more than two-thirds vote of the board to  
7624 constitute board action.

7625 (2) The board of trustees shall hold such regular and special meetings as the board  
7626 determines at a location that the board determines.

7627 (3) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open  
7628 and Public Meetings Act.

7629 Section 155. Section **17B-1-311**, which is renumbered from Section 17A-1-306 is  
7630 renumbered and amended to read:

7631 ~~[17A-1-306].~~ **17B-1-311. Board member prohibited from district**  
7632 **employment.**

7633 (1) No elected or appointed member of the [~~governing~~] board of trustees of a [~~special~~]  
7634 local district may [~~be a full or part-time employee of the district while serving on the district's~~  
7635 ~~governing board~~], while serving on the board, be employed by the district, whether as an  
7636 employee or under a contract.

7637 (2) No person employed by a [~~special~~] local district, whether as [a full-time or  
7638 part-time] an employee or under a contract, may serve on the [~~governing~~] board of that  
7639 [~~special~~] local district.

7640 [~~(3) A board member may not be compensated separately as a board member and as an~~  
7641 ~~employee for providing the same service.]~~

7642 [~~(4) This section does not apply to persons serving on a special district board as of~~  
7643 ~~April 29, 1991, until their terms expire.]~~

7644 (3) This section does not apply to a local district if:

7645 (a) fewer than 3,000 people live within 40 miles of the primary place of employment,  
7646 measured over all weather public roads; and

7647 (b) with respect to the employment of a board of trustees member under Subsection

7648 (1):

7649 (i) the job opening has had reasonable public notice; and

7650 (ii) the person employed is the best qualified candidate for the position.

7651 Section 156. Section **17B-1-312**, which is renumbered from Section 17A-2-102 is

7652 renumbered and amended to read:

7653 ~~[17A-2-102].~~ **17B-1-312. Training for board members.**

7654 (1) Each member of a board ~~[or governing body of an independent]~~ of trustees of a  
7655 ~~[special]~~ local district, elected or appointed on or after May 3, 1999, should, within one year  
7656 after taking office, complete the training described in Subsection (2).

7657 (2) In conjunction with the Utah Association of Special Districts, the state auditor  
7658 shall:

7659 (a) develop a training curriculum for the members of ~~[independent special]~~ local  
7660 district boards ~~[or governing bodies]~~; and

7661 (b) with the assistance of other state offices and departments the state auditor considers  
7662 appropriate and at times and locations established by the state auditor, carry out the training of  
7663 members of ~~[independent special]~~ local district boards ~~[or governing bodies]~~.

7664 (3) (a) ~~[An independent special]~~ A local district board ~~[or governing body]~~ of trustees  
7665 may compensate each member of the board ~~[or governing body]~~ up to \$100 per day for each  
7666 day of training described in Subsection (2) that the member completes.

7667 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other  
7668 amounts of compensation and expense reimbursement authorized under this chapter.

7669 (c) A board ~~[or governing body]~~ of trustees may not pay compensation under  
7670 Subsection (3)(a) to any board ~~[or governing body]~~ member more than once in any consecutive  
7671 two-year period.

7672 (4) The state auditor shall issue a certificate of completion to each board ~~[or governing~~  
7673 ~~body]~~ member that completes the training described in Subsection (2).

7674 Section 157. Section **17B-1-313** is enacted to read:

7675 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**  
7676 **No contest after contest period.**

7677 (1) After the board of trustees of a local district adopts a resolution or takes other  
7678 action on behalf of the district, the board may provide for the publication of a notice of the  
7679 resolution or other action.

7680 (2) Each notice under Subsection (1) shall:

7681 (a) include, as the case may be:

7682 (i) the language of the resolution or a summary of the resolution; or



7683 (ii) a description of the action taken by the board;

7684 (b) state that:

7685 (i) any person in interest may file an action in district court to contest the regularity,  
7686 formality, or legality of the resolution or action within 30 days after the date of publication; and

7687 (ii) if the resolution or action is not contested by filing an action in district court within  
7688 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or  
7689 action after the expiration of the 30-day period; and

7690 (c) be published in a newspaper that is published or has general circulation in the  
7691 district.

7692 (3) For a period of 30 days after the date of the publication, any person in interest may  
7693 contest the regularity, formality, or legality of the resolution or other action by filing an action  
7694 in district court.

7695 (4) After the expiration of the 30-day period under Subsection (3), no one may contest  
7696 the regularity, formality, or legality of the resolution or action for any cause.

7697 Section 158. Section **17B-1-401**, which is renumbered from Section 17B-2-501 is  
7698 renumbered and amended to read:

7699 **Part 4. Annexation**

7700 ~~[17B-2-501].~~ **17B-1-401. Definitions.**

7701 For purposes of this part:

7702 (1) "Applicable area" means:

7703 (a) for a county, the unincorporated area of the county that is included within the area  
7704 proposed for annexation; or

7705 (b) for a municipality, the area of the municipality that is included within the area  
7706 proposed for annexation.

7707 (2) "Retail" means, with respect to a service provided by a municipality~~;~~ or local  
7708 district, ~~[or independent special district,]~~ that the service is provided directly to the ultimate  
7709 user.

7710 (3) "Wholesale" means, with respect to a service provided by a local district ~~[or~~  
7711 ~~independent special district]~~, that the service is not provided directly to the ultimate user but is  
7712 provided to a retail provider.

7713 Section 159. Section **17B-1-402**, which is renumbered from Section 17B-2-502 is

7714 renumbered and amended to read:

7715 ~~[17B-2-502].~~ 17B-1-402. **Annexation of area outside local district.**

7716 (1) An area outside the boundaries of a local district may be annexed to the local  
7717 district, as provided in this part, in order to provide to the area a service that the local district  
7718 provides.

7719 (2) The area proposed to be annexed:

7720 (a) may consist of one or more noncontiguous areas; and

7721 (b) need not be adjacent to the boundaries of the proposed annexing local district.

7722 (3) With respect to a local district in the creation of which an election was not required  
7723 under Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c):

7724 (a) an unincorporated area of a county may not be annexed to the local district unless,  
7725 after annexation, at least a majority of the unincorporated area of the county will be included in  
7726 the local district; and

7727 (b) the annexation of any part of an area within a municipality shall include all of the  
7728 area within the municipality.

7729 Section 160. Section **17B-1-403**, which is renumbered from Section 17B-2-503 is  
7730 renumbered and amended to read:

7731 ~~[17B-2-503].~~ 17B-1-403. **Initiation of annexation process -- Petition and**  
7732 **resolution.**

7733 (1) Except as provided in Sections ~~[17B-2-515, 17B-2-515.5, and 17B-2-516]~~  
7734 17B-1-415, 17B-1-416, and 17B-1-417, the process to annex an area to a local district may be  
7735 initiated by:

7736 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet  
7737 of water allotted to the land owned by the elector and subject to Subsection (2), a petition  
7738 signed by the owners of all of the acre-feet of water allotted to the land proposed for  
7739 annexation; or

7740 (ii) for all other districts:

7741 (A) a petition signed by:

7742 (I) the owners of private real property that:

7743 (Aa) is located within the area proposed to be annexed;

7744 (Bb) covers at least 10% of the total private land area within the entire area proposed to

7745 be annexed and within each applicable area; and

7746 (Cc) is equal in assessed value to at least 10% of the assessed value of all private real  
7747 property within the entire area proposed to be annexed and within each applicable area; or

7748 (II) the owner of all the publicly owned real property, if all the real property within the  
7749 area proposed for annexation is owned by a public entity other than the federal government; or

7750 (B) a petition signed by registered voters residing within the entire area proposed to be  
7751 annexed and within each applicable area equal in number to at least 10% of the number of  
7752 votes cast within the entire area proposed to be annexed and within each applicable area,  
7753 respectively, for the office of governor at the last regular general election before the filing of  
7754 the petition;

7755 (b) a resolution adopted by the legislative body of each county whose unincorporated  
7756 area includes and each municipality whose boundaries include any of the area proposed to be  
7757 annexed; or

7758 (c) a resolution adopted by the board of trustees of the proposed annexing local district  
7759 if, for at least 12 consecutive months immediately preceding adoption of the resolution, the  
7760 local district has provided:

7761 (i) retail service to the area; or

7762 (ii) a wholesale service to a provider of the same service that has provided that service  
7763 on a retail basis to the area.

7764 (2) If an association representing all acre-feet of water allotted to the land that is  
7765 proposed to be annexed to a local district signs a petition under Subsection (1)(a)(i), pursuant  
7766 to a proper exercise of authority as provided in the bylaws or other rules governing the  
7767 association, the petition shall be considered to have been signed by the owners of all of the  
7768 acre-feet of water allotted to the land proposed for annexation, even though less than all of the  
7769 owners within the association consented to the association signing the petition.

7770 (3) Each petition and resolution under Subsection (1) shall:

7771 (a) describe the area proposed to be annexed; and

7772 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

7773 (4) The legislative body of each county and municipality that adopts a resolution under  
7774 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of  
7775 the resolution to the board of trustees of the proposed annexing local district.

7776 Section 161. Section **17B-1-404**, which is renumbered from Section 17B-2-504 is  
7777 renumbered and amended to read:

7778 ~~[17B-2-504]~~. **17B-1-404. Petition requirements.**

7779 (1) Each petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a) shall:

7780 (a) indicate the typed or printed name and current residence address of each person  
7781 signing the petition;

7782 (b) separately group signatures by county and municipality, so that all signatures of the  
7783 owners of real property located within or of registered voters residing within each county  
7784 whose unincorporated area includes and each municipality whose boundaries include part of  
7785 the area proposed for annexation are grouped separately;

7786 (c) if it is a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(i) or (ii)(A),  
7787 indicate the address of the property as to which the owner is signing the petition;

7788 (d) designate up to three signers of the petition as sponsors, one of whom shall be  
7789 designated the contact sponsor, with the mailing address and telephone number of each;

7790 (e) be filed with the board of trustees of the proposed annexing local district; and

7791 (f) for a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(a)(i), state the proposed  
7792 method of supplying water to the area proposed to be annexed.

7793 (2) By submitting a written withdrawal or reinstatement with the board of trustees of  
7794 the proposed annexing local district, a signer of a petition may withdraw, or once withdrawn,  
7795 reinstate the signer's signature at any time:

7796 (a) before the public hearing under Section ~~[17B-2-509]~~ 17B-1-409 is held; or

7797 (b) if a hearing is not held because of Subsection ~~[17B-2-513]~~ 17B-1-413(1) or because  
7798 no hearing is requested under Subsection ~~[17B-2-513]~~ 17B-1-413(2)(a)(ii)(B), until 20 days  
7799 after the local district provides notice under Subsection ~~[17B-2-513]~~ 17B-1-413(2)(a)(i).

7800 Section 162. Section **17B-1-405**, which is renumbered from Section 17B-2-505 is  
7801 renumbered and amended to read:

7802 ~~[17B-2-505]~~. **17B-1-405. Petition certification.**

7803 (1) Within 30 days after the filing of a petition under Subsection ~~[17B-2-503]~~  
7804 17B-1-403(1)(a)(i) or (ii), the board of trustees of the proposed annexing local district shall:

7805 (a) with the assistance of officers of the county in which the area proposed to be  
7806 annexed is located from whom the board requests assistance, determine whether the petition

7807 meets the requirements of Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(i) or (ii), as the case may  
7808 be, Subsection [~~17B-2-503~~] 17B-1-403(3), and Subsection [~~17B-2-504~~] 17B-1-404(1); and

7809 (b) (i) if the board determines that the petition complies with the requirements, certify  
7810 the petition and mail or deliver written notification of the certification to the contact sponsor;  
7811 or

7812 (ii) if the board determines that the petition fails to comply with any of the  
7813 requirements, reject the petition and mail or deliver written notification of the rejection and the  
7814 reasons for the rejection to the contact sponsor.

7815 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be  
7816 amended to correct the deficiencies for which it was rejected and then refiled.

7817 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
7818 used toward fulfilling the applicable signature requirement of the petition as amended under  
7819 Subsection (2)(a).

7820 (3) The board shall process an amended petition filed under Subsection (2)(a) in the  
7821 same manner as an original petition under Subsection (1).

7822 Section 163. Section **17B-1-406**, which is renumbered from Section 17B-2-506 is  
7823 renumbered and amended to read:

7824 [~~17B-2-506~~]. **17B-1-406. Notice to county and municipality -- Exception.**

7825 (1) Except as provided in Subsection (2), within ten days after certifying a petition  
7826 under Subsection [~~17B-2-505~~] 17B-1-405(1)(b) the board of trustees of the proposed annexing  
7827 local district shall mail or deliver a written notice of the proposed annexation, with a copy of  
7828 the certification and a copy of the petition, to the legislative body of each:

7829 (a) county in whose unincorporated area any part of the area proposed for annexation is  
7830 located; and

7831 (b) municipality in which any part of the area proposed for annexation is located.

7832 (2) The board is not required to send a notice under Subsection (1) to:

7833 (a) a county or municipality that does not provide the service proposed to be provided  
7834 by the local district; or

7835 (b) a county or municipality whose legislative body has adopted an ordinance or  
7836 resolution waiving the notice requirement as to:

7837 (i) the proposed annexing local district; or

7838 (ii) the service that the proposed annexing local district provides.

7839 (3) For purposes of this section, an area proposed to be annexed to a municipality in a  
7840 petition under Section 10-2-403 filed before and still pending at the time of the filing of a  
7841 petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a) and an area included within a  
7842 municipality's annexation policy plan under Section 10-2-401.5 shall be considered to be part  
7843 of that municipality.

7844 Section 164. Section **17B-1-407**, which is renumbered from Section 17B-2-507 is  
7845 renumbered and amended to read:

7846 [~~17B-2-507~~]. **17B-1-407**. **Notice of intent to consider providing service --**  
7847 **Public hearing requirements.**

7848 (1) (a) If the legislative body of a county or municipality whose applicable area is  
7849 proposed to be annexed to a local district in a petition under Subsection [~~17B-2-503~~]  
7850 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to  
7851 the applicable area the service that the proposed annexing local district provides, the legislative  
7852 body shall, within 30 days after receiving the notice under Subsection [~~17B-2-506~~]  
7853 17B-1-406(1), mail or deliver a written notice to the board of trustees of the proposed annexing  
7854 local district indicating that intent.

7855 (b) (i) A notice of intent under Subsection (1)(a) suspends the local district's  
7856 annexation proceeding as to the applicable area of the county or municipality that submits the  
7857 notice of intent until the county or municipality:

7858 (A) adopts a resolution under Subsection [~~17B-2-508~~] 17B-1-408(1) declining to  
7859 provide the service proposed to be provided by the proposed annexing local district; or

7860 (B) is considered under Subsection [~~17B-2-508~~] 17B-1-408(2) or (3) to have declined  
7861 to provide the service.

7862 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an  
7863 applicable area does not prevent the local district from continuing to pursue the annexation  
7864 proceeding with respect to other applicable areas for which no notice of intent was submitted.

7865 (c) If a legislative body does not mail or deliver a notice of intent within the time  
7866 required under Subsection (1)(a), the legislative body shall be considered to have declined to  
7867 provide the service.

7868 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall

7869 hold a public hearing or a set of public hearings, sufficient in number and location to ensure  
7870 that no substantial group of residents of the area proposed for annexation need travel an  
7871 unreasonable distance to attend a public hearing.

7872 (3) Each public hearing under Subsection (2) shall be held:

7873 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

7874 (b) except as provided in Subsections (6) and (7), within the applicable area; and

7875 (c) for the purpose of allowing public input on:

7876 (i) whether the service is needed in the area proposed for annexation;

7877 (ii) whether the service should be provided by the county or municipality or the  
7878 proposed annexing local district; and

7879 (iii) all other matters relating to the issue of providing the service or the proposed  
7880 annexation.

7881 (4) A quorum of the legislative body of each county or municipal legislative body  
7882 holding a public hearing under this section shall be present throughout each hearing held by  
7883 that county or municipal legislative body.

7884 (5) Each hearing under this section shall be held on a weekday evening other than a  
7885 holiday beginning no earlier than [~~6:00~~] 6 p.m.

7886 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or  
7887 set of hearings required under this section if all the requirements of this section, other than the  
7888 requirements of Subsection (3)(b), are met as to each hearing.

7889 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may  
7890 hold a public hearing or set of public hearings outside the applicable area if:

7891 (a) there is no reasonable place to hold a public hearing within the applicable area; and

7892 (b) the public hearing or set of public hearings is held as close to the applicable area as  
7893 reasonably possible.

7894 (8) Before holding a public hearing or set of public hearings under this section, the  
7895 legislative body of each county or municipality that receives a request for service shall provide  
7896 notice of the hearing or set of hearings as provided in Section [~~17B-2-211~~] 17B-1-211.

7897 Section 165. Section **17B-1-408**, which is renumbered from Section 17B-2-508 is  
7898 renumbered and amended to read:

7899 [~~17B-2-508~~]. **17B-1-408. Resolution indicating whether the requested**

7900 **service will be provided.**

7901 (1) Within 30 days after the last hearing required under Section [~~17B-2-507~~  
7902 17B-1-407] is held, the legislative body of each county and municipality that sent a notice of  
7903 intent under Subsection [~~17B-2-507~~] 17B-1-407(1) shall adopt a resolution indicating whether  
7904 the county or municipality will provide to the area proposed for annexation within its  
7905 boundaries the service proposed to be provided by the proposed annexing local district.

7906 (2) If the county or municipal legislative body fails to adopt a resolution within the  
7907 time provided under Subsection (1), the county or municipality shall be considered to have  
7908 declined to provide the service.

7909 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)  
7910 indicating that the county or municipality will provide the service but the county or  
7911 municipality does not, within 120 days after the adoption of that resolution, take substantial  
7912 measures to provide the service, the county or municipality shall be considered to have  
7913 declined to provide the service.

7914 (4) Each county or municipality whose legislative body adopts a resolution under  
7915 Subsection (1) indicating that the county or municipality will provide the service shall  
7916 diligently proceed to take all measures necessary to provide the service.

7917 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)  
7918 indicating that the county or municipality will provide the service and the county or  
7919 municipality takes substantial measures within the time provided in Subsection (3) to provide  
7920 the service, the local district's annexation proceeding as to the applicable area of that county or  
7921 municipality is terminated and that applicable area is considered deleted from the area  
7922 proposed to be annexed in a petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a).

7923 Section 166. Section **17B-1-409**, which is renumbered from Section 17B-2-509 is  
7924 renumbered and amended to read:

7925 [~~17B-2-509~~]. **17B-1-409. Public hearing on proposed annexation.**

7926 (1) Except as provided in Sections [~~17B-2-513~~] 17B-1-413 and [~~17B-2-515~~]  
7927 17B-1-415, the board of trustees of each local district that certifies a petition that was filed  
7928 under Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted  
7929 under Subsection [~~17B-2-503~~] 17B-1-403(1)(b), or adopts a resolution under Subsection  
7930 [~~17B-2-503~~] 17B-1-403(1)(c) shall hold a public hearing on the proposed annexation and



7931 provide notice of the hearing as provided in Section [~~17B-2-510~~] 17B-1-410.

7932 (2) Each public hearing under Subsection (1) shall be held:

7933 (a) within 45 days after:

7934 (i) if no notice to a county or municipal legislative body is required under Section

7935 [~~17B-2-506~~] 17B-1-406, petition certification under Section [~~17B-2-505~~] 17B-1-405; or

7936 (ii) if notice is required under Section [~~17B-2-506~~] 17B-1-406, but no notice of intent

7937 is submitted by the deadline:

7938 (A) expiration of the deadline under Subsection [~~17B-2-507~~] 17B-1-407(1) to submit a

7939 notice of intent; or

7940 (B) termination of a suspension of the annexation proceeding under Subsection

7941 [~~17B-2-507~~] 17B-1-407(1)(b);

7942 (b) (i) for a local district located entirely within a single county:

7943 (A) within or as close as practicable to the area proposed to be annexed; or

7944 (B) at the local district office; or

7945 (ii) for a local district located in more than one county:

7946 (A) (I) within the county in which the area proposed to be annexed is located; and

7947 (II) within or as close as practicable to the area proposed to be annexed; or

7948 (B) if the local district office is reasonably accessible to all residents within the area

7949 proposed to be annexed, at the local district office;

7950 (c) on a weekday evening other than a holiday beginning no earlier than [~~6:00~~] 6 p.m.;

7951 and

7952 (d) for the purpose of allowing:

7953 (i) the public to ask questions and obtain further information about the proposed

7954 annexation and issues raised by it; and

7955 (ii) any interested person to address the board regarding the proposed annexation.

7956 (3) A quorum of the board of trustees of the proposed annexing local district shall be

7957 present throughout each public hearing held under this section.

7958 (4) (a) After holding a public hearing under this section or, if no hearing is held

7959 because of application of Subsection [~~17B-2-513~~] 17B-1-413(2)(a)(ii), after expiration of the

7960 time under Subsection [~~17B-2-513~~] 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board

7961 of trustees may by resolution deny the annexation and terminate the annexation procedure if:

7962 (i) for a proposed annexation initiated by a petition under Subsection [~~17B-2-503~~]  
7963 17B-1-403(1)(a)(i) or (ii), the board determines that:

7964 (A) it is not feasible for the local district to provide service to the area proposed to be  
7965 annexed; or

7966 (B) annexing the area proposed to be annexed would be inequitable to the owners of  
7967 real property or residents already within the local district; or

7968 (ii) for a proposed annexation initiated by resolution under Subsection [~~17B-2-503~~]  
7969 17B-1-403(1)(b) or (c), the board determines not to pursue annexation.

7970 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its  
7971 reasons for denying the annexation.

7972 Section 167. Section **17B-1-410**, which is renumbered from Section 17B-2-510 is  
7973 renumbered and amended to read:

7974 [~~17B-2-510~~]. **17B-1-410. Notice of public hearing.**

7975 (1) Before holding a public hearing required under Section [~~17B-2-509~~] 17B-1-409, the  
7976 board of trustees of each proposed annexing local district shall:

7977 (a) mail notice of the public hearing and the proposed annexation to:

7978 (i) if the local district is funded predominantly by revenues from a property tax, each  
7979 owner of private real property located within the area proposed to be annexed, as shown upon  
7980 the county assessment roll last equalized as of the previous December 31; or

7981 (ii) if the local district is not funded predominantly by revenues from a property tax,  
7982 each registered voter residing within the area proposed to be annexed, as determined by the  
7983 voter registration list maintained by the county clerk as of a date selected by the board of  
7984 trustees that is at least 20 but not more than 60 days before the public hearing; and

7985 (b) post notice of the public hearing and the proposed annexation in at least four  
7986 conspicuous places within the area proposed to be annexed, no less than ten and no more than  
7987 30 days before the public hearing.

7988 (2) Each notice required under Subsection (1) shall:

7989 (a) describe the area proposed to be annexed;

7990 (b) identify the proposed annexing local district;

7991 (c) state the date, time, and location of the public hearing;

7992 (d) provide a local district telephone number where additional information about the

7993 proposed annexation may be obtained;

7994 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical  
7995 resident and upon the typical property owner within the area proposed to be annexed if the  
7996 proposed annexation is completed; and

7997 (f) except for a proposed annexation under a petition that meets the requirements of  
7998 Subsection [~~17B-2-513~~] 17B-1-413(1), explain that property owners and registered voters  
7999 within the area proposed to be annexed may protest the annexation by filing a written protest  
8000 with the local district board of trustees within 30 days after the public hearing.

8001 Section 168. Section **17B-1-411**, which is renumbered from Section 17B-2-511 is  
8002 renumbered and amended to read:

8003 [~~17B-2-511~~]. **17B-1-411. Modifications to area proposed for annexation --**  
8004 **Limitations.**

8005 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30  
8006 days after the public hearing under Section [~~17B-2-509~~] 17B-1-409, or, if no public hearing is  
8007 held, within 30 days after the board provides notice under Subsection [~~17B-2-513~~]  
8008 17B-1-413(2)(a)(i), modify the area proposed for annexation to include land not previously  
8009 included in that area or to exclude land from that area if the modification enhances the  
8010 feasibility of the proposed annexation.

8011 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land  
8012 within an applicable area if:

8013 (i) the entire area proposed to be annexed consists of more than that applicable area;

8014 (ii) sufficient protests under Section [~~17B-2-512~~] 17B-1-412 are filed with respect to  
8015 that applicable area that an election would have been required under Subsection [~~17B-2-512~~]  
8016 17B-1-412(3) if that applicable area were the entire area proposed to be annexed; and

8017 (iii) the other requirements of Subsection (1)(a) are met.

8018 (2) A board of trustees may not add property under Subsection (1) to the area proposed  
8019 for annexation without the consent of the owner of that property.

8020 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may  
8021 not avoid the requirement for an election under Subsection [~~17B-2-512~~] 17B-1-412(3) if,  
8022 before the modification, the election was required because of protests filed under Section  
8023 [~~17B-2-512~~] 17B-1-412.

8024 (4) If the annexation is proposed by a petition under Subsection [~~17B-2-503~~]  
8025 17B-1-403(1)(a)(ii)(A) or (B), a modification may not be made unless the requirements of  
8026 Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the  
8027 area proposed to be annexed.

8028 (5) If the petition meets the requirements of Subsection [~~17B-2-513~~] 17B-1-413(1)  
8029 before a modification under this section but fails to meet those requirements after modification:

8030 (a) the local district board shall give notice as provided in Section [~~17B-2-510~~]  
8031 17B-1-410 and hold a public hearing as provided in Section [~~17B-2-509~~] 17B-1-409 on the  
8032 proposed annexation; and

8033 (b) the petition shall be considered in all respects as one that does not meet the  
8034 requirements of Subsection [~~17B-2-513~~] 17B-1-413(1).

8035 Section 169. Section **17B-1-412**, which is renumbered from Section 17B-2-512 is  
8036 renumbered and amended to read:

8037 [~~17B-2-512~~]. **17B-1-412. Protests -- Election.**

8038 (1) (a) An owner of private real property located within or a registered voter residing  
8039 within an area proposed to be annexed may protest an annexation by filing a written protest  
8040 with the board of trustees of the proposed annexing local district, except:

8041 (i) as provided in Section [~~17B-2-513~~] 17B-1-413;

8042 (ii) for an annexation under Section [~~17B-2-515~~] 17B-1-415; and

8043 (iii) for an annexation proposed by a local district that receives sales and use tax funds  
8044 from the counties, cities, and towns within the local district that impose a sales and use tax  
8045 under Section 59-12-501.

8046 (b) A protest of a boundary adjustment is not governed by this section but is governed  
8047 by Section [~~17B-2-516~~] 17B-1-417.

8048 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of  
8049 the public hearing under Section [~~17B-2-509~~] 17B-1-409.

8050 (3) (a) Except as provided in Subsection (4), the local district shall hold an election on  
8051 the proposed annexation if:

8052 (i) timely protests are filed by:

8053 (A) the owners of private real property that:

8054 (I) is located within the area proposed to be annexed;

8055 (II) covers at least 10% of the total private land area within the entire area proposed to  
8056 be annexed and within each applicable area; and

8057 (III) is equal in assessed value to at least 10% of the assessed value of all private real  
8058 property within the entire area proposed to be annexed and within each applicable area; or

8059 (B) registered voters residing within the entire area proposed to be annexed and within  
8060 each applicable area equal in number to at least 10% of the number of votes cast within the  
8061 entire area proposed for annexation and within each applicable area, respectively, for the office  
8062 of governor at the last regular general election before the filing of the petition; or

8063 (ii) the proposed annexing local district is one that receives sales and use tax funds  
8064 from the counties, cities, and towns within the local district that impose a sales and use tax  
8065 under Section 59-12-501.

8066 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be  
8067 phrased to indicate that a voter's casting a vote for or against the annexation includes also a  
8068 vote for or against the imposition of the sales and use tax as provided in Section 59-12-501.

8069 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)  
8070 shall be governed by Title 20A, Election Code.

8071 (c) If a majority of registered voters residing within the area proposed to be annexed  
8072 and voting on the proposal vote:

8073 (i) in favor of annexation, the board of trustees shall, subject to Subsections  
8074 [~~17B-2-514~~] 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution  
8075 approving annexation of the area; or

8076 (ii) against annexation, the annexation process is terminated, the board may not adopt a  
8077 resolution approving annexation of the area, and the area proposed to be annexed may not for  
8078 two years be the subject of an effort under this part to annex to the same local district.

8079 (4) If sufficient protests are filed under this section to require an election for a  
8080 proposed annexation to which the protest provisions of this section are applicable, a board of  
8081 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and  
8082 terminating the annexation process without holding an election.

8083 Section 170. Section **17B-1-413**, which is renumbered from Section 17B-2-513 is  
8084 renumbered and amended to read:

8085 [~~17B-2-513~~]. **17B-1-413**. **Hearing, notice, and protest provisions do not**

8086 **apply for certain petitions.**

8087 (1) Section [~~17B-2-512~~] 17B-1-412 does not apply, and, except as provided in  
8088 Subsection (2)(a), Sections [~~17B-2-509~~] 17B-1-409 and [~~17B-2-510~~] 17B-1-410 do not apply:

8089 (a) if the process to annex an area to a local district was initiated by:

8090 (i) a petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(i);

8091 (ii) a petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(A) that was signed by  
8092 the owners of private real property that:

8093 (A) is located within the area proposed to be annexed;

8094 (B) covers at least 75% of the total private land area within the entire area proposed to  
8095 be annexed and within each applicable area; and

8096 (C) is equal in assessed value to at least 75% of the assessed value of all private real  
8097 property within the entire area proposed to be annexed and within each applicable area; or

8098 (iii) a petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(B) that was signed by  
8099 registered voters residing within the entire area proposed to be annexed and within each  
8100 applicable area equal in number to at least 75% of the number of votes cast within the entire  
8101 area proposed to be annexed and within each applicable area, respectively, for the office of  
8102 governor at the last regular general election before the filing of the petition;

8103 (b) to an annexation under Section [~~17B-2-515~~] 17B-1-415; or

8104 (c) to a boundary adjustment under Section [~~17B-2-516~~] 17B-1-417.

8105 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
8106 Section [~~17B-2-505~~] 17B-1-405, the local district board:

8107 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

8108 and

8109 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section

8110 [~~17B-2-509~~] 17B-1-409 after giving notice of the public hearing as provided in Subsection

8111 (2)(b); and

8112 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),

8113 hold a public hearing as provided in Section [~~17B-2-509~~] 17B-1-409 if a written request to do

8114 so is submitted, within 20 days after the local district provides notice under Subsection

8115 (2)(a)(i), to the local district board by an owner of property that is located within or a registered

8116 voter residing within the area proposed to be annexed who did not sign the annexation petition.

8117 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:  
8118 (i) be given:  
8119 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition  
8120 certification; or  
8121 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not more  
8122 than 30 days before the public hearing; and  
8123 (B) by:  
8124 (I) posting written notice at the local district's principal office and in one or more other  
8125 locations within or proximate to the area proposed to be annexed as are reasonable under the  
8126 circumstances, considering the number of parcels included in that area, the size of the area, the  
8127 population of the area, and the contiguousness of the area; and  
8128 (II) providing written notice to at least one newspaper of general circulation, if there is  
8129 one, within the area proposed to be annexed or to a local media correspondent; and  
8130 (ii) contain a brief explanation of the proposed annexation and include the name of the  
8131 local district, the service provided by the local district, a description or map of the area  
8132 proposed to be annexed, a local district telephone number where additional information about  
8133 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an  
8134 explanation of the right of a property owner or registered voter to request a public hearing as  
8135 provided in Subsection (2)(a)(ii)(B).  
8136 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is  
8137 required for a public hearing under Subsection (2)(a)(ii)(A).  
8138 Section 171. Section **17B-1-414**, which is renumbered from Section 17B-2-514 is  
8139 renumbered and amended to read:  
8140 ~~[17B-2-514]~~. **17B-1-414**. **Resolution approving an annexation -- Notice of**  
8141 **annexation -- When annexation complete.**  
8142 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution  
8143 approving the annexation of the area proposed to be annexed or rejecting the proposed  
8144 annexation within 30 days after:  
8145 (i) expiration of the protest period under Subsection ~~[17B-2-512]~~ 17B-1-412(2), if  
8146 sufficient protests to require an election are not filed;  
8147 (ii) for a petition that meets the requirements of Subsection ~~[17B-2-513]~~ 17B-1-413(1):

8148 (A) a public hearing under Section [~~17B-2-509~~] 17B-1-409 is held, if the board  
8149 chooses or is required to hold a public hearing under Subsection [~~17B-2-513~~]  
8150 17B-1-413(2)(a)(ii); or

8151 (B) expiration of the time for submitting a request for public hearing under Subsection  
8152 [~~17B-2-513~~] 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to  
8153 hold a public hearing.

8154 (b) If the local district has entered into an agreement with the United States that  
8155 requires the consent of the United States for an annexation of territory to the district, a  
8156 resolution approving annexation under this part may not be adopted until the written consent of  
8157 the United States is obtained and filed with the board of trustees.

8158 (2) (a) The board shall file a notice with the lieutenant governor:

8159 (i) within 30 days after adoption of a resolution under Subsection (1), Subsection  
8160 [~~17B-2-512~~] 17B-1-412(3)(c)(i), or Section [~~17B-2-515~~] 17B-1-415; and

8161 (ii) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a  
8162 municipal annexation that causes an automatic annexation to a local district under Section  
8163 [~~17B-2-515.5~~] 17B-1-416.

8164 (b) The notice required under Subsection (2)(a) shall:

8165 (i) be accompanied by:

8166 (A) if applicable, a copy of the board resolution approving the annexation; and

8167 (B) an accurate map depicting the boundaries of the area to be annexed or a legal  
8168 description of the area to be annexed, adequate for purposes of the county assessor and  
8169 recorder;

8170 (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include  
8171 a certification by the local district board that all requirements for the annexation have been  
8172 complied with; and

8173 (iii) for an automatic annexation to a local district under Section [~~17B-2-515.5~~]  
8174 17B-1-416, state that an area outside the boundaries of the local district is being automatically  
8175 annexed to the local district under Section [~~17B-2-515.5~~] 17B-1-416 because of a municipal  
8176 annexation under Title 10, Chapter 2, Part 4, Annexation.

8177 (3) The annexation shall be complete:

8178 (a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon



8179 the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5; and  
8180 (b) for an automatic annexation that is the subject of a notice under Subsection  
8181 (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under  
8182 Subsection 10-1-117(3)(b).

8183 Section 172. Section **17B-1-415**, which is renumbered from Section 17B-2-515 is  
8184 renumbered and amended to read:

8185 ~~[17B-2-515].~~ **17B-1-415. Annexation of wholesale district through**  
8186 **expansion of retail provider.**

8187 (1) (a) A local district that provides a wholesale service may adopt a resolution  
8188 approving the annexation of an area outside the local district's boundaries if:

8189 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,  
8190 a municipality~~[-an independent special district,]~~ or another local district that:

8191 (A) acquires the wholesale service from the local district and provides it as a retail  
8192 service;

8193 (B) is, before the annexation or other addition, located at least partly within the local  
8194 district; and

8195 (C) after the annexation or other addition will provide to the annexed or added area the  
8196 same retail service that the local district provides as a wholesale service to the municipality~~[-~~  
8197 ~~independent special district,]~~ or other local district; and

8198 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of  
8199 ~~[an independent special district under Title 17A, Chapter 2, Independent Special Districts, or]~~  
8200 another local district that provides the same wholesale service as the proposed annexing local  
8201 district.

8202 (b) For purposes of this section:

8203 (i) a local district providing public transportation service shall be considered to be  
8204 providing a wholesale service; and

8205 (ii) a municipality included within the boundaries of the local district providing public  
8206 transportation service shall be considered to be acquiring that wholesale service from the local  
8207 district and providing it as a retail service and to be providing that retail service after the  
8208 annexation or other addition to the annexed or added area, even though the municipality does  
8209 not in fact provide that service.

8210 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local  
8211 district providing a wholesale service and located partly or entirely within the boundaries of [an  
8212 independent special district or] another local district that provides the same wholesale service  
8213 may be annexed to the local district if:

8214 (a) the conditions under Subsection (1)(a)(i) are present; and

8215 (b) the proposed annexing local district and the [~~independent special district or~~] other  
8216 local district follow the same procedure as is required for a boundary adjustment under Section  
8217 [~~17B-2-516~~] 17B-1-417, including both district boards adopting a resolution approving the  
8218 annexation of the area to the proposed annexing local district and the withdrawal of that area  
8219 from the other district.

8220 (3) Upon the adoption of an annexation resolution under this section, the board of the  
8221 annexing local district shall comply with the requirements of Subsection [~~17B-2-514~~]  
8222 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a  
8223 copy of notice as provided in [~~Subsection 17B-2-514(2)(c)~~] Section 67-1a-6.5.

8224 (4) Subsection [~~17B-2-514~~] 17B-1-414(3) applies to an annexation under this section.

8225 Section 173. Section **17B-1-416**, which is renumbered from Section 17B-2-515.5 is  
8226 renumbered and amended to read:

8227 [~~17B-2-515.5~~]. **17B-1-416. Automatic annexation to a district providing fire**  
8228 **protection, paramedic, and emergency services.**

8229 (1) An area outside the boundaries of a local district that is annexed to a municipality  
8230 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,  
8231 Annexation, is automatically annexed to the local district if:

8232 (a) the local district provides fire protection, paramedic, and emergency services;

8233 (b) an election for the creation of the local district was not required because of

8234 Subsection [~~17B-2-214~~] 17B-1-214(3)(c); and

8235 (c) before the municipal annexation or boundary adjustment, the entire municipality  
8236 that is annexing the area or adding the area by boundary adjustment was included within the  
8237 local district.

8238 (2) The effective date of an annexation under this section is governed by Subsection  
8239 [~~17B-2-514~~] 17B-1-414(3)(b).

8240 Section 174. Section **17B-1-417**, which is renumbered from Section 17B-2-516 is

8241 renumbered and amended to read:

8242 ~~[17B-2-516].~~ 17B-1-417. **Boundary adjustment -- Notice and hearing --**  
8243 **Protest -- Resolution adjusting boundaries -- Notice of the adjustment -- Notice to**  
8244 **lieutenant governor.**

8245 (1) As used in this section, "affected area" means the area located within the  
8246 boundaries of one local district that will be removed from that local district and included within  
8247 the boundaries of another local district because of a boundary adjustment under this section.

8248 (2) The boards of trustees of two or more local districts having a common boundary  
8249 and providing the same service on the same wholesale or retail basis may adjust their common  
8250 boundary as provided in this section.

8251 (3) (a) The board of trustees of each local district intending to adjust a boundary that is  
8252 common with another local district shall:

8253 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

8254 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
8255 after the adoption of the resolution under Subsection (3)(a)(i); and

8256 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of  
8257 general circulation within the local district; or

8258 (II) if there is no newspaper of general circulation within the local district, post notice  
8259 in at least four conspicuous places within the local district; or

8260 (B) mail a notice to each owner of property located within the affected area and to each  
8261 registered voter residing within the affected area.

8262 (b) The notice required under Subsection (3)(a)(iii) shall:

8263 (i) state that the board of trustees of the local district has adopted a resolution  
8264 indicating the board's intent to adjust a boundary that the local district has in common with  
8265 another local district that provides the same service as the local district;

8266 (ii) describe the affected area;

8267 (iii) state the date, time, and location of the public hearing required under Subsection  
8268 (3)(a)(ii);

8269 (iv) provide a local district telephone number where additional information about the  
8270 proposed boundary adjustment may be obtained;

8271 (v) explain the financial and service impacts of the boundary adjustment on property

8272 owners or residents within the affected area; and  
8273 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
8274 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
8275 written protests to the adjustment are filed with the board by:  
8276 (A) the owners of private real property that:  
8277 (I) is located within the affected area;  
8278 (II) covers at least 50% of the total private land area within the affected area; and  
8279 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
8280 property within the affected area; or  
8281 (B) registered voters residing within the affected area equal in number to at least 50%  
8282 of the votes cast in the affected area for the office of governor at the last regular general  
8283 election before the filing of the protests.  
8284 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be  
8285 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).  
8286 (d) The boards of trustees of the local districts whose boundaries are being adjusted  
8287 may jointly:  
8288 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and  
8289 (ii) hold the public hearing required under Subsection (3)(a)(ii).  
8290 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
8291 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
8292 the public hearing, written protests to the boundary adjustment have been filed with the board  
8293 by:  
8294 (a) the owners of private real property that:  
8295 (i) is located within the affected area;  
8296 (ii) covers at least 50% of the total private land area within the affected area; and  
8297 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
8298 property within the affected area; or  
8299 (b) registered voters residing within the affected area equal in number to at least 50%  
8300 of the votes cast in the affected area for the office of governor at the last regular general  
8301 election before the filing of the protests.  
8302 (5) A resolution adopted under Subsection (4) does not take effect until the board of

8303 each local district whose boundaries are being adjusted has adopted a resolution under  
8304 Subsection (4).

8305 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board  
8306 of the local district whose boundaries are being adjusted to include the affected area shall file a  
8307 notice with the lieutenant governor.

8308 (b) The notice required under Subsection (6)(a) shall:

8309 (i) be accompanied by:

8310 (A) a copy of each of the board resolutions approving the boundary adjustment; and

8311 (B) an accurate map depicting the affected area or a legal description of the affected  
8312 area, adequate for purposes of the county assessor and recorder; and

8313 (ii) include a certification by the board of the local district whose boundaries are being  
8314 adjusted to include the affected area that all requirements for the boundary adjustment have  
8315 been complied with.

8316 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under  
8317 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being  
8318 adjusted to include the affected area, and the affected area is withdrawn from the local district  
8319 whose boundaries are being adjusted to exclude the affected area.

8320 Section 175. Section **17B-1-418**, which is renumbered from Section 17B-2-517 is  
8321 renumbered and amended to read:

8322 ~~[17B-2-517]~~. **17B-1-418. Annexed area subject to fees, charges, and taxes.**

8323 When an annexation under Section ~~[17B-2-514]~~ 17B-1-414 or ~~[17B-2-515]~~ 17B-1-415  
8324 or a boundary adjustment under Section ~~[17B-2-516]~~ 17B-1-417 is complete, the annexed area  
8325 or the area affected by the boundary adjustment shall be subject to user fees or charges imposed  
8326 by and property, sales, and other taxes levied by or for the benefit of the local district.

8327 Section 176. Section **17B-1-501** is enacted to read:

8328 **Part 5. Withdrawal**

8329 **17B-1-501. Definitions.**

8330 As used in this part, "receiving entity" means the entity that will, after the withdrawal of  
8331 an area from a local district, provide to the withdrawn area the service that the local district  
8332 previously provided to the area.

8333 Section 177. Section **17B-1-502**, which is renumbered from Section 17B-2-601 is

8334 renumbered and amended to read:

8335 ~~[17B-2-601]~~. 17B-1-502. Withdrawal of area from local district --

8336 **Automatic withdrawal in certain circumstances -- Definitions.**

8337 (1) (a) An area within the boundaries of a local district may be withdrawn from the  
8338 local district only as provided in this part.

8339 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
8340 district within a municipality because of a municipal incorporation under Title 10, Chapter 2,  
8341 Part 1, Incorporation, or a municipal annexation or boundary adjustment under Title 10,  
8342 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process  
8343 of withdrawing that area from the local district.

8344 (2) (a) An area within the boundaries of a local district is automatically withdrawn  
8345 from the local district by the annexation of the area to a municipality or the adding of the area  
8346 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

8347 (i) the local district provides fire protection, paramedic, and emergency services;

8348 (ii) an election for the creation of the local district was not required because of

8349 Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c); and

8350 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
8351 not include any of the annexing municipality.

8352 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
8353 Subsection ~~[17B-2-610]~~ 17B-1-512(2)(b).

8354 (3) (a) An area within the boundaries of a local district located in a county of the first  
8355 class is automatically withdrawn from the local district by the incorporation of a municipality  
8356 whose boundaries include the area if:

8357 (i) the local district provides fire protection, paramedic, and emergency services;

8358 (ii) an election for the creation of the local district was not required because of

8359 Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c); and

8360 (iii) the legislative body of the newly incorporated municipality:

8361 (A) adopts a resolution approving the withdrawal that includes the legal description of  
8362 the area to be withdrawn; and

8363 (B) delivers a copy of the resolution to the board of trustees of the local district.

8364 (b) The effective date of a withdrawal under this Subsection (3) is governed by

8365 Subsection [~~17B-2-610~~] 17B-1-512(2)(a).

8366 [~~(4) In addition to those definitions in Section 17B-2-101, as used in this part,~~  
8367 "~~receiving entity~~" means an entity that will, following a withdrawal, provide to the withdrawn  
8368 area the service previously provided by the local district.]

8369 Section 178. Section **17B-1-503**, which is renumbered from Section 17B-2-602 is  
8370 renumbered and amended to read:

8371 [~~17B-2-602~~]. **17B-1-503. Withdrawal or boundary adjustment with**  
8372 **municipal approval.**

8373 (1) A municipality and a local district whose boundaries adjoin or overlap may adjust  
8374 the boundary of the local district to include more or less of the municipality in the local district  
8375 by following the same procedural requirements as set forth in Section [~~17B-2-516~~] 17B-1-417  
8376 for boundary adjustments between adjoining local districts.

8377 (2) After a boundary adjustment under Subsection (1) is complete, the local district  
8378 shall provide the same service to any area added to the local district as provided to other areas  
8379 within the local district and the municipality shall provide the same service that the local  
8380 district previously provided to any area withdrawn from the local district.

8381 (3) No area within a municipality may be added to the area of a local district under this  
8382 section if the area is part of a local district that provides the same wholesale or retail service as  
8383 the first local district.

8384 Section 179. Section **17B-1-504**, which is renumbered from Section 17B-2-603 is  
8385 renumbered and amended to read:

8386 [~~17B-2-603~~]. **17B-1-504. Initiation of withdrawal process -- Notice of**  
8387 **petition.**

8388 (1) Except as provided in Section [~~17B-2-603.5~~] 17B-1-505, the process to withdraw  
8389 an area from a local district may be initiated:

8390 (a) for a local district funded predominantly by revenues from property taxes or service  
8391 charges other than those based upon acre-feet of water:

8392 (i) by a petition signed by the owners of private real property that:

8393 (A) is located within the area proposed to be withdrawn;

8394 (B) covers at least 51% of the total private land within the area proposed to be  
8395 withdrawn; and

8396 (C) is equal in taxable value to at least 51% of the taxable value of all private real  
8397 property within the area proposed to be withdrawn;

8398 (ii) by a petition signed by registered voters residing within the area proposed to be  
8399 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the  
8400 office of governor at the last regular general election before the filing of the petition;

8401 (iii) by a resolution adopted by the board of trustees of the local district in which the  
8402 area proposed to be withdrawn is located, which:

8403 (A) states the reasons for withdrawal; and

8404 (B) is accompanied by a general description of the area proposed to be withdrawn; or

8405 (iv) by a resolution to file a petition with the local district to withdraw from the local  
8406 district all or a specified portion of the area within a municipality or county, adopted by the  
8407 governing body of a municipality that has within its boundaries an area located within the  
8408 boundaries of a local district, or by the governing body of a county that has within its  
8409 boundaries an area located within the boundaries of a local district that is located in more than  
8410 one county, which petition of the governing body shall be filed with the board of trustees only  
8411 if a written request to petition the board of trustees to withdraw an area from the local district  
8412 has been filed with the governing body of the municipality, or county, and the request has been  
8413 signed by registered voters residing within the boundaries of the area proposed for withdrawal  
8414 equal in number to at least 51% of the number of votes cast in the same area for the office of  
8415 governor at the last regular general election before the filing of the petition;

8416 (b) for a local district whose board of trustees is elected by electors based on the  
8417 acre-feet of water allotted to the land owned by the elector:

8418 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

8419 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted  
8420 to the land proposed to be withdrawn; or

8421 (c) for a local district funded predominantly by revenues other than property taxes,  
8422 service charges, or assessments based upon an allotment of acre-feet of water:

8423 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

8424 (ii) by a petition signed by the registered voters residing within the entire area proposed  
8425 to be withdrawn, which area shall be comprised of an entire unincorporated area within the  
8426 local district or an entire municipality within a local district, or a combination thereof, equal in



8427 number to at least 67% of the number of votes cast within the entire area proposed to be  
8428 withdrawn for the office of governor at the last regular general election before the filing of the  
8429 petition.

8430 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of  
8431 the petition shall:

8432 (a) notify the local district board with which the petition is intended to be filed that the  
8433 sponsors will be soliciting signatures for a petition; and

8434 (b) mail a copy of the petition to the local district board.

8435 Section 180. Section **17B-1-505**, which is renumbered from Section 17B-2-603.5 is  
8436 renumbered and amended to read:

8437 ~~[17B-2-603.5].~~ **17B-1-505. Withdrawal of municipality in certain districts**  
8438 **providing fire protection, paramedic, and emergency services.**

8439 (1) (a) The process to withdraw an area from a local district may be initiated by a  
8440 resolution adopted by the legislative body of a municipality that is entirely within the  
8441 boundaries of a local district:

8442 (i) that provides fire protection, paramedic, and emergency services; and

8443 (ii) in the creation of which an election was not required because of Subsection  
8444 ~~[17B-2-214]~~ 17B-1-214(3)(c).

8445 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal  
8446 legislative body shall submit to the board of trustees of the local district written notice of the  
8447 adoption of the resolution, accompanied by a copy of the resolution.

8448 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body  
8449 shall hold an election at the next municipal general election that is more than 60 days after  
8450 adoption of the resolution on the question of whether the municipality should withdraw from  
8451 the local district.

8452 (3) If a majority of those voting on the question of withdrawal at an election held under  
8453 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
8454 district.

8455 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this  
8456 section is submitted to voters, the municipal legislative body shall send written notice to the  
8457 board of the local district from which the municipality is proposed to withdraw.

- 8458 (b) Each notice under Subsection (4)(a) shall:
- 8459 (i) state the results of the withdrawal election; and
- 8460 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal
- 8461 description of the area to be withdrawn, adequate for purposes of the county assessor and
- 8462 recorder.
- 8463 (5) The effective date of a withdrawal under this section is governed by Subsection
- 8464 [~~17B-2-610~~] 17B-1-512(2)(a).
- 8465 Section 181. Section **17B-1-506**, which is renumbered from Section 17B-2-604 is
- 8466 renumbered and amended to read:
- 8467 ~~[17B-2-604]~~. **17B-1-506. Withdrawal petition requirements.**
- 8468 (1) Each petition under Section [~~17B-2-603~~] 17B-1-504 shall:
- 8469 (a) indicate the typed or printed name and current address of each owner of acre-feet of
- 8470 water, property owner, registered voter, or authorized representative of the governing body
- 8471 signing the petition;
- 8472 (b) separately group signatures by municipality and, in the case of unincorporated
- 8473 areas, by county;
- 8474 (c) if it is a petition signed by the owners of land, the assessment of which is based on
- 8475 acre-feet of water, indicate the address of the property and the property tax identification parcel
- 8476 number of the property as to which the owner is signing the request;
- 8477 (d) designate up to three signers of the petition as sponsors, or in the case of a petition
- 8478 filed under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv), designate a governmental
- 8479 representative as a sponsor, and in each case, designate one sponsor as the contact sponsor with
- 8480 the mailing address and telephone number of each;
- 8481 (e) state the reasons for withdrawal; and
- 8482 (f) when the petition is filed with the local district board of trustees, be accompanied by
- 8483 a map generally depicting the boundaries of the area proposed to be withdrawn and a legal
- 8484 description of the area proposed to be withdrawn.
- 8485 (2) (a) The local district may prepare an itemized list of expenses, other than attorney
- 8486 expenses, that will necessarily be incurred by the local district in the withdrawal proceeding.
- 8487 The itemized list of expenses may be submitted to the contact sponsor. If the list of expenses is
- 8488 submitted to the contact sponsor within 21 days after receipt of the petition, the contact sponsor

8489 on behalf of the petitioners shall be required to pay the expenses to the local district within 90  
8490 days of receipt. Until funds to cover the expenses are delivered to the local district, the district  
8491 will have no obligation to proceed with the withdrawal and the time limits on the district stated  
8492 in this part will be tolled. If the expenses are not paid within the 90 days, or within 90 days  
8493 from the conclusion of any arbitration under Subsection (2)(b), the petition requesting the  
8494 withdrawal shall be considered to have been withdrawn.

8495 (b) If there is no agreement between the board of trustees of the local district and the  
8496 contact sponsor on the amount of expenses that will necessarily be incurred by the local district  
8497 in the withdrawal proceeding, either the board of trustees or the contact sponsor may submit  
8498 the matter to binding arbitration in accordance with Title 78, Chapter 31b, Alternative Dispute  
8499 Resolution Act; provided that, if the parties cannot agree upon an arbitrator and the rules and  
8500 procedures that will control the arbitration, either party may pursue arbitration under Title 78,  
8501 Chapter 31a, Utah Uniform Arbitration Act.

8502 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's  
8503 signature at any time before the public hearing under Section [~~17B-2-606~~] 17B-1-508 by  
8504 submitting a written withdrawal or reinstatement with the board of trustees of the local district  
8505 in which the area proposed to be withdrawn is located.

8506 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition  
8507 filed under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary  
8508 for a municipality to provide to the withdrawn area the service previously supplied by the local  
8509 district, the board of trustees of the local district may, within 21 days after receiving the  
8510 petition, notify the contact sponsor in writing that, before it will be considered by the board of  
8511 trustees, the petition must be presented to and approved by the governing body of the  
8512 municipality as provided in Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv) before it will be  
8513 considered by the local district board of trustees. If the notice is timely given to the contact  
8514 sponsor, the petition shall be considered to have been withdrawn until the municipality files a  
8515 petition with the local district under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv).

8516 (5) (a) After receiving the notice required by Subsection [~~17B-2-603~~] 17B-1-504(2),  
8517 unless specifically allowed by law, a public entity may not make expenditures from public  
8518 funds to support or oppose the gathering of signatures on a petition for withdrawal.

8519 (b) Nothing in this section prohibits a public entity from providing factual information

8520 and analysis regarding a withdrawal petition to the public, so long as the information grants  
8521 equal access to both the opponents and proponents of the petition for withdrawal.

8522 (c) Nothing in this section prohibits a public official from speaking, campaigning,  
8523 contributing personal monies, or otherwise exercising the public official's constitutional rights.

8524 Section 182. Section **17B-1-507**, which is renumbered from Section 17B-2-605 is  
8525 renumbered and amended to read:

8526 ~~[17B-2-605]~~. **17B-1-507. Withdrawal petition certification -- Amended**  
8527 **petition.**

8528 (1) Within 30 days after the filing of a petition under Sections ~~[17B-2-603]~~ 17B-1-504  
8529 and ~~[17B-2-604]~~ 17B-1-506, the board of trustees of the local district in which the area  
8530 proposed to be withdrawn is located shall:

8531 (a) with the assistance of officers of the county in which the area proposed to be  
8532 withdrawn is located, determine whether the petition meets the requirements of Sections  
8533 ~~[17B-2-603]~~ 17B-1-504 and ~~[17B-2-604]~~ 17B-1-506; and

8534 (b) (i) if the petition complies with the requirements set forth in Sections ~~[17B-2-603]~~  
8535 17B-1-504 and ~~[17B-2-604]~~ 17B-1-506, certify the petition and mail or deliver written  
8536 notification of the certification to the contact sponsor; or

8537 (ii) if the petition fails to comply with any of the requirements set forth in Sections  
8538 ~~[17B-2-603]~~ 17B-1-504 and ~~[17B-2-604]~~ 17B-1-506, reject the petition as insufficient and mail  
8539 or deliver written notification of the rejection and the reasons for the rejection to the contact  
8540 sponsor.

8541 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be  
8542 amended to correct the deficiencies for which it was rejected and then refiled within 60 days  
8543 after notice of the rejection.

8544 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
8545 used toward fulfilling the applicable signature requirement for an amended petition refiled  
8546 under Subsection (2)(a).

8547 (3) The board of trustees shall process an amended petition refiled under Subsection  
8548 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition  
8549 is rejected for failure to comply with the requirements of Sections ~~[17B-2-603]~~ 17B-1-504 and  
8550 ~~[17B-2-604]~~ 17B-1-506, the board of trustees shall issue a final rejection of the petition for

8551 insufficiency and mail or deliver written notice of the final rejection to the contact sponsor.

8552 (4) (a) A signer of a petition for which there has been a final rejection under Subsection  
8553 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject  
8554 the petition as insufficient.

8555 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state  
8556 district court in the county in which a majority of the area proposed to be withdrawn is located.

8557 (c) The court in which an action is filed under this Subsection (4) may not overturn the  
8558 board of trustees' decision to reject the petition unless the court finds that:

8559 (i) the board of trustees' decision was arbitrary or capricious; or

8560 (ii) the petition materially complies with the requirements set forth in Sections  
8561 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506.

8562 (d) The court may award costs and expenses of an action under this section, including  
8563 reasonable [~~attorney's~~] attorney fees, to the prevailing party.

8564 Section 183. Section **17B-1-508**, which is renumbered from Section 17B-2-606 is  
8565 renumbered and amended to read:

8566 [~~17B-2-606~~]. **17B-1-508. Public hearing -- Quorum of board required to**  
8567 **be present.**

8568 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees  
8569 of a local district that:

8570 (a) certifies a petition under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i) unless the  
8571 petition was signed by all of the owners of private land within the area proposed to be  
8572 withdrawn or all of the registered voters residing within the area proposed to be withdrawn; or

8573 (b) adopts a resolution under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iii).

8574 (2) The public hearing required by Subsection (1) for a petition certified by the board  
8575 of trustees of a local district under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i), other than a  
8576 petition filed in accordance with Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv), may be held as  
8577 an agenda item of a meeting of the board of trustees of the local district without complying  
8578 with the requirements of Subsection (3)(b), (3)(c), or Section [~~17B-2-607~~] 17B-1-509.

8579 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)  
8580 shall be held:

8581 (a) no later than 90 days after:

- 8582 (i) certification of the petition under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i); or  
8583 (ii) adoption of a resolution under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iii);  
8584 (b) (i) for a local district located entirely within a single county:  
8585 (A) within or as close as practicable to the area proposed to be withdrawn; or  
8586 (B) at the local district office; or  
8587 (ii) for a local district located in more than one county:  
8588 (A) (I) within the county in which the area proposed to be withdrawn is located; and  
8589 (II) within or as close as practicable to the area proposed to be withdrawn; or  
8590 (B) if the local district office is reasonably accessible to all residents within the area  
8591 proposed to be annexed, at the local district office;  
8592 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and  
8593 (d) for the purpose of allowing:  
8594 (i) the public to ask questions and obtain further information about the proposed  
8595 withdrawal and issues raised by it; and  
8596 (ii) any interested person to address the board of trustees concerning the proposed  
8597 withdrawal.  
8598 (4) A quorum of the board of trustees of the local district shall be present throughout  
8599 the public hearing provided for under this section.  
8600 (5) A public hearing under this section may be postponed or continued to a new time,  
8601 date, and place without further notice by a resolution of the board of trustees adopted at the  
8602 public hearing held at the time, date, and place specified in the published notice; provided,  
8603 however, that the public hearing may not be postponed or continued to a date later than 15 days  
8604 after the 90-day period under Subsection (3).

8605 Section 184. Section **17B-1-509**, which is renumbered from Section 17B-2-607 is  
8606 renumbered and amended to read:

8607 [~~17B-2-607~~]. **17B-1-509. Notice of hearing and withdrawal.**

- 8608 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a local  
8609 district as allowed by Subsection [~~17B-2-606~~] 17B-1-508(2), before holding a public hearing  
8610 under Section [~~17B-2-606~~] 17B-1-508, the board of trustees of the local district shall:  
8611 (a) mail notice of the public hearing and of the proposed withdrawal to:  
8612 (i) if the local district is funded predominantly by revenues from a property tax, each

8613 owner of private real property located within the area proposed to be withdrawn, as shown  
8614 upon the county assessment roll last equalized as of the previous December 31;

8615 (ii) if the local district is funded by fees based upon an allotment of acre-feet of water,  
8616 each owner of private real property with an allotment of water located within the area proposed  
8617 to be withdrawn, as shown upon the district's records; or

8618 (iii) if the local district is not funded predominantly by revenues from a property tax or  
8619 fees based upon an allotment of acre-feet of water, each registered voter residing within the  
8620 area proposed to be withdrawn, as determined by the voter registration list maintained by the  
8621 county clerk as of a date selected by the board of trustees that is at least 20 but not more than  
8622 60 days before the public hearing; and

8623 (b) post notice of the public hearing and of the proposed withdrawal in at least four  
8624 conspicuous places within the area proposed to be withdrawn, no less than five nor more than  
8625 30 days before the public hearing.

8626 (2) Each notice required under Subsection (1) shall:

8627 (a) describe the area proposed to be withdrawn;

8628 (b) identify the local district in which the area proposed to be withdrawn is located;

8629 (c) state the date, time, and location of the public hearing;

8630 (d) state that the petition or resolution may be examined during specified times and at a  
8631 specified place in the local district; and

8632 (e) state that any person interested in presenting comments or other information for or  
8633 against the petition or resolution may:

8634 (i) prior to the hearing, submit relevant comments and other information in writing to  
8635 the board of trustees at a specified address in the local district; or

8636 (ii) at the hearing, present relevant comments and other information in writing and may  
8637 also present comments and information orally.

8638 Section 185. Section **17B-1-510**, which is renumbered from Section 17B-2-608 is  
8639 renumbered and amended to read:

8640 ~~[17B-2-608]~~. **17B-1-510**. **Resolution approving or rejecting withdrawal --**

8641 **Criteria for approval or rejection -- Terms and conditions.**

8642 (1) (a) On or before the date of the board meeting next following the public hearing  
8643 under Section ~~[17B-2-606]~~ 17B-1-508, but in no case later than 90 days after the public hearing

8644 or, if no hearing is held, within 90 days after the filing of a petition under Section [~~17B-2-603~~  
8645 17B-1-504, the board of trustees of the local district in which the area proposed to be  
8646 withdrawn is located shall adopt a resolution:

8647 (i) approving the withdrawal of some or all of the area from the local district; or

8648 (ii) rejecting the withdrawal.

8649 (b) Each resolution approving a withdrawal shall:

8650 (i) include a legal description of the area proposed to be withdrawn;

8651 (ii) state the effective date of the withdrawal; and

8652 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

8653 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the  
8654 board of trustees' reasons for the rejection.

8655 (2) Unless denial of the petition is required under Subsection (3), the board of trustees  
8656 shall adopt a resolution approving the withdrawal of some or all of the area from the local  
8657 district if the board of trustees determines that:

8658 (a) the area to be withdrawn does not and will not require the service that the local  
8659 district provides;

8660 (b) the local district will not be able to provide service to the area to be withdrawn for  
8661 the reasonably foreseeable future; or

8662 (c) the area to be withdrawn has obtained the same service that is provided by the local  
8663 district or a commitment to provide the same service that is provided by the local district from  
8664 another source.

8665 (3) The board of trustees shall adopt a resolution denying the withdrawal if it  
8666 determines that the proposed withdrawal would:

8667 (a) result in a breach or default by the local district under:

8668 (i) any of its notes, bonds, or other debt or revenue obligations;

8669 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise  
8670 credit-enhanced any debt or revenue obligations of the local district; or

8671 (iii) any of its agreements with the United States or any agency of the United States;  
8672 provided, however, that, if the local district has entered into an agreement with the United  
8673 States that requires the consent of the United States for a withdrawal of territory from the  
8674 district, a withdrawal under this part may occur if the written consent of the United States is



8675 obtained and filed with the board of trustees;

8676 (b) adversely affect the ability of the local district to make any payments or perform  
8677 any other material obligations under:

8678 (i) any of its agreements with the United States or any agency of the United States;

8679 (ii) any of its notes, bonds, or other debt or revenue obligations; or

8680 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise  
8681 credit-enhanced any debt or revenue obligations of the local district;

8682 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or  
8683 other debt or revenue obligation of the local district;

8684 (d) create an island or peninsula of nondistrict territory within the local district or of  
8685 district territory within nondistrict territory that has a material adverse affect on the local  
8686 district's ability to provide service or materially increases the cost of providing service to the  
8687 remainder of the local district;

8688 (e) materially impair the operations of the remaining local district; or

8689 (f) require the local district to materially increase the fees it charges or property taxes  
8690 or other taxes it levies in order to provide to the remainder of the district the same level and  
8691 quality of service that was provided before the withdrawal.

8692 (4) In determining whether the withdrawal would have any of the results described in  
8693 Subsection (3), the board of trustees may consider the cumulative impact that multiple  
8694 withdrawals over a specified period of time would have on the local district.

8695 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),  
8696 the board of trustees may approve a resolution withdrawing an area from the local district  
8697 imposing terms or conditions that mitigate or eliminate the conditions listed in Subsection (3),  
8698 including:

8699 (i) a requirement that the owners of property located within the area proposed to be  
8700 withdrawn or residents within that area pay their proportionate share of any outstanding district  
8701 bond or other obligation as determined pursuant to Subsection (5)(b);

8702 (ii) a requirement that the owners of property located within the area proposed to be  
8703 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or  
8704 assessments;

8705 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable

8706 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the  
8707 transfer to the receiving entity of district assets that the district used before withdrawal to  
8708 provide service to the withdrawn area but no longer needs because of the withdrawal; provided  
8709 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the  
8710 district shall immediately transfer to the receiving entity on the effective date of the  
8711 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

8712 (iv) any other reasonable requirement considered to be necessary by the board of  
8713 trustees.

8714 (b) Other than as provided for in Subsection [~~17B-2-609~~] 17B-1-511(2), and except as  
8715 provided in Subsection (5)(e), in determining the proportionate share of outstanding bonded  
8716 indebtedness or other obligations under Subsection (5)(a)(i) and for purposes of determining  
8717 the allocation and transfer of district assets under Subsection (5)(a)(iii), the board of trustees  
8718 and the receiving entity, or in cases where there is no receiving entity, the board and the  
8719 sponsors of the petition shall:

8720 (i) engage engineering and accounting consultants chosen by the procedure provided in  
8721 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an  
8722 engineering consultant need not be engaged; and

8723 (ii) require the engineering and accounting consultants engaged under Subsection  
8724 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases  
8725 where there is no receiving entity, the board and the sponsors of the petition the information  
8726 required by Subsections (5)(f) through (h).

8727 (c) For purposes of this Subsection (5):

8728 (i) "accounting consultant" means a certified public accountant or a firm of certified  
8729 public accountants with the expertise necessary to make the determinations required under  
8730 Subsection (5)(h); and

8731 (ii) "engineering consultant" means a person or firm that has the expertise in the  
8732 engineering aspects of the type of system by which the withdrawn area is receiving service that  
8733 is necessary to make the determination required under Subsections (5)(f) and (g).

8734 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is  
8735 no receiving entity, the board and the sponsors of the petition agree on an engineering  
8736 consultant and an accounting consultant, each consultant shall be chosen from a list of

8737 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of  
8738 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

8739 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a  
8740 contract for services with the district or the receiving entity during the two-year period  
8741 immediately before the list is provided to the local district.

8742 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of  
8743 trustees shall eliminate the name of one engineering consultant from the list of engineering  
8744 consultants and the name of one accounting consultant from the list of accounting consultants  
8745 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors  
8746 of the petition in writing of the eliminations.

8747 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving  
8748 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate  
8749 another name of an engineering consultant from the list of engineering consultants and another  
8750 name of an accounting consultant from the list of accounting consultants and shall notify the  
8751 board of trustees in writing of the eliminations.

8752 (v) The board of trustees and the receiving entity, or in cases where there is no  
8753 receiving entity, the board and the sponsors of the petition shall continue to alternate between  
8754 them, each eliminating the name of one engineering consultant from the list of engineering  
8755 consultants and the name of one accounting consultant from the list of accounting consultants  
8756 and providing written notification of the eliminations within three days of receiving  
8757 notification of the previous notification, until the name of only one engineering consultant  
8758 remains on the list of engineering consultants and the name of only one accounting consultant  
8759 remains on the list of accounting consultants.

8760 (e) The requirement under Subsection (5)(b) to engage engineering and accounting  
8761 consultants does not apply if the board of trustees and the receiving entity, or in cases where  
8762 there is no receiving entity, the board and the sponsors of the petition agree on the allocations  
8763 that are the engineering consultant's responsibility under Subsection (5)(f) or the  
8764 determinations that are the accounting consultant's responsibility under Subsection (5)(h);  
8765 provided however, that if engineering and accounting consultants are engaged, the district and  
8766 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors  
8767 of the petition shall equally share the cost of the engineering and accounting consultants.

8768 (f) (i) The engineering consultant shall allocate the district assets between the district  
8769 and the receiving entity as provided in this Subsection (5)(f).

8770 (ii) The engineering consultant shall allocate:

8771 (A) to the district those assets reasonably needed by the district to provide to the area  
8772 of the district remaining after withdrawal the kind, level, and quality of service that was  
8773 provided before withdrawal; and

8774 (B) to the receiving entity those assets reasonably needed by the receiving entity to  
8775 provide to the withdrawn area the kind and quality of service that was provided before  
8776 withdrawal.

8777 (iii) If the engineering consultant determines that both the local district and the  
8778 receiving entity reasonably need a district asset to provide to their respective areas the kind and  
8779 quality of service provided before withdrawal, the engineering consultant shall:

8780 (A) allocate the asset between the local district and the receiving entity according to  
8781 their relative needs, if the asset is reasonably susceptible of division; or

8782 (B) allocate the asset to the local district, if the asset is not reasonably susceptible of  
8783 division.

8784 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated  
8785 to the local district.

8786 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate  
8787 share of any redemption premium and the principal of and interest on:

8788 (A) the local district's revenue bonds that were outstanding at the time the petition was  
8789 filed;

8790 (B) the local district's general obligation bonds that were outstanding at the time the  
8791 petition was filed; and

8792 (C) the local district's general obligation bonds that:

8793 (I) were outstanding at the time the petition was filed; and

8794 (II) are treated as revenue bonds under Subsection (5)(i); and

8795 (D) the district's bonds that were issued prior to the date the petition was filed to refund  
8796 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as  
8797 revenue bonds.

8798 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of

8799 redemption premium, principal, and interest shall be the amount that bears the same  
8800 relationship to the total redemption premium, principal, and interest for the entire district that  
8801 the average annual gross revenues from the withdrawn area during the three most recent  
8802 complete fiscal years before the filing of the petition bears to the average annual gross revenues  
8803 from the entire district for the same period.

8804 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be  
8805 treated as a revenue bond if:

8806 (i) the bond is outstanding on the date the petition was filed; and

8807 (ii) the principal of and interest on the bond, as of the date the petition was filed, had  
8808 been paid entirely from local district revenues and not from a levy of ad valorem tax.

8809 (j) (i) Before the board of trustees of the local district files a resolution approving a  
8810 withdrawal, the receiving entity, or in cases where there is no receiving entity, the sponsors of  
8811 the petition shall irrevocably deposit government obligations, as defined in Subsection  
8812 11-27-2(6), into an escrow trust fund the principal of and interest on which are sufficient to  
8813 provide for the timely payment of the amount determined by the accounting consultant under  
8814 Subsection (5)(h) or in an amount mutually agreeable to the board of trustees of the local  
8815 district and the receiving entity, or in cases where there is no receiving entity, the board and the  
8816 sponsors of the petition. Notwithstanding Subsection [~~17B-2-610~~] 17B-1-512(1), the board of  
8817 trustees shall not be required to file a resolution approving a withdrawal until the requirements  
8818 for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have been met;  
8819 provided that, if the escrow trust fund has not been established and funded within 180 days  
8820 after the board of trustees passes a resolution approving a withdrawal, the resolution approving  
8821 the withdrawal shall be void.

8822 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where  
8823 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of  
8824 the local district:

8825 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal  
8826 bonds stating that the establishment and use of the escrow to pay the proportionate share of the  
8827 district's outstanding revenue bonds and general obligation bonds that are treated as revenue  
8828 bonds will not adversely affect the tax-exempt status of the bonds; and

8829 (B) a written opinion of an independent certified public accountant verifying that the

8830 principal of and interest on the deposited government obligations are sufficient to provide for  
8831 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection  
8832 (5)(h).

8833 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of  
8834 the petition shall bear all expenses of the escrow and the redemption of the bonds.

8835 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local  
8836 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the  
8837 escrow.

8838 (6) A requirement imposed by the board of trustees as a condition to withdrawal under  
8839 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly  
8840 authorized and executed written agreement between the parties to the withdrawal.

8841 (7) An area that is the subject of a withdrawal petition under Section [~~17B-2-603~~]  
8842 17B-1-504 that results in a board of trustees resolution denying the proposed withdrawal may  
8843 not be the subject of another withdrawal petition under Section [~~17B-2-603~~] 17B-1-504 for two  
8844 years after the date of the board of trustees resolution denying the withdrawal.

8845 Section 186. Section **17B-1-511**, which is renumbered from Section 17B-2-609 is  
8846 renumbered and amended to read:

8847 [~~17B-2-609~~]. **17B-1-511**. **Continuation of tax levy after withdrawal to pay**  
8848 **for proportionate share of district bonds.**

8849 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is  
8850 established and funded pursuant to Subsection [~~17B-2-608~~] 17B-1-510(5)(j), property within  
8851 the withdrawn area shall continue after withdrawal to be subject to a tax by the local district:

8852 (a) for the purpose of paying the withdrawn area's just proportion of the local district's  
8853 general obligation bonds, other than those bonds treated as revenue bonds under Subsection  
8854 [~~17B-2-608~~] 17B-1-510(5)(i), until the bonded indebtedness has been satisfied; and

8855 (b) to the extent and for the years necessary to generate sufficient revenue that, when  
8856 combined with the revenues from the district remaining after withdrawal, is sufficient to  
8857 provide for the payment of principal and interest on the district's general obligation bonds that  
8858 are treated as revenue bonds under Subsection [~~17B-2-608~~] 17B-1-510(5)(i).

8859 (2) For a local district funded predominately by revenues other than property taxes,  
8860 service charges, or assessments based upon an allotment of acre-feet of water, taxes within the

8861 withdrawn area shall continue to be collected for purposes of paying the withdrawn area's  
8862 proportionate share of bonded indebtedness or judgments against the local district incurred  
8863 prior to the date the petition was filed.

8864 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing  
8865 area is relieved of all other taxes, assessments, and charges levied by the district, including  
8866 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the  
8867 local district.

8868 Section 187. Section **17B-1-512**, which is renumbered from Section 17B-2-610 is  
8869 renumbered and amended to read:

8870 ~~[17B-2-610]~~. **17B-1-512**. **Notice of withdrawal -- Contest period -- Judicial**  
8871 **review.**

8872 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant  
8873 governor:

8874 (i) within ten days after adopting a resolution approving a withdrawal under Section  
8875 ~~[17B-2-608]~~ 17B-1-510; and

8876 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an  
8877 automatic withdrawal under Subsection ~~[17B-2-601(2)]~~ 17B-1-502(2), after receiving a copy of  
8878 the municipal legislative body's resolution approving an automatic withdrawal under  
8879 Subsection ~~[17B-2-601(3)]~~ 17B-1-502(3)(a), or after receiving notice of a withdrawal of a  
8880 municipality from a local district under Section ~~[17B-2-603.5]~~ 17B-2-505.

8881 (b) The notice required under Subsection (1)(a) shall:

8882 (i) be accompanied by:

8883 (A) for a withdrawal pursuant to a resolution adopted under Section ~~[17B-2-608]~~  
8884 17B-1-510, a copy of the board resolution approving the withdrawal; and

8885 (B) an accurate map depicting the boundaries of the withdrawn area or a legal  
8886 description of the withdrawn area, adequate for purposes of the county assessor and recorder;  
8887 and

8888 (ii) for a withdrawal pursuant to a resolution adopted under Section ~~[17B-2-608]~~  
8889 17B-1-510, include a certification by the local district board that all requirements for the  
8890 withdrawal have been complied with.

8891 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change

8892 under Section 67-1a-6.5 for a withdrawal under Section [~~17B-2-608~~] 17B-1-510, for an  
8893 automatic withdrawal under Subsection [~~17B-2-601(3)~~] 17B-1-502(3), or for the withdrawal of  
8894 a municipality from a local district under Section [~~17B-2-603.5~~] 17B-2-505, the withdrawal  
8895 shall be effective, subject to the conditions of the withdrawal resolution, if applicable.

8896 (b) An automatic withdrawal under Subsection [~~17B-2-601(2)~~] 17B-1-502(3) shall be  
8897 effective upon the lieutenant governor's issuance of a certificate of boundary change under  
8898 Section 67-1a-6.5.

8899 (3) The local district may provide for the publication of any resolution approving or  
8900 denying the withdrawal of an area in a newspaper of general circulation in the area proposed  
8901 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a  
8902 notice of withdrawal or denial of withdrawal, containing:

8903 (a) the name of the local district;

8904 (b) a description of the area proposed for withdrawal;

8905 (c) a brief explanation of the grounds on which the board of trustees determined to  
8906 approve or deny the withdrawal; and

8907 (d) the times and place where a copy of the resolution may be examined, which shall be  
8908 at the place of business of the local district, identified in the notice, during regular business  
8909 hours of the local district as described in the notice and for a period of at least 30 days after the  
8910 publication of the notice.

8911 (4) Any sponsor of the petition or receiving entity may contest the board's decision to  
8912 deny a withdrawal of an area from the local district by submitting a request, within 60 days  
8913 after the resolution is adopted under Section [~~17B-2-608~~] 17B-1-510, to the board of trustees,  
8914 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of  
8915 trustees based its decision to deny the withdrawal.

8916 (5) Within 60 days after the request under Subsection (4) is submitted to the board of  
8917 trustees, the board may consider the suggestions for mitigation and adopt a resolution  
8918 approving or denying the request in the same manner as provided in Section [~~17B-2-608~~]  
8919 17B-1-510 with respect to the original resolution denying the withdrawal and file a notice of  
8920 the action as provided in Subsection (1).

8921 (6) (a) Any person in interest may seek judicial review of:

8922 (i) the board of trustees' decision to withdraw an area from the local district;



8923 (ii) the terms and conditions of a withdrawal; or

8924 (iii) the board's decision to deny a withdrawal.

8925 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the  
8926 district court in the county in which a majority of the area proposed to be withdrawn is located:

8927 (i) if the resolution approving or denying the withdrawal is published under Subsection  
8928 (3), within 60 days after the publication or after the board of trustees' denial of the request  
8929 under Subsection (5);

8930 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after  
8931 the resolution approving or denying the withdrawal is adopted; or

8932 (iii) if a request is submitted to the board of trustees of a local district under Subsection  
8933 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board  
8934 adopts a resolution under Subsection (5) unless the resolution is published under Subsection  
8935 (3), in which event the action must be filed within 60 days after the publication.

8936 (c) A court in which an action is filed under this Subsection (6) may not overturn, in  
8937 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

8938 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

8939 (ii) the court finds that the board materially failed to follow the procedures set forth in  
8940 this part.

8941 (d) A court may award costs and expenses of an action under this section, including  
8942 reasonable ~~attorney's~~ attorney fees, to the prevailing party.

8943 (7) After the applicable contest period under Subsection (4) or (6), no person may  
8944 contest the board of trustees' approval or denial of withdrawal for any cause.

8945 Section 188. Section **17B-1-513**, which is renumbered from Section 17B-2-611 is  
8946 renumbered and amended to read:

8947 ~~[17B-2-611].~~ **17B-1-513. Termination of terms of trustees representing**  
8948 **withdrawn areas.**

8949 (1) On the effective date of withdrawal of an area from a local district, any trustee  
8950 residing in the withdrawn area shall cease to be a member of the board of trustees of the local  
8951 district.

8952 (2) If the local district has been divided into divisions for the purpose of electing or  
8953 appointing trustees and the area withdrawn from a district constitutes all or substantially all of

8954 the area in a division of the local district that is represented by a member of the board of  
 8955 trustees, on the effective date of the withdrawal, the trustee representing the division shall  
 8956 cease to be a member of the board of trustees of the local district.

8957 (3) In the event of a vacancy on the board of trustees as a result of an area being  
 8958 withdrawn from the local district:

8959 (a) the board of trustees shall reduce the number of trustees of the local district as  
 8960 provided by law; or

8961 (b) the trustee vacancy shall be filled as provided by law.

8962 Section 189. Section **17B-1-601**, which is renumbered from Section 17A-1-404 is  
 8963 renumbered and amended to read:

8964 **Part 6. Fiscal Procedures for Local Districts**

8965 ~~[17A-1-404].~~ **17B-1-601. Definitions.**

8966 As used in this part:

8967 (1) "Appropriation" means an allocation of money by the ~~[governing body]~~ board of  
 8968 trustees for a specific purpose.

8969 (2) "Budget" means a plan of financial operations for a fiscal year which embodies  
 8970 estimates of proposed expenditures for given purposes and the proposed means of financing  
 8971 them, and may refer to the budget of a particular fund for which a budget is required by law or  
 8972 it may refer collectively to the budgets for all such funds.

8973 (3) "Budget officer" means the person appointed by the ~~[governing body of the]~~ local  
 8974 district board of trustees to prepare the budget for the district.

8975 (4) "Budget year" means the fiscal year for which a budget is prepared.

8976 (5) "Calendar year entity" means a ~~[special]~~ local district whose fiscal year begins  
 8977 January 1 and ends December 31 of each calendar year as described in Section ~~[17A-1-405]~~  
 8978 17B-1-602.

8979 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,  
 8980 which is the fiscal year next preceding the budget year.

8981 (7) "Deficit" has the meaning given under generally accepted accounting principles as  
 8982 reflected in the Uniform Accounting Manual for Local Districts.

8983 ~~[(7)]~~ (8) "Estimated revenue" means the amount of revenue estimated to be received  
 8984 from all sources during the budget year in each fund for which a budget is being prepared.

8985            ~~[(8)]~~ (9) "Financial officer" means the official under Section ~~[17A-1-447]~~ 17B-1-642.

8986            ~~[(9)]~~ (10) "Fiscal year" means the annual period for accounting for fiscal operations in  
8987 each district.

8988            ~~[(10)]~~ (11) "Fiscal year entity" means a local district whose fiscal year begins July 1 of  
8989 each year and ends on June 30 of the following year as described in Section ~~[17A-1-405]~~  
8990 17B-1-602.

8991            ~~[(11)]~~ (12) "Fund" has the meaning given under generally accepted accounting  
8992 principles as reflected in the Uniform Accounting Manual for ~~[Special]~~ Local Districts.

8993            ~~[(12)]~~ (13) "Fund balance[;]" ~~["retained earnings," and "deficit" have]~~ has the meaning  
8994 given under generally accepted accounting principles as reflected in the Uniform Accounting  
8995 Manual for ~~[Special]~~ Local Districts.

8996            ~~[(13)] "Governing body" means the governing board of trustees, board of directors, or  
8997 other administrative body, whether appointed or elected, and having authority under the laws  
8998 specifically governing the respective district.]~~

8999            (14) "Governmental funds" means the general fund, special revenue fund, debt service  
9000 fund, and capital projects fund of a local district.

9001            (15) "Interfund loan" means a loan of cash from one fund to another, subject to future  
9002 repayment. It does not constitute an expenditure or a use of retained earnings or fund balance  
9003 of the lending fund or revenue to the borrowing fund.

9004            (16) "Last completed fiscal year" means the fiscal year next preceding the current fiscal  
9005 year.

9006            (17) "Proprietary funds" means enterprise funds and the internal service funds of a  
9007 local district.

9008            (18) "Public funds" means any money or payment collected or received by an officer or  
9009 employee of ~~[the]~~ local district acting in an official capacity and includes money or payment  
9010 to the officer or employee for services or goods provided by the district, or the officer or  
9011 employee while acting within the scope of employment or duty.

9012            ~~[(19)] "Special district" means any district formed under the laws of the state including,  
9013 but not limited to:]~~

9014            ~~[(a) cemetery maintenance districts;]~~

9015            ~~[(b) municipal improvement districts;]~~

9016 [~~(c) special service districts and special service improvement districts;~~]  
 9017 [~~(d) county water and sewer improvement districts;~~]  
 9018 [~~(e) county improvement districts;~~]  
 9019 [~~(f) fire protection districts;~~]  
 9020 [~~(g) county service areas;~~]  
 9021 [~~(h) county planetariums;~~]  
 9022 [~~(i) county zoos;~~]  
 9023 [~~(j) mosquito abatement districts;~~]  
 9024 [~~(k) metropolitan water districts;~~]  
 9025 [~~(l) water conservancy districts;~~]  
 9026 [~~(m) irrigation districts;~~]  
 9027 [~~(n) drainage districts; and~~]  
 9028 [~~(o) all other political subdivisions of the state with the authority to tax or to expend~~  
 9029 ~~public funds or which receive tax exempt status for bonding or taxing purposes, except~~  
 9030 ~~counties, cities, towns, and school districts but does not include those specified under Section~~  
 9031 ~~17A-1-403.]~~

9032 (19) "Retained earnings" has the meaning given under generally accepted accounting  
 9033 principles as reflected in the Uniform Accounting Manual for Local Districts.

9034 (20) "Special fund" means any local district fund other than the [General Fund] local  
 9035 district's general fund.

9036 Section 190. Section **17B-1-602**, which is renumbered from Section 17A-1-405 is  
 9037 renumbered and amended to read:

9038 ~~[17A-1-405].~~ **17B-1-602. Fiscal year.**

9039 ~~[All special districts shall adopt the budgeting and reporting fiscal year of the entity~~  
 9040 ~~creating the district, with the exception of water conservancy districts created under Chapter 2,~~  
 9041 ~~Part 14. Exceptions may be granted by the state auditor with the approval of the special district~~  
 9042 ~~advisory committee when the operations of a district may be impaired by this requirement.]~~

9043 The fiscal year of each local district shall be, as determined by the board of trustees:

9044 (1) the calendar year; or

9045 (2) the period from July 1 to the following June 30.

9046 Section 191. Section **17B-1-603**, which is renumbered from Section 17A-1-406 is

9047 renumbered and amended to read:

9048 ~~[17A-1-406].~~ **17B-1-603. Uniform accounting system.**

9049 The accounting records of ~~[districts]~~ each local district shall be established and  
9050 maintained, and financial statements prepared from those records, in conformance with  
9051 generally accepted accounting principles promulgated from time to time by authoritative bodies  
9052 in the United States. ~~[The state auditor shall prescribe in the Uniform Accounting Manual for  
9053 Special Districts a uniform system of accounting that conforms to generally accepted  
9054 accounting principles. The state auditor shall maintain the manual so that it reflects generally  
9055 accepted accounting principles.]~~

9056 Section 192. Section **17B-1-604**, which is renumbered from Section 17A-1-407 is  
9057 renumbered and amended to read:

9058 ~~[17A-1-407].~~ **17B-1-604. Funds and account groups maintained.**

9059 Each district shall maintain, according to its own accounting needs, some or all of the  
9060 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting  
9061 Manual for ~~[Special]~~ Local Districts.

9062 Section 193. Section **17B-1-605**, which is renumbered from Section 17A-1-408 is  
9063 renumbered and amended to read:

9064 ~~[17A-1-408].~~ **17B-1-605. Budget required for certain funds -- Capital  
9065 projects fund.**

9066 (1) The budget officer of each local district shall prepare for each budget year a budget  
9067 for each of the following funds:

9068 (a) the general fund;

9069 (b) special revenue funds;

9070 (c) debt service funds;

9071 (d) capital projects funds;

9072 (e) proprietary funds, in accordance with Section ~~[17A-1-432]~~ 17B-1-629; and

9073 (f) any other fund or funds for which a budget is required by the uniform system of  
9074 budgeting, accounting, and reporting.

9075 (2) (a) Major capital improvements financed by general obligation bonds, capital  
9076 grants, or interfund transfers shall use a capital projects fund budget unless the improvements  
9077 financed are to be used for proprietary type activities.

9078 (b) The local district shall prepare a separate budget for the term of the projects as well  
9079 as the annual budget required under Subsection (1).

9080 Section 194. Section **17B-1-606**, which is renumbered from Section 17A-1-409 is  
9081 renumbered and amended to read:

9082 ~~[17A-1-409].~~ **17B-1-606. Total of revenues to equal expenditures.**

9083 (1) The budget for each fund under Section ~~[17A-1-408]~~ 17B-1-605 shall provide a  
9084 financial plan for the budget year.

9085 (2) Each budget shall specify in tabular form:

9086 (a) estimates of all anticipated revenues, classified by the account titles prescribed in  
9087 the Uniform Accounting Manual for ~~[Special]~~ Local Districts; and

9088 (b) all appropriations for expenditures, classified by the account titles prescribed in the  
9089 Uniform Accounting Manual for ~~[Special]~~ Local Districts.

9090 ~~[(2)]~~ (3) The total of the anticipated revenues shall equal the total of appropriated  
9091 expenditures.

9092 Section 195. Section **17B-1-607**, which is renumbered from Section 17A-1-410 is  
9093 renumbered and amended to read:

9094 ~~[17A-1-410].~~ **17B-1-607. Tentative budget to be prepared -- Review by**  
9095 **governing body.**

9096 (1) On or before the first regularly scheduled meeting of the ~~[governing body]~~ board of  
9097 trustees in November for a calendar year entity and May for a fiscal year entity, the budget  
9098 officer of each local district shall prepare for the ensuing year, on forms provided by the state  
9099 auditor, and file with the ~~[governing body,]~~ board of trustees a tentative budget for each fund  
9100 for which a budget is required. ~~[The]~~

9101 (2) (a) Each tentative budget ~~[for the fund]~~ under Subsection (1) shall provide in  
9102 tabular form:

9103 ~~[(a)]~~ (i) actual revenues and expenditures for the last completed fiscal year;

9104 ~~[(b)]~~ (ii) estimated total revenues and expenditures for the current fiscal year; and

9105 ~~[(c)]~~ (iii) the budget officer's estimates of revenues and expenditures for the budget  
9106 year.

9107 (b) The budget officer shall estimate the amount of revenue available to serve the needs  
9108 of each fund, estimate the portion to be derived from all sources other than general property

9109 taxes, and estimate the portion that must be derived from general property taxes.

9110 ~~[(2)]~~ (3) The tentative budget, when filed by the budget officer with the ~~[governing~~  
9111 ~~body]~~ board of trustees, shall contain the estimates of expenditures together with specific work  
9112 programs and any other supporting data required by this part or requested by the ~~[governing~~  
9113 ~~body]~~ board.

9114 ~~[(3)]~~ (4) The ~~[tentative budget shall be reviewed, considered, and tentatively adopted~~  
9115 ~~by the governing body]~~ board of trustees shall review, consider, and tentatively adopt the  
9116 tentative budget in any regular meeting or special meeting called for that purpose and may ~~[be~~  
9117 ~~amended or revised]~~ amend or revise the tentative budget in any manner ~~[which is considered]~~  
9118 that the board considers advisable prior to public hearings, but no appropriation required for  
9119 debt retirement and interest or reduction of any existing deficits under Section ~~[17A-1-416]~~  
9120 17B-1-613, or otherwise required by law, may be reduced below the minimums so required.

9121 ~~[(4)]~~ (5) When a new district is created, the ~~[governing body]~~ board of trustees shall:  
9122 (a) prepare a budget covering the period from the date of incorporation to the end of  
9123 the fiscal year~~[- The governing body shall];~~

9124 (b) substantially comply with all other provisions of this part with respect to notices  
9125 and hearings~~[-];~~ and

9126 (c) pass the budget ~~[shall be passed upon]~~ as soon after incorporation as feasible.

9127 Section 196. Section **17B-1-608**, which is renumbered from Section 17A-1-411 is  
9128 renumbered and amended to read:

9129 ~~[17A-1-411].~~ **17B-1-608. Tentative budget and data -- Public records.**

9130 The tentative budget adopted by the ~~[governing body]~~ board of trustees and all  
9131 supporting schedules and data are public records, and are available for public inspection for a  
9132 period of at least seven days prior to the adoption of a final budget.

9133 Section 197. Section **17B-1-609**, which is renumbered from Section 17A-1-412 is  
9134 renumbered and amended to read:

9135 ~~[17A-1-412].~~ **17B-1-609. Hearing to consider adoption.**

9136 (1) At the meeting at which the tentative budget is adopted, the ~~[governing body]~~ board  
9137 of trustees shall:

9138 (a) establish the time and place of a public hearing to consider its adoption; and ~~[shall]~~

9139 (b) order that notice of the hearing;

9140 (i) be published at least seven days prior to the hearing in at least one issue of a  
 9141 newspaper of general circulation published in the county or counties in which the district is  
 9142 located~~[-H]; or~~

9143 (ii) if no newspaper is published, ~~[the notice required by this section may]~~ be posted in  
 9144 three public places within the district.

9145 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
 9146 shall be published in accordance with Sections 59-2-918 and 59-2-919.

9147 Section 198. Section **17B-1-610**, which is renumbered from Section 17A-1-413 is  
 9148 renumbered and amended to read:

9149 ~~[17A-1-413].~~ **17B-1-610. Public hearing on tentatively adopted budget.**

9150 At the time and place advertised, or at any time or any place to which the public hearing  
 9151 may be adjourned, the ~~[governing body]~~ board of trustees shall:

9152 (1) hold a public hearing on the budgets tentatively adopted~~[-H]; and~~

9153 (2) give all interested persons in attendance ~~[shall be given]~~ an opportunity to be heard  
 9154 on the estimates of revenues and expenditures or any item in the tentative budget of any fund.

9155 Section 199. Section **17B-1-611**, which is renumbered from Section 17A-1-414 is  
 9156 renumbered and amended to read:

9157 ~~[17A-1-414].~~ **17B-1-611. Continuing authority of governing body.**

9158 After the conclusion of the public hearing, the ~~[governing body]~~ board of trustees:

9159 (1) may:

9160 (a) continue to review the tentative budget ~~[and may]~~;

9161 (b) insert any new items~~[-];~~ or ~~[may]~~

9162 (c) increase or decrease items of expenditure~~[-];~~ that were the proper subject of  
 9163 consideration at the public hearing~~[-, but there]~~;

9164 (2) may ~~[be no]~~ not decrease ~~[in]~~ the amount appropriated for debt retirement and  
 9165 interest or reduction of any existing deficits, as provided by Section ~~[17A-1-416. It]~~

9166 17B-1-613; and

9167 (3) shall ~~[also]~~ increase or decrease the total anticipated revenue to equal the net  
 9168 change in proposed expenditures in the budget of each fund.

9169 Section 200. Section **17B-1-612**, which is renumbered from Section 17A-1-415 is  
 9170 renumbered and amended to read:



9171 ~~[17A-1-415].~~ 17B-1-612. **Accumulated fund balances -- Limitations --**  
 9172 **Excess balances -- Unanticipated excess of revenues -- Reserves for capital projects.**  
 9173 (1) (a) ~~[Districts are permitted to]~~ A local district may accumulate retained earnings or  
 9174 fund balances, as appropriate, in any fund.  
 9175 (b) For the general fund only, ~~[any]~~ an accumulated fund balance ~~[is restricted to the~~  
 9176 ~~following purposes]~~ may be used only:  
 9177 ~~[(a)]~~ (i) to provide working capital to finance expenditures from the beginning of the  
 9178 budget year until general property taxes or other applicable revenues are collected~~[-, thus~~  
 9179 ~~reducing the amount which the district must borrow during the period, but this Subsection does~~  
 9180 ~~not permit the appropriation of any fund balance for budgeting purposes except as provided in~~  
 9181 ~~Subsection (4)],~~ subject to Subsection (1)(c);  
 9182 ~~[(b)]~~ (ii) to provide a resource to meet emergency expenditures under Section  
 9183 ~~[17A-1-426]~~ 17B-1-623; and  
 9184 ~~[(c)]~~ (iii) to cover a pending year-end excess of expenditures over revenues from an  
 9185 unavoidable shortfall in revenues~~[-. This provision does not permit the appropriation of any],~~  
 9186 subject to Subsection (1)(d).  
 9187 (c) Subsection (1)(b)(i) may not be construed to authorize a local district to appropriate  
 9188 a fund balance for budgeting purposes, except as provided in Subsection (4).  
 9189 (d) Subsection (1)(b)(iii) may not be construed to authorize a local district to  
 9190 appropriate a fund balance to avoid an operating deficit during [any] a budget year except:  
 9191 (i) as provided under Subsection (4)~~[-];~~ or  
 9192 (ii) for emergency purposes under Section ~~[17A-1-426]~~ 17B-1-623.  
 9193 (2) The accumulation of a fund balance in the general fund may not exceed the greater  
 9194 of:  
 9195 (a) 100% of the current year's property tax; or  
 9196 (b) (i) 25% of the total general fund revenues for ~~[districts]~~ a district with an annual  
 9197 general fund ~~[budgets]~~ budget greater than \$100,000; or  
 9198 (ii) 50% of the total general fund revenues for ~~[districts]~~ a district with an annual  
 9199 general fund ~~[budgets]~~ budget equal to or less than \$100,000.  
 9200 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted  
 9201 under Subsection (2), the district shall appropriate the excess ~~[shall be appropriated]~~ in the

9202 manner provided in Section [~~17A-1-416~~] 17B-1-613.

9203 (4) Any fund balance in excess of 5% of the total revenues of the general fund may be  
9204 utilized for budget purposes.

9205 (5) (a) Within a capital projects fund the [~~governing body~~] board of trustees may, in  
9206 any budget year, appropriate from estimated revenue or fund balance to a reserve for capital  
9207 projects for the purpose of financing future specific capital projects, including new  
9208 construction, capital repairs, replacement, and maintenance, under a formal long-range capital  
9209 plan adopted by the [~~governing body~~] board of trustees.

9210 (b) [~~The reserves may~~] A local district may allow a reserve amount under Subsection  
9211 (5)(a) to accumulate from year to year until the accumulated total is sufficient to permit  
9212 economical expenditure for the specified purposes.

9213 (c) [~~Disbursements from these reserves shall be made~~] A local district may disburse  
9214 from a reserve account under Subsection (5)(a) only by a budget appropriation adopted in the  
9215 manner provided by this part.

9216 (d) Expenditures from the above appropriation budget accounts shall conform to all  
9217 requirements of this part relating to execution and control of budgets.

9218 Section 201. Section **17B-1-613**, which is renumbered from Section 17A-1-416 is  
9219 renumbered and amended to read:

9220 [~~17A-1-416~~]. **17B-1-613. Appropriations not to exceed estimated**  
9221 **expendable revenue -- Determination of revenue -- Appropriations for existing deficits.**

9222 (1) The [~~governing body of any~~] board of trustees of a local district may not make any  
9223 appropriation in the final budget of any fund in excess of the estimated expendable revenue for  
9224 the budget year of the fund.

9225 (2) In determining the estimated expendable revenue of the general fund for the budget  
9226 year there is included as an appropriation from the fund balance that portion of the fund  
9227 balance at the close of the last completed fiscal year, not previously included in the budget of  
9228 the current year, that exceeds the amount permitted in Section [~~17A-1-415~~] 17B-1-612.

9229 (3) (a) There is included as an item of appropriation in each fund for any budget year  
9230 any existing deficit created in accordance with Section [~~17A-1-426~~] 17B-1-623 as of the close  
9231 of the last completed fiscal year, not previously included in the budget of the current year, to  
9232 the extent of at least 5% of the total revenue of the fund in its last completed fiscal year.

9233 (b) If the total amount of the deficit is less than 5% of the total revenue in the last  
9234 completed fiscal year, the entire amount of the deficit shall be included.

9235 (c) The entire amount of any deficit which results from activities other than those  
9236 described in Section [~~17A-1-426~~] 17B-1-623 shall be included as an item of appropriation in  
9237 each fund for any budget year not previously included in the budget of the current year.

9238 Section 202. Section **17B-1-614**, which is renumbered from Section 17A-1-417 is  
9239 renumbered and amended to read:

9240 [~~17A-1-417~~]. **17B-1-614. Adoption of final budget -- Certification and**  
9241 **filing.**

9242 (1) The [~~governing body~~] board of trustees of each local district shall by resolution  
9243 adopt a budget for the ensuing fiscal year for each fund for which a budget is required under  
9244 this part prior to the beginning of the fiscal year, except as provided in Sections 59-2-919  
9245 through 59-2-923. [~~A~~]

9246 (2) The local district's budget officer shall certify a copy of the final budget for each  
9247 fund [~~shall be certified by the budget officer~~] and [~~filed~~] file it with the state auditor within 30  
9248 days after adoption.

9249 Section 203. Section **17B-1-615**, which is renumbered from Section 17A-1-418 is  
9250 renumbered and amended to read:

9251 [~~17A-1-418~~]. **17B-1-615. Budgets in effect for budget year.**

9252 (1) Upon final adoption, [~~the budgets~~] each budget shall be in effect for the budget  
9253 year, subject to [~~later~~] amendment as provided in this part.

9254 (2) A certified copy of the adopted budgets shall be filed in the district office and shall  
9255 be available to the public during regular business hours.

9256 Section 204. Section **17B-1-616**, which is renumbered from Section 17A-1-419 is  
9257 renumbered and amended to read:

9258 [~~17A-1-419~~]. **17B-1-616. Property tax levy -- Amount in budget as basis**  
9259 **for determining.**

9260 From the effective date of the budget or of any amendment enacted prior to the date on  
9261 which property taxes are levied, the amount stated as the amount of estimated revenue from  
9262 property taxes shall constitute the basis for determining the property tax levy to be set by the  
9263 [~~governing body~~] board of trustees for the corresponding tax year, subject to the applicable

9264 limitations imposed by law.

9265 Section 205. Section **17B-1-617**, which is renumbered from Section 17A-1-420 is  
9266 renumbered and amended to read:

9267 ~~[17A-1-420].~~ **17B-1-617. Fund expenditures -- Budget officer's duties.**

9268 (1) The budget officer of each local district shall require all expenditures within each  
9269 fund to conform with the fund budget.

9270 (2) No appropriation may be encumbered and no expenditure may be made against any  
9271 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,  
9272 except in cases of emergency as provided in Section ~~[17A-1-426]~~ 17B-1-623.

9273 Section 206. Section **17B-1-618**, which is renumbered from Section 17A-1-421 is  
9274 renumbered and amended to read:

9275 ~~[17A-1-421].~~ **17B-1-618. Purchasing procedures.**

9276 All purchases or encumbrances by a local district shall be made or incurred according to  
9277 the purchasing procedures established by each district by resolution and only on an order or  
9278 approval of the person or persons duly authorized.

9279 Section 207. Section **17B-1-619**, which is renumbered from Section 17A-1-422 is  
9280 renumbered and amended to read:

9281 ~~[17A-1-422].~~ **17B-1-619. Expenditures or encumbrances in excess of**  
9282 **appropriations prohibited -- Processing claims.**

9283 ~~[Districts]~~ (1) A local district may not make or incur expenditures or encumbrances in  
9284 excess of total appropriations in the budget as adopted or as subsequently amended. ~~[Any~~  
9285 ~~such]~~

9286 (2) An obligation contracted by any officer in excess of total appropriations in the  
9287 budget is not enforceable against the district.

9288 (3) No check or warrant to cover ~~[any]~~ a claim against ~~[any]~~ an appropriation may be  
9289 drawn until the claim has been processed as provided by this part.

9290 Section 208. Section **17B-1-620**, which is renumbered from Section 17A-1-423 is  
9291 renumbered and amended to read:

9292 ~~[17A-1-423].~~ **17B-1-620. Transfer of appropriation balance between**  
9293 **accounts in same fund.**

9294 (1) The ~~[governing body]~~ board of trustees of each local district shall establish policies

9295 for the transfer of any unencumbered or unexpended appropriation balance or portion of the  
 9296 balance from one account in a fund to another account within the same fund~~[-but no]~~, subject  
 9297 to Subsection (2).

9298 (2) An appropriation for debt retirement and interest, reduction of deficit, or other  
 9299 appropriation required by law or covenant may not be reduced below the minimums required.

9300 Section 209. Section **17B-1-621**, which is renumbered from Section 17A-1-424 is  
 9301 renumbered and amended to read:

9302 ~~[17A-1-424].~~ **17B-1-621. Review of individual governmental fund budgets**

9303 **-- Hearing.**

9304 (1) The [governing] board of trustees of a local district body may, at any time during  
 9305 the budget year, review the individual budgets of the governmental funds for the purpose of  
 9306 determining if the total of any of them should be increased.

9307 (2) If the [governing body] board of trustees decides that the budget total of one or  
 9308 more of these funds should be increased, it shall follow the procedures established in Sections  
 9309 ~~[17A-1-412]~~ 17B-1-609 and ~~[17A-1-413]~~ 17B-1-610 for holding a public hearing.

9310 Section 210. Section **17B-1-622**, which is renumbered from Section 17A-1-425 is  
 9311 renumbered and amended to read:

9312 ~~[17A-1-425].~~ **17B-1-622. Amendment and increase of individual fund**  
 9313 **budgets.**

9314 (1) After [the conclusion of] holding the hearing referred to in Section 17B-1-621, the  
 9315 ~~[governing body] board of trustees~~ may, by resolution, amend the budgets of the funds  
 9316 proposed to be increased, so as to make all or part of the increases, both estimated revenues and  
 9317 appropriations, which were the proper subject of consideration at the hearing. ~~[Final~~  
 9318 ~~amendments in]~~

9319 (2) The board of trustees may not adopt an amendment to the current year [to the]  
 9320 budgets of any of the funds established in Section ~~[17A-1-408 shall be adopted by the~~  
 9321 ~~governing body on or before]~~ 17B-1-605 after the last day of the fiscal year.

9322 Section 211. Section **17B-1-623** is enacted to read:

9323 **17B-1-623. Emergency expenditures.**

9324 The board of trustees of a local district may, by resolution, amend a budget and  
 9325 authorize an expenditure of money that results in a deficit in the district's general fund balance

9326 if:

9327 (1) the board determines that:

9328 (a) an emergency exists; and

9329 (b) the expenditure is reasonably necessary to meet the emergency; and

9330 (2) the expenditure is used to meet the emergency.

9331 Section 212. Section **17B-1-624**, which is renumbered from Section 17A-1-427 is  
9332 renumbered and amended to read:

9333 ~~[17A-1-427].~~ **17B-1-624. Lapse of appropriations -- Exceptions.**

9334 All unexpended or unencumbered appropriations, except capital projects fund  
9335 appropriations, lapse at the end of the budget year to the respective fund balance.

9336 Section 213. Section **17B-1-625**, which is renumbered from Section 17A-1-428 is  
9337 renumbered and amended to read:

9338 ~~[17A-1-428].~~ **17B-1-625. Transfer of balances in special funds.**

9339 If the necessity for maintaining any special fund of a district ceases to exist and a  
9340 balance remains in the fund, the ~~[governing body]~~ board of trustees shall authorize the transfer  
9341 of the balance to the fund balance in the general fund of the district, subject to the following:

9342 (1) Any balance remaining in a special ~~[improvement]~~ assessment fund and not  
9343 required in its ~~[special improvements]~~ guaranty fund shall be treated in the manner provided in  
9344 Sections ~~[17A-3-332 and 17A-3-334 for municipal improvement districts created under Title~~  
9345 ~~17A, Chapter 3, Part 3, and Sections 17A-3-231 and 17A-3-232 for county improvement~~  
9346 ~~districts created under Title 17A, Chapter 3, Part 2]~~ 11-42-413 and 11-42-701.

9347 (2) Any balance remaining in a capital projects fund shall be transferred to the  
9348 appropriate debt service fund or other fund as the bond covenants may require and otherwise to  
9349 the fund balance account in the general fund.

9350 (3) If any balance held in a trust fund for a specific purpose, other than a cemetery  
9351 perpetual care trust fund, is to be transferred because its original purpose or restriction has  
9352 ceased to exist, a public hearing shall be held in the manner provided in Sections ~~[17A-1-412]~~  
9353 17B-1-609 and ~~[17A-1-413]~~ 17B-1-610. The published notice shall invite those persons who  
9354 contributed to the fund to appear at the hearing. If the ~~[governing body]~~ board of trustees  
9355 determines the fund balance amounts are refundable to the original contributors, a 30-day  
9356 period following the hearing shall be allowed for persons having an interest in the fund to file

9357 with the ~~[governing body]~~ board of trustees a verified claim only for the amount of each  
 9358 claimant's contributions. Any claim not so filed shall be barred. Any balance remaining, after  
 9359 refunds to eligible contributors, shall be transferred to the fund balance account in the general  
 9360 fund of the district.

9361 (4) If the ~~[governing body]~~ board of trustees decides, in conformity with applicable  
 9362 laws, that the need for continuing maintenance of its cemetery perpetual care trust fund no  
 9363 longer exists, it may transfer the balance in the fund to the capital projects fund for expenditure  
 9364 for land, buildings, and major improvements to be used exclusively for cemetery purposes.

9365 Section 214. Section **17B-1-626**, which is renumbered from Section 17A-1-429 is  
 9366 renumbered and amended to read:

9367 ~~[17A-1-429].~~ **17B-1-626. Loans by one fund to another.**

9368 Subject to restrictions imposed by bond covenants, statute, or other controlling  
 9369 regulations, the ~~[governing body]~~ board of trustees of a local district may authorize interfund  
 9370 loans from one fund to another at interest rates, repayment terms, and conditions prescribed by  
 9371 the ~~[governing body]~~ board of trustees.

9372 Section 215. Section **17B-1-627**, which is renumbered from Section 17A-1-430 is  
 9373 renumbered and amended to read:

9374 ~~[17A-1-430].~~ **17B-1-627. Property tax levy -- Time for setting --**  
 9375 **Computation of total levy -- Apportionment of proceeds -- Maximum levy.**

9376 (1) The ~~[governing body]~~ board of trustees of each local district authorized to levy a  
 9377 property tax, at a regular meeting or special meeting called for that purpose, shall, by  
 9378 resolution, set the real and personal property tax rate for various district purposes by the date  
 9379 set under Section 59-2-912, but the rate may be set at an appropriate later date in accordance  
 9380 with Sections 59-2-918 through 59-2-923.

9381 (2) In its computation of the total levy, the ~~[governing body]~~ board of trustees shall  
 9382 determine the requirements of each fund for which property taxes are to be levied and shall  
 9383 specify in its resolution adopting the tax rate the amount apportioned to each fund.

9384 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as  
 9385 revenue in the general fund.

9386 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to  
 9387 the appropriate accounts in the applicable special funds.

9388 (5) The combined levies for each district for all purposes in any year, excluding the  
9389 retirement of general obligation bonds and the payment of any interest on the bonds, and any  
9390 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated  
9391 by the laws governing each district.

9392 Section 216. Section **17B-1-628**, which is renumbered from Section 17A-1-431 is  
9393 renumbered and amended to read:

9394 ~~[17A-1-431].~~ **17B-1-628. Certification of resolution setting levy.**

9395 The district clerk, as appointed under Section ~~[17A-1-434]~~ 17B-1-631, shall certify the  
9396 resolution setting the levy to the county auditor, or auditors if the district is located in more  
9397 than one county, in accordance with Section 59-2-912, or in the case of a tax rate increase in  
9398 excess of the certified rate, in accordance with Section 59-2-920.

9399 Section 217. Section **17B-1-629**, which is renumbered from Section 17A-1-432 is  
9400 renumbered and amended to read:

9401 ~~[17A-1-432].~~ **17B-1-629. Operating and capital budgets.**

9402 (1) (a) ~~[An]~~ As used in this section, "operating and capital budget[;]" ~~[for the purposes~~  
9403 ~~of this section,]~~ means a plan of financial operation for a proprietary or other required special  
9404 fund, embodying estimates of operating resources and expenses and other outlays for a fiscal  
9405 year.

9406 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and  
9407 the procedures and controls relating to them in other sections of this part do not apply or refer  
9408 to the "operating and capital budgets" provided for in this section.

9409 (2) On or before the time the ~~[governing body]~~ board of trustees adopts budgets for the  
9410 governmental funds under Section ~~[17A-1-408]~~ 17B-1-605, it shall adopt for the ensuing year  
9411 an operating and capital budget for each proprietary fund and shall adopt the type of budget for  
9412 other special funds which is required by the Uniform Accounting Manual for ~~[Special]~~ Local  
9413 Districts.

9414 (3) Operating and capital budgets shall be adopted and administered in the following  
9415 manner:

9416 (a) (i) On or before the first regularly scheduled meeting of the ~~[governing body]~~ board  
9417 of trustees, in November for calendar year entities and May for fiscal year entities, the budget  
9418 officer shall prepare for the ensuing fiscal year, and file with the ~~[governing body]~~ board of



9419 trustees, a tentative operating and capital budget for each proprietary fund and for other  
9420 required special funds, together with specific work programs and any other supporting data  
9421 required by the [~~governing body~~] board.

9422 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable  
9423 allocations of costs between funds are included in a tentative budget, a written notice of the  
9424 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least  
9425 seven days before the hearing.

9426 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall  
9427 identify:

9428 (A) the enterprise utility fund from which money is being transferred;

9429 (B) the amount being transferred; and

9430 (C) the fund to which the money is being transferred.

9431 (b) (i) The board of trustees shall review and consider the tentative budgets [~~shall be~~  
9432 ~~reviewed and considered by the governing body~~] at any regular meeting or special meeting  
9433 called for that purpose.

9434 (ii) The [~~governing body~~] board of trustees may make any changes [~~considered~~  
9435 ~~advisable~~] in the tentative budgets that it considers advisable.

9436 (c) Budgets for proprietary or other required special funds shall comply with the public  
9437 hearing requirements established in Sections [~~17A-1-412~~] 17B-1-609 and [~~17A-1-413~~]  
9438 17B-1-610.

9439 (d) (i) The [~~governing body~~] board of trustees shall adopt an operating and capital  
9440 budget for each proprietary fund for the ensuing fiscal year before the beginning of each fiscal  
9441 year, except as provided in Sections 59-2-919 through 59-2-923.

9442 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified  
9443 by the budget officer and filed by the officer in the district office and shall be available to the  
9444 public during regular business hours.

9445 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after  
9446 adoption.

9447 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget  
9448 year, subject to later amendment.

9449 (ii) During the budget year, the [~~governing body~~] board of trustees may, in any regular

9450 meeting or special meeting called for that purpose, review any one or more of the operating and  
9451 capital budgets for the purpose of determining if the total of any of them should be increased.

9452 (iii) If the ~~[governing body]~~ board of trustees decides that the budget total of one or  
9453 more of these proprietary funds should be increased, the ~~[governing body]~~ board shall follow  
9454 the procedures established in Section ~~[17A-1-433]~~ 17B-1-630.

9455 (f) Expenditures from operating and capital budgets shall conform to the requirements  
9456 relating to budgets specified in Sections ~~[17A-1-420]~~ 17B-1-617 through ~~[17A-1-423]~~  
9457 17B-1-620.

9458 Section 218. Section **17B-1-630**, which is renumbered from Section 17A-1-433 is  
9459 renumbered and amended to read:

9460 ~~[17A-1-433]~~. **17B-1-630. Increase in appropriations for operating and**  
9461 **capital budget funds -- Notice.**

9462 The total budget appropriation of any fund described in Section ~~[17A-1-432]~~ 17B-1-629  
9463 may be increased by resolution of the ~~[governing body]~~ board of trustees at any regular  
9464 meeting, or special meeting called for that purpose, if written notice of the time, place, and  
9465 purpose of the meeting has been mailed or delivered to all members of the ~~[governing body]~~  
9466 board of trustees at least five days prior to the meeting. The notice may be waived in writing or  
9467 orally during attendance at the meeting by any member of the ~~[governing body]~~ board of  
9468 trustees.

9469 Section 219. Section **17B-1-631**, which is renumbered from Section 17A-1-434 is  
9470 renumbered and amended to read:

9471 ~~[17A-1-434]~~. **17B-1-631. District clerk -- Meetings and records.**

9472 (1) The ~~[governing body]~~ board of trustees of ~~[the]~~ each local district shall appoint a  
9473 district clerk. ~~[Where]~~

9474 (2) If required, the clerk may be chosen from among the members of the ~~[governing]~~  
9475 board of trustees, except the ~~[chairman of the board]~~ chair.

9476 (3) The district clerk or other appointed person shall attend the meetings and keep a  
9477 record of the proceedings of ~~[the governing body]~~ board of trustees.

9478 Section 220. Section **17B-1-632**, which is renumbered from Section 17A-1-436 is  
9479 renumbered and amended to read:

9480 ~~[17A-1-436]~~. **17B-1-632. District clerk -- Bookkeeping duties.**

9481 The district clerk or other designated person not performing treasurer duties shall  
9482 maintain the financial records for each fund of the local district and all related subsidiary  
9483 records, including a list of the outstanding bonds, their purpose, amount, terms, date, and place  
9484 payable.

9485 Section 221. Section **17B-1-633**, which is renumbered from Section 17A-1-437 is  
9486 renumbered and amended to read:

9487 ~~[17A-1-437].~~ **17B-1-633. District treasurer -- Duties generally.**

9488 (1) (a) The ~~[governing body]~~ board of trustees of ~~[the]~~ each local district shall appoint  
9489 a district treasurer.

9490 (b) (i) ~~[Where]~~ If required, the treasurer may be chosen from among the members of  
9491 the ~~[governing]~~ board of trustees, except that the ~~[chairman of the]~~ board chair may not be  
9492 district treasurer.

9493 (ii) The district clerk may not also be the district treasurer.

9494 (2) The district treasurer is custodian of all money, bonds, or other securities of the  
9495 district.

9496 (3) The district treasurer shall:

9497 (a) determine the cash requirements of the district and provide for the deposit and  
9498 investment of all monies by following the procedures and requirements of Title 51, Chapter 7,  
9499 State Money Management Act;

9500 (b) receive all public funds and money payable to the district within three business days  
9501 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

9502 (c) keep an accurate detailed account of all monies received under Subsection (3)(b) in  
9503 the manner provided in this part and as directed by the ~~[governing body of the district]~~ district's  
9504 board of trustees by resolution; and

9505 (d) collect all special taxes and assessments as provided by law and ordinance.

9506 Section 222. Section **17B-1-634**, which is renumbered from Section 17A-1-438 is  
9507 renumbered and amended to read:

9508 ~~[17A-1-438].~~ **17B-1-634. Receipts for payment.**

9509 The district treasurer shall give or cause to be given to every person paying money to  
9510 the district treasury, a receipt or other evidence of payment, specifying, as appropriate, the date  
9511 of payment and upon which account paid and shall file the duplicate of the receipt.

9512 Section 223. Section **17B-1-635**, which is renumbered from Section 17A-1-439 is  
9513 renumbered and amended to read:

9514 ~~[17A-1-439].~~ **17B-1-635. Duties with respect to issuance of checks.**

9515 (1) The district clerk or other designated person not performing treasurer duties shall  
9516 prepare the necessary checks after having determined that:

9517 (a) the claim was authorized by:

9518 (i) the ~~[governing body]~~ board of trustees; or

9519 (ii) the ~~[special]~~ local district financial officer, if the financial officer is not the clerk, in  
9520 accordance with Section ~~[17A-1-447]~~ 17B-1-642;

9521 (b) the claim does not overexpend the appropriate departmental budget established by  
9522 the ~~[governing body]~~ board of trustees; and

9523 (c) the expenditure was approved in advance by the ~~[governing body]~~ board of trustees  
9524 or its designee.

9525 (2) (a) (i) The treasurer or any other person appointed by the ~~[governing body]~~ board of  
9526 trustees shall sign all checks.

9527 (ii) The person maintaining the financial records may not sign any single signature  
9528 check.

9529 (b) In ~~[special districts]~~ a local district with an expenditure budget of less than \$50,000  
9530 per year, a member of the ~~[governing body]~~ board of trustees shall also sign all checks.

9531 (c) Before affixing a signature, the treasurer or other designated person shall determine  
9532 that a sufficient amount is on deposit in the appropriate bank account of the district to honor  
9533 the check.

9534 Section 224. Section **17B-1-636**, which is renumbered from Section 17A-1-440 is  
9535 renumbered and amended to read:

9536 ~~[17A-1-440].~~ **17B-1-636. Special assessments -- Application of proceeds.**

9537 All money received by the treasurer on any special assessment shall be applied to the  
9538 payment of the improvement for which the assessment was made. The money shall be used for  
9539 the payment of interest and principal on bonds or other indebtedness issued in settlement, and  
9540 may not be used for any other purpose except as provided in Section ~~[17A-1-428]~~ 17B-1-625.

9541 Section 225. Section **17B-1-637**, which is renumbered from Section 17A-1-441 is  
9542 renumbered and amended to read:

9543            ~~[17A-1-441].~~            **17B-1-637. Deposit of district funds -- Commingling with**  
9544 **personal funds unlawful -- Suspension from office.**

9545            The treasurer shall promptly deposit all district funds in the appropriate bank accounts  
9546 of the district. It shall be unlawful for any person to commingle district funds with the person's  
9547 own money. If it appears that the treasurer or any other officer is making a profit out of public  
9548 money, or is using the same for any purpose not authorized by law, the treasurer or officer shall  
9549 be suspended from office.

9550            Section 226. Section **17B-1-638**, which is renumbered from Section 17A-1-442 is  
9551 renumbered and amended to read:

9552            ~~[17A-1-442].~~            **17B-1-638. Quarterly financial reports required.**

9553            The district clerk or other delegated person shall prepare and present to the [~~governing~~  
9554 ~~body~~] board of trustees detailed quarterly financial reports showing the financial position and  
9555 operations of the district for that quarter and the year to date status.

9556            Section 227. Section **17B-1-639**, which is renumbered from Section 17A-1-443 is  
9557 renumbered and amended to read:

9558            ~~[17A-1-443].~~            **17B-1-639. Annual financial reports -- Independent audit**  
9559 **reports.**

9560            (1) (a) Within 180 days after the close of each fiscal year, the district shall prepare an  
9561 annual financial report in conformity with generally accepted accounting principles as  
9562 prescribed in the Uniform Accounting Manual for [~~Special~~] Local Districts.

9563            (b) Each annual financial report shall identify impact fee funds by the year in which  
9564 they were received, the project from which the funds were collected, the capital projects for  
9565 which the funds are budgeted, and the projected schedule for expenditure.

9566            (2) The requirement under Subsection (1)(a) to prepare an annual financial report may  
9567 be satisfied by presentation of the audit report furnished by the independent auditor.

9568            (3) Copies of the annual financial report or the audit report furnished by the  
9569 independent auditor shall be filed with the state auditor and shall be filed as a public document  
9570 in the district office.

9571            Section 228. Section **17B-1-640**, which is renumbered from Section 17A-1-444 is  
9572 renumbered and amended to read:

9573            ~~[17A-1-444].~~            **17B-1-640. Independent audits required.**

9574 (1) Independent audits of all local districts are required to be performed in conformity  
 9575 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal  
 9576 Organizations, and Other Local Entities Act.

9577 (2) The ~~[governing body]~~ board of trustees shall appoint an independent auditor for the  
 9578 purpose of complying with the requirements of this section and with Title 51, Chapter 2a,  
 9579 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
 9580 Entities Act.

9581 Section 229. Section **17B-1-641**, which is renumbered from Section 17A-1-445 is  
 9582 renumbered and amended to read:

9583 ~~[17A-1-445].~~ **17B-1-641. Local district may expand uniform procedures --**  
 9584 **Limitation.**

9585 ~~[(1) The state auditor, with the assistance, advice, and recommendations of a special  
 9586 district advisory committee appointed by the state auditor from among special district  
 9587 governing boards and officers, shall:]~~

9588 ~~[(a) prescribe uniform accounting and reporting procedures for districts in conformity  
 9589 with generally accepted accounting principles;]~~

9590 ~~[(b) conduct a continuing review and modification of procedures in order to improve  
 9591 them;]~~

9592 ~~[(c) prepare and supply each district with suitable budget and reporting forms; and]~~

9593 ~~[(d) prepare instructional materials, conduct training programs, and render other  
 9594 services considered necessary to assist districts in implementing the uniform accounting,  
 9595 budgeting, and reporting procedures.]]~~

9596 ~~[(2) The Uniform Accounting Manual for Special Districts shall prescribe reasonable  
 9597 exceptions and modifications for smaller districts to the uniform system of accounting,  
 9598 budgeting, and reporting.]]~~

9599 ~~[(3) Districts]~~ (1) Subject to Subsection (2), a local district may expand the uniform  
 9600 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual  
 9601 for Local Districts prepared by the state auditor under Subsection 67-3-1(13), to better serve  
 9602 [their] the needs[; but no deviations from or alterations to] of the district.

9603 (2) A local district may not deviate from or alter the basic prescribed classification  
 9604 systems for the identity of funds and accounts [may be made] set forth in the Uniform

9605 Accounting Manual for Local Districts.

9606 Section 230. Section **17B-1-642**, which is renumbered from Section 17A-1-447 is  
9607 renumbered and amended to read:

9608 ~~[17A-1-447].~~ **17B-1-642. Approval of district expenditures.**

9609 (1) The ~~[district governing]~~ board of trustees of each local district shall approve all  
9610 expenditures of the district except as otherwise provided in this section.

9611 (2) The ~~[governing body]~~ board of trustees may authorize the district manager or other  
9612 official approved by the ~~[governing body]~~ board to act as the financial officer for the purpose  
9613 of approving:

9614 (a) payroll checks, if the checks are prepared in accordance with a schedule approved  
9615 by the ~~[governing body]~~ board; and

9616 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and  
9617 materials.

9618 (3) Notwithstanding Subsection (2), the ~~[governing body]~~ board of trustees shall, at  
9619 least quarterly, review all expenditures authorized by the financial officer.

9620 (4) The ~~[governing body]~~ board of trustees shall set a maximum sum over which all  
9621 purchases may not be made without the board's approval ~~[of the governing body]~~.

9622 Section 231. Section **17B-1-643**, which is renumbered from Section 17A-1-448 is  
9623 renumbered and amended to read:

9624 ~~[17A-1-448].~~ **17B-1-643. Imposing or increasing a fee for service provided**  
9625 **by local district.**

9626 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
9627 by a ~~[special]~~ local district, each ~~[special]~~ local district board of trustees shall first hold a public  
9628 hearing at which any interested person may speak for or against the proposal to impose a fee or  
9629 to increase an existing fee.

9630 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
9631 no earlier than ~~[6:00]~~ 6 p.m.

9632 (c) A public hearing required under this Subsection (1) may be combined with a public  
9633 hearing on a tentative budget required under Section 17B-1-610.

9634 ~~[(e)]~~ (d) Except to the extent that this section imposes more stringent notice  
9635 requirements, the ~~[special]~~ local district board shall comply with Title 52, Chapter 4, Open and

9636 Public Meetings Act, in holding the public hearing under Subsection (1)(a).

9637 (2) (a) Each [~~special~~] local district board shall give notice of a hearing under  
9638 Subsection (1) as provided in Subsection (2)(b)(i) or [~~(e)~~] (ii).

9639 (b) (i) (A) The notice required under Subsection (2)(a) shall be published in a  
9640 newspaper or combination of newspapers of general circulation in the [~~special~~] local district, if  
9641 there is a newspaper or combination of newspapers of general circulation in the [~~special~~] local  
9642 district.

9643 [(iv)] (B) The notice shall be no less than 1/4 page in size and the type used shall be no  
9644 smaller than 18 point, and surrounded by a 1/4-inch border.

9645 [(iii)] (C) The notice may not be placed in that portion of the newspaper where legal  
9646 notices and classified advertisements appear.

9647 [(iv)] (D) It is legislative intent that, whenever possible, the advertisement appear in a  
9648 newspaper that is published at least one day per week.

9649 [(v)] (E) It is further the intent of the Legislature that the newspaper or combination of  
9650 newspapers selected be of general interest and readership in the [~~special~~] local district, and not  
9651 of limited subject matter.

9652 [(vi)] (F) The notice shall be run once each week for the two weeks preceding the  
9653 hearing.

9654 [(vii)] (G) The notice shall state that the [~~special~~] local district board intends to impose  
9655 or increase a fee for a service provided by the [~~special~~] local district and will hold a public  
9656 hearing on a certain day, time, and place fixed in the notice, which shall be not less than seven  
9657 days after the day the first notice is published, for the purpose of hearing comments regarding  
9658 the proposed imposition or increase of a fee and to explain the reasons for the proposed  
9659 imposition or increase.

9660 [(e)-(i)] (ii) (A) If there is no newspaper or combination of newspapers of general  
9661 circulation in the [~~special~~] local district, the [~~special~~] local district board shall post at least one  
9662 notice per 1,000 population within the [~~special~~] local district, at places within the [~~special~~]  
9663 local district that are most likely to provide actual notice to residents within the [~~special~~] local  
9664 district.

9665 [(ii)] (B) Each notice under Subsection (2)[~~(e)-(i)~~](b)(ii)(A) shall comply with  
9666 Subsection (2)(b)[~~(vii)~~](i)(G).



9667 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of  
 9668 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those  
 9669 within the district who:

9670 (A) will be charged the fee for a district service, if the fee is being imposed for the first  
 9671 time; or

9672 (B) are being charged a fee, if the fee is proposed to be increased.

9673 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection (2)(b)(i)(G).

9674 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing  
 9675 fee.

9676 (d) If the hearing required under this section is combined with the public hearing  
 9677 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied  
 9678 if a notice that meets the requirements of Subsection (2)(b)(i)(G) is combined with the notice  
 9679 required under Section 17B-1-609.

9680 ~~[(d)]~~ (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima  
 9681 facie evidence that notice was properly given.

9682 ~~[(e)]~~ (f) If no challenge is made to the notice given of a hearing required by Subsection  
 9683 (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.

9684 (3) After holding a public hearing under Subsection (1), a ~~[special]~~ local district board  
 9685 may:

9686 (a) impose the new fee or increase the existing fee as proposed;

9687 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
 9688 then impose the new fee or increase the existing fee as adjusted; or

9689 (c) decline to impose the new fee or increase the existing fee.

9690 (4) This section applies to each new fee imposed and each increase of an existing fee  
 9691 that occurs on or after July 1, 1998.

9692 Section 232. Section **17B-1-644**, which is renumbered from Section 17A-2-105 is  
 9693 renumbered and amended to read:

9694 ~~**[17A-2-105].**~~ **17B-1-644. Definitions -- Electronic payments -- Fee.**

9695 (1) As used in this section:

9696 (a) "Electronic payment" means the payment of money to ~~[an independent special]~~ a  
 9697 local district by electronic means, including by means of a credit card, charge card, debit card,

9698 prepaid or stored value card or similar device, or automatic clearinghouse transaction.

9699 (b) "Electronic payment fee" means an amount of money to defray the discount fee,  
9700 processing fee, or other fee charged by a credit card company or processing agent to process an  
9701 electronic payment.

9702 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party  
9703 that charges a fee to process an electronic payment.

9704 (2) [~~An independent special~~] A local district may accept an electronic payment for the  
9705 payment of funds which the [~~independent special~~] local district could have received through  
9706 another payment method.

9707 (3) [~~An independent special~~] A local district that accepts an electronic payment may  
9708 charge an electronic payment fee.

9709 Section 233. Section **17B-1-701**, which is renumbered from Section 17A-1-501 is  
9710 renumbered and amended to read:

**Part 7. Local District Budgets and Audit Reports**

~~[17A-1-501].~~ **17B-1-701. Definitions.**

As used in this part:

9714 (1) "Audit reports" means the reports of any independent audit of the district performed  
9715 by:

9716 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports  
9717 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

9718 (b) the state auditor; or

9719 (c) the legislative auditor.

9720 (2) "Board" means the [~~governing body of any special~~] local district board of trustees.

9721 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

9722 (a) estimates of proposed expenditures for given purposes and the proposed means of  
9723 financing them;

9724 (b) the source and amount of estimated revenue for the district for the fiscal year;

9725 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund  
9726 balance for each fund at the end of the fiscal year; and

9727 (d) capital projects or budgets for proposed construction or improvement to capital  
9728 facilities within the district.

9729 (4) "Constituent entity" means any county, city, or town that levies property taxes  
 9730 within the boundaries of the district.

9731 (5) (a) "Customer agencies" means those governmental entities, except school districts,  
 9732 institutions of higher education, and federal government agencies that purchase or obtain  
 9733 services from the [~~special~~] local district.

9734 (b) "Customer agencies" for purposes of state agencies means the state auditor.

9735 [~~(6) "Independent special district" means any special district established under~~  
 9736 ~~authority of Title 17A, Chapter 2.~~]

9737 Section 234. Section **17B-1-702**, which is renumbered from Section 17A-1-502 is  
 9738 renumbered and amended to read:

9739 **[17A-1-502].** **17B-1-702. Local districts to submit budgets.**

9740 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by  
 9741 the board, and at least 30 days before the board adopts a final budget, the board of each  
 9742 [~~independent special~~] local district with an annual budget of \$50,000 or more shall send a copy  
 9743 of its tentative budget and notice of the time and place for its budget hearing to:

9744 (i) each of its constituent entities that has in writing requested a copy; and

9745 (ii) to each of its customer agencies that has in writing requested a copy.

9746 (b) Within 30 days after it is approved by the board, and at least 30 days before the  
 9747 board adopts a final budget, the board of trustees of a public transit district serving a population  
 9748 of more than 200,000 people shall send a copy of its tentative budget and notice of the time and  
 9749 place for its budget hearing to:

9750 (i) each of its constituent entities; [~~and~~]

9751 (ii) [~~to~~] each of its customer agencies that has in writing requested a copy[~~:-~~];

9752 (iii) the governor; and

9753 (iv) the Legislature.

9754 (c) The [~~special~~] local district shall include with the tentative budget a signature sheet  
 9755 that includes:

9756 (i) language that the constituent entity or customer agency received the tentative budget  
 9757 and has no objection to it; and

9758 (ii) a place for the chairperson or other designee of the constituent entity or customer  
 9759 agency to sign.

9760 (2) Each constituent entity and each customer agency that receives the tentative budget  
9761 shall review the tentative budget submitted by the district and either:

9762 (a) sign the signature sheet and return it to the district; or

9763 (b) attend the budget hearing or other meeting scheduled by the district to discuss the  
9764 objections to the proposed budget.

9765 (3) (a) If any constituent entity or customer agency that received the tentative budget  
9766 has not returned the signature sheet to the [~~special~~] local district within 15 calendar days after  
9767 the tentative budget was mailed, the [~~special~~] local district shall send a written notice of the  
9768 budget hearing to each constituent entity or customer agency that did not return a signature  
9769 sheet and invite them to attend that hearing.

9770 (b) If requested to do so by any constituent entity or customer agency, the [~~special~~]  
9771 local district shall schedule a meeting to discuss the budget with the constituent entities and  
9772 customer agencies.

9773 (c) At the budget hearing, the [~~special~~] local district board shall:

9774 (i) explain its budget and answer any questions about it;

9775 (ii) specifically address any questions or objections raised by the constituent entity,  
9776 customer agency, or those attending the meeting; and

9777 (iii) seek to resolve the objections.

9778 (4) Nothing in this part prevents [~~any special~~] a local district board from approving or  
9779 implementing a budget over any or all constituent entity's or customer agency's protests,  
9780 objections, or failure to respond.

9781 Section 235. Section **17B-1-703**, which is renumbered from Section 17A-1-503 is  
9782 renumbered and amended to read:

9783 ~~[17A-1-503].~~ **17B-1-703. Local districts to submit audit reports.**

9784 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to  
9785 the board, the board of each [~~independent special~~] local district with an annual budget of  
9786 \$50,000 or more shall send a copy of any audit report to:

9787 (i) each of its constituent entities that has in writing requested a copy; and

9788 (ii) each of its customer agencies that has in writing requested a copy.

9789 (b) Within 30 days after it is presented to the board, the board of a public transit district  
9790 serving a population of more than 200,000 people shall send a copy of its annual audit report

9791 to:

9792 (i) each of its constituent entities; and

9793 (ii) each of its customer agencies that has in writing requested a copy.

9794 (2) Each constituent entity and each customer agency that received the audit report

9795 shall review the audit report submitted by the district and, if necessary, request a meeting with

9796 the [~~independent special~~] district board to discuss the audit report.

9797 (3) At the meeting, the [~~special~~] local district board shall:

9798 (a) answer any questions about the audit report; and

9799 (b) discuss their plans to implement suggestions made by the auditor.

9800 Section 236. Section **17B-1-801**, which is renumbered from Section 17A-1-601 is

9801 renumbered and amended to read:

9802 **Part 8. Local District Personnel Management**

9803 [~~17A-1-601~~]. **17B-1-801. Establishment of local district merit system.**

9804 [~~(1) This part is known as the "Special District Personnel Management Act."~~]

9805 [~~(2)~~] (1) A merit system of personnel administration for the [~~special~~] local districts of

9806 the state [~~of Utah~~], their departments, offices, and agencies, except as otherwise specifically

9807 provided, is established.

9808 [~~(3)~~] (2) This part does not apply to [~~special districts~~] a local district with annual

9809 revenues less than \$50,000.

9810 Section 237. Section **17B-1-802**, which is renumbered from Section 17A-1-602 is

9811 renumbered and amended to read:

9812 [~~17A-1-602~~]. **17B-1-802. Review of personnel policies.**

9813 Each [~~independent and each dependent special~~] local district [~~established under the~~

9814 ~~authority of this title which~~] that has full or part-time employees shall annually review its

9815 personnel policies to ensure that they conform to the requirements of state and federal law.

9816 Section 238. Section **17B-1-803**, which is renumbered from Section 17A-1-603 is

9817 renumbered and amended to read:

9818 [~~17A-1-603~~]. **17B-1-803. Merit principles.**

9819 [~~It is the policy of this state that each special~~] A local district may establish a personnel

9820 system administered in a manner that will provide for the effective implementation of [~~the~~

9821 ~~following~~] merit principles that provide for:

9822 (1) [~~Recruiting~~] recruiting, selecting, and advancing employees on the basis of their  
 9823 relative ability, knowledge, and skills, including open consideration of qualified applicants for  
 9824 initial appointment[-];

9825 (2) [~~Provision of~~] providing equitable and adequate compensation[-];

9826 (3) [~~Training of~~] training employees as needed to assure high-quality performance[-];

9827 (4) [~~Retention of~~] retaining employees on the basis of the adequacy of their  
 9828 performance, and separation of employees whose inadequate performance cannot be  
 9829 corrected[-];

9830 (5) [~~Fair~~] fair treatment of applicants and employees in all aspects of personnel  
 9831 administration without regard to race, color, religion, sex, national origin, political affiliation,  
 9832 age, or disability, and with proper regard for their privacy and constitutional rights as  
 9833 citizens[-];

9834 (6) [~~Provision of~~] providing information to employees regarding their political rights  
 9835 and prohibited practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through  
 9836 1508 et seq.; and

9837 (7) [~~Provision of~~] providing a formal procedure for processing the appeals and  
 9838 grievances of employees without discrimination, coercion, restraint, or reprisal.

9839 Section 239. Section **17B-1-804**, which is renumbered from Section 17A-1-604 is  
 9840 renumbered and amended to read:

9841 [~~17A-1-604~~]. **17B-1-804. Compliance with Labor Code requirements.**

9842 Each [~~special~~] local district shall comply with the requirements of Section 34-32-1.1.

9843 Section 240. Section **17B-1-901** is enacted to read:

9844 **Part 9. Collection of Service Fees and Charges**

9845 **17B-1-901. A single bill for multiple commodities, services, or facilities --**

9846 **Suspending service to a delinquent customer.**

9847 (1) If a local district provides more than one commodity, service, or facility, the district  
 9848 may bill for the fees and charges for all commodities, services, and facilities in a single bill.

9849 (2) A local district may suspend furnishing a commodity, service, or facility to a  
 9850 customer if the customer fails to pay all fees and charges when due.

9851 Section 241. Section **17B-1-902**, which is renumbered from Section 17B-2-803 is  
 9852 renumbered and amended to read:

9853 ~~[17B-2-803].~~ **17B-1-902. Lien for past due service fees -- Limitations.**

9854 (1) (a) A local district may certify, to the treasurer of the county in which the  
 9855 customer's property is located, past due ~~[service]~~ fees and ~~[other amounts]~~ charges for ~~[which~~  
 9856 ~~the customer is liable under this chapter to the treasurer or assessor of the county in which]~~  
 9857 commodities, services, or facilities that the district has provided to the customer's property [is  
 9858 located].

9859 (b) Subject to Subsection (2), the past due ~~[service]~~ fees and ~~[other amounts for which~~  
 9860 ~~the customer is liable under this chapter]~~ charges, including applicable interest and penalties,  
 9861 upon their certification under Subsection (1)(a), become a lien on the customer's property to  
 9862 which the ~~[water was furnished or sewer service]~~ commodities, services, or facilities were  
 9863 provided, on a parity with and collectible at the same time and in the same manner as general  
 9864 county taxes that are a lien on the property.

9865 (2) A lien under Subsection (1) is not valid if certification under Subsection (1) is  
 9866 made after the filing for record of a document conveying title of the customer's property to a  
 9867 new owner.

9868 (3) Nothing in this section may be construed to:

9869 (a) waive or release the customer's obligation to pay ~~[service]~~ fees or charges that the  
 9870 district has imposed;

9871 (b) preclude the certification of a lien under Subsection (1) with respect to past due  
 9872 ~~[service]~~ fees or charges for ~~[water furnished or sewer service]~~ commodities, services, or  
 9873 facilities provided after the date that title to the property is transferred to a new owner; or

9874 (c) nullify or terminate a valid lien.

9875 (4) After all amounts owing under a lien established as provided in this section have  
 9876 been paid, the local district shall file for record in the county recorder's office a release of the  
 9877 lien.

9878 Section 242. Section **17B-1-903**, which is renumbered from Section 17B-2-802 is  
 9879 renumbered and amended to read:

9880 ~~[17B-2-802].~~ **17B-1-903. Authority to require written application for**  
 9881 **water or sewer service and to terminate for failure to pay -- Limitations.**

9882 (1) A local district that owns or controls a system for furnishing water or providing  
 9883 sewer service or both may:

9884 (a) before furnishing water or providing sewer service to a property, require the  
 9885 property owner or an authorized agent to submit a written application, signed by the owner or  
 9886 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the  
 9887 property, whether occupied by the owner or by a tenant or other occupant, according to the  
 9888 rules and regulations adopted by the local district; and

9889 (b) if a customer fails to pay for water furnished or sewer service provided to the  
 9890 customer's property, discontinue furnishing water or providing sewer service to the property[;  
 9891 ~~respectively;~~] until all amounts for water furnished or sewer service provided[~~, respectively;~~]  
 9892 are paid, subject to Subsection (2).

9893 (2) Unless a valid lien has been established as provided in Section [~~17B-2-803~~]  
 9894 17B-1-902, has not been satisfied, and has not been terminated by a sale as provided in  
 9895 Subsection [~~17B-2-803~~] 17B-1-902(2), a local district may not:

9896 (a) use a customer's failure to pay for water furnished or sewer service provided to the  
 9897 customer's property as a basis for not furnishing water or providing sewer service to the  
 9898 property after ownership of the property is transferred to a subsequent owner; or

9899 (b) require an owner to pay for water that was furnished or sewer service that was  
 9900 provided to the property before the owner's ownership.

9901 Section 243. Section **17B-1-904**, which is renumbered from Section 17B-2-801 is  
 9902 renumbered and amended to read:

9903 [~~17B-2-801~~]. **17B-1-904. Collection of service fees.**

9904 (1) As used in this [part] section:

9905 [(1)] (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a local  
 9906 district for expenses associated with its efforts to collect past due service fees from a customer.

9907 [(2)] (b) "Customer" means the owner of real property to which a local district has  
 9908 [~~furnished water or provided sewer service~~] provided a service for which the local district  
 9909 charges a service fee.

9910 [(3)] (c) "Damages" means an amount equal to the greater of:

9911 [(a)] (i) \$100; and

9912 [(b)] (ii) triple the past due service fees.

9913 [(4)] (d) "Default date" means the date on which payment for service fees becomes past  
 9914 due.



9915            [(5)] (e) "Past due service fees" means service fees that on or after the default date have  
9916 not been paid.

9917            [(6)] (f) "Prelitigation damages" means an amount that is equal to the greater of:

9918            [(a)] (i) \$50; and

9919            [(b)] (ii) triple the past due service fees.

9920            [(7)] (g) "Service [fees] fee" means [the] an amount charged by a local district to a  
9921 customer for [water furnished or sewer service provided to the customer's property] a service,  
9922 including furnishing water, providing sewer service, and providing garbage collection service,  
9923 that the district provides to the customer's property.

9924            (2) A customer is liable to a local district for past due service fees and collection costs  
9925 if:

9926            (a) the customer has not paid service fees before the default date;

9927            (b) the local district mails the customer notice as provided in Subsection (4); and

9928            (c) the past due service fees remain unpaid 15 days after the local district has mailed  
9929 notice.

9930            (3) If a customer has not paid the local district the past due service fees and collection  
9931 costs within 30 days after the local district mails notice, the local district may make an offer to  
9932 the customer that the local district will forego filing a civil action under Subsection (5) if the  
9933 customer pays the local district an amount that:

9934            (a) consists of the past due service fees, collection costs, prelitigation damages, and, if  
9935 the local district retains an attorney to recover the past due service fees, a reasonable attorney  
9936 fee not to exceed \$50; and

9937            (b) if the customer's property is residential, may not exceed \$100.

9938            (4) (a) Each notice under Subsection (2)(b) shall:

9939            (i) be in writing;

9940            (ii) be mailed to the customer by the United States mail, postage prepaid;

9941            (iii) notify the customer that:

9942            (A) if the past due service fees are not paid within 15 days after the day on which the  
9943 local district mailed notice, the customer is liable for the past due service fees and collection  
9944 costs; and

9945            (B) the local district may file civil action if the customer does not pay to the local

9946 district the past due service fees and collection costs within 30 calendar days from the day on  
9947 which the local district mailed notice; and

9948 (iv) be in substantially the following form:

9949 Date: \_\_\_\_\_

9950 To: \_\_\_\_\_

9951 Service address: \_\_\_\_\_

9952 Account or invoice number(s): \_\_\_\_\_

9953 Date(s) of service: \_\_\_\_\_

9954 Amount past due: \_\_\_\_\_

9955 You are hereby notified that water or sewer service fees (or both) owed by you are in  
9956 default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the  
9957 past due amount within 15 days from the day on which this notice was mailed to you, you are  
9958 liable for the past due amount together with collection costs of \$20.

9959 You are further notified that if you do not pay the past due amount and the \$20  
9960 collection costs within 30 calendar days from the day on which this notice was mailed to you,  
9961 an appropriate civil legal action may be filed against you for the past due amount, interest,  
9962 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the  
9963 past due amounts, but the combined total of all these amounts may not exceed \$200 if your  
9964 property is residential.

9965 (Signed) \_\_\_\_\_

9966 Name of local district \_\_\_\_\_

9967 Address of local district \_\_\_\_\_

9968 Telephone number of local district \_\_\_\_\_

9969 (b) Written notice under this section is conclusively presumed to have been given if the  
9970 notice is:

9971 (i) properly deposited in the United States mail, postage prepaid, by certified or  
9972 registered mail, return receipt requested; and

9973 (ii) addressed to the customer at the customer's:

9974 (A) address as it appears in the records of the local district; or

9975 (B) last-known address.

9976 (5) (a) A local district may file a civil action against the customer if the customer fails

9977 to pay the past due service fees and collection costs within 30 calendar days from the date on  
9978 which the local district mailed notice under Subsection (2)(b).

9979 (b) (i) In a civil action under this Subsection (5), a customer is liable to the local  
9980 district for an amount that:

9981 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable  
9982 attorney fee, and damages; and

9983 (B) if the customer's property is residential, may not exceed \$200.

9984 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,  
9985 waive interest, court costs, the attorney fee, and damages, or any combination of them.

9986 (c) If a local district files a civil action under this Subsection (5) before 31 calendar  
9987 days after the day on which the local district mailed notice under Subsection (2)(b), a customer  
9988 may not be held liable for an amount in excess of past due service fees.

9989 (d) A local district may not file a civil action under this Subsection (5) unless the  
9990 customer has failed to pay the past due service fees and collection costs within 30 days from  
9991 the day on which the local district mailed notice under Subsection (2)(b).

9992 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall  
9993 be paid to and be the property of the local district that furnished water or provided sewer  
9994 service and may not be retained by a person who is not that local district.

9995 (b) A local district may not contract for a person to retain any amounts charged or  
9996 collected as prelitigation damages or as damages.

9997 (7) This section may not be construed to limit a local district from obtaining relief to  
9998 which it may be entitled under other applicable statute or cause of action.

9999 Section 244. Section **17B-1-1001** is enacted to read:

10000 **Part 10. Local District Property Tax Levy**

10001 **17B-1-1001. Provisions applicable to property tax levy.**

10002 Each local district that levies and collects property taxes shall levy and collect them  
10003 according to the provisions of Title 59, Chapter 2, Property Tax Act.

10004 Section 245. Section **17B-1-1002** is enacted to read:

10005 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

10006 (1) The rate at which a local district levies a property tax for district operation and  
10007 maintenance expenses on the taxable value of taxable property within the district may not

- 10008 exceed:
- 10009       (a) .0008, for a basic local district;
- 10010       (b) .0004, for a cemetery maintenance district;
- 10011       (c) .0004, for a drainage district;
- 10012       (d) .0008, for a fire protection district;
- 10013       (e) .0008, for an improvement district;
- 10014       (f) .0005, for a metropolitan water district;
- 10015       (g) .0004, for a mosquito abatement district;
- 10016       (h) .0004, for a public transit district;
- 10017       (i) (i) .0023, for a service area that:
- 10018           (A) is located in a county of the first class; and
- 10019           (B) provides fire protection, paramedic, and emergency services; or
- 10020       (ii) .0014, for each other service area;
- 10021       (j) the rates provided in Section 17B-2a-1006, for a water conservancy district.

- 10022       (2) Property taxes levied by a local district are excluded from the limit applicable to
- 10023 that district under Subsection (1) if the taxes are:
- 10024       (a) levied under Section 17B-1-1103 by a local district, other than a water conservancy
- 10025 district, to pay principal of and interest on general obligation bonds issued by the district;
- 10026       (b) levied to pay debt and interest owed to the United States; or
- 10027       (c) levied to pay assessments or other amounts due to a water users association or other
- 10028 public cooperative or private entity from which the district procures water.

Section 246. Section **17B-1-1101** is enacted to read:

**Part 11. Local District Bonds**

**17B-1-1101. Provisions applicable to a local district's issuance of bonds.**

Subject to the provisions of this part:

(1) each local district that issues bonds shall:

(a) issue them as provided in Title 11, Chapter 14, Local Government Bonding Act;

and

(b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

(2) each local district that issues refunding bonds shall issue them as provided in Title

11, Chapter 27, Utah Refunding Bond Act.

10039 Section 247. Section **17B-1-1102** is enacted to read:

10040 **17B-1-1102. General obligation bonds.**

10041 (1) Except as provided in Subsection (3), if a district intends to issue general obligation  
10042 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at  
10043 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
10044 Bonding Act.

10045 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
10046 the district, subject, for a water conservancy district, to the property tax levy limits of Section  
10047 17B-2a-1006.

10048 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
10049 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

10050 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
10051 bonds will cause the outstanding principal amount of all of the district's general obligation  
10052 bonds to exceed the amount that results from multiplying the fair market value of the taxable  
10053 property within the district, as determined under Subsection 11-14-301(3)(b), by a number that  
10054 is:

- 10055 (i) .05, for a basic local district;  
10056 (ii) .004, for a cemetery maintenance district;  
10057 (iii) .002, for a drainage district;  
10058 (iv) .004, for a fire protection district;  
10059 (v) .024, for an improvement district;  
10060 (vi) .1, for an irrigation district;  
10061 (vii) .1, for a metropolitan water district;  
10062 (viii) .0004, for a mosquito abatement district;  
10063 (ix) .03, for a public transit district; or  
10064 (x) .12, for a service area.

10065 (b) Bonds or other obligations of a local district that are not general obligation bonds  
10066 are not included in the limit stated in Subsection (4)(a).

10067 (5) A district may not be considered to be a municipal corporation for purposes of the  
10068 debt limitation of the Utah Constitution Article XIV, Section 4.

10069 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter

10070 13. Interlocal Cooperation Act, may not be considered to be bonds of a local district that  
10071 participates in the agreement creating the administrative or legal entity.

10072 Section 248. Section **17B-1-1103** is enacted to read:

10073 **17B-1-1103. Levy to pay for general obligation bonds.**

10074 (1) (a) If a district has issued general obligation bonds, or expects to have debt service  
10075 payments due on general obligation bonds during the current year, the district's board of  
10076 trustees may make an annual levy of ad valorem property taxes in order to:

10077 (i) pay the principal of and interest on the general obligation bonds;

10078 (ii) establish a sinking fund for defaults and future debt service on the general  
10079 obligation bonds; and

10080 (iii) establish a reserve to secure payment of the general obligation bonds.

10081 (b) A levy under Subsection (1)(a) is:

10082 (i) for a water conservancy district, subject to the limit stated in Section 17B-2a-1006;

10083 and

10084 (ii) for each other local district, without limitation as to rate or amount.

10085 (2) (a) Each district that levies a tax under Subsection (1) shall:

10086 (i) levy the tax as a separate and special levy for the specific purposes stated in  
10087 Subsection (1); and

10088 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of  
10089 and interest on the general obligation bonds, even though the proceeds may be used to establish  
10090 or replenish a sinking fund under Subsection (1)(b) or a reserve under Subsection (1)(c).

10091 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district  
10092 obligation in existence at the time the bonds were issued.

10093 Section 249. Section **17B-1-1104** is enacted to read:

10094 **17B-1-1104. Pledge of revenues to pay for bonds.**

10095 Bonds may be payable from and secured by the pledge of all or any specified part of:

10096 (1) the revenues to be derived by the district from providing its services and from the  
10097 operation of its facilities and other properties;

10098 (2) sales and use taxes, property taxes, and other taxes;

10099 (3) federal, state, or local grants; and

10100 (4) other money legally available to the district.

10101 Section 250. Section **17B-1-1105** is enacted to read:

10102 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**  
10103 **revenue bonds -- Authority to make agreements and covenants to provide for bond**  
10104 **repayment.**

10105 (1) A local district intending to issue revenue bonds may, but is not required to, submit  
10106 to district voters for their approval the issuance of the revenue bonds at an election held for that  
10107 purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

10108 (2) Each local district that has issued revenue bonds shall impose rates and charges for  
10109 the services or commodities it provides fully sufficient, along with other sources of district  
10110 revenues, to carry out all undertakings of the district with respect to its revenue bonds.

10111 (3) A local district that issues revenue bonds may:

10112 (a) agree to pay operation and maintenance expenses of the district from the  
10113 proceeds of the ad valorem taxes authorized in Subsection 17B-1-103(2)(g); and

10114 (b) for the benefit of bondholders, enter into covenants that:

10115 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

10116 (ii) provide for other pertinent matters that the board of trustees considers proper to  
10117 assure the marketability of the bonds.

10118 Section 251. Section **17B-1-1106** is enacted to read:

10119 **17B-1-1106. Board of trustees required to fix rates to cover district expenses and**  
10120 **bonds.**

10121 The board of trustees shall fix the rate or rates for services or commodities provided by  
10122 the district that will, in conjunction with the proceeds of any maintenance and operation tax  
10123 and other district revenues:

10124 (1) pay the district's operating expenses;

10125 (2) provide for repairs and depreciation of works owned or operated by the district;

10126 (3) pay the interest on any bonds issued by the district; and

10127 (4) provide, as much as practicable, a sinking or other fund to pay the principal of the  
10128 bonds as they become due.

10129 Section 252. Section **17B-1-1107** is enacted to read:

10130 **17B-1-1107. Ratification of previously issued bonds and previously entered**  
10131 **contracts.**

10132 All bonds issued or contracts entered into by a local district before April 30, 2007 are  
10133 ratified, validated, and confirmed and declared to be valid and legally binding obligations of  
10134 the district in accordance with their terms.

10135 Section 253. Section **17B-1-1201** is enacted to read:

10136 **Part 12. Local District Validation Proceedings**

10137 **17B-1-1201. Definitions.**

10138 As used in this part:

10139 (1) "Eligible function" means:

10140 (a) a power conferred on a local district under this title;

10141 (b) a tax or assessment levied by a local district;

10142 (c) an act or proceeding that a local district:

10143 (i) has taken; or

10144 (ii) contemplates taking; or

10145 (d) a district contract, whether already executed or to be executed in the future,

10146 including a contract for the acquisition, construction, maintenance, or operation of works for  
10147 the district.

10148 (2) "Validation order" means a court order adjudicating the validity of an eligible  
10149 function.

10150 (3) "Validation petition" means a petition requesting a validation order.

10151 (4) "Validation proceedings" means judicial proceedings occurring in district court  
10152 pursuant to a validation petition.

10153 Section 254. Section **17B-1-1202** is enacted to read:

10154 **17B-1-1202. Authority to file a validation petition -- Petition requirements --**  
10155 **Amending or supplementing a validation petition.**

10156 (1) The board of trustees of a local district may at any time file a validation petition.

10157 (2) Each validation petition shall:

10158 (a) describe the eligible function for which a validation order is sought;

10159 (b) set forth:

10160 (i) the facts upon which the validity of the eligible function is founded; and

10161 (ii) any other information or allegations necessary to a determination of the validation  
10162 petition;



10163 (c) be verified by the chair of the board of trustees; and  
 10164 (d) be filed in the district court of the county in which the district's principal office is  
 10165 located.

10166 (3) A local district may amend or supplement a validation petition:

10167 (a) at any time before the hearing under Section 17B-1-1203; or

10168 (b) after the hearing under Section 17B-1-1203, with permission of the court.

10169 Section 255. Section **17B-1-1203** is enacted to read:

10170 **17B-1-1203. Hearing on a validation petition.**

10171 (1) Upon the filing of a validation petition, the district court shall enter an order setting  
 10172 a date, time, and place for a hearing on the validation petition.

10173 (2) A hearing under Subsection (1) may not be held less than 21 days ~~§~~→ [or more than 30  
 10174 days] ←~~§~~ after the filing of the validation petition.

10175 Section 256. Section **17B-1-1204** is enacted to read:

10176 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
 10177 **supplemented validation petition.**

10178 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a  
 10179 validation petition, the local district that filed the petition shall:

10180 (a) publish notice at least once a week for three consecutive weeks in a newspaper of  
 10181 general circulation in the county in which the principal office of the district is located; and

10182 (b) post notice in its principal office at least 21 days before the date set for the hearing.

10183 (2) Each notice under Subsection (1) shall:

10184 (a) state the date, time, and place of the hearing on the validation petition;

10185 (b) include a general description of the contents of the validation petition; and

10186 (c) if applicable, state the location where a complete copy of a contract that is the  
 10187 subject of the validation petition may be examined.

10188 (3) If a district amends or supplements a validation petition under Subsection  
 10189 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district  
 10190 is not required to publish or post notice again unless required by the court.

10191 Section 257. Section **17B-1-1205** is enacted to read:

10192 **17B-1-1205. Property owner or interested person may appear in validation**  
 10193 **proceedings -- Failure to appear.**

10194 (1) An owner of property within the district or a person interested in a contract or  
 10195 proposed contract that is the subject of a validation petition may appear and answer or  
 10196 otherwise plead in response to the validation petition:

10197 (a) at any time before the hearing under Section 17B-1-1203; or

10198 (b) within any additional period of time that the district court allows.

10199 (2) If a person fails to appear and answer or otherwise plead in the time allowed under  
 10200 Subsection (1):

10201 (a) the allegations of the validation petition shall be considered admitted by that  
 10202 person; and

10203 (b) that person may not participate in the validation proceedings.

10204 Section 258. Section **17B-1-1206** is enacted to read:

10205 **17B-1-1206. Jurisdiction -- Validation proceedings.**

10206 **§→ [(1) The filing of a validation petition and the giving of notice as required in Section**  
 10207 **17B-1-1204 give the district court jurisdiction of the validation petition and validation**  
 10208 **proceedings.**

10209 ~~—(2)~~ **(1) ←§ At each validation petition hearing, the court shall §→ [examine into and] ←§**  
 10209a determine all  
 10210 matters and issues affecting the questions raised by the validation petition.

10211 **§→ [(3)] (2) ←§ The district court shall:**

10212 (a) advance each matter pertaining to validation proceedings as a matter of immediate  
 10213 public interest and concern; and

10214 (b) hear each matter pertaining to validation proceedings at the earliest practicable  
 10215 moment.

10216 **§→ [(4)] (3) ←§ The district court shall disregard each error, irregularity, or omission that**  
 10216a does not  
 10217 affect the substantial rights of the parties.

10218 **§→ [(5)] (4) ←§ Except as otherwise specified in this part, the Utah Rules of Civil**  
 10218a Procedure shall  
 10219 govern validation proceedings in matters of pleading and practice before the district court.

10220 Section 259. Section **17B-1-1207** is enacted to read:

10221 **17B-1-1207. Findings, conclusions, and judgment -- Costs -- Effect of judgment --**  
 10222 **Appeal.**

10223 (1) After the hearing under Section 17B-1-1203 on a validation petition, the district  
 10224 court shall:

10225 (a) make and enter written findings of fact and conclusions of law; and

10226 (b) render a judgment as warranted.

10227 (2) A district court may apportion costs among the parties as the court determines

10228 appropriate.

10229 (3) ~~§→ [Notwithstanding Rule 55(c) and Rule 60(b) of the Utah Rules of Civil Procedure or~~

10230 ~~any other provision of law, each] A ←§~~ district court judgment adjudicating matters raised by a

10231 validation petition ~~§→ [shall] ←§~~ :

10232 (a) ~~§→ [be] is ←§~~ binding and conclusive as to the local district and all other parties to the

10233 validation proceedings; and

10234 (b) ~~§→ [constitute] constitutes ←§~~ a permanent injunction against any action or proceeding

10234a to contest any

10235 matter adjudicated in the validation proceedings.

10236 ~~§→ [(4) After a final judgment has been entered in validation proceedings:~~

10237 ~~—— (a) no court has jurisdiction to adjudicate the matters adjudicated in the validation~~

10238 ~~proceedings; and~~

10239 ~~—— (b) the right of any person to litigate a matter adjudicated in the validation proceedings~~

10240 ~~terminates.~~

10241 ~~—— (5) (4) ←§~~ (a) ~~§→ [An] Each ←§~~ appeal of a final judgment in validation proceedings

10241a ~~§→ [may] shall ←§~~ be ~~§→ [taken only to] filed with ←§~~

10242 the Supreme Court ~~§→ [and] .~~

10242a (b) An appeal of a final judgment in validation proceedings may be filed ←§ only by a

10242b party to the validation proceedings.

10243 ~~§→ [(b) Each appeal of a final judgment in validation proceedings shall be filed within ten~~

10244 ~~days after the date of the entry of the final judgment.] ←§~~

10245 (c) The ~~§→ [Supreme Court] appellate court hearing an appeal under this section ←§~~

10245a shall expedite ~~§→ [and give priority to] ←§~~ the hearing ~~§→ [and decision] ←§~~ of

10246 ~~§→ [an] the ←§~~ appeal ~~§→ [under this section] ←§~~ .

10247 Section 260. Section **17B-1-1301**, which is renumbered from Section 17B-2-701 is

10248 renumbered and amended to read:

10249 **Part 13. Dissolution of a Local District**

10250 ~~[17B-2-701].~~ **17B-1-1301. Definitions.**

10251 For purposes of this part:

10252 (1) "Active" means, with respect to a local district, that the district is not inactive.

10253 (2) "Administrative body" means:

10254 (a) if the local district proposed to be dissolved has a duly constituted board of trustees

10255 in sufficient numbers to form a quorum, the board of trustees; or

10256 (b) except as provided in Subsection (2)(a):  
10257 (i) for a local district located entirely within a single municipality, the legislative body  
10258 of that municipality;  
10259 (ii) for a local district located in multiple municipalities within the same county or at  
10260 least partly within the unincorporated area of a county, the legislative body of that county; or  
10261 (iii) for a local district located within multiple counties, the legislative body of the  
10262 county whose boundaries include more of the local district than is included within the  
10263 boundaries of any other county.  
10264 (3) "Clerk" means:  
10265 (a) the board of trustees if the board is also the administrative body under Subsection  
10266 (2)(a);  
10267 (b) the clerk or recorder of the municipality whose legislative body is the  
10268 administrative body under Subsection (2)(b)(i); or  
10269 (c) the clerk of the county whose legislative body is the administrative body under  
10270 Subsection (2)(b)(ii) or (iii).  
10271 (4) "Inactive" means, with respect to a local district, that during the preceding three  
10272 years the district has not:  
10273 (a) provided any service or otherwise operated;  
10274 (b) received property taxes or user or other fees; and  
10275 (c) expended any funds.  
10276 Section 261. Section **17B-1-1302**, which is renumbered from Section 17B-2-702 is  
10277 renumbered and amended to read:  
10278 **~~[17B-2-702].~~ 17B-1-1302. Dissolution of special district.**  
10279 A local district may be dissolved as provided in this part.  
10280 Section 262. Section **17B-1-1303**, which is renumbered from Section 17B-2-703 is  
10281 renumbered and amended to read:  
10282 **~~[17B-2-703].~~ 17B-1-1303. Initiation of dissolution process.**  
10283 The process to dissolve a local district may be initiated by:  
10284 (1) for an inactive local district:  
10285 (a) (i) for a local district whose board of trustees is elected by electors based on the  
10286 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of

10287 25% of the acre-feet of water allotted to the land within the local district; or  
 10288 (ii) for all other districts:  
 10289 (A) a petition signed by the owners of private real property that:  
 10290 (I) is located within the local district proposed to be dissolved;  
 10291 (II) covers at least 25% of the private land area within the local district; and  
 10292 (III) is equal in assessed value to at least 25% of the assessed value of all private real  
 10293 property within the local district; or  
 10294 (B) a petition signed by registered voters residing within the local district proposed to  
 10295 be dissolved equal in number to at least 25% of the number of votes cast in the district for the  
 10296 office of governor at the last regular general election before the filing of the petition; or  
 10297 (b) a resolution adopted by the administrative body; and  
 10298 (2) for an active local district, a petition signed by:  
 10299 (a) for a local district whose board of trustees is elected by electors based on the  
 10300 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of  
 10301 100% of the acre-feet of water allotted to the land within the local district; or  
 10302 (b) for all other districts, the owners of 100% of the private real property located within  
 10303 or 100% of registered voters residing within the local district proposed to be dissolved.  
 10304 Section 263. Section **17B-1-1304**, which is renumbered from Section 17B-2-704 is  
 10305 renumbered and amended to read:  
 10306 ~~[17B-2-704]~~. **17B-1-1304. Petition requirements.**  
 10307 (1) Each petition under Subsection ~~[17B-2-703]~~ 17B-1-1303(1)(a) or (2) shall:  
 10308 (a) indicate the typed or printed name and current residence address of each owner of  
 10309 acre-feet of water, property owner, or registered voter signing the petition;  
 10310 (b) if it is a petition signed by the owners of acre-feet of water or property owners,  
 10311 indicate the address of the property as to which the owner is signing;  
 10312 (c) designate up to three signers of the petition as sponsors, one of whom shall be  
 10313 designated the contact sponsor, with the mailing address and telephone number of each; and  
 10314 (d) be filed with the clerk.  
 10315 (2) A signer of a petition to dissolve a local district may withdraw, or, once withdrawn,  
 10316 reinstate the signer's signature at any time until 30 days after the public hearing under Section  
 10317 ~~[17B-2-706]~~ 17B-1-1306.

10318 Section 264. Section **17B-1-1305**, which is renumbered from Section 17B-2-705 is  
10319 renumbered and amended to read:

10320 ~~[17B-2-705]~~. **17B-1-1305. Petition certification.**

10321 (1) Within 30 days after the filing of a petition under Subsection ~~[17B-2-703]~~  
10322 17B-1-1303(1)(a) or (2), the clerk shall:

10323 (a) with the assistance of officers of the county in which the local district is located  
10324 from whom the clerk requests assistance, determine whether the petition meets the  
10325 requirements of Section ~~[17B-2-703]~~ 17B-1-1303 and Subsection ~~[17B-2-704]~~ 17B-1-1304(1);  
10326 and

10327 (b) (i) if the clerk determines that the petition complies with the requirements, certify  
10328 the petition and mail or deliver written notification of the certification to the contact sponsor;  
10329 or

10330 (ii) if the clerk determines that the petition fails to comply with any of the  
10331 requirements, reject the petition and mail or deliver written notification of the rejection and the  
10332 reasons for the rejection to the contact sponsor.

10333 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be  
10334 amended to correct the deficiencies for which it was rejected and then refiled.

10335 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
10336 used toward fulfilling the applicable signature requirement of the petition as amended under  
10337 Subsection (2)(a).

10338 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the  
10339 same manner as an original petition under Subsection (1).

10340 Section 265. Section **17B-1-1306**, which is renumbered from Section 17B-2-706 is  
10341 renumbered and amended to read:

10342 ~~[17B-2-706]~~. **17B-1-1306. Public hearing.**

10343 (1) For each petition certified under Section ~~[17B-2-705]~~ 17B-1-1305 and each  
10344 resolution adopted under Subsection ~~[17B-2-703]~~ 17B-1-1303(1)(b), the administrative body  
10345 shall hold a public hearing on the proposed dissolution.

10346 (2) Each public hearing under Subsection (1) shall be held:

10347 (a) no later than 45 days after certification of the petition under Section ~~[17B-2-705]~~  
10348 17B-1-1305 or adoption of a resolution under Subsection ~~[17B-2-703]~~ 17B-1-1303(1)(b), as

10349 the case may be;

10350 (b) within the local district proposed to be dissolved;

10351 (c) on a weekday evening other than a holiday beginning no earlier than ~~[6:00]~~ 6 p.m.;

10352 and

10353 (d) for the purpose of allowing:

10354 (i) the public to ask questions and obtain further information about the proposed  
10355 dissolution and issues raised by it; and

10356 (ii) any interested person to address the administrative body concerning the proposed  
10357 dissolution.

10358 (3) A quorum of the administrative body shall be present throughout each public  
10359 hearing under this section.

10360 Section 266. Section **17B-1-1307**, which is renumbered from Section 17B-2-707 is  
10361 renumbered and amended to read:

10362 ~~[17B-2-707]~~. **17B-1-1307. Notice of public hearing and of dissolution.**

10363 (1) Before holding a public hearing required under Section ~~[17B-2-706]~~ 17B-1-1306,  
10364 the administrative body shall:

10365 (a) (i) publish notice of the public hearing and of the proposed dissolution in a  
10366 newspaper of general circulation within the local district proposed to be dissolved; and

10367 (ii) post notice of the public hearing and of the proposed dissolution in at least four  
10368 conspicuous places within the local district proposed to be dissolved, no less than five and no  
10369 more than 30 days before the public hearing; or

10370 (b) mail a notice to each owner of property located within the local district and to each  
10371 registered voter residing within the local district.

10372 (2) Each notice required under Subsection (1) shall:

10373 (a) identify the local district proposed to be dissolved and the service it was created to  
10374 provide; and

10375 (b) state the date, time, and location of the public hearing.

10376 Section 267. Section **17B-1-1308**, which is renumbered from Section 17B-2-708 is  
10377 renumbered and amended to read:

10378 ~~[17B-2-708]~~. **17B-1-1308. Dissolution resolution -- Limitations on**  
10379 **dissolution -- Distribution of remaining assets -- Notice of dissolution to lieutenant**

10380 **governor.**

10381 (1) After the public hearing required under Section [~~17B-2-706~~] 17B-1-1306 and  
10382 subject to Subsection (2), the administrative body may adopt a resolution approving dissolution  
10383 of the local district.

10384 (2) A resolution under Subsection (1) may not be adopted unless:

10385 (a) any outstanding debt of the local district is:

10386 (i) satisfied and discharged in connection with the dissolution; or

10387 (ii) assumed by another governmental entity with the consent of all the holders of that  
10388 debt and all the holders of other debts of the local district;

10389 (b) for a local district that has provided service during the preceding three years or  
10390 undertaken planning or other activity preparatory to providing service:

10391 (i) another entity has committed to provide the same service to the area being served or  
10392 proposed to be served by the local district; and

10393 (ii) all who are to receive the service have consented to the service being provided by  
10394 the other entity; and

10395 (c) all outstanding contracts to which the local district is a party are resolved through  
10396 mutual termination or the assignment of the district's rights, duties, privileges, and  
10397 responsibilities to another entity with the consent of the other parties to the contract.

10398 (3) (a) (i) Any assets of the local district remaining after paying all debts and other  
10399 obligations of the local district shall be used to pay costs associated with the dissolution  
10400 process under this part.

10401 (ii) Any costs of the dissolution process remaining after exhausting the remaining  
10402 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

10403 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall  
10404 be distributed:

10405 (i) proportionately to the owners of real property within the dissolved local district if  
10406 there is a readily identifiable connection between a financial burden borne by the real property  
10407 owners in the district and the remaining assets; or

10408 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which  
10409 the dissolved local district was located before dissolution in the same proportion that the land  
10410 area of the local district located within the unincorporated area of the county or within the city



10411 or town bears to the total local district land area.

10412 (4) (a) Within 30 days after adopting a resolution approving dissolution of the local  
10413 district, the administrative body shall file a notice with the lieutenant governor.

10414 (b) The notice required under Subsection (4)(a) shall:

10415 (i) be accompanied by a copy of the board resolution approving the dissolution; and

10416 (ii) include a certification by the administrative body that all requirements for the  
10417 dissolution have been complied with.

10418 (c) Upon the lieutenant governor's issuance of the certificate of dissolution under  
10419 Section 67-1a-6.5, the local district is dissolved.

10420 Section 268. Section **17B-1-1401** is enacted to read:

10421 **Part 14. Basic Local District**

10422 **17B-1-1401. Status of and provisions applicable to a basic local district.**

10423 A basic local district:

10424 (1) operates under, is subject to, and has the powers set forth in this chapter; and

10425 (2) is not subject to Chapter 2a, Provisions Applicable to Different Types of Local  
10426 Districts.

10427 Section 269. Section **17B-1-1402** is enacted to read:

10428 **17B-1-1402. Board of trustees of a basic local district.**

10429 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution  
10430 under Subsection 17B-1-203(1)(c) or (d), the members of a board of trustees of a basic local  
10431 district may be:

10432 (a) (i) elected by registered voters; or

10433 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

10434 (b) if the area of the local district contains less than one residential dwelling unit per 50  
10435 acres of land at the time the resolution is adopted or the petition is filed, elected by the owners  
10436 of real property within the local district based on:

10437 (i) the amount of acreage owned by property owners;

10438 (ii) the assessed value of property owned by property owners; or

10439 (iii) water rights;

10440 (A) relating to the real property within the local district;

10441 (B) that the real property owner;

10442 (I) owns; or  
 10443 (II) has transferred to the local district.  
 10444 (2) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under  
 10445 Subsection 17B-1-203(1)(c) or (d) may provide for a transition from one or more methods of  
 10446 election or appointment under Subsection (1) to one or more other methods of election or  
 10447 appointment based upon milestones or events that the petition or resolution identifies.

Section 270. Section **17B-2a-101** is enacted to read:

**CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF LOCAL DISTRICTS**

**Part 1. Cemetery Maintenance District Act**

**17B-2a-101. Title.**

This part is known as the "Cemetery Maintenance District Act."

Section 271. Section **17B-2a-102** is enacted to read:

**17B-2a-102. Applicability of this part to cemetery maintenance districts.**

(1) Each cemetery maintenance district is governed by and has the powers stated in:

(a) this part; and

(b) Chapter 1, Provisions Applicable to All Local Districts.

(2) This part applies only to cemetery maintenance districts.

(3) A cemetery maintenance district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.

Section 272. Section **17B-2a-103** is enacted to read:

**17B-2a-103. Limits on the creation of a cemetery maintenance district.**

A cemetery maintenance district may not be created in a city of the first or second class.

Section 273. Section **17B-2a-104** is enacted to read:

**17B-2a-104. Cemetery maintenance district bonding authority.**

A cemetery maintenance district may issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district.

Section 274. Section **17B-2a-105** is enacted to read:

**17B-2a-105. Additional duties of a cemetery maintenance district board of**

10473 trustees.

10474 In addition to the powers and duties of a board of trustees under Chapter 1, Part 3,  
10475 Board of Trustees, each cemetery maintenance district board of trustees shall beautify,  
10476 improve, and maintain each cemetery within the district.

10477 Section 275. Section **17B-2a-106** is enacted to read:

10478 **17B-2a-106. Appointment of board of trustees members -- Vacancies.**

10479 (1) If the area of a cemetery maintenance district is included entirely within the  
10480 boundaries of a single municipality, each member of its board of trustees shall be appointed  
10481 and each vacancy on the board of trustees shall be filled by a person appointed by the  
10482 legislative body of that municipality, as provided in Section 17B-1-304.

10483 (2) For each other cemetery maintenance district, each member of its board of trustees  
10484 shall be appointed and each vacancy on the board of trustees shall be filled by a person  
10485 appointed by the legislative body of the county in which the district is located, as provided in  
10486 Section 17B-1-304.

10487 Section 276. Section **17B-2a-107** is enacted to read:

10488 **17B-2a-107. Property within a cemetery maintenance district to be**  
10489 **proportionately benefitted and equally assessed.**

10490 Each parcel of property within a cemetery maintenance district shall be:

10491 (1) benefitted by the creation of the district and by improvements made by the district,  
10492 ratably with all other parcels of property within the district in proportion to the parcel's taxable  
10493 value; and

10494 (2) assessed equally in proportion to its taxable value for the purpose of cemetery  
10495 improvement and maintenance.

10496 Section 277. Section **17B-2a-201** is enacted to read:

10497 **Part 2. Drainage District Act**

10498 **17B-2a-201. Title.**

10499 This part is known as the "Drainage District Act."

10500 Section 278. Section **17B-2a-202** is enacted to read:

10501 **17B-2a-202. Definitions.**

10502 As used in this part:

10503 (1) "Ditch" includes a drain or natural or constructed watercourse, whether open,

10504 covered, or tiled, and whether inside or outside the drainage district.

10505 (2) "Drainage" includes the reclamation, protection, or betterment of land by leading,  
10506 carrying, withholding, or pumping excess water from land through canals, ditches, pipes, or  
10507 other means.

10508 Section 279. Section **17B-2a-203** is enacted to read:

10509 **17B-2a-203. Applicability of this part to drainage districts.**

10510 (1) Each drainage district is governed by and has the powers stated in:

10511 (a) this part; and

10512 (b) Chapter 1, Provisions Applicable to All Local Districts.

10513 (2) This part applies only to drainage districts.

10514 (3) A drainage district is not subject to the provisions of any other part of this chapter.

10515 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10516 Local Districts, and a provision in this part, the provision in this part governs.

10517 Section 280. Section **17B-2a-204** is enacted to read:

10518 **17B-2a-204. Prohibition against creating a drainage district.**

10519 No new drainage district may be created.

10520 Section 281. Section **17B-2a-205** is enacted to read:

10521 **17B-2a-205. Additional drainage district powers.**

10522 In addition to the powers conferred on a drainage district under Section 17B-1-103, a  
10523 drainage district may:

10524 (1) enter upon land for the purpose of examining the land or making a survey;

10525 (2) locate a necessary drainage canal with any necessary branches on land that the  
10526 district's board of trustees considers best;

10527 (3) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10528 to carry out the purposes of the district;

10529 (4) after the payment or tender of compensation allowed, go upon land to construct  
10530 proposed works, and thereafter enter upon that land to maintain or repair the works;

10531 (5) appropriate water for useful and beneficial purposes;

10532 (6) regulate and control, for the benefit of landholders within the district, all water  
10533 developed, appropriated, or owned by the district;

10534 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the

10535 same manner and for the same use and purposes as a private person;

10536 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any  
10537 watercourse, whether inside or outside the district; and

10538 (9) if necessary, straighten a watercourse by cutting a new channel upon land not  
10539 already containing the watercourse, subject to the landowner receiving compensation for the  
10540 land occupied by the new channel and for any damages, as provided under the law of eminent  
10541 domain.

10542 Section 282. Section **17B-2a-206** is enacted to read:

10543 **17B-2a-206. Drainage district board of trustees.**

10544 (1) Subject to Subsection (2), each member of the board of trustees of a drainage  
10545 district shall be appointed by the legislative body of the county in which the district is located.

10546 (2) If a drainage district is located in more than one county, a county legislative body  
10547 may not appoint more than two members.

10548 Section 283. Section **17B-2a-207** is enacted to read:

10549 **17B-2a-207. Public highways, roads, or streets or railroad rights-of-way**  
10550 **benefitted by district works.**

10551 If a drainage district board of trustees determines that a public highway, road, street, or  
10552 railroad right-of-way is or will be benefitted by district drainage canals or other works that have  
10553 been or will be constructed:

10554 (1) the district shall assess benefits and taxes against the public highway, road, street,  
10555 or railroad right-of-way in the same manner as if the highway, road, street, or railroad  
10556 right-of-way were in private ownership;

10557 (2) the district may treat the highway, road, street, or railroad right-of-way the same as  
10558 it would treat private land; and

10559 (3) the state or local entity having control of the public highway, road, or street or the  
10560 owner of the railroad right-of-way shall pay the applicable taxes assessed against the land,  
10561 whether or not it owns the fee simple title to the land covered by the highway, road, street, or  
10562 railroad right-of-way.

10563 Section 284. Section **17B-2a-208** is enacted to read:

10564 **17B-2a-208. Bridge or culvert across a public highway, road, or street, or a**  
10565 **railroad right-of-way -- Notice to railway authority -- Option of railway authority to**

10566 **construct bridge or culvert.**

10567 (1) (a) A drainage district may construct each necessary bridge and culvert across or  
10568 under a public highway, road, street, or railroad right-of-way to enable the district to construct  
10569 and maintain a canal, drain, or ditch necessary as part of the drainage system of the district.

10570 (b) Before a drainage district constructs a bridge or culvert across or under a railroad  
10571 right-of-way, the district shall first give notice to the railway authority empowered to build or  
10572 construct bridges and culverts.

10573 (2) (a) A railway authority may, within 30 days after the notice under Subsection (1)(b)  
10574 and at its own expense, build the bridge or culvert according to its own plans.

10575 (b) Each railway authority that builds a bridge or culvert as provided in Subsection  
10576 (2)(a) shall construct the bridge or culvert:

10577 (i) so as not to interfere with the free and unobstructed flow of water passing through  
10578 the canal or drain; and

10579 (ii) at points that are indicated by a competent drainage engineer.

10580 Section 285. Section **17B-2a-209** is enacted to read:

10581 **17B-2a-209. State land treated the same as private land -- Consent needed to**  
10582 **affect school and institutional trust land -- Owner of state land has same rights as owner**  
10583 **of private land.**

10584 (1) Subject to Subsection (2), a drainage district may treat state land the same as  
10585 private land with respect to the drainage of land for agricultural purposes.

10586 (2) A drainage district may not affect school or institutional trust land under this part or  
10587 Chapter 1, Provisions Applicable to All Local Districts, without the consent of the director of  
10588 the School and Institutional Trust Lands Administration acting in accordance with Sections  
10589 53C-1-102 and 53C-1-303.

10590 (3) The state and each person holding unpatented state land under entries or contracts  
10591 of purchase from the state have all the rights, privileges, and benefits under this part and  
10592 Chapter 1, Provisions Applicable to All Local Districts, that a private owner of that land would  
10593 have.

10594 Section 286. Section **17B-2a-210** is enacted to read:

10595 **17B-2a-210. District required to minimize damage when entering on land --**  
10596 **Penalty for preventing or prohibiting a district from entering on land.**







- 10659            **17B-2a-402.** **Applicability of this part to improvement districts.**
- 10660            (1) Each improvement district is governed by and has the powers stated in:
- 10661            (a) this part; and
- 10662            (b) Chapter 1, Provisions Applicable to All Local Districts.
- 10663            (2) This part applies only to improvement districts.
- 10664            (3) An improvement district is not subject to the provisions of any other part of this
- 10665 chapter.
- 10666            (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 10667 Local Districts, and a provision in this part, the provision in this part governs.
- 10668            Section 296. Section **17B-2a-403**, which is renumbered from Section 17A-2-301 is
- 10669 renumbered and amended to read:
- 10670            ~~[17A-2-301].~~            **17B-2a-403.** **Improvement district authority.**
- 10671            (1) ~~[(a) An]~~ In addition to the powers conferred on an improvement district under
- 10672 Section 17B-1-103, an improvement district may:
- 10673            (a) acquire through construction, purchase, gift, or condemnation, or any combination
- 10674 of these methods, and may operate all or any part of:
- 10675            (i) a system for the supply, treatment, and distribution of water;
- 10676            (ii) a system for the collection, treatment, and disposition of sewage;
- 10677            (iii) a system for the collection, retention, and disposition of storm and flood waters;
- 10678            (iv) a system for the generation, distribution, and sale of electricity, subject to Section
- 10679 17B-2a-406; and
- 10680            (v) a system for the transmission of natural or manufactured gas if the system is:
- 10681            (A) connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as
- 10682 defined in Section 54-2-1, regulated under Section 54-4-1; and
- 10683            (B) to be used to facilitate gas utility service within the district if the gas utility service
- 10684 is not available within the district prior to the acquisition or construction of the system[-];
- 10685            (b) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
- 10686 to carry out the purposes of the district;
- 10687            (c) appropriate or otherwise acquire water and water rights inside or outside its
- 10688 boundaries;
- 10689            (d) sell water or other services to consumers residing outside its boundaries;

10690 (e) enter into a contract with a gas corporation regulated under Section 54-4-1 to  
10691 provide for the operation or maintenance of all or part of a system for the transmission of  
10692 natural or manufactured gas or to lease or sell all or a portion of that system to a gas  
10693 corporation;

10694 (f) enter into a contract with a person for:

10695 (i) the purchase or sale of water or electricity;

10696 (ii) the use of any facility owned by the person; or

10697 (iii) the purpose of handling the person's industrial and commercial waste and sewage;

10698 (g) require pretreatment of industrial and commercial waste and sewage; and

10699 (h) impose a penalty or surcharge against a public entity or other person with which the  
10700 district has entered into a contract for the construction, acquisition, or operation of all or a part  
10701 of a system for the collection, treatment, and disposal of sewage, if the public entity or other  
10702 person fails to comply with the provisions of the contract.

10703 ~~[(b)]~~ (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by  
10704 a gas corporation regulated under Section 54-4-1 and not by the district.

10705 ~~[(2)(a)(i) Subject to Subsection (2)(a)(ii), the area of a district under this part may~~  
10706 ~~include all or part of any county or counties, including all or any part of any incorporated~~  
10707 ~~municipalities, other incorporated areas, and unincorporated areas, as the needs of the~~  
10708 ~~inhabitants of the proposed districts may appear.]~~

10709 ~~[(ii) Notwithstanding Subsection (2)(a)(i), the addition of any territory to a district~~  
10710 ~~under this part shall, on and after June 1, 2001 and as provided in Subsection~~  
10711 ~~17A-2-101.3(1)(a)(i), be governed by Title 17B, Chapter 2, Part 5, Annexation.]~~

10712 ~~[(b) The boundaries of a district authorized under this part do not need to be~~  
10713 ~~contiguous.]~~

10714 ~~[(3) If an improvement district authorized under this part was created solely for the~~  
10715 ~~purpose of acquiring a system for the collection, retention, or disposition of storm and flood~~  
10716 ~~waters, the county legislative body that created the district may, in its discretion and despite~~  
10717 ~~anything to the contrary in Section 17A-2-305, act as the board of trustees of the district for so~~  
10718 ~~long as it considers desirable.]~~

10719 (3) An improvement district may not begin to provide sewer service to an area where  
10720 sewer service is already provided by an existing sewage collection system operated by a

10721 municipality or other political subdivision unless the municipality or other political subdivision  
10722 gives its written consent.

10723 Section 297. Section **17B-2a-404** is enacted to read:

10724 **17B-2a-404. Improvement district board of trustees.**

10725 (1) As used in this section:

10726 (a) "County district" means an improvement district that does not include within its  
10727 boundaries any territory of a municipality.

10728 (b) "County member" means a member of a board of trustees of a county district.

10729 (c) "Electric district" means an improvement district that was created for the purpose of  
10730 providing electric service.

10731 (d) "Included municipality" means a municipality whose boundaries are entirely  
10732 contained within but do not coincide with the boundaries of an improvement district.

10733 (e) "Municipal district" means an improvement district whose boundaries coincide with  
10734 the boundaries of a single municipality.

10735 (f) "Regular district" means an improvement district that is not a county district,  
10736 electric district, or municipal district.

10737 (g) "Remaining area" means the area of a regular district that:

10738 (i) is outside the boundaries of an included municipality; and

10739 (ii) includes the area of an included municipality whose legislative body elects, under  
10740 Subsection (4)(a)(i)(B), not to appoint a member to the board of trustees of the regular district.

10741 (h) "Remaining area member" means a member of a board of trustees of a regular  
10742 district who is appointed, or, if applicable, elected to represent the remaining area of the  
10743 district.

10744 (2) The legislative body of the municipality included within a municipal district may:

10745 (a) elect, at the time of the creation of the district, to be the board of trustees of the  
10746 district; and

10747 (b) adopt at any time a resolution providing for:

10748 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

10749 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

10750 (3) The legislative body of a county whose unincorporated area is partly or completely  
10751 within a county district may:

10752           (a) elect, at the time of the creation of the district, to be the board of trustees of the  
10753 district; and

10754           (b) adopt at any time a resolution providing for:

10755           (i) the election of board of trustees members, as provided in Section 17B-1-306; or  
10756           (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

10757           (4) (a) (i) (A) Except as provided in Subsections (4)(a)(i)(B) and (ii), the legislative  
10758 body of each included municipality shall each appoint one member to the board of trustees of a  
10759 regular district.

10760           (B) The legislative body of an included municipality may elect not to appoint a  
10761 member to the board under Subsection (4)(a)(i)(A).

10762           (ii) If municipalities are combined under Subsection (6)(b)(i), the legislative bodies of  
10763 the combined municipalities shall collectively appoint one member to the board of trustees, as  
10764 provided in Section 17B-1-304.

10765           (b) Except as provided in Subsection (5), the legislative body of each county whose  
10766 boundaries include a remaining area shall appoint all other members to the board of trustees of  
10767 a regular district.

10768           (5) (a) Each remaining area member of a regular district and each county member of a  
10769 county district shall be elected, as provided in Section 17B-1-306, if:

10770           (i) the petition or resolution initiating the creation of the district provides for remaining  
10771 area or county members to be elected;

10772           (ii) the district holds an election to approve the district's issuance of bonds;  
10773           (iii) for a regular district, an included municipality elects, under Subsection  
10774 (4)(a)(i)(B), not to appoint a member to the board of trustees; or

10775           (iv) (A) at least 90 days before the municipal general election, a petition is filed with  
10776 the district's board of trustees requesting remaining area members or county members, as the  
10777 case may be, to be elected; and

10778           (B) the petition is signed by registered voters within the remaining area or county  
10779 district, as the case may be, equal in number to at least 10% of the number of registered voters  
10780 within the remaining area or county district, respectively, who voted in the last gubernatorial  
10781 election.

10782           (6) (a) Subject to Section 17B-1-302, the number of members of a board of trustees of

10783 a regular district shall be:

10784 (i) the number of included municipalities within the district, if:

10785 (A) the number is an odd number; and

10786 (B) the district does not include a remaining area;

10787 (ii) the number of included municipalities plus one, if the number of included

10788 municipalities within the district is even;

10789 (iii) the number of included municipalities plus two, if:

10790 (A) the number of included municipalities is odd; and

10791 (B) the district includes a remaining area.

10792 (b) (i) If the number of board members under Subsection (6)(a) exceeds nine, then,

10793 except as provided in Subsection (6)(b)(ii):

10794 (A) the number of members shall be nine; and

10795 (B) the least populated included municipalities shall be combined for purposes of

10796 representation to the extent necessary to result in nine members.

10797 (ii) Application of Subsection (6)(b)(i) may not cause an included municipality to lose

10798 its separate representation on the board until the end of the term of the board member

10799 appointed by that municipality.

10800 (7) (a) Except as provided in Subsection (7)(b), each remaining area member of the

10801 board of trustees of a regular district shall reside within the remaining area.

10802 (b) Notwithstanding Subsection (7)(a), if the population of the remaining area is less

10803 than 5% of the total district population, each remaining area member shall be chosen from the

10804 district at large.

10805 (8) If the election of remaining area or county members of the board of trustees is

10806 required because of a bond election, as provided in Subsection (5)(a)(ii):

10807 (a) a person may file a declaration of candidacy if:

10808 (i) the person resides within:

10809 (A) the remaining area, for a regular district; or

10810 (B) the county district, for a county district; and

10811 (ii) otherwise qualifies as a candidate;

10812 (b) the board of trustees shall, if required, provide a ballot separate from the bond

10813 election ballot, containing the names of candidates and blanks in which a voter may write

10814 additional names; and  
10815 (c) the election shall otherwise be governed by Title 20A, Election Code.  
10816 (9) (a) (i) This Subsection (9) applies to the board of trustees members of an electric  
10817 district.  
10818 (ii) Subsections (2) through (8) do not apply to an electric district.  
10819 (b) The legislative body of the county in which an electric district is located may  
10820 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.  
10821 (c) After the initial board of trustees is appointed as provided in Subsection (9)(b), each  
10822 member of the board of trustees of an electric district shall be elected by persons using  
10823 electricity from and within the district.  
10824 (d) Each member of the board of trustees of an electric district shall be a user of  
10825 electricity from the district and, if applicable, the division of the district from which elected.  
10826 (e) The board of trustees of an electric district may be elected from geographic  
10827 divisions within the district.  
10828 (f) A municipality within an electric district is not entitled to automatic representation  
10829 on the board of trustees.  
10830 Section 298. Section **17B-2a-405** is enacted to read:  
10831 **17B-2a-405. Board of trustees of certain improvement districts.**  
10832 (1) As used in this section:  
10833 (a) "Jurisdictional boundaries" means:  
10834 (i) for a qualified county, the boundaries that include:  
10835 (A) the area of the unincorporated part of the county that is included within a sewer  
10836 improvement district; and  
10837 (B) the area of each nonappointing municipality that is included within the sewer  
10838 improvement district; and  
10839 (ii) for a qualified municipality, the boundaries that include the area of the municipality  
10840 that is included within a sewer improvement district.  
10841 (b) "Nonappointing municipality" means a municipality that:  
10842 (i) is partly included within a sewer improvement district; and  
10843 (ii) is not a qualified municipality.  
10844 (c) "Qualified county" means a county:

10845 (i) some or all of whose unincorporated area is included within a sewer improvement  
10846 district; or

10847 (ii) which includes within its boundaries a nonappointing municipality.

10848 (d) "Qualified county member" means a member of a board of trustees of a sewer  
10849 improvement district appointed under Subsection (3)(a)(ii).

10850 (e) "Qualified municipality" means a municipality that is partly or entirely included  
10851 within a sewer improvement district that includes:

10852 (i) all of the municipality that is capable of receiving sewage treatment service from the  
10853 sewer improvement district; and

10854 (ii) more than half of:

10855 (A) the municipality's land area; or

10856 (B) the assessed value of all private real property within the municipality.

10857 (f) "Qualified municipality member" means a member of a board of trustees of a sewer  
10858 improvement district appointed under Subsection (3)(a)(i).

10859 (g) "Sewer improvement district" means an improvement district that:

10860 (i) provides sewage collection, treatment, and disposal service; and

10861 (ii) made an election under Chapter 29, Laws of Utah 1953 to enable it to continue to  
10862 appoint its board of trustees members as provided in this section.

10863 (2) (a) Notwithstanding Section 17B-2a-404, the board of trustees members of a sewer  
10864 improvement district shall be appointed as provided in this section.

10865 (b) The board of trustees of a sewer improvement district may revoke the election  
10866 under Subsection (1)(d)(ii) and become subject to the provisions of Section 17B-2a-404 only  
10867 by the unanimous vote of all members of the sewer improvement district's board of trustees at a  
10868 time when there is no vacancy on the board.

10869 (3) (a) The board of trustees of each sewer improvement district shall consist of:

10870 (i) at least one person but not more than three persons appointed by the mayor of each  
10871 qualified municipality, with the consent of the legislative body of that municipality; and

10872 (ii) at least one person but not more than three persons appointed by:

10873 (A) the county executive, with the consent of the county legislative body, for a  
10874 qualified county operating under a county executive-council form of county government; or

10875 (B) the county legislative body, for each other qualified county.

10876 (b) Each qualified county member appointed under Subsection (3)(a)(ii) shall represent  
10877 the area within the jurisdictional boundaries of the qualified county.

10878 (4) Notwithstanding Subsection 17B-1-302(2), the number of board of trustees  
10879 members of a sewer improvement district shall be the number that results from application of  
10880 Subsection (3)(a).

10881 (5) Except as provided in this section, an appointment to the board of trustees of a  
10882 sewer improvement district is governed by Section 17B-1-304.

10883 (6) A quorum of a board of trustees of a sewer improvement district consists of  
10884 members representing more than 50% of the total number of qualified county and qualified  
10885 municipality votes under Subsection (7).

10886 (7) (a) Subject to Subsection (7)(b), each qualified county and each qualified  
10887 municipality is entitled to one vote on the board of trustees of a sewer improvement district for  
10888 each \$10,000,000, or fractional part larger than 1/2 of that amount, of assessed valuation of  
10889 private real property taxable for district purposes within the respective jurisdictional  
10890 boundaries, as shown by the assessment records of the county and evidenced by a certificate of  
10891 the county auditor.

10892 (b) Notwithstanding Subsection (7)(a), each qualified county and each qualified  
10893 municipality shall have at least one vote.

10894 (8) If a qualified county or qualified municipality appoints more than one board  
10895 member, all the votes to which the qualified county or qualified municipality is entitled under  
10896 Subsection (7) for an item of board business shall collectively be cast by a majority of the  
10897 qualified county members or qualified municipal members, respectively, present at a meeting  
10898 of the board of trustees.

10899 Section 299. Section **17B-2a-406**, which is renumbered from Section 17A-2-302 is  
10900 renumbered and amended to read:

10901 ~~[17A-2-302].~~ **17B-2a-406. Improvement districts providing electric service**  
10902 **-- Public Service Commission jurisdiction -- Exceptions.**

10903 ~~[(1) An electric service district may only include an area where:]~~

10904 ~~[(a) no retail electricity has been provided to commercial, industrial, residential, and~~  
10905 ~~other users of electricity from an investor-owned utility within any part of an area certificated~~  
10906 ~~by the Public Service Commission or an area adjacent to that area, municipal agency, or~~



10907 ~~electric cooperative within the five years immediately preceding September 1, 1985; and]~~  
10908  ~~[(b) electric service is provided to at least one user of electricity within the electric~~  
10909  ~~service district as of September 1, 1985.]~~  
10910  ~~[(2)]~~ (1) (a) An improvement district that provides electric service ~~[district organized~~  
10911  ~~under this part]~~ as authorized under Subsection 17B-2a-403(1)(d) is a public utility and subject  
10912 to the jurisdiction of the Public Service Commission.  
10913 (b) Nothing in this part may be construed to give the Public Service Commission  
10914 jurisdiction over ~~[any]~~;  
10915 (i) an improvement district, other than an improvement district that provides electric  
10916 service ~~[district organized under this part, or over any]~~ as authorized under Subsection  
10917 17B-2a-403(1)(a)(iv); or  
10918 (ii) a municipality or an association of municipalities organized under ~~[the]~~ Title 11,  
10919 Chapter 13, Interlocal Cooperation Act.  
10920 (c) Before an improvement district providing electric service ~~[district]~~ serves any  
10921 customer, the ~~[electric service]~~ improvement district shall obtain a certificate of public  
10922 convenience and necessity from the Public Service Commission.  
10923 ~~[(3)]~~ (2) (a) Section 54-7-12 does not apply to rate changes of an improvement district  
10924 that provides electric service ~~[district subject to the following]~~ as authorized under Subsection  
10925 17B-2a-403(1)(a)(iv) if:  
10926 ~~[(a)]~~ (i) ~~the~~ ~~[electric service]~~ district is organized for the purpose of distributing  
10927 electricity to customers within the boundaries of the ~~[electric service]~~ district on a not-for-profit  
10928 basis;  
10929 ~~[(b)]~~ (ii) the schedule of new rates or other change that results in new rates has been  
10930 approved by the board of ~~[directors]~~ trustees of the ~~[electric service]~~ district;  
10931 ~~[(c)]~~ (iii) prior to the implementation of any rate increases, the ~~[electric service]~~ district  
10932 first holds a public meeting for all its customers to whom mailed notice of the meeting is sent  
10933 ~~[not less than]~~ at least ten days prior to the meeting; and  
10934 ~~[(d)]~~ (iv) the ~~[electric service]~~ district has filed the schedule of new rates or other  
10935 change with the ~~[commission]~~ Public Service Commission. ~~[These documents shall be made~~  
10936 ~~available by the commission for public inspection.]~~  
10937 ~~[(4) If an application for certification is not filed by an electric service district~~

10938 organized under this part and approved by the Public Service Commission by September 1,  
10939 1986, all provisions in this part relating to electric service districts are repealed.]

10940 (b) The Public Service Commission shall make the district's schedule of new rates or  
10941 other change available for public inspection.

10942 Section 300. Section **17B-2a-501** is enacted to read:

10943 **Part 5. Irrigation District Act**

10944 **17B-2a-501. Title.**

10945 This part is known as the "Irrigation District Act."

10946 Section 301. Section **17B-2a-502** is enacted to read:

10947 **17B-2a-502. Applicability of this part to irrigation districts.**

10948 (1) Each irrigation district is governed by and has the powers stated in:

10949 (a) this part; and

10950 (b) Chapter 1, Provisions Applicable to All Local Districts.

10951 (2) This part applies only to irrigation districts.

10952 (3) An irrigation district is not subject to the provisions of any other part of this  
10953 chapter.

10954 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10955 Local Districts, and a provision in this part, the provision in this part governs.

10956 Section 302. Section **17B-2a-503** is enacted to read:

10957 **17B-2a-503. Powers of irrigation districts.**

10958 (1) In addition to the powers conferred on an irrigation district under Section  
10959 17B-1-103, an irrigation district may:

10960 (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10961 to carry out the purposes of the district;

10962 (b) purchase stock of an irrigation, canal, or reservoir company;

10963 (c) enter upon any land in the district to make a survey and to locate and construct a  
10964 canal and any necessary lateral;

10965 (d) convey water rights or other district property to the United States as partial or full  
10966 consideration under a contract with the United States;

10967 (e) pursuant to a contract with the United States, lease or rent water to private land, an  
10968 entryman, or a municipality in the neighborhood of the district;

10969 (f) if authorized under a contract with the United States, collect money on behalf of the  
10970 United States in connection with a federal reclamation project and assume the incident duties  
10971 and liabilities;

10972 (g) acquire water from inside or outside the state;

10973 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land  
10974 within the district:

10975 (i) to a municipality, corporation, association, or individual inside or outside the  
10976 district;

10977 (ii) for irrigation or any other beneficial use; and

10978 (iii) at a price and on terms that the board considers appropriate; and

10979 (i) repair a break in a reservoir or canal or remedy any other district disaster.

10980 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed  
10981 five years.

10982 (b) A vested or prescriptive right to the use of water may not attach to the land because  
10983 of a lease or rental of water under Subsection (1)(h).

10984 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a  
10985 property tax.

10986 Section 303. Section **17B-2a-504** is enacted to read:

10987 **17B-2a-504. Irrigation district board of trustees -- Bond for board of trustees**  
10988 **members and district if the district is appointed as fiscal or other agent for the United**  
10989 **States.**

10990 (1) (a) One board of trustees member shall be elected from each division established as  
10991 provided in Section 17B-2a-505.

10992 (b) Each landowner within an irrigation district may vote for one board of trustees  
10993 member for the division in which the landowner's land is located.

10994 (c) Each landowner is entitled to cast one vote for each acre-foot or fraction of an  
10995 acre-foot of water allotted to the land owned by the landowner.

10996 (2) (a) If an irrigation district is appointed fiscal agent of the United States or is  
10997 authorized by the United States to collect money on behalf of the United States with respect to  
10998 a federal project:

10999 (i) each member of the district's board of trustees shall:

11000 (A) execute an official bond in the amount required by the Secretary of the Interior,  
11001 conditioned upon the faithful discharge of the trustee's duties; and

11002 (B) file the official bond in the office of the clerk of the county in which the district is  
11003 located; and

11004 (ii) the irrigation district shall execute an additional bond for the district's faithful  
11005 discharge of its duties as fiscal or other agent of the United States.

11006 (b) The United States or any person injured by the failure of a member of the board of  
11007 trustees or of the district to perform fully, promptly, and completely a duty may sue upon the  
11008 official bond.

11009 Section 304. Section **17B-2a-505** is enacted to read:

11010 **17B-2a-505. Divisions.**

11011 (1) The board of trustees of each irrigation district shall divide the district into  
11012 divisions, each as nearly equal in size to the others as practicable.

11013 (2) The number of divisions shall be equal to the number of board of trustees members.

11014 (3) At least 30 days before an election of board of trustees members, the board shall  
11015 redivide the district into divisions if, since the last time the board divided the district into  
11016 divisions:

11017 (a) the district has annexed land under Chapter 1, Part 4, Annexation;

11018 (b) land has been withdrawn from the district under Chapter 1, Part 5, Withdrawal; or

11019 (c) the number of board of trustees members has been changed.

11020 Section 305. Section **17B-2a-506** is enacted to read:

11021 **17B-2a-506. Different use charges for different units -- Use charges based on the**  
11022 **size of the land served -- Use charge may not be based on property value.**

11023 (1) An irrigation district may:

11024 (a) divide the district into units and apply different use charges to the different units;

11025 and

11026 (b) base use charges upon the amount of water or electricity the district provides, the  
11027 area of the land served, or any other reasonable basis, as determined by the board of trustees.

11028 (2) If an irrigation district imposes a use charge based on the size of the land served:

11029 (a) the district shall notify the treasurer of the county in which the land is located of the  
11030 charge to be imposed for each parcel of land served by the district; and

- 11031 (b) the treasurer of the county in which the land is located:
- 11032 (i) shall:
- 11033 (A) provide each landowner a notice of use charges as part of the annual tax notice as
- 11034 an additional charge separate from ad valorem taxes;
- 11035 (B) collect, receive, and provide an accounting for all money belonging to the district
- 11036 from use charges; and
- 11037 (C) remit to the irrigation district, by the tenth day of each month, the funds previously
- 11038 collected by the county as use charges on the district's behalf; and
- 11039 (ii) may receive and account for use charges separately from taxes upon real estate for
- 11040 county purposes.
- 11041 (3) A use charge may not be calculated on the basis of property value and does not
- 11042 constitute an ad valorem property tax or other tax.
- 11043 Section 306. Section **17B-2a-507** is enacted to read:
- 11044 **17B-2a-507. Right-of-way over state land.**
- 11045 Each irrigation district has a right-of-way on land that is or becomes the property of the
- 11046 state to locate, construct, and maintain district works.
- 11047 Section 307. Section **17B-2a-508** is enacted to read:
- 11048 **17B-2a-508. Inclusion of state land in an irrigation district.**
- 11049 (1) State land that is not under a contract of sale may be included in an irrigation
- 11050 district upon petition by the state entity responsible for the administration of the land.
- 11051 (2) State land included in an irrigation district may not be:
- 11052 (a) assessed by the district; or
- 11053 (b) the subject of use charges imposed by the district.
- 11054 (3) The entity responsible for the administration of the state land to be included in an
- 11055 irrigation district and the state engineer shall make a thorough examination of the benefits to
- 11056 accrue to the land by its inclusion in the district and by the acquisition of water rights for the
- 11057 land.
- 11058 (4) (a) The entity responsible for the administration of the state land to be included in
- 11059 an irrigation district may enter into a contract with the district, specifying the land benefitted
- 11060 and the amount of benefit, as determined under Subsection (3).
- 11061 (b) Each contract under Subsection (4)(a) shall provide that the entity responsible for

11062 the administration of the state land shall make annual payments to the district, to be applied to  
11063 the cost of constructing the district's irrigation works, until the full amount of the benefit is  
11064 paid.

11065 (c) The entity responsible for the administration of state land included in an irrigation  
11066 district may, at its option, pay the full amount of the contract at any time.

11067 Section 308. Section **17B-2a-509** is enacted to read:

11068 **17B-2a-509. This part not to be construed to prohibit state engineer from**  
11069 **increasing water allotment.**

11070 Nothing in this part may be construed to prohibit the state engineer, upon petition by an  
11071 irrigation district board of trustees, from increasing the maximum allotment of water for one or  
11072 more tracts of land within the district if the state engineer determines that the land cannot be  
11073 beneficially irrigated with the currently allotted water.

11074 Section 309. Section **17B-2a-510** is enacted to read:

11075 **17B-2a-510. Rules for the distribution and use of water.**

11076 (1) Each irrigation district board of trustees shall establish equitable rules for the  
11077 distribution and use of water among the owners of land in the district.

11078 (2) The board of trustees of an irrigation district that establishes rules under Subsection  
11079 (1) shall, as soon as the rules are adopted, print them in convenient form for distribution in the  
11080 district.

11081 Section 310. Section **17B-2a-511** is enacted to read:

11082 **17B-2a-511. Distribution of water under a contract with the United States.**

11083 If an irrigation district acquires the right to use water under a contract with the United  
11084 States, the district shall distribute and apportion water according to the contract and federal  
11085 law, rules, and regulations.

11086 Section 311. Section **17B-2a-512** is enacted to read:

11087 **17B-2a-512. Removal of land from the assessor's roll.**

11088 (1) An irrigation district may direct a county treasurer to remove parcels of land from  
11089 the district's billing if:

11090 (a) the land is publicly dedicated to a street, highway, or road; or

11091 (b) the use of the land has so permanently changed as to prevent the beneficial use of  
11092 water on it.



11124 Section 317. Section **17B-2a-602** is enacted to read:

11125 **17B-2a-602. Applicability of this part to metropolitan water districts.**

11126 (1) Each metropolitan water district is governed by and has the powers stated in:

11127 (a) this part; and

11128 (b) Chapter 1, Provisions Applicable to All Local Districts.

11129 (2) This part applies only to metropolitan water districts.

11130 (3) A metropolitan water district is not subject to the provisions of any other part of  
11131 this chapter.

11132 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
11133 Local Districts, and a provision in this part, the provision in this part governs.

11134 Section 318. Section **17B-2a-603** is enacted to read:

11135 **17B-2a-603. Powers of metropolitan water districts.**

11136 In addition to the powers conferred on a metropolitan water district under Section  
11137 17B-1-103, a metropolitan water district may:

11138 (1) acquire or lease any real or personal property or acquire any interest in real or  
11139 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or  
11140 outside the district or inside or outside the state;

11141 (2) encumber real or personal property or an interest in real or personal property that  
11142 the district owns;

11143 (3) acquire or construct works, facilities, and improvements, as provided in Subsection  
11144 17B-1-103(2)(d), whether inside or outside the district or inside or outside the state;

11145 (4) acquire water, works, water rights, and sources of water necessary or convenient to  
11146 the full exercise of the district's powers, whether the water, works, water rights, or sources of  
11147 water are inside or outside the district or inside or outside the state, and encumber, transfer an  
11148 interest in, or dispose of water, works, water rights, and sources of water;

11149 (5) develop, store, and transport water;

11150 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful  
11151 beneficial use;

11152 (7) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
11153 to carry out the purposes of the district; and

11154 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company.



11155 irrigation company, water company, or water users association, for the purpose of acquiring the  
11156 right to use water or water infrastructure.

11157 Section 319. Section **17B-2a-604** is enacted to read:

11158 **17B-2a-604. Board of trustees.**

11159 (1) Members of the board of trustees of a metropolitan water district shall be appointed  
11160 as provided in this section.

11161 (2) If a district contains the area of a single municipality:

11162 (a) the legislative body of that municipality shall appoint each member of the board of  
11163 trustees; and

11164 (b) one member shall be the officer with responsibility over the municipality's water  
11165 supply and distribution system, if the system is municipally owned.

11166 (3) If a district contains some or all of the retail water service area of more than one  
11167 municipality:

11168 (a) the legislative body of each municipality shall appoint the number of members for  
11169 that municipality as determined under Subsection (3)(b):

11170 (b) subject to Subsection (3)(c), the number of members appointed by each  
11171 municipality shall be determined:

11172 (i) by agreement between the metropolitan water district and the municipalities, subject  
11173 to the maximum stated in Subsection 17B-1-302(2); or

11174 (ii) as provided in Chapter 1, Part 3, Board of Trustees; and

11175 (c) at least one member shall be appointed by each municipality.

11176 (4) Each member of the board of trustees of a metropolitan water district shall be:

11177 (a) a registered voter;

11178 (b) a property taxpayer; and

11179 (c) a resident of:

11180 (i) the metropolitan water district; and

11181 (ii) the retail water service area of the municipality whose legislative body appoints the  
11182 member.

11183 (5) Each trustee shall be appointed without regard to partisan political affiliations from  
11184 among citizens of the highest integrity, attainment, competence, and standing in the  
11185 community.

11186 (6) Except as provided in Subsection (8), if a member becomes elected or appointed to  
11187 office in or becomes an employee of the municipality whose legislative body appointed the  
11188 member, the member shall immediately forfeit the office, and the member's position on the  
11189 board is vacant until filled as provided in Section 17B-1-304.

11190 (7) Except as provided in Subsection (8), the term of office of each member of the  
11191 board of trustees is as provided in Section 17B-1-303.

11192 (8) Subsections (4), (6), and (7) do not apply to a member who is a member under  
11193 Subsection (2)(b).

11194 Section 320. Section **17B-2a-605** is enacted to read:

11195 **17B-2a-605. Preferential rights of cities.**

11196 (1) Each city whose area is within a metropolitan water district and that provides water  
11197 on a retail level within the district has a preferential right to purchase from the district a portion  
11198 of the water served by the district.

11199 (2) Except as otherwise provided by contract between a metropolitan water district and  
11200 the city, the percentage of the total district water supply that a city has a preferential right to  
11201 purchase under Subsection (1) is the same percentage as the total amount of taxes levied by the  
11202 district against property within the city's retail water service area is of the total of all taxes  
11203 levied by the district against all property within the district.

11204 (3) (a) Nothing in this section may be construed to limit the ability of a metropolitan  
11205 water district to establish preferential rights by contract with a city that has preferential rights  
11206 under this section.

11207 (b) Each agreement described in Subsection (3)(a) entered into before April 30, 2007 is  
11208 ratified, validated, and confirmed.

11209 Section 321. Section **17B-2a-606** is enacted to read:

11210 **17B-2a-606. Rates, charges, and assessments.**

11211 (1) (a) The board of trustees may fix the rates, charges, and assessments, from time to  
11212 time, at which the district:

11213 (i) sells water; or

11214 (ii) charges for the treatment or transportation of water or for the dedication of water  
11215 supplies or water treatment or conveyance capacities.

11216 (b) The rates, charges, and assessments may be established by agreement between the

11217 district and the municipalities serviced by the district.

11218 (2) Rates fixed under Subsection (1)(a) shall be equitable, although not necessarily  
11219 equal or uniform, for like classes of service throughout the district.

11220 (3) Each agreement described in Subsection (1)(b) entered into before April 30, 2007  
11221 that otherwise complies with the law is ratified, validated, and confirmed.

11222 Section 322. Section **17B-2a-607** is enacted to read:

11223 **17B-2a-607. Contracts with other corporations.**

11224 (1) A metropolitan water district may:

11225 (a) contract with one or more corporations, public or private, for the purpose of:

11226 (i) financing acquisitions, constructions, or operations of the district; or

11227 (ii) carrying out any of the district's powers;

11228 (b) in a contract under Subsection (1)(a), obligate itself severally or jointly with the  
11229 other corporation or corporations; and

11230 (c) secure, guarantee, or become surety for the payment of an indebtedness or the  
11231 performance of a contract or other obligation incurred or entered into by a corporation whose  
11232 shares of stock the district has acquired.

11233 (2) A contract under Subsection (1)(a) may:

11234 (a) provide for:

11235 (i) contributions to be made by each contracting party;

11236 (ii) the division and apportionment of:

11237 (A) the expenses of acquisitions and operations; and

11238 (B) the contractual benefits, services, and products; and

11239 (iii) an agency to make acquisitions and carry on operations under the contract; and

11240 (b) contain covenants and agreements as necessary or convenient to accomplish the  
11241 purposes of the contract.

11242 Section 323. Section **17B-2a-701** is enacted to read:

11243 **Part 7. Mosquito Abatement District Act**

11244 **17B-2a-701. Title.**

11245 This part is known as the "Mosquito Abatement District Act."

11246 Section 324. Section **17B-2a-702** is enacted to read:

11247 **17B-2a-702. Applicability of this part to mosquito abatement districts.**

- 11248 (1) Each mosquito abatement district is governed by and has the powers stated in:  
11249 (a) this part; and  
11250 (b) Chapter 1, Provisions Applicable to All Local Districts.  
11251 (2) This part applies only to mosquito abatement districts.  
11252 (3) A mosquito abatement district is not subject to the provisions of any other part of  
11253 this chapter.  
11254 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
11255 Local Districts, and a provision in this part, the provision in this part governs.  
11256 Section 325. Section **17B-2a-703** is enacted to read:  
11257 **17B-2a-703. Mosquito abatement district powers.**  
11258 In addition to the powers conferred on a mosquito abatement district under Section  
11259 17B-1-103, a mosquito abatement district may:  
11260 (1) take all necessary and proper steps for the extermination of mosquitos, flies,  
11261 crickets, grasshoppers, and other insects:  
11262 (a) within the district; or  
11263 (b) outside the district, if lands inside the district are benefitted;  
11264 (2) abate as nuisances all stagnant pools of water and other breeding places for  
11265 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state  
11266 from which mosquitos migrate into the district;  
11267 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and  
11268 examine the territory and to remove from the territory, without notice, stagnant water or other  
11269 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;  
11270 (4) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
11271 to carry out the purposes of the district;  
11272 (5) make a contract to indemnify or compensate an owner of land or other property for  
11273 injury or damage necessarily caused by the exercise of district powers or arising out of the use,  
11274 taking, or damage of property for a district purpose; and  
11275 (6) establish a reserve fund, not to exceed the greater of 25% of the district's annual  
11276 operating budget and \$50,000, to pay for extraordinary abatement measures, including a  
11277 vector-borne public health emergency.  
11278 Section 326. Section **17B-2a-704** is enacted to read:

11279 17B-2a-704. Appointment of mosquito abatement district board of trustees  
 11280 members.

11281 (1) (a) Notwithstanding Subsection 17B-1-302(2) and subject to Subsection (1)(b), the  
 11282 legislative body of each municipality that is entirely or partly included within a mosquito  
 11283 abatement district shall appoint one member to the board of trustees.

11284 (b) If 75% or more of the area of a mosquito abatement district is within the boundaries  
 11285 of a single municipality:

11286 (i) the board of trustees shall consist of five members; and

11287 (ii) the legislative body of that municipality shall appoint all five members of the  
 11288 board.

11289 (2) The legislative body of each county in which a mosquito abatement district is  
 11290 located shall appoint one member to the district's board of trustees if:

11291 (a) some or all of the county's unincorporated area is included within the boundaries of  
 11292 the mosquito abatement district; or

11293 (b) (i) the number of municipalities that are entirely or partly included within the  
 11294 district is an even number less than nine; and

11295 (ii) Subsection (1)(b) does not apply.

11296 (3) If the number of board members appointed by application of Subsections (1) and  
 11297 (2)(a) is an even number less than nine, the legislative body of the county in which the district  
 11298 is located shall appoint an additional member.

11299 (4) Each board of trustees member shall be appointed as provided in Section  
 11300 17B-1-304.

11301 (5) Each vacancy on a mosquito abatement district board of trustees shall be filled by  
 11302 the applicable appointing authority as provided in Section 17B-1-304.

11303 Section 327. Section **17B-2a-705**, which is renumbered from Section 17A-2-910 is  
 11304 renumbered and amended to read:

11305 ~~[17A-2-910].~~ **17B-2a-705. Taxation -- Additional levy -- Election.**

11306 (1) ~~[When it appears to the]~~ If a mosquito abatement district board of trustees  
 11307 determines that the funds required during the next ensuing fiscal year will exceed the maximum  
 11308 amount ~~[which]~~ that the ~~[county legislative body]~~ district is authorized to levy ~~[for the annual~~  
 11309 ~~district tax]~~ under Subsection 17B-1-103(2)(g), the board of trustees may call an election and

11310 submit to ~~[the electors of the]~~ district voters the question of whether ~~[a tax shall be voted for~~  
 11311 ~~raising]~~ the district should be authorized to impose an additional tax to raise the necessary  
 11312 additional funds.

11313 (2) ~~[Notice]~~ The board shall, for at least four weeks before the election:

11314 (a) publish notice of the election ~~[therefor shall be published for at least four weeks~~  
 11315 ~~prior to the election]~~ in a daily or weekly newspaper published in the district~~[-]; or~~

11316 (b) if there is no daily or weekly newspaper published in the district, post notice of the  
 11317 election in three public places in the district.

11318 (3) No particular form of ballot ~~[shall be]~~ is required, and no informalities in  
 11319 conducting the election ~~[shall]~~ may invalidate the ~~[same]~~ election, if ~~[the election]~~ it is  
 11320 otherwise fairly conducted.

11321 (4) At the election ~~[the ballots]~~ each ballot shall contain the words, "Shall the district  
 11322 ~~[vote a]~~ be authorized to impose an additional tax to raise the additional sum of \$\_\_\_\_?"

11323 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority  
 11324 of the votes cast are in favor of the imposition of the tax, the ~~[board of trustees shall report the~~  
 11325 ~~same to the county legislative body, stating]~~ district is authorized to impose an additional levy  
 11326 to raise the additional amount of money required ~~[to be raised].~~

11327 ~~[(6) The county legislative body shall at the time of levying general county taxes levy~~  
 11328 ~~an additional tax upon all of the taxable property in the district voting such additional tax.]~~

11329 Section 328. Section **17B-2a-801** is enacted to read:

#### Part 8. Public Transit District Act

11331 **17B-2a-801. Title.**

11332 This part is known as the "Public Transit District Act."

11333 Section 329. Section **17B-2a-802** is enacted to read:

11334 **17B-2a-802. Definitions.**

11335 As used in this part:

11336 (1) "Department" means the Department of Transportation created in Section 72-1-201.

11337 (2) "Multicounty district" means a public transit district located in more than one  
 11338 county.

11339 (3) "Operator" means a public entity or other person engaged in the transportation of  
 11340 passengers for hire.

- 11341 (4) "Public transit" means the transportation of passengers only and their incidental  
 11342 baggage by means other than:
- 11343 (a) chartered bus;  
 11344 (b) sightseeing bus;  
 11345 (c) taxi; or  
 11346 (d) other vehicle not on an individual passenger fare paying basis.
- 11347 (5) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or  
 11348 unloading zone, parking lot, or other facility:
- 11349 (a) leased by or operated by or on behalf of a public transit district; and  
 11350 (b) related to the public transit services provided by the district, including:
- 11351 (i) railway or other right-of-way;  
 11352 (ii) railway line; and  
 11353 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
 11354 a transit vehicle.
- 11355 (6) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle  
 11356 operated as public transportation by a public transit district.
- 11357 Section 330. Section **17B-2a-803** is enacted to read:
- 11358 **17B-2a-803. Applicability of this part to public transit districts.**
- 11359 (1) (a) Each public transit district is governed by and has the powers stated in:
- 11360 (i) this part; and  
 11361 (ii) except as provided in Subsection (1)(b), Chapter 1, Provisions Applicable to All  
 11362 Local Districts.
- 11363 (b) (i) Except for Sections 17B-1-301, 17B-1-311, and 17B-1-313, the provisions of  
 11364 Chapter 1, Part 3, Board of Trustees, do not apply to public transit districts.
- 11365 (ii) A public transit district is not subject to Chapter 1, Part 6, Fiscal Procedures for  
 11366 Local Districts.
- 11367 (2) This part applies only to public transit districts.
- 11368 (3) A public transit district is not subject to the provisions of any other part of this  
 11369 chapter.
- 11370 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
 11371 Local Districts, and a provision in this part, the provision in this part governs.

11372 Section 331. Section **17B-2a-804** is enacted to read:  
11373 **17B-2a-804. Powers of public transit districts.**  
11374 (1) In addition to the powers conferred on a public transit district under Section  
11375 17B-1-103, a public transit district may:  
11376 (a) provide a public transit system for the transportation of passengers and their  
11377 incidental baggage;  
11378 (b) notwithstanding Subsection 17B-1-103(2)(i) and subject to Section 17B-2a-817,  
11379 levy and collect property taxes only for the purpose of paying:  
11380 (i) principal and interest of bonded indebtedness of the public transit district; or  
11381 (ii) a final judgment against the public transit district if:  
11382 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
11383 indemnity policy; and  
11384 (B) the district is required by a final court order to levy a tax to pay the judgment;  
11385 (c) insure against:  
11386 (i) loss of revenues from damage to or destruction of some or all of a public transit  
11387 system from any cause;  
11388 (ii) public liability;  
11389 (iii) property damage; or  
11390 (iv) any other type of event, act, or omission;  
11391 (d) acquire, contract for, lease, construct, own, operate, control, or use:  
11392 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,  
11393 parking lot, or any other facility necessary or convenient for public transit service; or  
11394 (ii) any structure necessary for access by persons and vehicles;  
11395 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,  
11396 equipment, service, employee, or management staff of an operator; and  
11397 (ii) provide for a sublease or subcontract by the operator upon terms that are in the  
11398 public interest;  
11399 (f) operate feeder bus lines and other feeder services as necessary;  
11400 (g) accept a grant, contribution, or loan, directly through the sale of securities or  
11401 equipment trust certificates or otherwise, from the United States, or from a department,  
11402 instrumentality, or agency of the United States, to:



11403 (i) establish, finance, construct, improve, maintain, or operate transit facilities and  
 11404 equipment; or

11405 (ii) study and plan transit facilities in accordance with any legislation passed by  
 11406 Congress;

11407 (h) cooperate with and enter into an agreement with the state or an agency of the state  
 11408 to establish transit facilities and equipment or to study or plan transit facilities;

11409 (i) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
 11410 to carry out the purposes of the district;

11411 (j) from bond proceeds or any other available funds, reimburse the state or an agency of  
 11412 the state for an advance or contribution from the state or state agency; and

11413 (k) do anything necessary to avail itself of any aid, assistance, or cooperation available  
 11414 under federal law, including complying with labor standards and making arrangements for  
 11415 employees required by the United States or a department, instrumentality, or agency of the  
 11416 United States.

11417 (2) A public transit district may be funded from any combination of federal, state, or  
 11418 local funds.

11419 (3) A public transit district may not acquire property by eminent domain.

11420 Section 332. Section **17B-2a-805** is enacted to read:

11421 **17B-2a-805. Limitations on authority of a public transit district.**

11422 (1) A public transit district may not exercise control over a transit facility owned or  
 11423 operated inside or outside the district by a governmental entity unless, upon mutually agreeable  
 11424 terms, the governmental entity consents.

11425 (2) (a) A public transit district may not establish, directly or indirectly, a public transit  
 11426 service or system, or acquire a facility necessary or incidental to a public transit service or  
 11427 system, in a manner or form that diverts, lessens, or competes for the patronage or revenue of a  
 11428 preexisting system of a publicly or privately owned public carrier furnishing like service, unless  
 11429 the district obtains the consent of the publicly or privately owned carrier.

11430 (b) A public transit district's maintenance and operation of an existing system that the  
 11431 district acquires from a publicly or privately owned public carrier may not be considered to be  
 11432 the establishment of a public transit service or system under this Subsection (2).

11433 Section 333. Section **17B-2a-806** is enacted to read:

11434 17B-2a-806. Authority of the state or an agency of the state with respect to a  
 11435 public transit district.

11436 (1) The state or an agency of the state may:

11437 (a) make public contributions to a public transit district as in the judgment of the  
 11438 Legislature or governing board of the agency are necessary or proper;

11439 (b) authorize a public transit district to perform, or aid and assist a public transit district  
 11440 in performing, an activity that the state or agency is authorized by law to perform.

11441 (2) (a) A county or municipality involved in the establishment and operation of a  
 11442 public transit district may provide funds necessary for the operation and maintenance of the  
 11443 district.

11444 (b) A county's use of property tax funds to establish and operate a public transit district  
 11445 within any part of the county is a county purpose under Section 17-53-220.

11446 Section 334. Section **17B-2a-807**, which is renumbered from Section 17A-2-1038 is  
 11447 renumbered and amended to read:

11448 ~~[17A-2-1038].~~ **17B-2a-807. Public transit district board of trustees --**

11449 **Appointment -- Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

11450 ~~[(1)(a) All powers, privileges, and duties vested in any incorporated district shall be~~  
 11451 ~~performed by a board of trustees.]~~

11452 ~~[(b) The board may delegate the exercise of any duty to any of the offices created under~~  
 11453 ~~this part.]~~

11454 ~~[(2)]~~ (1) (a) If 200,000 people or fewer reside within the [district] boundaries[:(a)(i)]  
 11455 of a public transit district, the board of trustees shall consist of[:(A)] members appointed by  
 11456 the legislative bodies of each municipality, county, or unincorporated area within any county on  
 11457 the basis of one member for each full unit of regularly scheduled passenger routes proposed to  
 11458 be served by the district in each municipality or unincorporated area within any county in the  
 11459 following calendar year[;and].

11460 ~~[(B) for]~~ (b) For purposes of determining membership under Subsection [(2)]  
 11461 (1)(a)[(i)(A)], the number of service miles comprising a unit shall be determined jointly by the  
 11462 legislative bodies of the municipalities or counties comprising the district[;and].

11463 ~~[(ii) the]~~ (c) The board of trustees of a public transit district under this Subsection (1)  
 11464 may [consist of] include a member that is a commissioner on the Transportation Commission

11465 created in Section 72-1-301 and appointed as provided in Subsection (10), who shall serve as a  
11466 nonvoting, ex officio member[;].

11467 ~~[(b) members]~~ (d) Members appointed under this Subsection ~~[(2)]~~ (1) shall be  
11468 appointed and added to the board or omitted from the board at the time scheduled routes are  
11469 changed, or as municipalities, counties, or unincorporated areas of counties annex to or  
11470 withdraw from the district using the same appointment procedures~~[-and]~~.

11471 ~~[(c) for]~~ (e) For purposes of appointing members under this Subsection ~~[(2)(b)]~~ (1),  
11472 municipalities, counties, and unincorporated areas of counties in which regularly scheduled  
11473 passenger routes proposed to be served by the district in the following calendar year is less than  
11474 a full unit, as defined in Subsection ~~[(2)(a)]~~ (1)(b), may combine with any other similarly  
11475 situated municipality or unincorporated area to form a whole unit and may appoint one member  
11476 for each whole unit formed.

11477 ~~[(3)]~~ (2) (a) If more than 200,000 people reside within the ~~[district]~~ boundaries of a  
11478 public transit district, the board of trustees shall consist of 15 members appointed as described  
11479 under this Subsection ~~[(3)]~~ (2) and one nonvoting, ex officio member appointed as provided in  
11480 Subsection (10).

11481 (b) Except as provided ~~[under]~~ in Subsections ~~[(3)]~~ (2)(c) and ~~[(3)]~~(d), the board shall  
11482 apportion voting members to each county within the district using an average of:

11483 (i) the proportion of population included in the district and residing within each county,  
11484 rounded to the nearest 1/15 of the total transit district population; and

11485 (ii) the proportion of transit sales and use tax collected from areas included in the  
11486 district and within each county, rounded to the nearest 1/15 of the total transit sales and use tax  
11487 collected for the transit district.

11488 (c) The board shall join an entire or partial county not apportioned a voting member  
11489 under this Subsection ~~[(3)]~~ (2) with an adjacent county for representation. The combined  
11490 apportionment basis included in the district of both counties shall be used for the  
11491 apportionment.

11492 (d) (i) If rounding to the nearest 1/15 of the total public transit district apportionment  
11493 basis under Subsection ~~[(3)]~~ (2)(b) results in an apportionment of~~[-(1)]~~ more than 15 members,  
11494 the county or combination of counties with the smallest additional fraction of a whole member  
11495 proportion shall have one less member apportioned to it~~[-or]~~.

11496 (ii) If rounding to the nearest 1/15 of the total public transit district apportionment basis  
11497 under Subsection (2)(b) results in an apportionment of less than 15 members, the county or  
11498 combination of counties with the largest additional fraction of a whole member proportion shall  
11499 have one more member apportioned to it.

11500 (e) If the population in the unincorporated area of a county is at least 1/15 of the  
11501 district's population, the county executive, with the advice and consent of the county legislative  
11502 body, shall appoint one voting member to represent each 1/15 of the district's population within  
11503 a county's unincorporated area population.

11504 (f) If a municipality's population is at least 1/15 of the district's population, the chief  
11505 municipal executive, with the advice and consent of the municipal legislative body, shall  
11506 appoint one voting member to represent each 1/15 of the district's population within a  
11507 municipality.

11508 (g) The number of voting members appointed from a county and municipalities within  
11509 a county under Subsections [~~(3)~~] (2)(e) and (f) shall be subtracted from the county's total voting  
11510 member apportionment under this Subsection [~~(3)~~] (2).

11511 (h) If the entire county is within the district, the remaining voting members for the  
11512 county shall represent the county or combination of counties, if Subsection [~~(3)~~] (2)(c) applies,  
11513 or the municipalities within the county.

11514 (i) If the entire county is not within the district, and the county is not joined with  
11515 another county under Subsection [~~(3)~~] (2)(c), the remaining voting members for the county  
11516 shall represent a municipality or combination of municipalities.

11517 (j) Except as provided under Subsections [~~(3)~~] (2)(e) and (f), voting members  
11518 representing counties, combinations of counties if Subsection [~~(3)~~] (2)(c) applies, or  
11519 municipalities within the county shall be designated and appointed by a simple majority of the  
11520 chief executives of the municipalities within the county or combinations of counties if  
11521 Subsection [~~(3)~~] (2)(c) applies. The appointments shall be made by joint written agreement of  
11522 the appointing municipalities, with the consent and approval of the county legislative body of  
11523 the county that has at least 1/15 of the district's apportionment basis.

11524 (k) Voting members representing a municipality or combination of municipalities shall  
11525 be designated and appointed by the chief executive officer of the municipality or simple  
11526 majority of chief executive officers of municipalities with the consent of the legislative body of

11527 the municipality or municipalities.

11528 (l) The appointment of voting members shall be made without regard to partisan  
11529 political affiliation from among citizens in the community.

11530 (m) Each voting member shall be a bona fide resident of the municipality, county, or  
11531 unincorporated area or areas which the voting member is to represent for at least six months  
11532 before the date of appointment, and must continue in that residency to remain qualified to serve  
11533 as a voting member.

11534 (n) (i) All population figures used under this section shall be derived from the most  
11535 recent official census or census estimate of the United States Bureau of the Census.

11536 (ii) If population estimates are not available from the United States Bureau of Census,  
11537 population figures shall be derived from the estimate from the Utah Population Estimates  
11538 Committee.

11539 (iii) All transit sales and use tax totals shall be obtained from the State Tax  
11540 Commission.

11541 (o) (i) The board shall be apportioned as provided under this section in conjunction with  
11542 the decennial United States Census Bureau report every ten years.

11543 (ii) Within 120 days following the receipt of the population estimates under this  
11544 Subsection [~~(5)(k)~~] (2)(o), the district shall reapportion representation on the board of trustees  
11545 in accordance with this section.

11546 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed  
11547 apportionment.

11548 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to  
11549 each of its constituent entities as defined under Section [~~17A-1-501~~] 17B-1-701.

11550 (v) The appointing entities gaining a new board member shall appoint a new member  
11551 within 30 days following receipt of the resolution.

11552 (vi) The appointing entities losing a board member shall inform the board of which  
11553 member currently serving on the board will step down upon appointment of a new member  
11554 under Subsection [~~(5)(k)~~] (2)(o)(v).

11555 (3) Upon the completion of an annexation to a public transit district under Chapter 1,  
11556 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the  
11557 same basis as if the area had been included in the district as originally organized.

11558 (4) (a) Except the initial members of the board, the terms of office of the voting  
11559 members of the board shall be two years or until a successor is appointed, qualified, seated, and  
11560 has taken the oath of office.

11561 (b) At the first meeting of the initial members of the board held after July 1, 2004,  
11562 voting members of the board shall designate by the drawing of lots for 1/2 of their number to  
11563 serve for one-year terms and 1/2 for two-year terms.

11564 (c) A voting member may not be appointed for more than three successive full terms.

11565 (5) (a) Vacancies for voting members shall be filled by the official appointing the  
11566 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy  
11567 within 90 days.

11568 (b) If the appointing official under Subsection [~~(2)~~] (1) does not fill the vacancy within  
11569 90 days, the board of trustees of the authority shall fill the vacancy.

11570 (c) If the appointing official under Subsection [~~(3)~~] (2) does not fill the vacancy within  
11571 90 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

11572 (6) (a) Each voting member may cast one vote on all questions, orders, resolutions, and  
11573 ordinances coming before the board of trustees.

11574 (b) A majority of all voting members of the board of trustees are a quorum for the  
11575 transaction of business.

11576 (c) The affirmative vote of a majority of all voting members present at any meeting at  
11577 which a quorum was initially present shall be necessary and, except as otherwise provided, is  
11578 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

11579 (7) [~~The~~] Each public transit district shall pay to each voting member:

11580 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed  
11581 \$200 in any calendar month to any voting member; and

11582 (b) reasonable mileage and expenses necessarily incurred to attend board or committee  
11583 meetings.

11584 (8) (a) Members of the initial board of trustees shall convene at the time and place  
11585 fixed by the chief executive officer of the entity initiating the proceedings.

11586 (b) Immediately upon convening, the board of trustees shall elect from its voting  
11587 membership a president, vice president, and secretary who shall serve for a period of two years  
11588 or until their successors shall be elected and qualified.

11589 (9) At the time of a voting member's appointment or during a voting member's tenure  
11590 in office, a voting member may not hold any employment, except as an independent contractor  
11591 or elected public official, with a county or municipality within the district.

11592 (10) The Transportation Commission created in Section 72-1-301:

11593 (a) for a public transit ~~[districts]~~ district serving a population of 200,000 people or  
11594 fewer, may appoint a commissioner of the Transportation Commission to serve on the board of  
11595 trustees as a nonvoting, ex officio member; and

11596 (b) for a public transit ~~[districts]~~ district serving a population of more than 200,000  
11597 people, shall appoint a commissioner of the Transportation Commission to serve on the board  
11598 of trustees as a nonvoting, ex officio member.

11599 (11) (a) (i) Each member of the board of trustees of a public transit district is subject to  
11600 recall at any time by the legislative body of the county or municipality from which the member  
11601 is appointed.

11602 (ii) Each recall of a board of trustees member shall be made in the same manner as the  
11603 original appointment.

11604 (iii) The legislative body recalling a board of trustees member shall provide written  
11605 notice to the member being recalled.

11606 (b) Upon providing written notice to the board of trustees, a member of the board may  
11607 resign from the board of trustees.

11608 (c) If a board member is recalled or resigns under this Subsection (11), the vacancy  
11609 shall be filled as provided in Subsection (5).

11610 Section 335. Section **17B-2a-808** is enacted to read:

11611 **17B-2a-808. Public transit district board of trustees powers and duties --**

11612 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

11613 (1) The powers and duties of a board of trustees of a public transit district stated in this  
11614 section are in addition to the powers and duties stated in Section 17B-1-301.

11615 (2) The board of trustees of each public transit district shall:

11616 (a) appoint and fix the salary of a general manager, as provided in Section 17B-2a-811;

11617 (b) determine the transit facilities that the district should acquire or construct;

11618 (c) supervise and regulate each transit facility that the district owns and operates,

11619 including:

- 11620 (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals,  
11621 and charges; and
- 11622 (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or  
11623 in connection with a transit facility that the district owns or controls;
- 11624 (d) control the investment of all funds assigned to the district for investment, including  
11625 funds:
- 11626 (i) held as part of a district's retirement system; and  
11627 (ii) invested in accordance with the participating employees' designation or direction  
11628 pursuant to an employee deferred compensation plan established and operated in compliance  
11629 with Section 457 of the Internal Revenue Code;
- 11630 (e) invest all funds according to the procedures and requirements of Title 51, Chapter  
11631 7, State Money Management Act;
- 11632 (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's  
11633 services from the interest earnings of the investment fund for which the custodian is appointed;
- 11634 (g) (i) cause an annual audit of all district books and accounts to be made by an  
11635 independent certified public accountant;
- 11636 (ii) as soon as practicable after the close of each fiscal year, submit to the chief  
11637 administrative officer and legislative body of each county and municipality with territory  
11638 within the district a financial report showing:
- 11639 (A) the result of district operations during the preceding fiscal year; and  
11640 (B) the district's financial status on the final day of the fiscal year; and
- 11641 (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon  
11642 request in a quantity that the board considers appropriate; and
- 11643 (h) report at least annually to the Transportation Commission created in Section  
11644 72-1-301 the district's short-term and long-range public transit plans, including the transit  
11645 portions of applicable regional transportation plans adopted by a metropolitan planning  
11646 organization established under 23 U.S.C. Sec. 134.
- 11647 (3) A board of trustees of a public transit district may:
- 11648 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that  
11649 are:
- 11650 (i) not repugnant to the United States Constitution, the Utah Constitution, or the



11651 provisions of this part; and  
11652 (ii) necessary for:  
11653 (A) the government and management of the affairs of the district;  
11654 (B) the execution of district powers; and  
11655 (C) carrying into effect the provisions of this part;  
11656 (b) provide by resolution, under terms and conditions the board considers fit, for the  
11657 payment of demands against the district without prior specific approval by the board, if the  
11658 payment is:  
11659 (i) for a purpose for which the expenditure has been previously approved by the board;  
11660 (ii) in an amount no greater than the amount authorized; and  
11661 (iii) approved by the general manager or other officer or deputy as the board prescribes;  
11662 (c) (i) hold public hearings and subpoena witnesses; and  
11663 (ii) appoint district officers to conduct a hearing and require the officers to make  
11664 findings and conclusions and report them to the board; and  
11665 (d) appoint a custodian for the funds and securities under its control, subject to  
11666 Subsection (2)(f).  
11667 (4) A member of the board of trustees of a public transit district or a hearing officer  
11668 designated by the board may administer oaths and affirmations in a district investigation or  
11669 proceeding.  
11670 (5) (a) The vote of the board of trustees on each ordinance shall be by roll call vote  
11671 with each affirmative and negative vote recorded.  
11672 (b) (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or  
11673 order by voice vote.  
11674 (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if  
11675 a member of the board so demands.  
11676 (c) (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public  
11677 transit district may not adopt an ordinance unless it is:  
11678 (A) introduced at least a day before the board of trustees adopts it; or  
11679 (B) mailed by registered mail, postage prepaid, to each member of the board of trustees  
11680 at least five days before the day upon which the ordinance is presented for adoption.  
11681 (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote

11682 of all board members present at a meeting at which at least 3/4 of all board members are  
11683 present.

11684 (d) Each ordinance adopted by a public transit district's board of trustees shall take  
11685 effect upon adoption, unless the ordinance provides otherwise.

11686 Section 336. Section **17B-2a-809**, which is renumbered from Section 17A-2-1060.1 is  
11687 renumbered and amended to read:

11688 ~~[17A-2-1060.1].~~ **17B-2a-809. Public transit districts to submit agendas and**  
11689 **minutes of board meetings.**

11690 (1) The board of trustees of each public transit district shall submit to each constituent  
11691 entity, as defined in Section ~~[17A-1-501]~~ 17B-1-701:

11692 (a) a copy of the board agenda and a notice of the location and time of the board  
11693 meeting within the same time frame provided to members of the board prior to the meeting;  
11694 and

11695 (b) a copy of the minutes of board meetings within five working days following  
11696 approval of the minutes.

11697 (2) The board may submit notices, agendas, and minutes by electronic mail if agreed to  
11698 by the constituent entity as defined under Section ~~[17A-1-501]~~ 17B-1-701.

11699 Section 337. Section **17B-2a-810** is enacted to read:

11700 **17B-2a-810. Officers of a public transit district.**

11701 (1) (a) The officers of a public transit district shall consist of:

11702 (i) the members of the board of trustees;

11703 (ii) a president and vice president, appointed by the board of trustees, subject to

11704 Subsection (1)(b);

11705 (iii) a secretary, appointed by the board of trustees;

11706 (iv) a general manager, appointed by the board of trustees as provided in Section

11707 17B-2a-811;

11708 (v) a general counsel, appointed by the board of trustees, subject to Subsection (1)(c);

11709 (vi) a treasurer, appointed as provided in Section 17B-1-633;

11710 (vii) a comptroller, appointed by the board of trustees, subject to Subsection (1)(d); and

11711 (viii) other officers, assistants, and deputies that the board of trustees considers

11712 necessary.

11713 (b) The district president and vice president shall be members of the board of trustees.

11714 (c) The person appointed as general counsel shall:

11715 (i) be admitted to practice law in the state; and

11716 (ii) have been actively engaged in the practice of law for at least seven years next  
11717 preceding the appointment.

11718 (d) The person appointed as comptroller shall have been actively engaged in the  
11719 practice of accounting for at least seven years next preceding the appointment.

11720 (2) (a) The district's general manager shall appoint all officers and employees not  
11721 specified in Subsection (1).

11722 (b) Each officer and employee appointed by the district's general manager serves at the  
11723 pleasure of the general manager.

11724 (3) The board of trustees shall by ordinance or resolution fix the compensation of all  
11725 district officers and employees, except as otherwise provided in this part.

11726 (4) (a) Each officer appointed by the board of trustees or by the district's general  
11727 manager shall take the oath of office specified in Utah Constitution Article IV, Section 10.

11728 (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district  
11729 secretary no later than 15 days after the commencement of the officer's term of office.

11730 Section 338. Section **17B-2a-811** is enacted to read:

11731 **17B-2a-811. General manager of a public transit district.**

11732 (1) (a) The board of trustees of a public transit district shall appoint a person as a  
11733 general manager.

11734 (b) The appointment of a general manager shall be by the affirmative vote of a majority  
11735 of all members of the board of trustees.

11736 (c) The board's appointment of a person as general manager shall be based on the  
11737 person's qualifications, with special reference to the person's actual experience in or knowledge  
11738 of accepted practices with respect to the duties of the office.

11739 (d) A person appointed as general manager of a public transit district is not required to  
11740 be a resident of the state at the time of appointment.

11741 (2) Each general manager of a public transit district shall:

11742 (a) be a full-time officer and devote full time to the district's business;

11743 (b) ensure that all district ordinances are enforced;

- 11744 (c) prepare and submit to the board of trustees, as soon as practical but not less than 45  
11745 days after the end of each fiscal year, a complete report on the district's finances and  
11746 administrative activities for the preceding year;
- 11747 (d) keep the board of trustees advised as to the district's needs;
- 11748 (e) prepare or cause to be prepared all plans and specifications for the construction of  
11749 district works;
- 11750 (f) cause to be installed and maintained a system of auditing and accounting that  
11751 completely shows the district's financial condition at all times; and
- 11752 (g) attend meetings of the board of trustees.
- 11753 (3) A general manager of a public transit district:
- 11754 (a) serves at the pleasure of the board of trustees;
- 11755 (b) holds office for an indefinite term;
- 11756 (c) may be removed by the board of trustees upon the adoption of a resolution by the  
11757 affirmative vote of a majority of all members of the board, subject to Subsection (5);
- 11758 (d) has full charge of:
- 11759 (i) the acquisition, construction, maintenance, and operation of district facilities; and  
11760 (ii) the administration of the district's business affairs;
- 11761 (e) is entitled to participate in the deliberations of the board of trustees as to any matter  
11762 before the board; and
- 11763 (f) may not vote at a meeting of the board of trustees.
- 11764 (4) The board of trustees may not reduce the general manager's salary below the  
11765 amount fixed at the time of original appointment unless:
- 11766 (a) the board adopts a resolution by a vote of a majority of all members; and  
11767 (b) if the general manager demands in writing, the board gives the general manager the  
11768 opportunity to be publicly heard at a meeting of the board before the final vote on the  
11769 resolution reducing the general manager's salary.
- 11770 (5) (a) Before adopting a resolution providing for a general manager's removal as  
11771 provided in Subsection (3)(c), the board shall, if the manager makes a written demand:
- 11772 (i) give the general manager a written statement of the reasons alleged for the general  
11773 manager's removal; and
- 11774 (ii) allow the general manager to be publicly heard at a meeting of the board of trustees.

11775 (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district  
11776 may suspend a general manager from office pending and during a hearing under Subsection  
11777 (5)(a)(ii).

11778 (6) The action of a board of trustees suspending or removing a general manager or  
11779 reducing the general manager's salary is final.

11780 Section 339. Section **17B-2a-812** is enacted to read:

11781 **17B-2a-812. Comptroller required to provide statement of revenues and**  
11782 **expenditures.**

11783 The comptroller of each public transit district shall, as soon as possible after the close  
11784 of each fiscal year:

11785 (1) prepare a statement of revenues and expenditures for the fiscal year just ended, in  
11786 the detail that the board of trustees prescribes; and

11787 (2) transit a copy of the statement to the chief executive officer of:

11788 (a) each municipality within the district; and

11789 (b) each county with unincorporated area within the district.

11790 Section 340. Section **17B-2a-813** is enacted to read:

11791 **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**  
11792 **transit district -- Employees of an acquired transit system.**

11793 (1) The rights, benefits, and other employee protective conditions and remedies of  
11794 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as  
11795 determined by the Secretary of Labor, apply to:

11796 (a) a public transit district's establishment and operation of a public transit service or  
11797 system; and

11798 (b) a lease, contract, or other arrangement that a public transit district enters into for the  
11799 operation of a public transit service or system.

11800 (2) (a) Employees of a public transit system established and operated by a public transit  
11801 district have the right to:

11802 (i) self-organization;

11803 (ii) form, join, or assist labor organizations; and

11804 (iii) bargain collectively through representatives of their own choosing.

11805 (b) Employees of a public transit district and labor organizations may not join in a

11806 strike against the public transit system operated by the public transit district.

11807 (c) Each public transit district shall:

11808 (i) recognize and bargain exclusively with any labor organization representing a  
 11809 majority of the district's employees in an appropriate unit with respect to wages, salaries, hours,  
 11810 working conditions, and welfare, pension, and retirement provisions; and

11811 (ii) upon reaching agreement with the labor organization, enter into and execute a  
 11812 written contract incorporating the agreement.

11813 (3) If a public transit district acquires an existing public transit system:

11814 (a) all employees of the acquired system who are necessary for the operation of the  
 11815 acquired system, except executive and administrative officers and employees, shall be:

11816 (i) transferred to and appointed employees of the acquiring public transit district; and

11817 (ii) given sick leave, seniority, vacation, and pension or retirement credits in  
 11818 accordance with the acquired system's records; and

11819 (b) members and beneficiaries of a pension or retirement plan or other program of  
 11820 benefits that the acquired system has established shall continue to have rights, privileges,  
 11821 benefits, obligations, and status with respect to that established plan or program; and

11822 (c) the public transit district may establish, amend, or modify, by agreement with  
 11823 employees or their authorized representatives, the terms, conditions, and provisions of a  
 11824 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

11825 Section 341. Section **17B-2a-814**, which is renumbered from Section 17A-2-1050 is  
 11826 renumbered and amended to read:

11827 ~~[17A-2-1050].~~ **17B-2a-814. Conflict of interests prohibited -- Disclosure --**  
 11828 **Violation -- Penalty.**

11829 (1) As used in this section, "relative" means ~~[any]~~ a parent, spouse, child, grandparent,  
 11830 grandchild, great grandparent, great grandchild, or sibling of a trustee, officer, or employee.

11831 (2) Except as provided in this section, a trustee ~~[or any other]~~, officer, or employee of  
 11832 ~~[the]~~ a public transit district may not be interested in any manner, directly or indirectly, in ~~[any]~~  
 11833 a contract or in the profits derived from ~~[any]~~ a contract:

11834 (a) awarded by the board of trustees; or

11835 (b) made by ~~[any]~~ an officer or employee pursuant to discretionary authority vested in  
 11836 ~~[him]~~ the officer or employee.

11837 (3) Notwithstanding Subsection (2), ~~when~~ if a trustee ~~or other~~, officer, or employee  
11838 of ~~the~~ a public transit district is a stockholder, bondholder, director, or other officer or  
11839 employee of a corporation contracting with the district, the district may contract with that  
11840 corporation for its general benefit unless the trustee, officer, or employee of the district owns or  
11841 controls, directly or indirectly, stock or bonds in an amount greater than 5% of the total amount  
11842 of outstanding stock or bonds.

11843 (4) (a) (i) A trustee, officer, or employee of ~~the~~ a public transit district who has, or  
11844 whose relative has, a substantial interest in ~~any~~ a contract with, sale to, purchase from, or  
11845 service to the district shall disclose that interest to the board of trustees of the district in a  
11846 public meeting of the board.

11847 (ii) The board of trustees of the district shall disclose that interest in the minutes of its  
11848 meeting.

11849 (b) A trustee, officer, or employee of ~~the~~ a public transit district who has, or whose  
11850 relative has, a substantial interest in ~~any~~ a contract with, sale to, purchase from, or service to  
11851 the district may not vote upon or otherwise participate in any manner as a trustee, officer, or  
11852 employee in the contract, sale, ~~or~~ purchase, or service.

11853 (5) A trustee, officer, or employee of ~~the~~ a public transit district, in contemplation of  
11854 official action by ~~himself~~ the trustee, officer, or employee or by the district or in reliance on  
11855 information to which ~~he~~ the trustee, officer, or employee has access in ~~his~~ an official  
11856 capacity and which has not been made public, commits misuse of official information if ~~he~~  
11857 the trustee, officer, or employee:

11858 (a) acquires a pecuniary interest in any property, transaction, or enterprise that may be  
11859 affected by the information or official action;

11860 (b) speculates or wagers on the basis of the information or official action; or

11861 (c) aids, advises, or encourages another to do so with intent to confer upon any person a  
11862 special pecuniary benefit.

11863 (6) Each trustee, officer, and employee who violates this section:

11864 (a) is guilty of a class B misdemeanor; and

11865 (b) if convicted, ~~his~~ shall be terminated from board appointment or district  
11866 employment ~~is terminated~~.

11867 Section 342. Section **17B-2a-815** is enacted to read:

11868 **17B-2a-815. Rates and charges for service.**

11869 (1) The board of trustees of a public transit district shall fix rates and charges for  
11870 service provided by the district by a two-thirds vote of all board members.

11871 (2) Rates and charges shall:

11872 (a) be reasonable; and

11873 (b) to the extent practicable:

11874 (i) result in enough revenue to make the public transit system self supporting; and

11875 (ii) be sufficient to:

11876 (A) pay for district operating expenses;

11877 (B) provide for repairs, maintenance, and depreciation of works and property that the  
11878 district owns or operates;

11879 (C) provide for the purchase, lease, or acquisition of property and equipment;

11880 (D) pay the interest and principal of bonds that the district issues; and

11881 (E) pay for contracts, agreements, leases, and other legal liabilities that the district  
11882 incurs.

11883 Section 343. Section **17B-2a-816** is enacted to read:

11884 **17B-2a-816. Hearing on a rate or charge or a proposal to fix the location of**  
11885 **district facilities.**

11886 (1) (a) The legislative body of a county or municipality with territory within a public  
11887 transit district may, on behalf of a person who is a resident of the county or municipality,  
11888 respectively, and who is a user of a public transit system operated by the public transit district,  
11889 file a request for a hearing before the public transit district's board of trustees as to:

11890 (i) the reasonableness of a rate or charge fixed by the board of trustees; or

11891 (ii) a proposal for fixing the location of district facilities.

11892 (b) Each request under Subsection (1)(a) shall:

11893 (i) be in writing;

11894 (ii) be filed with the board of trustees of the public transit district; and

11895 (iii) state the subject matter on which a hearing is requested.

11896 (2) (a) At least 15 but not more than 60 days after a request under Subsection (1)(a) is  
11897 filed, the public transit district's board of trustees shall hold a hearing on, as the case may be:

11898 (i) the reasonableness of a rate or charge fixed by the board of trustees; or



- 11899 (ii) a proposal for fixing the location of district facilities.
- 11900 (b) The public transit district board of trustees shall provide notice of the hearing by:
- 11901 (i) mailing, postage prepaid, a notice to:
- 11902 (A) the county or municipality requesting the hearing; and
- 11903 (B) the legislative body of each other county and municipality with territory within the
- 11904 public transit district; and
- 11905 (ii) once publishing a notice.
- 11906 (3) At each hearing under Subsection (2)(a):
- 11907 (a) the legislative body of a county or municipality may intervene, be heard, and
- 11908 introduce evidence if the county or municipality:
- 11909 (i) is eligible to file a request for hearing under Subsection (1); and
- 11910 (ii) did not file a request for hearing;
- 11911 (b) the public transit district, the county or municipality that filed the request for
- 11912 hearing, and an intervening county or municipality under Subsection (3)(a) may:
- 11913 (i) call and examine witnesses;
- 11914 (ii) introduce exhibits;
- 11915 (iii) cross-examine opposing witnesses on any matter relevant to the issues, even
- 11916 though the matter was not covered in direct examination; and
- 11917 (iv) rebut evidence introduced by others;
- 11918 (c) evidence shall be taken on oath or affirmation;
- 11919 (d) technical rules of evidence need not be followed, regardless of the existence of a
- 11920 common law or statutory rule that makes improper the admission of evidence over objection in
- 11921 a civil action;
- 11922 (e) hearsay evidence is admissible in order to supplement or explain direct evidence,
- 11923 but is not sufficient in itself to support a finding unless it would be admissible over objection in
- 11924 a civil action; and
- 11925 (f) the public transit district board of trustees shall appoint a reporter to take a complete
- 11926 record of all proceedings and testimony before the board.
- 11927 (4) (a) Within 60 days after the conclusion of a hearing under Subsection (2)(a), the
- 11928 public transit district board of trustees shall render its decision in writing, together with written
- 11929 findings of fact.

- 11930           (b) The board of trustees shall mail by certified mail, postage prepaid, a copy of the  
11931 decision and findings to:
- 11932           (i) the county or municipality that filed a request under Subsection (1); and  
11933           (ii) each county and municipality that intervened under Subsection (3)(a).
- 11934           (5) In any action to review a decision of a public transit district board of trustees under  
11935 this section, the record on review shall consist of:
- 11936           (a) the written request for hearing, the transcript of the testimony at the hearing, and all  
11937 exhibits introduced at the hearing; or
- 11938           (b) if the parties stipulate in writing:
- 11939           (i) the evidence specified in the stipulation; and  
11940           (ii) the written stipulation itself.
- 11941           Section 344. Section **17B-2a-817** is enacted to read:
- 11942           **17B-2a-817. Public transit district tax limit.**
- 11943           In addition to a property tax under Section 17B-1-1103 to pay general obligation bonds  
11944 of the district, a public transit district may levy a property tax, as provided in and subject to  
11945 Chapter 1, Part 10, Local District Property Tax Levy, if:
- 11946           (1) the district first submits the proposal to levy the property tax to voters within the  
11947 district; and
- 11948           (2) a majority of voters within the district voting on the proposal vote in favor of the  
11949 tax at an election held for that purpose.
- 11950           Section 345. Section **17B-2a-818** is enacted to read:
- 11951           **17B-2a-818. Requirements applicable to public transit district contracts.**
- 11952           (1) If the expenditure required to construct district facilities or works exceeds \$25,000,  
11953 the construction shall be let as provided in Title 63, Chapter 56, Utah Procurement Code.
- 11954           (2) (a) The board of trustees of a public transit district shall advertise each bid or  
11955 proposal through public notice as the board determines.
- 11956           (b) A notice under Subsection (2)(a) may:
- 11957           (i) include publication in:
- 11958           (A) a newspaper of general circulation in the district;  
11959           (B) a trade journal; or  
11960           (C) other method determined by the board; and

11961 (ii) be made at least once, not less than ten days before the expiration of the period  
11962 within which bids or proposals are received.

11963 (3) (a) The board of trustees may, in its discretion:

11964 (i) reject any or all bids or proposals; and

11965 (ii) readvertise or give notice again.

11966 (b) If, after rejecting bids or proposals, the board of trustees determines and declares by  
11967 a two-thirds vote of all members present that in the board's opinion the supplies, equipment,  
11968 and materials may be purchased at a lower price in the open market, the board may purchase  
11969 the supplies, equipment, and materials in the open market, notwithstanding any provisions  
11970 requiring contracts, bids, proposals, advertisement, or notice.

11971 (4) The board of trustees of a public transit district may let a contract without  
11972 advertising for or inviting bids if:

11973 (a) the board finds, upon a two-thirds vote of all members present, that a repair,  
11974 alteration, or other work or the purchase of materials, supplies, equipment, or other property is  
11975 of urgent necessity; or

11976 (b) the district's general manager certifies by affidavit that there is only one source for  
11977 the required supplies, equipment, materials, or construction items.

11978 (5) If a public transit district retains or withholds any payment on a contract with a  
11979 private contractor to construct facilities under this section, the board shall retain or withhold  
11980 and release the payment as provided in Section 13-8-5.

11981 Section 346. Section **17B-2a-819** is enacted to read:

11982 **17B-2a-819. Compliance with state and local laws and regulations.**

11983 (1) Each public transit district is subject to department regulations relating to safety  
11984 appliances and procedures.

11985 (2) (a) Each installation by a public transit district in a state highway or freeway is  
11986 subject to the approval of the department.

11987 (b) There is a presumption that the use of a street, road, highway, or other public place  
11988 by a public transit district for any of the purposes permitted in this part constitutes no greater  
11989 burden on an adjoining property than the use existing on July 9, 1969.

11990 (c) If a street, road, or highway, excluding a state highway or freeway, or a pipeline,  
11991 sewer, water main, storm drain, pole, or communication wire is required to be relocated,

11992 replaced, or altered in order for a public transit district to construct or operate its system or to  
11993 preserve and maintain an already constructed district facility:

11994 (i) the public or private owner of the facility required to be relocated, replaced, or  
11995 altered shall relocate, replace, or alter the facility with reasonable promptness; and

11996 (ii) the public transit district shall, by prior agreement, reimburse the owner for the  
11997 reasonable cost incurred in the relocation, replacement, or alteration.

11998 (d) (i) A public transit district may enter into an agreement with a county or  
11999 municipality to:

12000 (A) close a street or road over which the county or municipality has jurisdiction at or  
12001 near the point of its interception with a district facility; or

12002 (B) carry the street or road over or under or to a connection with a district facility.

12003 (ii) A public transit district may do all work on a street or road under Subsection  
12004 (2)(d)(i) as is necessary.

12005 (iii) A street or road may not be closed, directly or indirectly, by the construction of a  
12006 district facility unless the closure is:

12007 (A) pursuant to agreement under Subsection (2)(d)(i); or

12008 (B) temporarily necessary during the construction of a district facility.

12009 (3) Each public transit district is subject to the laws and regulations of the state and  
12010 each applicable municipality relating to traffic and operation of vehicles upon streets and  
12011 highways.

12012 Section 347. Section **17B-2a-820** is enacted to read:

12013 **17B-2a-820. Authority for other governmental entities to acquire property by**  
12014 **eminent domain for a public transit district.**

12015 The state, a county, or a municipality may, by eminent domain under Title 78, Chapter  
12016 34, Eminent Domain, acquire within its boundaries a private property interest, including fee  
12017 simple, easement, air right, right-of-way, or other interest, necessary for the establishment or  
12018 operation of a public transit district.

12019 Section 348. Section **17B-2a-821**, which is renumbered from Section 17A-2-1061 is  
12020 renumbered and amended to read:

12021 ~~[17A-2-1061].~~ **17B-2a-821. Failure to pay fare -- Infraction -- Multicounty**  
12022 **district may establish and enforce parking ordinance.**

12023 (1) A person may not ride a transit vehicle without payment of the applicable fare  
 12024 established by the public transit district that operates the transit vehicle.

12025 (2) A person who violates Subsection (1) is guilty of an infraction.

12026 (3) The [~~governing body~~] board of trustees of a multicounty district may adopt an  
 12027 ordinance governing parking of vehicles at a transit facility, including the imposition of a fine  
 12028 or civil penalty for a violation of the ordinance.

12029 Section 349. Section **17B-2a-822**, which is renumbered from Section 17A-2-1062 is  
 12030 renumbered and amended to read:

12031 ~~[17A-2-1062]~~. **17B-2a-822. Multicounty district may employ or contract for**  
 12032 **law enforcement officers -- Law enforcement officer status, powers, and jurisdiction.**

12033 (1) The [~~governing body~~] board of trustees of a multicounty district may employ law  
 12034 enforcement officers or contract with other law enforcement agencies to provide law  
 12035 enforcement services for the district.

12036 (2) A law enforcement officer employed or provided by contract under Subsection (1)  
 12037 is a law enforcement officer under Section 53-13-103 and shall be subject to the provisions of  
 12038 that section.

12039 (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law  
 12040 enforcement officer employed under this section is limited to transit facilities and transit  
 12041 vehicles.

12042 Section 350. Section **17B-2a-823**, which is renumbered from Section 17A-2-1063 is  
 12043 renumbered and amended to read:

12044 ~~[17A-2-1063]~~. **17B-2a-823. Public transit district special services.**

12045 (1) As used in this section, "bureau" means a recreational, tourist, or convention bureau  
 12046 established under Section 17-31-2.

12047 (2) (a) A public transit district may lease its buses to private certified public carriers or  
 12048 operate transit services requested by a [~~governmental~~] public entity [~~when~~] if a bureau certifies  
 12049 that privately owned carriers furnishing like services or operating like equipment within the  
 12050 area served by the bureau;

12051 (i) have declined to provide the service; or

12052 (ii) do not have the equipment necessary to provide the service.

12053 (b) A public transit district may lease its buses or operate services as authorized under

12054 Subsection (2)(a) outside of the area served by the district.

12055 (3) [~~A~~] If part or all of the transportation services are paid for by public funds, a public  
12056 transit district may:

12057 (a) provide school bus services for transportation of pupils and supervisory personnel  
12058 between homes and school and other related school activities within the area served by the  
12059 district[;]; or [may]

12060 (b) provide the transportation of passengers covered by an elderly or disabled persons  
12061 program within the district [~~where all or part of the transportation services are paid for by~~  
12062 ~~public funds~~].

12063 (4) Notwithstanding the provisions in Subsection (3), a municipality or county is not  
12064 prohibited from providing the transportation services identified in Subsection (3).

12065 Section 351. Section **17B-2a-824** is enacted to read:

12066 **17B-2a-824. Property acquired on behalf of a public transit district.**

12067 (1) Title to property acquired on behalf of a public transit district under this part  
12068 immediately and by operation of law vests in the public transit district.

12069 (2) Property described in Subsection (1) is dedicated and set apart for the purposes set  
12070 forth in this part.

12071 Section 352. Section **17B-2a-901** is enacted to read:

12072 **Part 9. Service Area Act**

12073 **17B-2a-901. Title.**

12074 This part is known as the "Service Area Act."

12075 Section 353. Section **17B-2a-902** is enacted to read:

12076 **17B-2a-902. Applicability of this part to service areas.**

12077 (1) Each service area is governed by and has the powers stated in:

12078 (a) this part; and

12079 (b) Chapter 1, Provisions Applicable to All Local Districts.

12080 (2) This part applies only to service areas.

12081 (3) A service area is not subject to the provisions of any other part of this chapter.

12082 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
12083 Local Districts, and a provision in this part, the provision in this part governs.

12084 Section 354. Section **17B-2a-903** is enacted to read:

12085 **17B-2a-903. Additional general powers of service areas.**

12086 In addition to the powers conferred on a service area under Section 17B-1-103, a  
12087 service area:

12088 (1) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District  
12089 Bonds, to carry out the purposes of the district;

12090 (2) that, until April 30, 2007, was a regional service area, may provide park, recreation,  
12091 or parkway services, or any combination of those services; and

12092 (3) may, with the consent of the county in which the service area is located, provide  
12093 planning and zoning service.

12094 Section 355. Section **17B-2a-904** is enacted to read:

12095 **17B-2a-904. Regional service areas to become service areas -- Change from**  
12096 **regional service area to service area not to affect rights, obligations, or property of**  
12097 **former regional service area.**

12098 (1) Each regional service area, created and operating under the law in effect before  
12099 April 30, 2007, becomes on that date a service area, governed by and subject to Chapter 1,  
12100 Provisions Applicable to All Local Districts, and this part.

12101 (2) The change of an entity from a regional service area to a service area under  
12102 Subsection (1) does not affect:

12103 (a) the entity's basic structure and operations or its nature as a body corporate and  
12104 politic and a political subdivision of the state;

12105 (b) the ability of the entity to provide the service that the entity:

12106 (i) was authorized to provide before the change; and

12107 (ii) provided before the change;

12108 (c) the validity of the actions taken, bonds issued, or contracts or other obligations  
12109 entered into by the entity before the change;

12110 (d) the ability of the entity to continue to impose and collect taxes, fees, and other  
12111 charges for the service it provides;

12112 (e) the makeup of the board of trustees;

12113 (f) the entity's ownership of property acquired before the change; or

12114 (g) any other powers, rights, or obligations that the entity had before the change, except  
12115 as modified by this part.

12116 Section 356. Section **17B-2a-905** is enacted to read:

12117 **17B-2a-905. Service area board of trustees.**

12118 (1) (a) Except as provided in Subsection (2):

12119 (i) the initial board of trustees of a service area located entirely within the

12120 unincorporated area of a single county may, as stated in the petition or resolution that initiated

12121 the process of creating the service area:

12122 (A) consist of the county legislative body;

12123 (B) be appointed, as provided in Section 17B-1-304; or

12124 (C) be elected, as provided in Section 17B-1-306;

12125 (ii) if the board of trustees of a service area consists of the county legislative body, the

12126 board may adopt a resolution providing for future board members to be appointed, as provided

12127 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

12128 (iii) members of the board of trustees of a service area shall be elected, as provided in

12129 Section 17B-1-306, if:

12130 (A) the service area is not entirely within the unincorporated area of a single county;

12131 (B) a petition is filed with the board of trustees requesting that board members be

12132 elected, and the petition is signed by registered voters within the service area equal in number

12133 to at least 10% of the number of registered voters within the service area who voted at the last

12134 gubernatorial election; or

12135 (C) an election is held to authorize the service area's issuance of bonds.

12136 (b) If members of the board of trustees of a service area are required to be elected under

12137 Subsection (1)(a)(iii)(C) because of a bond election:

12138 (i) board members shall be elected in conjunction with the bond election;

12139 (ii) the board of trustees shall:

12140 (A) establish a process to enable potential candidates to file a declaration of candidacy

12141 sufficiently in advance of the election; and

12142 (B) provide a ballot for the election of board members separate from the bond ballot;

12143 and

12144 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided

12145 in Section 17B-1-306.

12146 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003 if:



12147 (i) the service area was created to provide fire protection, paramedic, and emergency  
12148 services; and

12149 (ii) in the creation of the service area, an election was not required under Subsection  
12150 17B-1-214(3)(c).

12151 (b) (i) Each county whose unincorporated area is included within a service area  
12152 described in Subsection (2)(a), whether in conjunction with the creation of the service area or  
12153 by later annexation, shall appoint three members to the board of trustees.

12154 (ii) Each municipality whose area is included within a service area described in  
12155 Subsection (2)(a), whether in conjunction with the creation of the service area or by later  
12156 annexation, shall appoint one member to the board of trustees.

12157 (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or  
12158 (ii) shall be an elected official of the appointing county or municipality, respectively.

12159 (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of  
12160 trustees of a service area described in Subsection (2)(a) shall be the number resulting from  
12161 application of Subsection (2)(b).

12162 Section 357. Section **17B-2a-906** is enacted to read:

12163 **17B-2a-906. Dividing a service area into divisions.**

12164 (1) Subject to Subsection (2), the board of trustees of a service area may, upon a vote  
12165 of two-thirds of the members of the board, divide the service area into divisions so that some or  
12166 all of the members of the board of trustees may be elected by division rather than at large.

12167 (2) Before dividing a service area into divisions under Subsection (1) or before  
12168 changing the boundaries of divisions already established, the board of trustees shall:

12169 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

12170 (b) hold a public hearing at which any interested person may appear and speak for or  
12171 against the proposal.

12172 (3) (a) The board of trustees shall review the division boundaries at least every ten  
12173 years.

12174 (b) Except for changes in the divisions necessitated by annexations to or withdrawals  
12175 from the service area, the boundaries of divisions established under Subsection (1) may not be  
12176 changed more often than every five years.

12177 (c) Changes to the boundaries of divisions already established under Subsection (1) are

12178 not subject to the two-thirds vote requirement of Subsection (1).

12179 Section 358. Section **17B-2a-907**, which is renumbered from Section 17A-2-413 is  
12180 renumbered and amended to read:

12181 ~~[17A-2-413].~~ **17B-2a-907. Adding a new service within a service area.**

12182 A [county] service area may begin to provide within the boundaries of the [county]  
12183 service area a service that it had not previously provided by using the procedures set forth in  
12184 [~~Title 17B;~~] Chapter [2] 1, Part 2, Creation of a Local [~~Districts~~] District, for the creation of a  
12185 [county] service area as though a new [county] service area were being created to provide that  
12186 service.

12187 Section 359. Section **17B-2a-1001** is enacted to read:

12188 **Part 10. Water Conservancy District Act**

12189 **17B-2a-1001. Title.**

12190 This part is known as the "Water Conservancy District Act."

12191 Section 360. Section **17B-2a-1002** is enacted to read:

12192 **17B-2a-1002. Legislative intent -- Purpose of water conservancy districts.**

12193 (1) It is the intent of the Legislature and the policy of the state to:

12194 (a) provide for the conservation and development of the water and land resources of the  
12195 state;

12196 (b) provide for the greatest beneficial use of water within the state;

12197 (c) control and make use of all unappropriated waters in the state and to apply those  
12198 waters to direct and supplemental beneficial uses including domestic, manufacturing, irrigation,  
12199 and power;

12200 (d) obtain from water in the state the highest duty for domestic uses and irrigation of  
12201 lands in the state within the terms of applicable interstate compacts and other law;

12202 (e) cooperate with the United States and its agencies under federal reclamation or other  
12203 laws and to construct, finance, operate, and maintain works in the state; and

12204 (f) promote the greater prosperity and general welfare of the people of the state by  
12205 encouraging the organization of water conservancy districts.

12206 (2) The creation and operation of water conservancy districts are a public use to help  
12207 accomplish the intent and policy stated in Subsection (1) and will:

12208 (a) be essentially for the benefit and advantage of the people of the state;

- 12209 (b) indirectly benefit all industries of the state;
- 12210 (c) indirectly benefit the state by increasing the value of taxable property in the state;
- 12211 (d) directly benefit municipalities by providing adequate supplies of water for domestic
- 12212 use;
- 12213 (e) directly benefit lands to be irrigated or drained;
- 12214 (f) directly benefit lands now under irrigation by stabilizing the flow of water in
- 12215 streams and by increasing flow and return flow of water to those streams; and
- 12216 (g) promote the comfort, safety, and welfare of the people of the state.
- 12217 Section 361. Section **17B-2a-1003** is enacted to read:
- 12218 **17B-2a-1003. Applicability of this part to water conservancy districts.**
- 12219 (1) Each water conservancy district is governed by and has the powers stated in:
- 12220 (a) this part; and
- 12221 (b) Chapter 1, Provisions Applicable to All Local Districts.
- 12222 (2) This part applies only to water conservancy districts.
- 12223 (3) A water conservancy district is not subject to the provisions of any other part of this
- 12224 chapter.
- 12225 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 12226 Local Districts, and a provision in this part, the provision in this part governs.
- 12227 Section 362. Section **17B-2a-1004** is enacted to read:
- 12228 **17B-2a-1004. Powers and duties of water conservancy districts.**
- 12229 (1) In addition to the powers conferred on a water conservancy district under Section
- 12230 17B-1-103, a water conservancy district may:
- 12231 (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
- 12232 to carry out the purposes of the district;
- 12233 (b) acquire or lease any real or personal property or acquire any interest in real or
- 12234 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
- 12235 outside the district;
- 12236 (c) acquire or construct works, facilities, or improvements, as provided in Subsection
- 12237 17B-1-103(2)(d), whether inside or outside the district;
- 12238 (d) acquire water, works, water rights, and sources of water necessary or convenient to
- 12239 the full exercise of the district's powers, whether the water, works, water rights, or sources of

- 12240 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or  
12241 dispose of water, works, water rights, and sources of water;
- 12242 (e) fix rates and terms for the sale, lease, or other disposal of water;  
12243 (f) acquire rights to the use of water from works constructed or operated by the district  
12244 or constructed or operated pursuant to a contract to which the district is a party, and sell rights  
12245 to the use of water from those works;
- 12246 (g) levy assessments against lands within the district to which water is allotted on the  
12247 basis of:
- 12248 (i) a uniform district-wide value per acre foot of irrigation water; or  
12249 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the  
12250 district into units and fixes a different value per acre foot of water in the respective units;
- 12251 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at  
12252 rates that are equitable, though not necessarily equal or uniform, for like classes of service;
- 12253 (i) adopt and modify plans and specifications for the works for which the district was  
12254 organized;
- 12255 (j) investigate and promote water conservation and development;  
12256 (k) appropriate and otherwise acquire water and water rights inside or outside the state;  
12257 (l) develop, store, treat, and transport water;  
12258 (m) acquire stock in canal companies, water companies, and water users associations;  
12259 (n) acquire, construct, operate, or maintain works for the irrigation of land;  
12260 (o) subject to Subsection (2), sell water and water services to individual customers and  
12261 charge sufficient rates for the water and water services supplied;
- 12262 (p) own property for district purposes within the boundaries of a municipality; and  
12263 (q) coordinate water resource planning among public entities.
- 12264 (2) (a) A water conservancy district and another political subdivision of the state may  
12265 contract with each other, and a water conservancy district may contract with one or more public  
12266 entities and private persons, for:
- 12267 (i) the joint operation or use of works owned by any party to the contract; or  
12268 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related  
12269 services.
- 12270 (b) An agreement under Subsection (2)(a) may provide for the joint use of works

- 12271 owned by one of the contracting parties if the agreement provides for reasonable compensation.
- 12272 (c) A statutory requirement that a district supply water to its own residents on a priority
- 12273 basis does not apply to a contract under Subsection (2)(a).
- 12274 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,
- 12275 including:
- 12276 (i) a term of years specified by the contract;
- 12277 (ii) a requirement that the purchasing party make specified payments, without regard to
- 12278 actual taking or use;
- 12279 (iii) a requirement that the purchasing party pay user charges, charges for the
- 12280 availability of water or water facilities, or other charges for capital costs, debt service,
- 12281 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not
- 12282 the related water, water rights, or facilities are acquired, completed, operable, or operating, and
- 12283 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or
- 12284 services for any reason;
- 12285 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or
- 12286 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:
- 12287 (A) the methods for financing the costs of acquisition, construction, and operation of
- 12288 the joint facilities;
- 12289 (B) the method for allocating the costs of acquisition, construction, and operation of
- 12290 the facilities among the parties consistent with their respective interests in or rights to the
- 12291 facilities;
- 12292 (C) a management committee comprised of representatives of the parties, which may
- 12293 be responsible for the acquisition, construction, and operation of the facilities as the parties
- 12294 determine; and
- 12295 (D) the remedies upon a default by any party in the performance of its obligations
- 12296 under the contract, which may include a provision obligating or enabling the other parties to
- 12297 succeed to all or a portion of the ownership interest or contractual rights and obligations of the
- 12298 defaulting party; and
- 12299 (v) provisions that a purchasing party make payments from:
- 12300 (A) general or other funds of the purchasing party;
- 12301 (B) the proceeds of assessments levied under this part;

12302 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36,  
12303 Impact Fees Act;

12304 (D) revenues from the operation of the water system of a party receiving water or  
12305 services under the contract;

12306 (E) proceeds of any revenue-sharing arrangement between the parties, including  
12307 amounts payable as a percentage of revenues or net revenues of the water system of a party  
12308 receiving water or services under the contract; and

12309 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)  
12310 through (E).

12311 (3) (a) A water conservancy district may enter into a contract with another state or a  
12312 political subdivision of another state for the joint construction, operation, or ownership of a  
12313 water facility.

12314 (b) Water from any source in the state may be appropriated and used for beneficial  
12315 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

12316 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not  
12317 sell water to a customer located within a municipality for domestic or culinary use without the  
12318 consent of the municipality.

12319 (b) Subsection (4)(a) does not apply if:

12320 (i) the property of a customer to whom a water conservancy district sells water was, at  
12321 the time the district began selling water to the customer, within an unincorporated area of a  
12322 county; and

12323 (ii) after the district begins selling water to the customer, the property becomes part of  
12324 a municipality through municipal incorporation or annexation.

12325 (5) A water conservancy district may not carry or transport water in transmountain  
12326 diversion if title to the water was acquired by a municipality by eminent domain.

12327 (6) A water conservancy district may not be required to obtain a franchise for the  
12328 acquisition, ownership, operation, or maintenance of property.

12329 (7) A water conservancy district may not acquire by eminent domain title to or  
12330 beneficial use of vested water rights for transmountain diversion.

12331 Section 363. Section **17B-2a-1005**, which is renumbered from Section 17A-2-1409 is  
12332 renumbered and amended to read:

12333 ~~[17A-2-1409]~~. 17B-2a-1005. Board of trustees -- Selection of members --  
12334 Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.

12335 (1) (a) Within 45 days after ~~[entry of the decree incorporating the]~~ the creation of a  
12336 water conservancy district as provided in Section 17B-1-215, the board of trustees shall be  
12337 selected as provided in this Subsection (1).

12338 (b) For a district ~~[that consists]~~ located entirely within the boundaries of a single  
12339 county, the county legislative body of that county shall appoint each trustee.

12340 (c) (i) For a district ~~[that consists of]~~ located in more than a single county, the  
12341 governor, with the consent of the Senate, shall appoint each trustee from nominees submitted  
12342 as provided in this Subsection (1)(c).

12343 (ii) (A) Except as provided in Subsection (1)(c)(ii)(B), in a division composed solely of  
12344 ~~[incorporated cities]~~ municipalities, the legislative body of each ~~[city]~~ municipality within the  
12345 division shall submit two nominees per trustee.

12346 (B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a ~~[city]~~  
12347 municipality may submit fewer than two nominees per trustee if the legislative body certifies in  
12348 writing to the governor that the legislative body is unable, after reasonably diligent effort, to  
12349 identify two nominees who are willing and qualified to serve as trustee.

12350 (iii) (A) Except as provided in Subsection (1)(c)(iii)(B), in all other divisions, the  
12351 county legislative body of the county in which the division is located shall submit three  
12352 nominees per trustee.

12353 (B) Notwithstanding Subsection (1)(c)(iii)(A), the county legislative body may submit  
12354 fewer than three nominees per trustee if the county legislative body certifies in writing to the  
12355 governor that the county legislative body is unable, after reasonably diligent effort, to identify  
12356 three nominees who are willing and qualified to serve as trustee.

12357 (iv) If a trustee represents a division located in more than one county, the county  
12358 ~~[governing]~~ legislative bodies of those counties shall collectively compile the list of three  
12359 nominees.

12360 (v) For purposes of this Subsection (1)(c), a ~~[city]~~ municipality that is located in more  
12361 than one county shall be considered to be located in only the county in which more of the ~~[city]~~  
12362 municipal area is located than in any other county.

12363 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee

12364 appointed in that district shall be a person who owns irrigation rights and uses those rights as  
12365 part of that person's livelihood.

12366 (2) (a) ~~[The court shall establish the number, representation, and votes of trustees for~~  
12367 ~~each district in the decree creating the district.]~~ The board of trustees of ~~[the]~~ a water  
12368 conservancy district shall consist of:

12369 (i) except as provided in Subsection (2)(a)(ii), not more than 11 persons who are  
12370 residents of the district~~[- If];~~ or

12371 (ii) if the district consists of five or more counties, ~~[the board of trustees shall consist~~  
12372 ~~of]~~ not more than 21 persons who are residents of the district.

12373 (b) At least 90 days before expiration of a trustee's term, the ~~[secretary of the]~~ board  
12374 shall:

12375 (i) give written notice of ~~[vacancies in any office of trustee and of the expiration date of~~  
12376 ~~terms of office of trustees]~~ the upcoming vacancy and the date when the trustee's term expires  
12377 to the county legislative body in single county districts and to the nominating entities and the  
12378 governor in all other districts; and

12379 (ii) publish the notice in a newspaper having general circulation within the district.

12380 (c) (i) Upon receipt of the notice of the expiration of a trustee's term or notice of a  
12381 vacancy in the office of trustee, the county or municipal legislative body ~~[of the city or the~~  
12382 ~~county legislative body]~~, as the case may be, shall nominate candidates to fill the unexpired  
12383 term of office pursuant to Subsection (1).

12384 (ii) If a trustee is to be appointed by the governor and the entity charged with  
12385 nominating candidates ~~[for appointment by the governor]~~ has not submitted the list of  
12386 nominees within 90 days after service of the notice, the governor shall make the appointment  
12387 from qualified candidates without consultation with the county or municipal legislative body  
12388 ~~[of the city or the county legislative body].~~

12389 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a  
12390 successor is appointed and qualified.

12391 (iv) Appointment by the governor vests in the appointee, upon qualification, the  
12392 authority to discharge the duties of trustee, subject only to the consent of the Senate.

12393 (d) Each trustee shall hold office during the term for which appointed and until a  
12394 successor is duly appointed and has qualified.



12395 (3) Each trustee shall furnish a corporate surety bond at the expense of the district, [in  
12396 amount and form fixed and approved by the court,] conditioned for the faithful performance of  
12397 duties as a trustee.

12398 [~~(4)(a) A report of the business transacted during the preceding year by the district,  
12399 including a financial report prepared by certified public accountants, shall be filed with:~~]

12400 [~~(i) the clerk of the district court;~~]

12401 [~~(ii) the governing bodies of counties with lands within the district; and]~~

12402 [~~(iii) cities charged with nominating trustees.;~~]

12403 [~~(b) No more than 14 days and no less than five days prior to the annual meeting, the  
12404 district shall have published at least once in a newspaper having general circulation within the  
12405 district.;~~]

12406 [~~(i) a notice of the annual meeting; and]~~

12407 [~~(ii) the names of the trustees.;~~]

12408 [~~(c) The district shall have published a summary of its financial report in a newspaper  
12409 having general circulation within the district. The summary shall be published no later than 30  
12410 days after the date the audit report required under Title 51, Chapter 2a, Accounting Reports  
12411 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, is required  
12412 to be filed with the state auditor.;~~]

12413 [~~(d) Subsections (4)(b) and (c) do not apply to districts with annual revenues of less  
12414 than \$1,000,000.;~~]

12415 (4) (a) The board of trustees of a water conservancy district may:

12416 (i) make and enforce all reasonable rules and regulations for the management, control,  
12417 delivery, use, and distribution of water;

12418 (ii) withhold the delivery of water with respect to which there is a default or  
12419 delinquency of payment;

12420 (iii) provide for and declare a forfeiture of the right to the use of water upon the default  
12421 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of  
12422 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has  
12423 been declared;

12424 (iv) allocate and reallocate the use of water to lands within the district;

12425 (v) provide for and grant the right, upon terms, to transfer water from lands to which

12426 water has been allocated to other lands within the district;

12427 (vi) create a lien, as provided in this part, upon land to which the use of water is  
12428 transferred;

12429 (vii) discharge a lien from land to which a lien has attached; and

12430 (viii) subject to Subsection (4)(b), enter into a written contract for the sale, lease, or  
12431 other disposition of the use of water.

12432 (b) (i) A contract under Subsection (4)(a)(viii) may provide for the use of water  
12433 perpetually or for a specified term.

12434 (ii) (A) If a contract under Subsection (4)(a)(viii) makes water available to the  
12435 purchasing party without regard to actual taking or use, the board may require that the  
12436 purchasing party give security for the payment to be made under the contract, unless the  
12437 contract requires the purchasing party to pay for certain specified annual minimums.

12438 (B) The security requirement under Subsection (4)(b)(iii)(A) in a contract with a public  
12439 entity may be met by including in the contract a provision for the public entity's levy of a  
12440 special assessment to make annual payments to the district.

12441 Section 364. Section **17B-2a-1006** is enacted to read:

12442 **17B-2a-1006. Limits on water conservancy district property tax levy -- Additional**  
12443 **levy.**

12444 (1) Except as provided in Subsection (2) and subject to Subsection (3), the property tax  
12445 levy of a water conservancy district for all purposes may not exceed:

12446 (a) .0001 per dollar of taxable value of taxable property in the district, before the  
12447 earliest of:

12448 (i) the planning or design of works;

12449 (ii) the acquisition of the site or right-of-way on which the works will be constructed;

12450 or

12451 (iii) the commencement of construction of the works; and

12452 (b) .0002 per dollar of taxable value of taxable property in the district, after the earliest  
12453 of the events listed in Subsection (1)(a).

12454 (2) Notwithstanding Subsection (1) and subject to Subsection (3):

12455 (a) in a district that contains land located within the Lower Colorado River Basin, the  
12456 levy after the earliest of the events listed in Subsection (1)(a) may be increased to a maximum

12457 of .001 per dollar of taxable value of taxable property in the district; and

12458 (b) in a district to be served under a contract, water appropriation, water allotment, or  
12459 otherwise by water apportioned by the Colorado River Compact to the Upper Basin, the levy  
12460 after the earliest of the events listed in Subsection (1)(a) may be increased to a maximum of  
12461 .0004 per dollar of taxable value of taxable property.

12462 (3) Notwithstanding the limits on the rate of property tax levies under Subsections (1)  
12463 and (2), a water conservancy district may impose an additional property tax levy, not to exceed  
12464 .0001 per dollar of taxable value of taxable property in the district, if the additional levy is  
12465 necessary to provide adequate funds to pay maturing bonds or other debts of the district.

12466 Section 365. Section **17B-2a-1007** is enacted to read:

12467 **17B-2a-1007. Contract assessments.**

12468 (1) As used in this section:

12469 (a) "Assessed land" means:

12470 (i) for a contract assessment under a water contract with a private water user, the land  
12471 owned by the private water user that receives the beneficial use of water under the water  
12472 contract; or

12473 (ii) for a contract assessment under a water contract with a public water user, the land  
12474 within the boundaries of the public water user that is within the boundaries of the water  
12475 conservancy district and that receives the beneficial use of water under the water contract.

12476 (b) "Contract assessment" means an assessment levied as provided in this section by a  
12477 water conservancy district on assessed land.

12478 (c) "Governing body" means:

12479 (i) for a county, city, or town, the legislative body of the county, city, or town;

12480 (ii) for a local district, the board of trustees of the local district;

12481 (iii) for a special service district:

12482 (A) the legislative body of the county, city, or town that established the special service  
12483 district, if no administrative control board has been appointed under Section 17A-2-1326; or

12484 (B) the administrative control board of the special service district, if an administrative  
12485 control board has been appointed under Section 17A-2-1326; and

12486 (iv) for any other political subdivision of the state, the person or body with authority to  
12487 govern the affairs of the political subdivision.

- 12488 (d) "Petitioner" means a private petitioner or a public petitioner.
- 12489 (e) "Private petitioner" means an owner of land within a water conservancy district who  
12490 submits a petition to a water conservancy district under Subsection (3) to enter into a water  
12491 contract with the district.
- 12492 (f) "Private water user" means an owner of land within a water conservancy district  
12493 who enters into a water contract with the district.
- 12494 (g) "Public petitioner" means a political subdivision of the state:
- 12495 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
12496 district; and
- 12497 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter  
12498 into a water contract with the district.
- 12499 (h) "Public water user" means a political subdivision of the state:
- 12500 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
12501 district; and
- 12502 (ii) that enters into a water contract with the district.
- 12503 (i) "Water contract" means a contract between a water conservancy district and a  
12504 private water user or a public water user under which the water user purchases, leases, or  
12505 otherwise acquires the beneficial use of water from the water conservancy district for the  
12506 benefit of:
- 12507 (i) land owned by the private water user; or
- 12508 (ii) land within the public water user's boundaries that is also within the boundaries of  
12509 the water conservancy district.
- 12510 (j) "Water user" means a private water user or a public water user.
- 12511 (2) A water conservancy district may levy a contract assessment as provided in this  
12512 section.
- 12513 (3) (a) The governing body of a public petitioner may authorize its chief executive  
12514 officer to submit a written petition on behalf of the public petitioner to a water conservancy  
12515 district requesting to enter into a water contract.
- 12516 (b) A private petitioner may submit a written petition to a water conservancy district  
12517 requesting to enter into a water contract.
- 12518 (c) Each petition under this Subsection (3) shall include:

- 12519 (i) the petitioner's name;
- 12520 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;
- 12521 (iii) a description of the land upon which the water will be used;
- 12522 (iv) the price to be paid for the water;
- 12523 (v) the amount of any service, turnout, connection, distribution system, or other charge  
12524 to be paid;
- 12525 (vi) whether payment will be made in cash or annual installments;
- 12526 (vii) a provision requiring the contract assessment to become a lien on the land for  
12527 which the water is petitioned and is to be allotted; and
- 12528 (viii) an agreement that the petitioner is bound by the provisions of this part and the  
12529 rules and regulations of the water conservancy district board of trustees.
- 12530 (4) (a) If the board of a water conservancy district desires to consider a petition  
12531 submitted by a petitioner under Subsection (3), the board shall:
- 12532 (i) publish notice of the petition and of the hearing required under Subsection (4)(a)(ii)  
12533 at least once a week in two successive weeks in a newspaper of general circulation within the  
12534 county in which the political subdivision or private petitioner's land, as the case may be, is  
12535 located; and
- 12536 (ii) hold a public hearing on the petition.
- 12537 (b) Each notice under Subsection (4)(a)(i) shall:
- 12538 (i) state that a petition has been filed and that the district is considering levying a  
12539 contract assessment; and
- 12540 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).
- 12541 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the  
12542 water conservancy district shall:
- 12543 (A) allow any interested person to appear and explain why the petition should not be  
12544 granted; and
- 12545 (B) consider each written objection to the granting of the petition that the board  
12546 receives before or at the hearing.
- 12547 (ii) The board of trustees may adjourn and reconvene the hearing as the board considers  
12548 appropriate.
- 12549 (d) (i) Any interested person may file with the board of the water conservancy district,

12550 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting  
12551 a petition.

12552 (ii) Each person who fails to submit a written objection within the time provided under  
12553 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and  
12554 levying a contract assessment.

12555 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of  
12556 trustees of a water conservancy district may:

12557 (a) deny the petition; or

12558 (b) grant the petition, if the board considers granting the petition to be in the best  
12559 interests of the district.

12560 (6) The board of a water conservancy district that grants a petition under this section  
12561 may:

12562 (a) make an allotment of water for the benefit of assessed land;

12563 (b) authorize any necessary construction to provide for the use of water upon the terms  
12564 and conditions stated in the water contract;

12565 (c) divide the district into units and fix a different rate for water purchased or otherwise  
12566 acquired and for other charges within each unit, if the rates and charges are equitable, although  
12567 not equal and uniform, for similar classes of services throughout the district; and

12568 (d) levy a contract assessment on assessed land.

12569 (7) (a) The board of trustees of each water conservancy district that levies a contract  
12570 assessment under this section shall:

12571 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment  
12572 to be recorded in the office of the recorder of each county in which assessed land is located;  
12573 and

12574 (ii) on or before July 1 of each year after levying the contract assessment, certify to the  
12575 auditor of each county in which assessed land is located the amount of the contract assessment.

12576 (b) Upon the recording of the resolution or ordinance under Subsection (7)(a)(i), the  
12577 contract assessment associated with allotting water to the assessed land under the water  
12578 contract becomes a perpetual lien on the assessed land.

12579 (c) Each county in which assessed land is located shall collect the contract assessment  
12580 in the same manner as taxes levied by the county.

- 12581 (8) (a) The board of trustees of each water conservancy district that levies a contract  
12582 assessment under this section shall:
- 12583 (i) hold a public hearing, before August 8 of each year in which a contract assessment  
12584 is levied, to hear and consider objections filed under Subsection (8)(b); and
- 12585 (ii) twice publish a notice, at least a week apart:
- 12586 (A) (I) in a newspaper of general circulation in each county with assessed land included  
12587 within the district boundaries; or
- 12588 (II) if there is no newspaper of general circulation within the county, in a newspaper of  
12589 general circulation in an adjoining county;
- 12590 (B) that contains:
- 12591 (I) a general description of the assessed land;  
12592 (II) the amount of the contract assessment; and  
12593 (III) the time and place of the public hearing under Subsection (8)(a)(i).
- 12594 (b) An owner of assessed land within the water conservancy district who believes that  
12595 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the  
12596 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to  
12597 the assessment, stating the grounds for the objection.
- 12598 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and  
12599 consider the evidence and arguments supporting each objection.
- 12600 (i) After hearing and considering the evidence and arguments supporting an objection,  
12601 the board of trustees:
- 12602 (A) shall enter a written order, stating its decision; and  
12603 (B) may modify the assessment.
- 12604 (d) (i) An owner of assessed land may file a petition in district court seeking review of  
12605 a board of trustees' order under Subsection (8)(c)(i)(A).
- 12606 (ii) Each petition under Subsection (8)(d)(i) shall:
- 12607 (A) be filed within 30 days after the board enters its written order;  
12608 (B) state specifically the part of the board's order for which review is sought; and  
12609 (C) be accompanied by a bond with good and sufficient security in an amount not  
12610 exceeding \$200, as determined by the court clerk.
- 12611 (iii) If more than one owner of assessed land seeks review, the court may, upon a

12612 showing that the reviews may be consolidated without injury to anyone's interests, consolidate  
12613 the reviews and hear them together.

12614 (iv) The court shall act as quickly as possible after a petition is filed.

12615 (v) A court may not disturb a board of trustees' order unless the court finds that the  
12616 contract assessment on the petitioner's assessed land is manifestly disproportionate to  
12617 assessments imposed upon other land in the district.

12618 (d) If no petition under Subsection (8)(d) is timely filed, the contract assessment is  
12619 conclusively considered to have been made in proportion to the benefits conferred on the land  
12620 in the district.

12621 (9) Each resolution, ordinance, or order under which a water conservancy district  
12622 levied a Class B, Class C, or Class D assessment before April 30, 2007 under the law in effect  
12623 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district  
12624 may continue to levy the assessment according to the terms of the resolution, ordinance, or  
12625 order.

12626 (10) A contract assessment is not a levy of an ad valorem property tax and is not  
12627 subject to the limits stated in Section 17B-2a-1006.

12628 Section 366. Section **17B-2a-1008** is enacted to read:

12629 **17B-2a-1008. Subdistricts to become water conservancy districts.**

12630 Each water conservancy subdistrict, created and operating under the law in effect before  
12631 April 30, 2007 and existing on April 30, 2007, shall, on that date, become a water conservancy  
12632 district.

12633 Section 367. Section **17C-1-102** is amended to read:

12634 **17C-1-102. Definitions.**

12635 As used in this title:

12636 (1) "Adjusted tax increment" means:

12637 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under  
12638 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

12639 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under  
12640 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

12641 (2) "Affordable housing" means housing to be owned or occupied by persons and  
12642 families of low or moderate income, as determined by resolution of the agency.



12643 (3) "Agency" or "community development and renewal agency" means a separate body  
12644 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under  
12645 previous law, that is a political subdivision of the state, that is created to undertake or promote  
12646 urban renewal, economic development, or community development, or any combination of  
12647 them, as provided in this title, and whose geographic boundaries are coterminous with:

12648 (a) for an agency created by a county, the unincorporated area of the county; and

12649 (b) for an agency created by a city or town, the boundaries of the city or town.

12650 (4) "Annual income" has the meaning as defined under regulations of the U.S.  
12651 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as  
12652 superseded by replacement regulations.

12653 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

12654 (6) "Base taxable value" means the taxable value of the property within a project area  
12655 from which tax increment will be collected, as shown upon the assessment roll last equalized  
12656 before:

12657 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan; or

12658 (b) for a post-June 30, 1993 project area plan:

12659 (i) the date of the taxing entity committee's approval of the first project area budget; or

12660 (ii) if no taxing entity committee approval is required for the project area budget, the

12661 later of:

12662 (A) the date the project area plan is adopted by the community legislative body; and

12663 (B) the date the agency adopts the first project area budget.

12664 (7) "Basic levy" means the portion of a school district's tax levy constituting the  
12665 minimum basic levy under Section 59-2-902.

12666 (8) "Blight" or "blighted" means the condition of an area that meets the requirements of  
12667 Subsection 17C-2-303(1).

12668 (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1)(a)(iii) and  
12669 Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed urban  
12670 renewal project area.

12671 (10) "Blight study" means a study to determine the existence or nonexistence of blight  
12672 within a survey area as provided in Section 17C-2-301.

12673 (11) "Board" means the governing body of an agency, as provided in Section

12674 17C-1-203.

12675 (12) "Budget hearing" means the public hearing on a draft project area budget required  
12676 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection  
12677 17C-3-201(2)(d) for an economic development project area budget.

12678 (13) "Combined incremental value" means the combined total of all incremental values  
12679 from all urban renewal project areas, except project areas that contain some or all of a military  
12680 installation or inactive industrial site, within the agency's boundaries under adopted project area  
12681 plans and adopted project area budgets at the time that a project area budget for a new urban  
12682 renewal project area is being considered.

12683 (14) "Community" means a county, city, or town.

12684 (15) "Community development" means development activities within a community,  
12685 including the encouragement, promotion, or provision of development.

12686 (16) "Economic development" means to promote the creation or retention of public or  
12687 private jobs within the state through:

12688 (a) planning, design, development, construction, rehabilitation, business relocation, or  
12689 any combination of these, within a community; and

12690 (b) the provision of office, industrial, manufacturing, warehousing, distribution,  
12691 parking, public, or other facilities, or other improvements that benefit the state or a community.

12692 (17) "Fair share ratio" means the ratio derived by:

12693 (a) for a city or town, comparing the percentage of all housing units within the city or  
12694 town that are publicly subsidized income targeted housing units to the percentage of all housing  
12695 units within the whole county that are publicly subsidized income targeted housing units; or

12696 (b) for the unincorporated part of a county, comparing the percentage of all housing  
12697 units within the unincorporated county that are publicly subsidized income targeted housing  
12698 units to the percentage of all housing units within the whole county that are publicly subsidized  
12699 income targeted housing units.

12700 (18) "Family" has the meaning as defined under regulations of the U.S. Department of  
12701 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by  
12702 replacement regulations.

12703 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

12704 (20) "Housing funds" means the funds allocated in an urban renewal project area

12705 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

12706 (21) (a) "Inactive industrial site" means land that:

12707 (i) consists of at least 1,000 acres;

12708 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial  
12709 facility; and

12710 (iii) requires remediation because of the presence of hazardous or solid waste as  
12711 defined in Subsection 17B-4-604(1)(a)(iii)(I), as last amended by Chapter 292, Laws of Utah  
12712 2005.

12713 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land  
12714 described in Subsection (21)(a).

12715 (22) "Income targeted housing" means housing to be owned or occupied by a family  
12716 whose annual income is at or below 80% of the median annual income for the county in which  
12717 the housing is located.

12718 (23) "Incremental value" means a figure derived by multiplying the marginal value of  
12719 the property located within an urban renewal project area on which tax increment is collected  
12720 by a number that represents the percentage of adjusted tax increment from that project area that  
12721 is paid to the agency.

12722 (24) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
12723 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

12724 (25) "Marginal value" means the difference between actual taxable value and base  
12725 taxable value.

12726 (26) "Military installation project area" means a project area or a portion of a project  
12727 area located within a federal military installation ordered closed by the federal Defense Base  
12728 Realignment and Closure Commission.

12729 (27) "Plan hearing" means the public hearing on a draft project area plan required  
12730 under Subsection 17C-2-102(1)(a)(viii) for an urban renewal project area plan, Subsection  
12731 17C-3-102(1)(d) for an economic development project area plan, and Subsection  
12732 17C-4-102(1)(d) for a community development project area plan.

12733 (28) "Post-June 30, 1993 project area plan" means a project area plan adopted on or  
12734 after July 1, 1993, whether or not amended subsequent to its adoption.

12735 (29) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July

12736 1, 1993, whether or not amended subsequent to its adoption.  
12737 (30) "Private," with respect to real property, means:  
12738 (a) not owned by the United States or any agency of the federal government, a public  
12739 entity, or any other governmental entity; and  
12740 (b) not dedicated to public use.  
12741 (31) "Project area" means the geographic area described in a project area plan or draft  
12742 project area plan where the urban renewal, economic development, or community  
12743 development, as the case may be, set forth in the project area plan or draft project area plan  
12744 takes place or is proposed to take place.  
12745 (32) "Project area budget" means a multiyear projection of annual or cumulative  
12746 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic  
12747 development project area that includes:  
12748 (a) the base taxable value of property in the project area;  
12749 (b) the projected tax increment expected to be generated within the project area;  
12750 (c) the amount of tax increment expected to be shared with other taxing entities;  
12751 (d) the amount of tax increment expected to be used to implement the project area plan,  
12752 including the estimated amount of tax increment to be used for land acquisition, public  
12753 improvements, infrastructure improvements, and loans, grants, or other incentives to private  
12754 and public entities;  
12755 (e) the tax increment expected to be used to cover the cost of administering the project  
12756 area plan;  
12757 (f) if the area from which tax increment is to be collected is less than the entire project  
12758 area:  
12759 (i) the tax identification numbers of the parcels from which tax increment will be  
12760 collected; or  
12761 (ii) a legal description of the portion of the project area from which tax increment will  
12762 be collected; and  
12763 (g) for property that the agency owns and expects to sell, the expected total cost of the  
12764 property to the agency and the expected selling price.  
12765 (33) "Project area plan" means a written plan under Part 4, Project Area Plan, that, after  
12766 its effective date, guides and controls the urban renewal, economic development, or community

12767 development activities within a project area.

12768 (34) "Property tax" includes privilege tax and each levy on an ad valorem basis on  
12769 tangible or intangible personal or real property.

12770 (35) "Public entity" means:

12771 (a) the state, including any of its departments or agencies; or

12772 (b) a political subdivision of the state, including a county, city, town, school district,  
12773 [~~special district,~~] local district, special service district, or interlocal cooperation entity.

12774 (36) "Publicly owned infrastructure and improvements" means water, sewer, storm  
12775 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,  
12776 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,  
12777 and improvements benefitting the public and to be publicly owned or publicly maintained or  
12778 operated.

12779 (37) "Record property owner" or "record owner of property" means the owner of real  
12780 property as shown on the records of the recorder of the county in which the property is located  
12781 and includes a purchaser under a real estate contract if the contract is recorded in the office of  
12782 the recorder of the county in which the property is located or the purchaser gives written notice  
12783 of the real estate contract to the agency.

12784 (38) "Superfund site":

12785 (a) means an area included in the National Priorities List under the Comprehensive  
12786 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

12787 (b) includes an area formerly included in the National Priorities List, as described in  
12788 Subsection (38)(a), but removed from the list following remediation that leaves on site the  
12789 waste that caused the area to be included in the National Priorities List.

12790 (39) "Survey area" means an area designated by a survey area resolution for study to  
12791 determine whether one or more urban renewal projects within the area are feasible.

12792 (40) "Survey area resolution" means a resolution adopted by the agency board under  
12793 Subsection 17C-2-101(1)(a) designating a survey area.

12794 (41) "Taxable value" means the value of property as shown on the last equalized  
12795 assessment roll as certified by the county assessor.

12796 (42) (a) "Tax increment" means, except as provided in Subsection (42)(b), the  
12797 difference between:

12798 (i) the amount of property tax revenues generated each tax year by all taxing entities  
12799 from the area within a project area designated in the project area plan as the area from which  
12800 tax increment is to be collected, using the current assessed value of the property; and

12801 (ii) the amount of property tax revenues that would be generated from that same area  
12802 using the base taxable value of the property.

12803 (b) "Tax increment" does not include taxes levied and collected under Section  
12804 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

12805 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
12806 area plan was subsequently amended; and

12807 (ii) the taxes were pledged to support bond indebtedness or other contractual  
12808 obligations of the agency.

12809 (43) "Taxing entity" means a public entity that levies a tax on property within a  
12810 community.

12811 (44) "Taxing entity committee" means a committee representing the interests of taxing  
12812 entities, created as provided in Section 17C-1-402.

12813 (45) "Unincorporated" means not within a city or town.

12814 (46) (a) "Urban renewal" means the development activities under a project area plan  
12815 within an urban renewal project area, including:

12816 (i) planning, design, development, demolition, clearance, construction, rehabilitation,  
12817 or any combination of these, of part or all of a project area;

12818 (ii) the provision of residential, commercial, industrial, public, or other structures or  
12819 spaces, including recreational and other facilities incidental or appurtenant to them;

12820 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or  
12821 any combination of these, existing structures in a project area;

12822 (iv) providing open space, including streets and other public grounds and space around  
12823 buildings;

12824 (v) providing public or private buildings, infrastructure, structures, and improvements;  
12825 and

12826 (vi) providing improvements of public or private recreation areas and other public  
12827 grounds.

12828 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before

12829 May 1, 2006, if the context requires.

12830 Section 368. Section **19-3-301** is amended to read:

12831 **19-3-301. Restrictions on nuclear waste placement in state.**

12832 (1) The placement, including transfer, storage, decay in storage, treatment, or disposal,  
12833 within the exterior boundaries of Utah of high-level nuclear waste or greater than class C  
12834 radioactive waste is prohibited.

12835 (2) Notwithstanding Subsection (1) the governor, after consultation with the county  
12836 executive and county legislative body of the affected county and with concurrence of the  
12837 Legislature, may specifically approve the placement as provided in this part, but only if:

12838 (a) (i) the federal Nuclear Regulatory Commission issues a license, pursuant to the  
12839 Nuclear Waste Policy Act, 42 U.S.C.A. 10101 et seq., or the Atomic Energy Act, 42 U.S.C.A.  
12840 2011 et seq., for the placement within the exterior boundaries of Utah of high-level nuclear  
12841 waste or greater than class C radioactive waste; and

12842 (ii) the authority of the federal Nuclear Regulatory Commission to grant a license under  
12843 Subsection (2)(a)(i) is clearly upheld by a final judgment of a court of competent jurisdiction;  
12844 or

12845 (b) an agency of the federal government is transporting the waste, and all state and  
12846 federal requirements to proceed with the transportation have been met.

12847 (3) The requirement for the approval of a final court of competent jurisdiction shall be  
12848 met in all of the following categories, in order for a state license proceeding regarding waste to  
12849 begin:

12850 (a) transfer or transportation, by rail, truck, or other mechanisms;

12851 (b) storage, including any temporary storage at a site away from the generating reactor;

12852 (c) decay in storage;

12853 (d) treatment; and

12854 (e) disposal.

12855 (4) (a) Upon satisfaction of the requirements of Subsection (2)(a), for each category  
12856 listed in Subsection (3), or satisfaction of the requirements under Subsection (2)(b), the  
12857 governor, with the concurrence of the attorney general, shall certify in writing to the executive  
12858 director of the Department of Environmental Quality that all of the requirements have been  
12859 met, and that any necessary state licensing processes may begin.

12860 (b) Separate certification under this Subsection (4) shall be given for each category in  
12861 Subsection (3).

12862 (5) (a) The department shall make, by rule, a determination of the dollar amount of the  
12863 health and economic costs expected to result from a reasonably foreseeable accidental release  
12864 of waste involving a transfer facility or storage facility, or during transportation of waste,  
12865 within the exterior boundaries of the state. The department may initiate rulemaking under this  
12866 Subsection (5)(a) on or after March 15, 2001.

12867 (b) (i) The department shall also determine the dollar amount currently available to  
12868 cover the costs as determined in Subsection (5)(a):

12869 (A) under nuclear industry self-insurance;

12870 (B) under federal insurance requirements; and

12871 (C) in federal monies.

12872 (ii) The department may not include any calculations of federal monies that may be  
12873 appropriated in the future in determining the amount under Subsection (5)(b)(i).

12874 (c) The department shall use the information compiled under Subsections (5)(a) and (b)  
12875 to determine the amount of unfunded potential liability in the event of a release of waste from a  
12876 storage or transfer facility, or a release during the transportation of waste.

12877 (6) (a) State agencies may not, for the purpose of providing any goods, services, or  
12878 municipal-type services to a storage facility or transfer facility, or to any organization engaged  
12879 in the transportation of waste, enter into any contracts or any other agreements prior to:

12880 (i) the satisfaction of the conditions in Subsection (4); and

12881 (ii) the executive director of the department having certified that the requirements of  
12882 Sections 19-3-304 through 19-3-308 have been met for the purposes of a license application  
12883 proceeding for a storage facility or transfer facility.

12884 (b) Political subdivisions of the state may not enter into any contracts or any other  
12885 agreements for the purpose of providing any goods, services, or municipal-type services to a  
12886 storage facility or transfer facility, or to any organization engaged in the transportation of  
12887 waste.

12888 (c) This Subsection (6) does not prohibit a state agency from exercising the regulatory  
12889 authority granted to it by law.

12890 (7) (a) Notwithstanding any other provision of law, any political subdivision may not



12891 be formed pursuant to the laws of Utah for the purpose of providing any goods, services, or  
 12892 municipal-type services to a storage facility or transfer facility prior to the satisfaction of the  
 12893 conditions in Subsection (4). These political subdivisions include:

12894 (i) a cooperative;

12895 (ii) a ~~[special]~~ local district authorized by Title ~~[17A, Special Districts]~~ 17B, Limited  
 12896 Purposed Local Government Entities - Local Districts;

12897 (iii) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
 12898 District Act;

12899 ~~[(iii)]~~ (iv) a limited purpose local governmental entities authorized by Title 17,  
 12900 Counties;

12901 ~~[(iv)]~~ (v) any joint power agreement authorized by Title 11, Cities, Counties, and Local  
 12902 Taxing Units; and

12903 ~~[(v)]~~ (vi) the formation of a municipality, or any authority of a municipality authorized  
 12904 by Title 10, Utah Municipal Code.

12905 (b) (i) Subsection (7)(a) shall be strictly interpreted. Any political subdivision  
 12906 authorized and formed under the laws of the state on or after March 15, 2001 which  
 12907 subsequently contracts to, or in any manner agrees to provide, or does provide goods, services,  
 12908 or municipal-type services to a storage facility or transfer facility is formed in violation of  
 12909 Subsection (7)(a).

12910 (ii) If the conditions of Subsection (7)(b)(i) apply, the persons who formed the political  
 12911 subdivision are considered to have knowingly violated a provision of this part, and the  
 12912 penalties of Section 19-3-312 apply.

12913 (8) (a) An organization may not be formed for the purpose of providing any goods,  
 12914 services, or municipal-type services to a storage facility or transfer facility prior to:

12915 (i) the satisfaction of the conditions in Subsection (4); and

12916 (ii) the executive director of the department having certified that the requirements of  
 12917 Sections 19-3-304 through 19-3-308 have been met.

12918 (b) A foreign organization may not be registered to do business in the state for the  
 12919 purpose of providing any goods, services, or municipal-type services to a storage facility or  
 12920 transfer facility prior to:

12921 (i) the satisfaction of the conditions in Subsection (4); and

12922 (ii) the executive director of the department having certified that the requirements of  
12923 Sections 19-3-304 through 19-3-308 have been met.

12924 (c) The prohibitions of Subsections (8)(a) and (b) shall be strictly applied, and:

12925 (i) the formation of a new organization or registration of a foreign organization within  
12926 the state, any of whose purposes are to provide goods, services, or municipal-type services to a  
12927 storage facility or transfer facility may not be licensed or registered in the state, and the local or  
12928 foreign organization is void and does not have authority to operate within the state;

12929 (ii) any organization which is formed or registered on or after March 15, 2001, and  
12930 which subsequently contracts to, or in any manner agrees to provide, or does provide goods,  
12931 services, or municipal-type services to a storage facility or transfer facility has been formed or  
12932 registered in violation of Subsection (8)(a) or (b) respectively; and

12933 (iii) if the conditions of Subsection (8)(c)(ii) apply, the persons who formed the  
12934 organization or the principals of the foreign organization, are considered to have knowingly  
12935 violated a provision of this part, and are subject to the penalties in Section 19-3-312.

12936 (9) (a) (i) Any contract or agreement to provide any goods, services, or municipal-type  
12937 services to any organization engaging in, or attempting to engage in the placement of high-level  
12938 nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility  
12939 within the state are declared to be against the greater public interest, health, and welfare of the  
12940 state, by promoting an activity which has the great potential to cause extreme public harm.

12941 (ii) These contracts or agreements under Subsection (9)(a)(i), whether formal or  
12942 informal, are declared to be void from inception, agreement, or execution as against public  
12943 policy.

12944 (b) (i) Any contract or other agreement to provide goods, services, or municipal-type  
12945 services to storage or transfer facilities may not be executed within the state.

12946 (ii) Any contract or other agreement, existing or executed on or after March 15, 2001,  
12947 is considered void from the time of agreement or execution.

12948 (10) (a) All contracts and agreements under Subsection (10)(b) are assessed an annual  
12949 transaction fee of 75% of the gross value of the contract to the party providing the goods,  
12950 services, or municipal-type services to the storage facility or transfer facility or transportation  
12951 entity. The fee shall be assessed per calendar year, and is payable on a prorated basis on or  
12952 before the last day of each month in accordance with rules established under Subsection

12953 (10)(d), and as follows:

12954 (i) 25% of the gross value of the contract to the department; and

12955 (ii) 50% of the gross value of the contract to the Department of Community and  
12956 Culture, to be used by the Utah Division of Indian Affairs as provided in Subsection (11).

12957 (b) Contracts and agreements subject to the fee under Subsection (10)(a) are those  
12958 contracts and agreements to provide goods, services, or municipal-type services to a storage or  
12959 transfer facility, or to any organization engaged in the transportation of high-level nuclear  
12960 waste or greater than class C radioactive waste to a transfer facility or storage facility, and  
12961 which:

12962 (i) are in existence on March 15, 2001; or

12963 (ii) become effective notwithstanding Subsection (9)(a).

12964 (c) Any governmental agency which regulates the charges to consumers for services  
12965 provided by utilities or other organizations shall require the regulated utility or organization to  
12966 include the fees under Subsection (10)(a) in the rates charged to the purchaser of the goods,  
12967 services, or municipal-type services affected by Subsection (10)(b).

12968 (d) (i) The department, in consultation with the State Tax Commission, shall establish  
12969 rules for the valuation of the contracts and assessment and collection of the fees, and other  
12970 rules as necessary to determine the amount of and collection of the fee under Subsection  
12971 (10)(a). The department may initiate rulemaking under this Subsection (10)(d)(i) on or after  
12972 March 15, 2001.

12973 (ii) Persons and organizations holding contracts affected by Subsection (10)(b) shall  
12974 make a good faith estimate of the fee under Subsection (10)(a) for calendar year 2001, and  
12975 remit that amount to the department on or before July 31, 2001.

12976 (11) (a) The portion of the fees imposed under Subsection (10) which is to be paid to  
12977 the Department of Community and Culture for use by the Utah Division of Indian Affairs shall  
12978 be used for establishment of a statewide community and economic development program for  
12979 the tribes of Native American people within the exterior boundaries of the state who have by  
12980 tribal procedure established a position rejecting siting of any nuclear waste facility on their  
12981 reservation lands.

12982 (b) The program under Subsection (11)(a) shall include:

12983 (i) educational services and facilities;

- 12984 (ii) health care services and facilities;  
12985 (iii) programs of economic development;  
12986 (iv) utilities;  
12987 (v) sewer;  
12988 (vi) street lighting;  
12989 (vii) roads and other infrastructure; and  
12990 (viii) oversight and staff support for the program.

12991 (12) It is the intent of the Legislature that this part does not prohibit or interfere with a  
12992 person's exercise of the rights under the First Amendment to the Constitution of the United  
12993 States or under Utah Constitution Article I, Sec. 15, by an organization attempting to site a  
12994 storage facility or transfer facility within the borders of the state for the placement of high-level  
12995 nuclear waste or greater than class C radioactive waste.

12996 Section 369. Section **19-4-111** is amended to read:

12997 **19-4-111. Fluorine added to or removed from water -- Election required.**

12998 (1) (a) Except as provided in Subsection 19-4-104(1)(a)(i), public water supplies,  
12999 whether state, county, municipal, or district, may not have fluorine or any of its derivatives or  
13000 compounds added to or removed from them without the approval of a majority of voters in an  
13001 election in the area affected.

13002 (b) An election shall be held:

13003 (i) upon the filing of an initiative petition requesting the action in accordance with state  
13004 law governing initiative petitions;

13005 (ii) in the case of a municipal, [~~special~~] local district, special service district, or county  
13006 water system which is functionally separate from any other water system, upon the passage of a  
13007 resolution by the legislative body or [~~special~~] local district or special service district board  
13008 representing the affected voters, submitting the question to the affected voters at a municipal  
13009 general election; or

13010 (iii) in a county of the first or second class, upon the passage of a resolution by the  
13011 county legislative body to place an opinion question relating to all public water systems within  
13012 the county, except as provided in Subsection (2), on the ballot at a general election.

13013 (2) If a majority of voters on an opinion question under Subsection (1)(b)(iii) approve  
13014 the addition of fluorine to or the removal of fluorine from the public water supplies within the

13015 county, the local health departments shall require the addition of fluorine to or the removal of  
13016 fluorine from all public water supplies within that county other than those systems:

13017 (a) that are functionally separate from any other public water systems in that county;

13018 and

13019 (b) where a majority of the voters served by the public water system voted against the  
13020 addition or removal of fluorine on the opinion question under Subsection (1)(b)(iii).

13021 (3) Nothing contained in this section prohibits the addition of chlorine or other water  
13022 purifying agents.

13023 (4) Any political subdivision which, prior to November 2, 1976, decided to and was  
13024 adding fluorine or any of its derivatives or compounds to the drinking water is considered to  
13025 have complied with Subsection (1).

13026 (5) In an election held pursuant to Subsections (1)(b)(i), (ii), or (iii), where a majority  
13027 of the voters approve the addition to or removal of fluorine from the public water supplies, no  
13028 election to consider removing fluorine from or adding fluorine to the public water supplies  
13029 shall be held for a period of four years from the date of approval by the majority of voters  
13030 beginning with elections held in November 2000.

13031 (6) For purposes of this section, "removal" means ceasing to add fluorine to a public  
13032 water supply, the addition having been previously approved by the voters of a political  
13033 subdivision.

13034 Section 370. Section **19-6-502** is amended to read:

13035 **19-6-502. Definitions.**

13036 As used in this part:

13037 (1) "Governing body" means the governing board, commission, or council of a public  
13038 entity.

13039 (2) "Jurisdiction" means the area within the incorporated limits of a municipality,  
13040 special service district, municipal-type service district, [~~county~~] service area, or all of the  
13041 territorial area of a county not lying within a city or town.

13042 (3) "Long-term agreement" means an agreement or contract having a term of more than  
13043 five years and less than 50 years.

13044 (4) "Public entity" means a county, municipality, special service district[~~, or county~~]  
13045 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or service area

13046 [created] under Title [17A] 17B, Chapter [2, ~~Independent Special Districts,~~] 2a, Part 9, Service  
13047 Area Act and a municipal-type service district created under Title 17, Chapter 34,  
13048 Municipal-type Services to Unincorporated Areas.

13049 (5) "Resource recovery" means the separation, extraction, recycling, or recovery of  
13050 usable materials, energy, fuel, or heat from solid waste and the disposition of it.

13051 (6) "Short-term agreement" means any contract or agreement having a term of five  
13052 years or less.

13053 (7) "Solid waste" means all putrescible and nonputrescible materials or substances  
13054 discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the  
13055 time of discard or rejection, including garbage, refuse, industrial and commercial waste,  
13056 sludges from air or water control facilities, rubbish, ashes, contained gaseous material,  
13057 incinerator residue, demolition, and construction debris, discarded automobiles and offal, but  
13058 not including sewage and other highly diluted water carried materials or substances and those  
13059 in gaseous form.

13060 (8) "Solid waste management" means the purposeful and systematic collection,  
13061 transportation, storage, processing, recovery, and disposal of solid waste.

13062 (9) "Solid waste management facility" means any facility employed for solid waste  
13063 management, including transfer stations, transport systems, baling facilities, landfills,  
13064 processing systems, including resource recovery facilities or other facilities for reducing solid  
13065 waste volume, plants and facilities for compacting, composting, or pyrolyzation of solid wastes,  
13066 incinerators and other solid waste disposal, reduction, or conversion facilities, and facilities for  
13067 resource recovery of energy consisting of:

13068 (a) facilities for the production, transmission, distribution, and sale of heat and  
13069 steam[-]; and

13070 (b) facilities for the generation and sale of electric energy to a public utility or  
13071 municipality or other public entity which owns and operates an electric power system on March  
13072 15, 1982, and for the generation, sale, and transmission of electric energy on an emergency  
13073 basis only to a military installation of the United States; provided, that solid waste management  
13074 facilities are not a public utility as defined in Section 54-2-1.

13075 Section 371. Section **20A-1-102** is amended to read:

13076 **20A-1-102. Definitions.**

13077 As used in this title:

13078 (1) "Active voter" means a registered voter who has not been classified as an inactive  
13079 voter by the county clerk.

13080 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
13081 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

13082 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon  
13083 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and  
13084 secrecy envelopes.

13085 (4) "Ballot sheet":

13086 (a) means a ballot that:

13087 (i) consists of paper or a card where the voter's votes are marked or recorded; and

13088 (ii) can be counted using automatic tabulating equipment; and

13089 (b) includes punch card ballots, and other ballots that are machine-countable.

13090 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that  
13091 contain the names of offices and candidates and statements of ballot propositions to be voted  
13092 on and which are used in conjunction with ballot sheets that do not display that information.

13093 (6) "Ballot proposition" means opinion questions specifically authorized by the  
13094 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions  
13095 that are submitted to the voters for their approval or rejection.

13096 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
13097 20A-4-306 to canvass election returns.

13098 (8) "Bond election" means an election held for the purpose of approving or rejecting  
13099 the proposed issuance of bonds by a government entity.

13100 (9) "Book voter registration form" means voter registration forms contained in a bound  
13101 book that are used by election officers and registration agents to register persons to vote.

13102 (10) "By-mail voter registration form" means a voter registration form designed to be  
13103 completed by the voter and mailed to the election officer.

13104 (11) "Canvass" means the review of election returns and the official declaration of  
13105 election results by the board of canvassers.

13106 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
13107 the canvass.

- 13108 (13) "Convention" means the political party convention at which party officers and  
13109 delegates are selected.
- 13110 (14) "Counting center" means one or more locations selected by the election officer in  
13111 charge of the election for the automatic counting of ballots.
- 13112 (15) "Counting judge" means a poll worker designated to count the ballots during  
13113 election day.
- 13114 (16) "Counting poll watcher" means a person selected as provided in Section  
13115 20A-3-201 to witness the counting of ballots.
- 13116 (17) "Counting room" means a suitable and convenient private place or room,  
13117 immediately adjoining the place where the election is being held, for use by the counting judges  
13118 to count ballots during election day.
- 13119 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).
- 13120 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).
- 13121 (20) "County officers" means those county officers that are required by law to be  
13122 elected.
- 13123 (21) "Election" means a regular general election, a municipal general election, a  
13124 statewide special election, a local special election, a regular primary election, a municipal  
13125 primary election, and a [~~special~~] local district election.
- 13126 (22) "Election Assistance Commission" means the commission established by Public  
13127 Law 107-252, the Help America Vote Act of 2002.
- 13128 (23) "Election cycle" means the period beginning on the first day persons are eligible to  
13129 file declarations of candidacy and ending when the canvass is completed.
- 13130 (24) "Election judge" means each canvassing judge, counting judge, and receiving  
13131 judge.
- 13132 (25) "Election officer" means:
- 13133 (a) the lieutenant governor, for all statewide ballots;
- 13134 (b) the county clerk or clerks for all county ballots and for certain ballots and elections  
13135 as provided in Section 20A-5-400.5;
- 13136 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
13137 provided in Section 20A-5-400.5;
- 13138 (d) the [~~special~~] local district clerk or chief executive officer for certain ballots and



13139 elections as provided in Section 20A-5-400.5; and

13140 (e) the business administrator or superintendent of a school district for certain ballots  
13141 or elections as provided in Section 20A-5-400.5.

13142 (26) "Election official" means any election officer, election judge, poll worker, or  
13143 satellite registrar.

13144 (27) "Election results" means, for bond elections, the count of those votes cast for and  
13145 against the bond proposition plus any or all of the election returns that the board of canvassers  
13146 may request.

13147 (28) "Election returns" includes the pollbook, all affidavits of registration, the military  
13148 and overseas absentee voter registration and voting certificates, one of the tally sheets, any  
13149 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
13150 spoiled ballots, the ballot disposition form, and the total votes cast form.

13151 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
13152 device or other voting device that records and stores ballot information by electronic means.

13153 (30) "Electronic voting system" means a system in which a voting device is used in  
13154 conjunction with ballots so that votes recorded by the voter are counted and tabulated by  
13155 automatic tabulating equipment.

13156 (31) "Inactive voter" means a registered voter who has been sent the notice required by  
13157 Section 20A-2-306 and who has failed to respond to that notice.

13158 (32) "Inspecting poll watcher" means a person selected as provided in this title to  
13159 witness the receipt and safe deposit of voted and counted ballots.

13160 (33) "Judicial office" means the office filled by any judicial officer.

13161 (34) "Judicial officer" means any justice or judge of a court of record or any county  
13162 court judge.

13163 (35) "Local district" means a local government entity under Title 17B, Limited Purpose  
13164 Local Government Entities - Local Districts, and includes a special service district under Title  
13165 17A, Chapter 2, Part 13, Utah Special Service District Act.

13166 (36) "Local district officers" means those local district officers that are required by law  
13167 to be elected.

13168 [~~35~~] (37) "Local election" means a regular municipal election, a local special election,  
13169 a [~~special~~] local district election, and a bond election.

13170            [~~(36)~~] (38) "Local political subdivision" means a county, a municipality, a [~~special~~  
13171 local district, or a local school district.

13172            [~~(37)~~] (39) "Local special election" means a special election called by the governing  
13173 body of a local political subdivision in which all registered voters of the local political  
13174 subdivision may vote.

13175            [~~(38)~~] (40) "Municipal executive" means:

13176            (a) the city council or town council in the traditional management arrangement  
13177 established by Title 10, Chapter 3, Part 1, Governing Body;

13178            (b) the mayor in the council-mayor optional form of government defined in Section  
13179 10-3-101; and

13180            (c) the manager in the council-manager optional form of government defined in  
13181 Section 10-3-101.

13182            [~~(39)~~] (41) "Municipal general election" means the election held in municipalities and  
13183 [~~special~~] local districts on the first Tuesday after the first Monday in November of each  
13184 odd-numbered year for the purposes established in Section 20A-1-202.

13185            [~~(40)~~] (42) "Municipal legislative body" means:

13186            (a) the city council or town council in the traditional management arrangement  
13187 established by Title 10, Chapter 3, Part 1, Governing Body;

13188            (b) the municipal council in the council-mayor optional form of government defined in  
13189 Section 10-3-101; and

13190            (c) the municipal council in the council-manager optional form of government defined  
13191 in Section 10-3-101.

13192            [~~(41)~~] (43) "Municipal officers" means those municipal officers that are required by  
13193 law to be elected.

13194            [~~(42)~~] (44) "Municipal primary election" means an election held to nominate  
13195 candidates for municipal office.

13196            [~~(43)~~] (45) "Official ballot" means the ballots distributed by the election officer to the  
13197 poll workers to be given to voters to record their votes.

13198            [~~(44)~~] (46) "Official endorsement" means:

13199            (a) the information on the ballot that identifies:

13200            (i) the ballot as an official ballot;

- 13201 (ii) the date of the election; and
- 13202 (iii) the facsimile signature of the election officer; and
- 13203 (b) the information on the ballot stub that identifies:
- 13204 (i) the poll worker's initials; and
- 13205 (ii) the ballot number.
- 13206 [~~(45)~~] (47) "Official register" means the official record furnished to election officials
- 13207 by the election officer that contains the information required by Section 20A-5-401.
- 13208 [~~(46)~~] (48) "Paper ballot" means a paper that contains:
- 13209 (a) the names of offices and candidates and statements of ballot propositions to be
- 13210 voted on; and
- 13211 (b) spaces for the voter to record his vote for each office and for or against each ballot
- 13212 proposition.
- 13213 [~~(47)~~] (49) "Political party" means an organization of registered voters that has
- 13214 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,
- 13215 Political Party Formation and Procedures.
- 13216 [~~(48)~~] (50) (a) "Poll worker" means a person assigned by an election official to assist
- 13217 with an election, voting, or counting votes.
- 13218 (b) "Poll worker" includes election judges.
- 13219 (c) "Poll worker" does not include a watcher.
- 13220 [~~(49)~~] (51) "Pollbook" means a record of the names of voters in the order that they
- 13221 appear to cast votes.
- 13222 [~~(50)~~] (52) "Polling place" means the building where voting is conducted.
- 13223 [~~(51)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a
- 13224 ballot in which the voter marks his choice.
- 13225 [~~(52)~~] (54) "Provisional ballot" means a ballot voted provisionally by a person:
- 13226 (a) whose name is not listed on the official register at the polling place;
- 13227 (b) whose legal right to vote is challenged as provided in this title; or
- 13228 (c) whose identity was not sufficiently established by an election judge.
- 13229 [~~(53)~~] (55) "Provisional ballot envelope" means an envelope printed in the form
- 13230 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
- 13231 information to verify a person's legal right to vote.

13232            [~~(54)~~] (56) "Primary convention" means the political party conventions at which  
13233 nominees for the regular primary election are selected.

13234            [~~(55)~~] (57) "Protective counter" means a separate counter, which cannot be reset, that is  
13235 built into a voting machine and records the total number of movements of the operating lever.

13236            [~~(56)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin  
13237 performing the duties of the position for which the person was elected.

13238            [~~(57)~~] (59) "Receiving judge" means the poll worker that checks the voter's name in the  
13239 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
13240 after the voter has voted.

13241            [~~(58)~~] (60) "Registration days" means the days designated in Section 20A-2-203 when  
13242 a voter may register to vote with a satellite registrar.

13243            [~~(59)~~] (61) "Registration form" means a book voter registration form and a by-mail  
13244 voter registration form.

13245            [~~(60)~~] (62) "Regular ballot" means a ballot that is not a provisional ballot.

13246            [~~(61)~~] (63) "Regular general election" means the election held throughout the state on  
13247 the first Tuesday after the first Monday in November of each even-numbered year for the  
13248 purposes established in Section 20A-1-201.

13249            [~~(62)~~] (64) "Regular primary election" means the election on the fourth Tuesday of  
13250 June of each even-numbered year, at which candidates of political parties and nonpolitical  
13251 groups are voted for nomination.

13252            [~~(63)~~] (65) "Resident" means a person who resides within a specific voting precinct in  
13253 Utah.

13254            [~~(64)~~] (66) "Sample ballot" means a mock ballot similar in form to the official ballot  
13255 printed and distributed as provided in Section 20A-5-405.

13256            [~~(65)~~] (67) "Satellite registrar" means a person appointed under Section 20A-5-201 to  
13257 register voters and perform other duties.

13258            [~~(66)~~] (68) "Scratch vote" means to mark or punch the straight party ticket and then  
13259 mark or punch the ballot for one or more candidates who are members of different political  
13260 parties.

13261            [~~(67)~~] (69) "Secrecy envelope" means the envelope given to a voter along with the  
13262 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy

13263 of the voter's vote.

13264           ~~[(68) "Special district" means those local government entities created under the~~  
13265 ~~authority of Title 17A.]~~

13266           ~~[(69) "Special district officers" means those special district officers that are required by~~  
13267 ~~law to be elected.]~~

13268           (70) "Special election" means an election held as authorized by Section 20A-1-204.

13269           (71) "Spoiled ballot" means each ballot that:

13270           (a) is spoiled by the voter;

13271           (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

13272           (c) lacks the official endorsement.

13273           (72) "Statewide special election" means a special election called by the governor or the  
13274 Legislature in which all registered voters in Utah may vote.

13275           (73) "Stub" means the detachable part of each ballot.

13276           (74) "Substitute ballots" means replacement ballots provided by an election officer to  
13277 the poll workers when the official ballots are lost or stolen.

13278           (75) "Ticket" means each list of candidates for each political party or for each group of  
13279 petitioners.

13280           (76) "Transfer case" means the sealed box used to transport voted ballots to the  
13281 counting center.

13282           (77) "Vacancy" means the absence of a person to serve in any position created by  
13283 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
13284 or other cause.

13285           (78) "Valid voter identification" means:

13286           (a) a form of identification that bears the name and photograph of the voter which may  
13287 include:

13288           (i) a currently valid Utah driver license;

13289           (ii) a currently valid identification card that is issued by:

13290           (A) the state;

13291           (B) a local government within the state; or

13292           (C) a branch, department, or agency of the United States;

13293           (iii) an identification card that is issued by an employer for an employee;

- 13294 (iv) a currently valid identification card that is issued by a college, university, technical  
13295 school, or professional school that is located within the state;
- 13296 (v) a currently valid Utah permit to carry a concealed weapon;
- 13297 (vi) a currently valid United States passport; or
- 13298 (vii) a valid tribal identification card; or
- 13299 (b) two forms of identification that bear the name of the voter and provide evidence  
13300 that the voter resides in the voting precinct, which may include:
- 13301 (i) a voter identification card;
- 13302 (ii) a current utility bill or a legible copy thereof;
- 13303 (iii) a bank or other financial account statement, or a legible copy thereof;
- 13304 (iv) a certified birth certificate;
- 13305 (v) a valid Social Security card;
- 13306 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 13307 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 13308 (viii) a currently valid Utah hunting or fishing license;
- 13309 (ix) a currently valid United States military identification card;
- 13310 (x) certified naturalization documentation;
- 13311 (xi) a currently valid license issued by an authorized agency of the United States;
- 13312 (xii) a certified copy of court records showing the voter's adoption or name change;
- 13313 (xiii) a Bureau of Indian Affairs card;
- 13314 (xiv) a tribal treaty card;
- 13315 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 13316 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a  
13317 photograph, but establishes the name of the voter and provides evidence that the voter resides  
13318 in the voting precinct.
- 13319 (79) "Valid write-in candidate" means a candidate who has qualified as a write-in  
13320 candidate by following the procedures and requirements of this title.
- 13321 (80) "Voter" means a person who meets the requirements for voting in an election,  
13322 meets the requirements of election registration, is registered to vote, and is listed in the official  
13323 register book.
- 13324 (81) "Voter registration deadline" means the registration deadline provided in Section

13325 20A-2-102.5.

13326 (82) "Voting area" means the area within six feet of the voting booths, voting  
13327 machines, and ballot box.

13328 (83) "Voting booth" means:

13329 (a) the space or compartment within a polling place that is provided for the preparation  
13330 of ballots, including the voting machine enclosure or curtain; or

13331 (b) a voting device that is free standing.

13332 (84) "Voting device" means:

13333 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
13334 piercing the ballots by the voter;

13335 (b) a device for marking the ballots with ink or another substance;

13336 (c) a device used to make selections and cast a ballot electronically, or any component  
13337 thereof;

13338 (d) an automated voting system under Section 20A-5-302; or

13339 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
13340 by means of automatic tabulating equipment.

13341 (85) "Voting machine" means a machine designed for the sole purpose of recording and  
13342 tabulating votes cast by voters at an election.

13343 (86) "Voting poll watcher" means a person appointed as provided in this title to witness  
13344 the distribution of ballots and the voting process.

13345 (87) "Voting precinct" means the smallest voting unit established as provided by law  
13346 within which qualified voters vote at one polling place.

13347 (88) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
13348 poll watcher, and a testing watcher.

13349 (89) "Western States Presidential Primary" means the election established in Title 20A,  
13350 Chapter 9, Part 8.

13351 (90) "Write-in ballot" means a ballot containing any write-in votes.

13352 (91) "Write-in vote" means a vote cast for a person whose name is not printed on the  
13353 ballot according to the procedures established in this title.

13354 Section 372. Section **20A-1-201.5** is amended to read:

13355 **20A-1-201.5. Primary election dates.**

13356 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
13357 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for  
13358 national, state, school board, and county offices.

13359 (2) A municipal primary election shall be held, if necessary, on the Tuesday following  
13360 the first Monday in October before the regular municipal election to nominate persons for  
13361 municipal [~~and special district~~] offices.

13362 (3) The Western States Presidential Primary election shall be held throughout the state  
13363 on the first Tuesday in February in the year in which a presidential election will be held.

13364 Section 373. Section **20A-1-202** is amended to read:

13365 **20A-1-202. Date and purpose of local elections.**

13366 (1) A municipal general election shall be held in municipalities and [~~special~~] local  
13367 districts on the first Tuesday after the first Monday in November of each odd-numbered year.

13368 (2) At the municipal general election, the voters shall:

13369 (a) (i) choose persons to serve as municipal officers; and

13370 (ii) choose persons to serve as [~~special~~] local district officers; and

13371 (b) approve or reject:

13372 (i) any proposed initiatives or referenda that have qualified for the ballot as provided by  
13373 law; and

13374 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah  
13375 Code.

13376 Section 374. Section **20A-1-512** is amended to read:

13377 **20A-1-512. Midterm vacancies on local district boards.**

13378 (1) (a) Whenever a vacancy occurs on any [~~special~~] local district board for any reason,  
13379 a replacement to serve out the unexpired term shall be appointed as provided in this section by:

13380 (i) the [~~special~~] local district board, if the person vacating the position was elected; or

13381 (ii) the appointing authority, if the person vacating the position was appointed.

13382 (b) Before acting to fill the vacancy, the [~~special~~] local district board shall:

13383 (i) give public notice of the vacancy at least two weeks before the [~~special~~] local  
13384 district board meets to fill the vacancy;

13385 (ii) identify, in the notice:

13386 (A) the date, time, and place of the meeting where the vacancy will be filled; and



13387 (B) the person to whom a person interested in being appointed to fill the vacancy may  
13388 submit his name for consideration and any deadline for submitting it.

13389 (2) If the [~~special~~] local district board fails to appoint a person to complete an elected  
13390 board member's term within 90 days, the county or municipality that created the [~~special~~] local  
13391 district shall fill the vacancy.

13392 Section 375. Section **20A-2-101** is amended to read:

13393 **20A-2-101. Eligibility for registration.**

13394 (1) Except as provided in Subsection (2), any person may apply to register to vote in an  
13395 election who:

13396 (a) is a citizen of the United States;

13397 (b) has been a resident of Utah for at least the 30 days immediately before the election;

13398 and

13399 (c) will be at least 18 years old on the day of the election.

13400 (2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or  
13401 other facility within a voting precinct is not a resident of that voting precinct and may not  
13402 register to vote in that voting precinct unless the person was a resident of that voting precinct  
13403 before the confinement or incarceration.

13404 (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident  
13405 of the voting precinct in which the person resided before the confinement or incarceration.

13406 (b) A person who has been convicted of a felony whose right to vote has not been  
13407 restored as provided by law may not register to vote.

13408 (3) Any person who is eligible or qualified to vote may register and vote in a regular  
13409 general election, a regular primary election, a municipal general election, a municipal primary  
13410 election, a statewide special election, a local special election, a [~~special~~] local district election,  
13411 and a bond election unless that person resides outside the geographic boundaries of the entity in  
13412 which the election is held.

13413 Section 376. Section **20A-3-101** is amended to read:

13414 **20A-3-101. Residency and age requirements of voters.**

13415 (1) A person may vote in any regular general election or statewide special election if  
13416 that person:

13417 (a) is a citizen of the United States;

- 13418 (b) is a resident of Utah;
- 13419 (c) will, on the date of that election:
- 13420 (i) be at least 18 years old; and
- 13421 (ii) have been a resident of Utah for 30 days immediately before that election; and
- 13422 (d) has registered to vote.
- 13423 (2) A person may vote in the Western States Presidential Primary election or a regular
- 13424 primary election if that person:
- 13425 (a) is a citizen of the United States;
- 13426 (b) is a resident of Utah;
- 13427 (c) will, on the date of that election:
- 13428 (i) be at least 18 years old; and
- 13429 (ii) have been a resident of Utah for 30 days immediately before that election;
- 13430 (d) has registered to vote; and
- 13431 (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the
- 13432 election.
- 13433 (3) A person may vote in a municipal general election, municipal primary, in a local
- 13434 special election, in a [~~special~~] local district election, and in a bond election if that person:
- 13435 (a) is a citizen of the United States;
- 13436 (b) is a resident of Utah;
- 13437 (c) is a resident of the local entity that is holding the election;
- 13438 (d) will, on the date of the election:
- 13439 (i) be at least 18 years old; and
- 13440 (ii) have been a resident of Utah for 30 days immediately before the election; and
- 13441 (e) has registered to vote.
- 13442 Section 377. Section **20A-3-102** is amended to read:
- 13443 **20A-3-102. Voting by secret ballot.**
- 13444 All voting at each regular and municipal general election, at each statewide or local
- 13445 special election, at each primary election, at each [~~special~~] local district election, and at each
- 13446 bond election shall be by secret ballot.
- 13447 Section 378. Section **20A-3-501** is amended to read:
- 13448 **20A-3-501. Polling place -- Prohibited activities.**

13449 (1) As used in this section:

13450 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to  
13451 refrain from voting or to vote for or vote against any candidate or issue; and

13452 (b) "polling place" means the physical place where ballots and absentee ballots are cast  
13453 and includes the county clerk's office or city hall during the period in which absentee ballots  
13454 may be cast there.

13455 (2) (a) A person may not, within a polling place or in any public area within 150 feet of  
13456 the building where a polling place is located:

13457 (i) do any electioneering;

13458 (ii) circulate cards or handbills of any kind;

13459 (iii) solicit signatures to any kind of petition; or

13460 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts  
13461 the administration of the polling place.

13462 (b) A county, municipality, school district, or [~~special~~] local district may not prohibit  
13463 electioneering that occurs more than 150 feet from the building where a polling place is  
13464 located, but may regulate the place and manner of that electioneering to protect the public  
13465 safety.

13466 (3) (a) A person may not obstruct the doors or entries to a building in which a polling  
13467 place is located or prevent free access to and from any polling place.

13468 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the  
13469 obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

13470 (4) A person may not:

13471 (a) remove any ballot from the polling place before the closing of the polls, except as  
13472 provided in Section 20A-4-101; or

13473 (b) solicit any voter to show his ballot.

13474 (5) A person may not receive a voted ballot from any voter or deliver an unused ballot  
13475 to a voter unless that person is an election judge.

13476 (6) Any person who violates any provision of this section is guilty of a class A  
13477 misdemeanor.

13478 (7) A political subdivision may not prohibit political signs that are located more than  
13479 150 feet away from a polling place, but may regulate their placement to protect public safety.

13480 Section 379. Section **20A-4-301** is amended to read:

13481 **20A-4-301. Board of canvassers.**

13482 (1) (a) Each county legislative body is the board of county canvassers for:

13483 (i) the county; and

13484 (ii) each [~~special~~] local district whose election is conducted by the county.

13485 (b) (i) Except as provided in Subsection (1)(b)(ii), the board of county canvassers shall  
13486 meet to canvass the returns at the usual place of meeting of the county legislative body, at a  
13487 date and time determined by the county clerk that is no sooner than seven days after the  
13488 election and no later than 14 days after the election.

13489 (ii) When canvassing returns for the Western States Presidential Primary, the board of  
13490 county canvassers shall meet to canvass the returns at the usual place of meeting of the county  
13491 legislative body, at noon on the Tuesday after the election.

13492 (c) If one or more of the county legislative body fails to attend the meeting of the board  
13493 of county canvassers, the remaining members shall replace the absent member by appointing in  
13494 the order named:

13495 (i) the county treasurer;

13496 (ii) the county assessor; or

13497 (iii) the county sheriff.

13498 (d) The board of county canvassers shall always consist of three acting members.

13499 (e) The county clerk is the clerk of the board of county canvassers.

13500 (2) (a) The mayor and the municipal legislative body are the board of municipal  
13501 canvassers for the municipality.

13502 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
13503 place of meeting of the municipal legislative body:

13504 (i) for canvassing of returns from a municipal general election, no sooner than seven  
13505 days after the election and no later than 14 days after the election; or

13506 (ii) for canvassing of returns from a municipal primary election, no sooner than three  
13507 days after the election and no later than seven days after the election.

13508 (3) (a) The legislative body of the entity authorizing a bond election is the board of  
13509 canvassers for each bond election.

13510 (b) The board of canvassers for the bond election shall comply with the canvassing

- 13511 procedures and requirements of Section 11-14-207.
- 13512 Section 380. Section **20A-4-304** is amended to read:
- 13513 **20A-4-304. Declaration of results -- Canvassers' report.**
- 13514 (1) Each board of canvassers shall:
- 13515 (a) declare "elected" or "nominated" those persons who:
- 13516 (i) had the highest number of votes; and
- 13517 (ii) sought election or nomination to an office completely within the board's
- 13518 jurisdiction;
- 13519 (b) declare:
- 13520 (i) "approved" those ballot propositions that:
- 13521 (A) had more "yes" votes than "no" votes; and
- 13522 (B) were submitted only to the voters within the board's jurisdiction;
- 13523 (ii) "rejected" those ballot propositions that:
- 13524 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 13525 votes; and
- 13526 (B) were submitted only to the voters within the board's jurisdiction;
- 13527 (c) certify the vote totals for persons and for and against ballot propositions that were
- 13528 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
- 13529 the lieutenant governor; and
- 13530 (d) if applicable, certify the results of each [~~special~~] local district election to the
- 13531 [~~special~~] local district clerk.
- 13532 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
- 13533 result, which shall contain:
- 13534 (i) the total number of votes cast in the board's jurisdiction;
- 13535 (ii) the names of each candidate whose name appeared on the ballot;
- 13536 (iii) the title of each ballot proposition that appeared on the ballot;
- 13537 (iv) each office that appeared on the ballot;
- 13538 (v) from each voting precinct:
- 13539 (A) the number of votes for each candidate; and
- 13540 (B) the number of votes for and against each ballot proposition;
- 13541 (vi) the total number of votes given in the board's jurisdiction to each candidate, and

13542 for and against each ballot proposition; and  
13543 (vii) a statement certifying that the information contained in the report is accurate.  
13544 (b) The election officer and the board of canvassers shall:  
13545 (i) review the report to ensure that it is correct; and  
13546 (ii) sign the report.  
13547 (c) The election officer shall:  
13548 (i) record or file the certified report in a book kept for that purpose;  
13549 (ii) prepare and transmit a certificate of nomination or election under the officer's seal  
13550 to each nominated or elected candidate;  
13551 (iii) publish a copy of the certified report in a newspaper with general circulation in the  
13552 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and  
13553 (iv) file a copy of the certified report with the lieutenant governor.  
13554 (3) When there has been a regular general or a statewide special election for statewide  
13555 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
13556 or more county ballot proposition, each board of canvassers shall:  
13557 (a) prepare a separate report detailing the number of votes for each candidate and the  
13558 number of votes for and against each ballot proposition; and  
13559 (b) transmit it by registered mail to the lieutenant governor.  
13560 (4) In each county election, municipal election, school election, [~~special~~] local district  
13561 election, and local special election, the election officer shall transmit the reports to the  
13562 lieutenant governor within 14 days after the date of the election.  
13563 (5) In regular primary elections and in the Western States Presidential Primary, the  
13564 board shall transmit to the lieutenant governor:  
13565 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
13566 governor:  
13567 (i) not later than the second Tuesday after the primary election for the regular primary  
13568 election; and  
13569 (ii) not later than the Tuesday following the election for the Western States Presidential  
13570 Primary; and  
13571 (b) a complete tabulation showing voting totals for all primary races, precinct by  
13572 precinct, to be mailed to the lieutenant governor on or before the third Friday following the

13573 primary election.

13574 Section 381. Section **20A-4-305** is amended to read:

13575 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

13576 Within ten days after the canvass of a November municipal election, [~~special~~] local  
13577 district election, bond election, or special election, the clerk or recorder shall transmit the  
13578 checked official register and pollbook to the county clerk.

13579 Section 382. Section **20A-4-401** is amended to read:

13580 **20A-4-401. Recounts -- Procedure.**

13581 (1) (a) (i) For any regular primary, regular general, or municipal general election, or the  
13582 Western States Presidential primary, when any candidate loses by not more than a total of one  
13583 vote per voting precinct, the candidate may file a request for a recount within seven days after  
13584 the canvass with:

13585 (A) the municipal clerk, if the election is a municipal election;

13586 (B) the [~~special~~] local district clerk, if the election is a [~~special~~] local district election;

13587 (C) the county clerk, for races or ballot propositions voted on entirely within a single  
13588 county; or

13589 (D) the lieutenant governor, for statewide races and ballot propositions and for  
13590 multicounty races and ballot propositions.

13591 (ii) For any municipal primary election, when any candidate loses by not more than a  
13592 total of one vote per voting precinct, the candidate may file a request for a recount with the  
13593 appropriate election officer within three days after the canvass.

13594 (b) The election officer shall:

13595 (i) supervise the recount;

13596 (ii) recount all ballots cast for that office;

13597 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
13598 3, Absentee Voting; and

13599 (iv) declare elected the person receiving the highest number of votes on the recount.

13600 (2) (a) Any ten voters who voted in an election when any ballot proposition or bond  
13601 proposition was on the ballot may file a request for a recount with the appropriate election  
13602 officer within seven days of the canvass.

13603 (b) The election officer shall:

- 13604 (i) supervise the recount;
- 13605 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 13606 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
- 13607 3, Absentee Voting; and
- 13608 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
- 13609 based upon the results of the recount.
- 13610 (c) Proponents and opponents of the ballot proposition or bond proposition may
- 13611 designate representatives to witness the recount.
- 13612 (d) The voters requesting the recount shall pay the costs of the recount.
- 13613 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
- 13614 person requesting the recount.
- 13615 (4) (a) Upon completion of the recount, the election officer shall immediately convene
- 13616 the board of canvassers.
- 13617 (b) The board of canvassers shall:
- 13618 (i) canvass the election returns for the race or proposition that was the subject of the
- 13619 recount; and
- 13620 (ii) with the assistance of the election officer, prepare and sign the report required by
- 13621 Section 20A-4-304 or Section 20A-4-306.
- 13622 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
- 13623 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
- 13624 governor as required by Subsection 20A-4-304(3).
- 13625 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
- 13626 result of the race or proposition that is the subject of the recount.
- 13627 Section 383. Section **20A-5-101** is amended to read:
- 13628 **20A-5-101. Notice of election.**
- 13629 (1) On or before February 1 in each regular general election year, the lieutenant
- 13630 governor shall prepare and transmit a written notice to each county clerk that:
- 13631 (a) designates the offices to be filled at the regular general election;
- 13632 (b) identifies the dates for filing a declaration of candidacy for those offices; and
- 13633 (c) contains a description of any ballot propositions to be decided by the voters that
- 13634 have qualified for the ballot as of that date.



- 13635 (2) (a) No later than February 10, each county clerk shall:
- 13636 (i) publish a notice once in a newspaper published in that county; or
- 13637 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
- 13638 give notice of the election to the voters in each voting precinct within the county; and
- 13639 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
- 13640 where the notice was posted.
- 13641 (b) The notice required by Subsection (2)(a) shall:
- 13642 (i) designate the offices to be voted on in that election in that county, other than
- 13643 [~~special~~] local district offices; and
- 13644 (ii) identify the dates for filing a declaration of candidacy for those offices.
- 13645 (3) Before each election, the election officer shall give written or printed notice of:
- 13646 (a) the date and place of election;
- 13647 (b) the hours during which the polls will be open;
- 13648 (c) the polling places for each voting precinct; and
- 13649 (d) the qualifications for persons to vote in the election.
- 13650 (4) To provide the notice required by Subsection (3), the election officer shall publish
- 13651 the notice at least two days before the election in a newspaper of general circulation common to
- 13652 the area or in which the election is being held.
- 13653 Section 384. Section **20A-5-201** is amended to read:
- 13654 **20A-5-201. Satellite registrars -- Appointment.**
- 13655 (1) Each county legislative body shall appoint one or more persons to act as satellite
- 13656 registrars for each satellite location.
- 13657 (2) (a) The county legislative body shall appoint satellite registrars every two years at
- 13658 the regular meeting of the county legislative body held nearest to the first day of the May before
- 13659 the regular general election.
- 13660 (b) The county legislative body shall appoint satellite registrars to serve two-year
- 13661 terms, but may remove them at any time for cause.
- 13662 (c) The county legislative body may not appoint a person who is a candidate for, or
- 13663 who holds, an elective state, county, municipal, school district, [~~special~~] local district, or other
- 13664 public office to be a satellite registrar.
- 13665 (d) A person who is a candidate for, or who holds, an elective state, county, municipal,

13666 school district, [~~special~~] local district, or other public office may not act as a satellite registrar.

13667 (e) A satellite registrar may also serve as an election judge.

13668 (f) The county clerk shall provide each satellite registrar with written notice of his  
13669 appointment.

13670 (3) (a) Each county legislative body shall provide each satellite registrar with all books,  
13671 stationery, and other supplies necessary to carry out the provisions of this chapter.

13672 (b) The satellite registrar shall return all remaining materials to the county clerk, or to a  
13673 person designated by the county clerk, when his appointment ends.

13674 (4) A satellite registrar who resigns shall:

13675 (a) notify the county clerk of that fact; and

13676 (b) deliver to the county clerk, or to another person designated by the county clerk, the  
13677 books, forms, maps, and materials in the agent's possession that pertain to the office.

13678 (5) (a) (i) The county clerk, upon receipt of notice of the death, disqualification, or  
13679 resignation of any satellite registrar after the opening and before the closing of the registration  
13680 books, shall immediately, without giving notice, appoint some competent person to fill the  
13681 vacancy.

13682 (ii) The person appointed shall qualify within two days after receiving notice of the  
13683 appointment.

13684 (b) (i) If a satellite registrar is sick or otherwise unable to serve on a designated  
13685 registration day, the satellite registrar shall select a responsible adult to perform the agent's  
13686 duties on that day.

13687 (ii) The county clerk shall approve the substituted adult.

13688 (iii) The substitute shall use the original designated satellite location.

13689 (6) (a) Before entering upon the duties prescribed in this chapter, each satellite registrar  
13690 shall:

13691 (i) take and subscribe the oath of office required by Article IV, Sec. 10, Utah  
13692 Constitution, before any person authorized to administer an oath; and

13693 (ii) file the oath with the county clerk.

13694 (b) Each county legislative body shall establish a per diem as compensation for all  
13695 services provided by satellite registrars.

13696 (7) The county clerk shall make detailed entries of all proceedings had under this

13697 chapter and notify in writing the satellite registrars of their appointment.

13698 Section 385. Section **20A-5-302** is amended to read:

13699 **20A-5-302. Automated voting system.**

13700 (1) Any county or municipal legislative body or [~~special~~] local district board may:

13701 (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any  
13702 automated voting system that meets the requirements of this section; and

13703 (b) use that system in any election, in all or a part of the voting precincts within its  
13704 boundaries, or in combination with paper ballots.

13705 (2) (a) Each automated voting system shall:

13706 (i) provide for voting in secrecy, except in the case of voters who have received  
13707 assistance as authorized by Section 20A-3-108;

13708 (ii) permit each voter at any election to:

13709 (A) vote for all persons and offices for whom and for which that voter is lawfully  
13710 entitled to vote;

13711 (B) vote for as many persons for an office as that voter is entitled to vote; and

13712 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

13713 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the  
13714 candidates of that party for president, vice president, and for their presidential electors;

13715 (iv) permit each voter, at any regular general election, to vote for all the candidates of  
13716 one registered political party by making one mark or punch;

13717 (v) permit each voter to scratch vote;

13718 (vi) at elections other than primary elections, permit each voter to vote for the  
13719 nominees of one or more parties and for independent candidates;

13720 (vii) at primary elections:

13721 (A) permit each voter to vote for candidates of the political party of his choice; and

13722 (B) reject any votes cast for candidates of another party;

13723 (viii) prevent the voter from voting for the same person more than once for the same  
13724 office;

13725 (ix) provide the opportunity for each voter to change the ballot and to correct any error  
13726 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.

13727 L. No. 107-252;

13728 (x) include automatic tabulating equipment that rejects choices recorded on a voter's  
13729 ballot if the number of the voter's recorded choices is greater than the number which the voter  
13730 is entitled to vote for the office or on the measure;

13731 (xi) be of durable construction, suitably designed so that it may be used safely,  
13732 efficiently, and accurately in the conduct of elections and counting ballots;

13733 (xii) when properly operated, record correctly and count accurately each vote cast;

13734 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper  
13735 record that:

13736 (A) shall be available as an official record for any recount or election contest conducted  
13737 with respect to an election where the voting equipment is used;

13738 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling  
13739 place; and

13740 (II) shall permit the voter to inspect the record of the voter's selections independently  
13741 only if reasonably practicable commercial methods permitting independent inspection are  
13742 available at the time of certification of the voting equipment by the lieutenant governor;

13743 (C) shall include, at a minimum, human readable printing that shows a record of the  
13744 voter's selections;

13745 (D) may also include machine readable printing which may be the same as the human  
13746 readable printing; and

13747 (E) allows voting poll watchers and counting poll watchers to observe the election  
13748 process to ensure its integrity; and

13749 (xiv) meet the requirements of Section 20A-5-402.5.

13750 (b) For the purposes of a recount or an election contest, if the permanent paper record  
13751 contains a conflict or inconsistency between the human readable printing and the machine  
13752 readable printing, the human readable printing shall supercede the machine readable printing  
13753 when determining the intent of the voter.

13754 (c) Notwithstanding any other provisions of this section, the election officers shall  
13755 ensure that the ballots to be counted by means of electronic or electromechanical devices are of  
13756 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
13757 for use in the counting devices in which they are intended to be placed.

13758 Section 386. Section **20A-5-400.5** is amended to read:

13759           **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

13760           (1) When a voted leeway or bond election is held on the regular general election date or  
13761 regular primary election date, the county clerk shall serve as the election officer to conduct and  
13762 administer that election.

13763           (2) (a) When a voted leeway or bond election is held on the municipal general election  
13764 date or any other election date permitted for special elections under Section 20A-1-204, and the  
13765 local political subdivision calling the election is entirely within the boundaries of the  
13766 unincorporated county, the county clerk shall serve as the election officer to conduct and  
13767 administer that election subject to Subsection (3).

13768           (b) When a voted leeway or bond election is held on the municipal general election  
13769 date or any other election date permitted for special elections under Section 20A-1-204, and the  
13770 local political subdivision calling the election is entirely within the boundaries of a  
13771 municipality, the municipal clerk for that municipality shall, except as provided in Subsection  
13772 (3), serve as the election officer to conduct and administer that election.

13773           (c) When a voted leeway or bond election is held on the municipal general election  
13774 date or any other election date permitted for special elections under Section 20A-1-204, and the  
13775 local political subdivision calling the election extends beyond the boundaries of a single  
13776 municipality:

13777           (i) except as provided in Subsection (3), the municipal clerk shall serve as the election  
13778 officer to conduct and administer the election for those portions of the local political  
13779 subdivision where the municipal general election or other election is being held; and

13780           (ii) except as provided in Subsection (3), the county clerk shall serve as the election  
13781 officer to conduct and administer the election for the unincorporated county and for those  
13782 portions of any municipality where no municipal general election or other election is being  
13783 held.

13784           (3) When a voted leeway or bond election is held on a date when no other election,  
13785 other than another voted leeway or bond election, is being held in the entire area comprising the  
13786 municipality calling the voted leeway or bond election:

13787           (a) the clerk or chief executive officer of a [~~special~~] local district or the business  
13788 administrator or superintendent of the school district, as applicable, shall serve as the election  
13789 officer to conduct and administer the bond election for those portions of the municipality in

13790 which no other election, other than another voted leeway or bond election, is being held, unless  
13791 the [~~special~~] local district or school district has designated the county clerk, municipal clerk, or  
13792 both, to serve as the election officer; and

13793 (b) the county clerk, municipal clerk, or both, as determined by the municipality  
13794 holding the bond election, shall serve as the election officer to conduct and administer the bond  
13795 election for those portions of the municipality in which another election, other than another  
13796 voted leeway or bond election is being held.

13797 (4) (a) In conducting elections under this section:

13798 (i) the local political subdivision shall provide and pay for election notices; and

13799 (ii) the election officer shall determine polling locations and compile, prepare, and  
13800 count the ballots.

13801 (b) The county clerk, the municipal clerk, or both shall:

13802 (i) establish fees for conducting voted leeway and bond elections for local political  
13803 subdivisions; and

13804 (ii) bill each local political subdivision for the cost of conducting the voted leeway or  
13805 bond election.

13806 (5) An election officer administering and conducting a voted leeway or bond election is  
13807 authorized to appoint or employ agents and professional services to assist in conducting and  
13808 administering the voted leeway or bond election.

13809 (6) The election officer in a voted leeway or bond election shall conduct its procedures  
13810 under the direction of the local political subdivision calling the voted leeway or bond election.

13811 Section 387. Section **20A-5-401** is amended to read:

13812 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

13813 (1) (a) Before the registration days for each regular general, municipal general, regular  
13814 primary, municipal primary, or Western States Presidential Primary election, each county clerk  
13815 shall prepare an official register of voters for each voting precinct that will participate in the  
13816 election.

13817 (b) The county clerk shall ensure that the official register is prepared for the  
13818 alphabetical entry of names and contains entry fields to provide for the following information:

13819 (i) registered voter's name;

13820 (ii) party affiliation;

13821 (iii) grounds for challenge;  
13822 (iv) name of person challenging a voter;  
13823 (v) primary, November, special;  
13824 (vi) date of birth;  
13825 (vii) place of birth;  
13826 (viii) place of current residence;  
13827 (ix) street address;  
13828 (x) zip code;  
13829 (xi) identification and provisional ballot information as required under Subsection  
13830 (1)(d); and  
13831 (xii) space for the voter to sign his name for each election.  
13832 (c) When preparing the official register for the Western States Presidential Primary, the  
13833 county clerk shall include:  
13834 (i) an entry field to record the name of the political party whose ballot the voter voted;  
13835 and  
13836 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.  
13837 (d) When preparing the official register for any regular general election, municipal  
13838 general election, statewide special election, local special election, regular primary election,  
13839 municipal primary election, [~~special~~] local district election, or election for federal office, the  
13840 county clerk shall include:  
13841 (i) an entry field that indicates if the voter is required to show identification before  
13842 voting;  
13843 (ii) an entry field for the poll worker to record the type of identification provided by the  
13844 voter;  
13845 (iii) a column for the poll worker to record the provisional envelope ballot number for  
13846 voters who receive a provisional ballot; and  
13847 (iv) a space for the poll worker to record the type of identification that was provided by  
13848 voters who receive a provisional ballot.  
13849 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal  
13850 elections, [~~special~~] local district elections, and bond elections, the county clerk shall make an  
13851 official register only for voting precincts affected by the primary, municipal, [~~special~~] local

13852 district, or bond election.

13853 (ii) If a polling place to be used in a bond election serves both voters residing in the  
13854 local political subdivision calling the bond election and voters residing outside of that local  
13855 political subdivision, the official register shall designate whether each voter resides in or  
13856 outside of the local political subdivision.

13857 (iii) Each county clerk, with the assistance of the clerk of each affected [~~special~~] local  
13858 district, shall provide a detailed map or an indication on the registration list or other means to  
13859 enable a poll worker to determine the voters entitled to vote at an election of [~~special~~] local  
13860 district officers.

13861 (b) Municipalities shall pay the costs of making the official register for municipal  
13862 elections.

13863 Section 388. Section **20A-5-403** is amended to read:

13864 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**  
13865 **Arrangements.**

13866 (1) Each election officer shall:

13867 (a) designate polling places for each voting precinct in the jurisdiction; and

13868 (b) obtain the approval of the county or municipal legislative body or [~~special~~] local  
13869 district governing board for those polling places.

13870 (2) (a) For each polling place, the election officer shall provide:

13871 (i) an American flag;

13872 (ii) a sufficient number of voting booths or compartments;

13873 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,  
13874 write-in ballots, and any other records and supplies necessary to enable a voter to vote;

13875 (iv) the constitutional amendment cards required by Part 1, Election Notices and  
13876 Instructions;

13877 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter  
13878 Information Pamphlet; and

13879 (vi) the instruction cards required by Section 20A-5-102.

13880 (b) Each election officer shall ensure that:

13881 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
13882 voter can prepare his ballot screened from observation;



13883 (ii) there are a sufficient number of voting booths or voting devices to accommodate  
13884 the voters at that polling place; and

13885 (iii) there is at least one voting booth or voting device that is configured to  
13886 accommodate persons with disabilities.

13887 (c) Each county clerk shall provide a ballot box for each polling place that is large  
13888 enough to properly receive and hold the ballots to be cast.

13889 (3) (a) All polling places shall be physically inspected by each county clerk to ensure  
13890 access by a person with a disability.

13891 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
13892 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
13893 clerk shall be:

13894 (i) forwarded to the Office of the Lieutenant Governor; and

13895 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
13896 either:

13897 (A) remedied at the particular location by the county clerk;

13898 (B) the county clerk shall designate an alternative accessible location for the particular  
13899 precinct; or

13900 (C) if no practical solution can be identified, file with the Office of the Lieutenant  
13901 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

13902 (4) The municipality in which the election is held shall pay the cost of conducting each  
13903 municipal election, including the cost of printing and supplies.

13904 (5) The county clerk shall make detailed entries of all proceedings had under this  
13905 chapter.

13906 Section 389. Section **20A-5-407** is amended to read:

13907 **20A-5-407. Election officer to provide ballot boxes.**

13908 (1) Except as provided in Subsection (3), each election officer shall:

13909 (a) provide one ballot box with a lock and key for each polling place; and

13910 (b) deliver the ballot boxes, locks, and keys to the polling place or the election judges  
13911 of each voting precinct no later than noon on the day before the election.

13912 (2) Election officers for municipalities and [~~special~~] local districts may obtain ballot  
13913 boxes from the county clerk's office.

13914 (3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

13915 Section 390. Section **20A-5-602** is amended to read:

13916 **20A-5-602. Election judges -- Appointment for local elections.**

13917 (1) At least 15 days before the date scheduled for any local election, the municipal  
13918 legislative body or [~~special~~] local district board shall appoint or provide for the appointment of:

13919 (a) in jurisdictions using paper ballots:

13920 (i) three registered voters, or two registered voters and one person 17 years old who  
13921 will be 18 years old by the date of the regular municipal election, from their jurisdiction to  
13922 serve as election judges for each voting precinct when the ballots will be counted after the polls  
13923 close; or

13924 (ii) three registered voters, or two registered voters and one person 17 years old who  
13925 will be 18 years old by the date of the regular municipal election, from their jurisdiction to  
13926 serve as receiving judges in each voting precinct and three registered voters, or two registered  
13927 voters and one person 17 years old who will be 18 years old by the date of the regular  
13928 municipal election, from their jurisdiction to serve as counting judges in each voting precinct  
13929 when ballots will be counted throughout election day;

13930 (b) in jurisdictions using automated tabulating equipment, three registered voters, or  
13931 two registered voters and one person 17 years old who will be 18 years old by the date of the  
13932 regular municipal election, from their jurisdiction to serve as election judges for each voting  
13933 precinct;

13934 (c) in jurisdictions using voting machines, four registered voters, or three registered  
13935 voters and one person 17 years old who will be 18 years old by the date of the regular  
13936 municipal election, from their jurisdiction to serve as election judges for each voting precinct;  
13937 and

13938 (d) in all jurisdictions:

13939 (i) at least one registered voter from their jurisdiction to serve as canvassing judge, if  
13940 necessary; and

13941 (ii) as many alternate judges as needed to replace appointed judges who are unable to  
13942 serve.

13943 (2) The municipal legislative body and [~~special~~] local district board may not appoint  
13944 any candidate's parent, sibling, spouse, child, or in-law to serve as an election judge in the

13945 voting precinct where the candidate resides.

13946 (3) The clerk shall:

13947 (a) prepare and file a list containing the name, address, voting precinct, and telephone  
13948 number of each person appointed; and

13949 (b) make the list available in the clerk's office for inspection, examination, and copying  
13950 during business hours.

13951 (4) (a) The municipal legislative body and [~~special~~] local district board shall  
13952 compensate election judges for their services.

13953 (b) The municipal legislative body and [~~special~~] local district board may not  
13954 compensate their election judges at a rate higher than that paid by the county to its election  
13955 judges.

13956 Section 391. Section **20A-9-101** is amended to read:

13957 **20A-9-101. Definitions.**

13958 As used in this chapter:

13959 (1) (a) "Candidates for elective office" means persons selected by a registered political  
13960 party as party candidates to run in a regular general election.

13961 (b) "Candidates for elective office" does not mean candidates for:

13962 (i) justice or judge of court of record or not of record;

13963 (ii) presidential elector;

13964 (iii) any political party offices; and

13965 (iv) municipal or [~~special~~] local district offices.

13966 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
13967 attorney general, state auditor, and state treasurer.

13968 (3) (a) "County office" means an elective office where the office holder is selected by  
13969 voters entirely within one county.

13970 (b) "County office" does not mean:

13971 (i) the office of justice or judge of any court of record or not of record;

13972 (ii) the office of presidential elector;

13973 (iii) any political party offices;

13974 (iv) any municipal or [~~special~~] local district offices; and

13975 (v) the office of United States Senator and United States Representative.

13976 (4) "Federal office" means an elective office for United States Senator and United  
13977 States Representative.

13978 (5) "Filing officer" means:

13979 (a) the lieutenant governor, for:

13980 (i) offices whose political division contains territory in two or more counties;

13981 (ii) the office of United States Senator and United States Representative; and

13982 (iii) all constitutional offices;

13983 (b) the county clerk, for county offices and local school district offices;

13984 (c) the city or town clerk, for municipal offices; and

13985 (d) the ~~[special]~~ local district clerk, for ~~[special]~~ local district offices.

13986 (6) "Local district office" means an elected office in a local district.

13987 ~~[(6)]~~ (7) "Local government office" includes county offices, municipal offices, and

13988 ~~[special]~~ local district offices and other elective offices selected by the voters from a political

13989 division entirely within one county.

13990 ~~[(7)]~~ (8) (a) "Multi-county office" means an elective office where the office holder is  
13991 selected by the voters from more than one county.

13992 (b) "Multi-county office" does not mean:

13993 (i) a county office;

13994 (ii) a federal office;

13995 (iii) the office of justice or judge of any court of record or not of record;

13996 (iv) the office of presidential elector;

13997 (v) any political party offices; and

13998 (vi) any municipal or ~~[special]~~ local district offices.

13999 ~~[(8)]~~ (9) "Municipal office" means an elective office in a municipality.

14000 ~~[(9)]~~ (10) (a) "Political division" means a geographic unit from which an office holder  
14001 is elected and that an office holder represents.

14002 (b) "Political division" includes a county, a city, a town, a ~~[special]~~ local district, a  
14003 school district, a legislative district, and a county prosecution district.

14004 ~~[(10)]~~ ~~"Special district office" means an elected office in a special district.]~~

14005 Section 392. Section **20A-9-503** is amended to read:

14006 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

14007 (1) After the certificate of nomination has been certified, executed, and acknowledged  
14008 by the county clerk, the candidate shall:

14009 (a) between March 7 and March 17 of the year in which the regular general election  
14010 will be held, file the petition in person with:

14011 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or  
14012 a federal office; or

14013 (ii) the county clerk, if the office the candidate seeks is a county office; and

14014 (iii) pay the filing fee; or

14015 (b) not later than the sixth Tuesday before the primary election date, file the petition in  
14016 person with:

14017 (i) the municipal clerk, if the candidate seeks an office in a city or town;

14018 (ii) the ~~[special]~~ local district clerk, if the candidate seeks an office in a ~~[special]~~ local  
14019 district; and

14020 (iii) pay the filing fee.

14021 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall  
14022 read the constitutional and statutory requirements for candidacy to the candidate.

14023 (b) If the candidate states that he does not meet the requirements, the filing officer may  
14024 not accept the petition.

14025 (3) Persons filing a certificate of nomination for President of the United States under  
14026 this section shall pay a filing fee of \$500.

14027 Section 393. Section **20A-11-1202** is amended to read:

14028 **20A-11-1202. Definitions.**

14029 As used in this chapter:

14030 (1) "Ballot proposition" means constitutional amendments, initiatives, referenda,  
14031 judicial retention questions, opinion questions, bond approvals, or other questions submitted to  
14032 the voters for their approval or rejection.

14033 (2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation  
14034 agency that receives its revenues from conduct of its commercial operations.

14035 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
14036 cooperation agency that receives some or all of its revenues from:

14037 (i) government appropriations;

- 14038 (ii) taxes;
- 14039 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 14040 (iv) interest earned on public funds or other returns on investment of public funds.
- 14041 (3) "Expenditure" means:
- 14042 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 14043 or anything of value made for political purposes;
- 14044 (b) an express, legally enforceable contract, promise, or agreement to make any
- 14045 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 14046 value for political purposes;
- 14047 (c) a transfer of funds between a public entity and a candidate's personal campaign
- 14048 committee;
- 14049 (d) a transfer of funds between a public entity and a political issues committee; or
- 14050 (e) goods or services provided to or for the benefit of a candidate, a candidate's
- 14051 personal campaign committee, or a political issues committee for political purposes at less than
- 14052 fair market value.
- 14053 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation
- 14054 agency that receives some or all of its revenues from:
- 14055 (a) government appropriations;
- 14056 (b) taxes;
- 14057 (c) government fees imposed for regulatory or revenue raising purposes; or
- 14058 (d) interest earned on public funds or other returns on investment of public funds.
- 14059 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.
- 14060 (b) "Influence" does not mean providing a brief statement about a public entity's
- 14061 position on a ballot proposition and the reason for that position.
- 14062 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement
- 14063 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 14064 (7) "Local district" means an entity under Title 17B, Limited Purposed Local
- 14065 Government Entities - Local Districts, and includes a special service district under Title 17A,
- 14066 Chapter 2, Part 13, Utah Special Service District Act.
- 14067 [~~7~~] (8) (a) "Political issues committee" means an entity, or any group of individuals
- 14068 or entities within or outside this state, that solicits or receives contributions from any other

14069 person, group, or entity and makes expenditures from these contributions to influence, or to  
 14070 intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on  
 14071 the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to  
 14072 vote for or to vote against any ballot proposition.

14073 (b) "Political issues committee" does not mean an entity that provides goods or services  
 14074 to an individual or committee in the regular course of its business at the same price that would  
 14075 be provided to the general public.

14076 ~~[(8)]~~ (9) "Political purposes" means an act done with the intent or in a way to influence  
 14077 or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
 14078 against any candidate for public office at any caucus, political convention, primary, or election.

14079 ~~[(9)]~~ (10) (a) "Public entity" includes the state, each state agency, each county,  
 14080 municipality, school district, ~~[special]~~ local district, governmental interlocal cooperation  
 14081 agency, and each administrative subunit of each of them.

14082 (b) "Public entity" does not include a commercial interlocal cooperation agency.

14083 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,  
 14084 Local Health Departments.

14085 ~~[(10)]~~ (11) (a) "Public funds" means any monies received by a public entity from  
 14086 appropriations, taxes, fees, interest, or other returns on investment.

14087 (b) "Public funds" does not include monies donated to a public entity by a person or  
 14088 entity.

14089 ~~[(11)]~~ (12) (a) "Public official" means an elected or appointed member of government  
 14090 with authority to make or determine public policy.

14091 (b) "Public official" includes the person or group that:

14092 (i) has supervisory authority over the personnel and affairs of a public entity; and

14093 (ii) approves the expenditure of funds for the public entity.

14094 ~~[(12)] "Special district" means each entity created under the authority of Title 17A,~~  
 14095 ~~Special Districts.]~~

14096 (13) (a) "State agency" means each department, commission, board, council, agency,  
 14097 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
 14098 unit, bureau, panel, or other administrative unit of the state.

14099 (b) "State agency" includes the legislative branch, the Board of Regents, the

14100 institutional councils of each higher education institution, and each higher education  
14101 institution.

14102 Section 394. Section ~~26-8a-405.1~~ is amended to read:

14103 **26-8a-405.1. Selection of provider by political subdivision.**

14104 (1) For purposes of this section and Sections 26-8a-405.2 and 26-8a-405.3:

14105 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911  
14106 paramedic service, or both and:

14107 (i) means a 911 call received by a designated dispatch center that receives 911 or E911  
14108 calls; and

14109 (ii) does not mean a seven digit telephone call received directly by an ambulance  
14110 provider licensed under this chapter.

14111 (b) "Governing body" means:

14112 (i) in the case of a municipality or county, the elected council, commission, or other  
14113 legislative body that is vested with the legislative power of the municipality;

14114 (ii) in the case of a special service district, local service district, or county service area,  
14115 each elected council, commission, or other legislative body that is vested with the legislative  
14116 power of the municipalities or counties that are members of the district or service area; and

14117 (iii) in the case of a ~~special~~ local district or special service district for fire protection  
14118 or interlocal entity, the board or other body vested with the power to adopt, amend, and repeal  
14119 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its  
14120 business.

14121 (c) "Political subdivision" means:

14122 (i) a city or town located in a county of the first or second class as defined in Section  
14123 17-50-501;

14124 (ii) a county of the first or second class;

14125 (iii) the following districts ~~[or service areas]~~ located in a county of the first or second  
14126 class:

14127 (A) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special  
14128 Service District Act; and

14129 (B) a local district ~~[created]~~ under Title 17B, ~~[Chapter 2, Local Districts]~~ Limited  
14130 Purpose Local Government Entities - Local Districts, for the purpose of providing fire



14131 protection, paramedic, and emergency services; ~~[and] or~~  
14132 ~~[(C) a county service area created under Title 17A, Chapter 2, Part 4, County Service~~  
14133 ~~Area Act, for the purpose of providing fire protection, paramedic, and emergency services; or]~~  
14134 (iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);  
14135 (v) municipalities and counties joining together pursuant to Title 11, Chapter 13,  
14136 Interlocal Cooperation Act; or  
14137 (vi) a special service district for fire protection as defined in Section 17A-2-1304.  
14138 (2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request  
14139 for a proposal for 911 ambulance or paramedic services issued in accordance with Section  
14140 26-8a-405.2 by a political subdivision.  
14141 (b) A response to a request for proposal is subject to the maximum rates established by  
14142 the department under Section 26-8a-403.  
14143 (c) A political subdivision may award a contract to an applicant for the provision of  
14144 911 ambulance or paramedic services:  
14145 (i) in accordance with Section 26-8a-405.2; and  
14146 (ii) subject to Subsection (3).  
14147 (3) (a) The department shall issue a license to an applicant selected by a political  
14148 subdivision under Subsection (2) unless the department finds that issuing a license to that  
14149 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic  
14150 service area.  
14151 (b) A license issued under this Subsection (3):  
14152 (i) is for the exclusive geographic service area approved by the department in  
14153 accordance with Subsection 26-8a-405.2(2);  
14154 (ii) is valid for four years;  
14155 (iii) is not subject to a request for license from another applicant under the provisions  
14156 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's  
14157 license is revoked under Section 26-8a-504; and  
14158 (iv) is subject to supervision by the department under Sections 26-8a-503 and  
14159 26-8a-504.  
14160 (4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections  
14161 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

14162 Section 395. Section **32A-2-103** is amended to read:

14163 **32A-2-103. Operational restrictions.**

14164 (1) Liquor may not be sold from a state store except in a sealed package. The package  
14165 may not be opened on the premises of any state store.

14166 (2) (a) An officer, agent, clerk, or employee of a state store may not consume or allow  
14167 to be consumed by any person any alcoholic beverage on the premises of a state store.

14168 (b) Violation of this Subsection (2) is a class B misdemeanor.

14169 (3) All liquor sold shall be in packages that are properly marked and labeled in  
14170 accordance with the rules adopted under this title.

14171 (4) Liquor may not be sold except at prices fixed by the commission.

14172 (5) Liquor may not be sold, delivered, or furnished to any:

14173 (a) minor;

14174 (b) person actually, apparently, or obviously intoxicated;

14175 (c) known habitual drunkard; or

14176 (d) known interdicted person.

14177 (6) Sale or delivery of liquor may not be made on or from the premises of any state  
14178 store, nor may any state store be kept open for the sale of liquor:

14179 (a) on Sunday;

14180 (b) on any state or federal legal holiday;

14181 (c) on any day on which any regular general election, regular primary election, or  
14182 statewide special election is held;

14183 (d) on any day on which any municipal, [~~special~~] local district, special service district,  
14184 or school election is held, but only within the boundaries of the municipality, [~~special~~] local  
14185 district, special service district, or school district holding the election and only if the  
14186 municipality, [~~special~~] local district, special service district or school district in which the  
14187 election is being held notifies the department at least 30 days prior to the date of the election; or

14188 (e) except on days and during hours as the commission may direct by rule or order.

14189 (7) Each state store shall display in a prominent place in the store a sign in large letters  
14190 stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is  
14191 prosecuted aggressively in Utah."

14192 (8) (a) A minor may not be admitted into, or be on the premises of a state store unless

14193 accompanied by a person who is:

14194 (i) 21 years of age or older; and

14195 (ii) the minor's parent, legal guardian, or spouse.

14196 (b) Any state store employee that has reason to believe that a person who is on the

14197 premises of a state store is under the age of 21 and is not accompanied by a person described in

14198 Subsection (8)(a) may:

14199 (i) ask the suspected minor for proof of age;

14200 (ii) ask the person who accompanied the suspected minor for proof of age; and

14201 (iii) ask the suspected minor or the person who accompanied the suspected minor for

14202 proof of parental, guardianship, or spousal relationship.

14203 (c) Any state store employee shall refuse to sell liquor to the suspected minor and to the

14204 person who accompanied the suspected minor into the state store if they fail to provide any of

14205 the information specified in Subsection (8)(b).

14206 (d) Any state store employee shall require the suspected minor and the person who

14207 accompanied the suspected minor into the state store to immediately leave the premises of the

14208 state store if they fail to provide any of the information specified in Subsection (8)(b).

14209 Section 396. Section **32A-3-106** is amended to read:

14210 **32A-3-106. Operational restrictions.**

14211 (1) (a) A package agency may not be operated until a package agency agreement has

14212 been entered into by the package agent and the department.

14213 (b) The agreement shall state the conditions of operation by which the package agent

14214 and the department are bound.

14215 (c) If the package agent violates the conditions, terms, or covenants contained in the

14216 agreement, or violates any provisions of this title, the department may take whatever action

14217 against the agent that is allowed by the package agency agreement.

14218 (d) Actions against the package agent are governed solely by the agreement and may

14219 include suspension or revocation of the agency.

14220 (2) (a) A package agency may not purchase liquor from any person except from the

14221 department.

14222 (b) At the discretion of the department, liquor may be provided by the department to a

14223 package agency for sale on consignment.

- 14224 (3) The department may pay or otherwise remunerate a package agent on any basis  
14225 including sales or volume of business done by the agency.
- 14226 (4) Liquor may not be sold from any package agency except in a sealed package. The  
14227 package may not be opened on the premises of a package agency.
- 14228 (5) All liquor sold shall be in packages that are properly marked and labeled in  
14229 accordance with the rules adopted under this title.
- 14230 (6) A package agency may not display liquor or price lists in windows or showcases  
14231 visible to passersby.
- 14232 (7) (a) An officer, agent, clerk, or employee of a package agency may not consume or  
14233 allow to be consumed by any person any alcoholic beverage on the premises of a package  
14234 agency.
- 14235 (b) Violation of this Subsection (7) is a class B misdemeanor.
- 14236 (8) Liquor may not be sold except at prices fixed by the commission.
- 14237 (9) Liquor may not be sold, delivered, or furnished to any:
- 14238 (a) minor;
- 14239 (b) person actually, apparently, or obviously intoxicated;
- 14240 (c) known habitual drunkard; or
- 14241 (d) known interdicted person.
- 14242 (10) (a) Subject to Subsection (10)(b), sale or delivery of liquor may not be made on or  
14243 from the premises of any package agency nor may any package agency be kept open for the sale  
14244 of liquor:
- 14245 (i) on Sunday;
- 14246 (ii) on any state or federal legal holiday;
- 14247 (iii) on any day on which any regular general election, regular primary election, or  
14248 statewide special election is held until after the polls are closed;
- 14249 (iv) on any day on which any municipal, ~~special~~ local district, special service district,  
14250 or school election is held until after the polls are closed, but only within the boundaries of the  
14251 municipality, ~~special~~ local district, special service district, or school district holding the  
14252 election and only if the municipality, ~~special~~ local district, special service district, or school  
14253 district in which the election is being held notifies the department at least 30 days prior to the  
14254 date of the election; or

- 14255 (v) except on days and during hours as the commission may direct by rule or order.
- 14256 (b) The restrictions in Subsections (10)(a)(i) and (ii) govern unless:
- 14257 (i) the package agency is located at a winery licensed under Chapter 8, Manufacturing
- 14258 Licenses;
- 14259 (ii) the winery licensed under Chapter 8, Manufacturing Licenses, holds:
- 14260 (A) a restaurant liquor license under Chapter 4, Part 1, Restaurant Liquor Licenses; or
- 14261 (B) a limited restaurant license under Chapter 4, Part 3, Limited Restaurant Licenses;
- 14262 (iii) the restaurant described in Subsection (10)(b)(ii) is located at the winery;
- 14263 (iv) the restaurant described in Subsection (10)(b)(ii) sells wines produced at the
- 14264 winery;
- 14265 (v) the winery described in Subsection (10)(b)(i):
- 14266 (A) owns the restaurant; or
- 14267 (B) operates the restaurant;
- 14268 (vi) the package agency only sells wine produced at the winery; and
- 14269 (vii) the package agency's days and hours of sale are the same as the days and hours of
- 14270 sale at the restaurant described in Subsection (10)(b)(ii).
- 14271 (11) The package agency certificate issued by the commission shall be permanently
- 14272 posted in a conspicuous place in the package agency.
- 14273 (12) Each package agent shall display in a prominent place in the package agency a
- 14274 sign in large letters stating: "Warning: Driving under the influence of alcohol or drugs is a
- 14275 serious crime that is prosecuted aggressively in Utah."
- 14276 (13) (a) A package agency may not close or cease operation for a period longer than 72
- 14277 hours, unless:
- 14278 (i) the package agency notifies the department in writing at least seven days before the
- 14279 closing; and
- 14280 (ii) the closure or cessation of operation is first approved by the department.
- 14281 (b) Notwithstanding Subsection (13)(a), in the case of emergency closure, immediate
- 14282 notice of closure shall be made to the department by telephone.
- 14283 (c) (i) The department may authorize a closure or cessation of operation for a period
- 14284 not to exceed 60 days.
- 14285 (ii) The department may extend the initial period an additional 30 days upon written

14286 request of the package agency and upon a showing of good cause.

14287 (iii) A closure or cessation of operation may not exceed a total of 90 days without  
14288 commission approval.

14289 (d) The notice required by Subsection (13)(a) shall include:

14290 (i) the dates of closure or cessation of operation;

14291 (ii) the reason for the closure or cessation of operation; and

14292 (iii) the date on which the agency will reopen or resume operation.

14293 (e) Failure of the agency to provide notice and to obtain department authorization prior  
14294 to closure or cessation of operation shall result in an automatic termination of the package  
14295 agency contract effective immediately.

14296 (f) Failure of the agency to reopen or resume operation by the approved date shall  
14297 result in an automatic termination of the package agency contract effective on that date.

14298 (14) Liquor may not be stored or sold in any place other than as designated in the  
14299 package agent's application, unless the package agent first applies for and receives approval  
14300 from the department for a change of location within the package agency premises.

14301 (15) (a) Except to the extent authorized by commission rule, a minor may not be  
14302 admitted into, or be on the premises of a package agency unless accompanied by a person who  
14303 is:

14304 (i) 21 years of age or older; and

14305 (ii) the minor's parent, legal guardian, or spouse.

14306 (b) Any package agent or employee of the package agency that has reason to believe  
14307 that a person who is on the premises of a package agency store is under the age of 21 and is not  
14308 accompanied by a person described in Subsection (15)(a) may:

14309 (i) ask the suspected minor for proof of age;

14310 (ii) ask the person who accompanied the suspected minor for proof of age; and

14311 (iii) ask the suspected minor or the person who accompanied the suspected minor for  
14312 proof of parental, guardianship, or spousal relationship.

14313 (c) Any package agent or employee of a package agency shall refuse to sell liquor to  
14314 the suspected minor and to the person who accompanied the suspected minor into the package  
14315 agency if they fail to provide any of the information specified in Subsection (15)(b).

14316 (d) Any package agent or employee of a package agency shall require the suspected

14317 minor and the person who accompanied the suspected minor into the package agency to  
14318 immediately leave the premises of the package agency if they fail to provide any of the  
14319 information specified in Subsection (15)(b).

14320 (16) A package agency may not transfer its operations from one location to another  
14321 without prior written approval of the commission.

14322 (17) (a) A person, having been granted a package agency, may not sell, transfer, assign,  
14323 exchange, barter, give, or attempt in any way to dispose of the package agency to any other  
14324 person, whether for monetary gain or not.

14325 (b) A package agency has no monetary value for the purpose of any type of disposition.

14326 Section 397. Section **32A-4-106** is amended to read:

14327 **32A-4-106. Operational restrictions.**

14328 Each person granted a restaurant liquor license and the employees and management  
14329 personnel of the restaurant shall comply with the following conditions and requirements.  
14330 Failure to comply may result in a suspension or revocation of the license or other disciplinary  
14331 action taken against individual employees or management personnel.

14332 (1) (a) Liquor may not be purchased by a restaurant liquor licensee except from state  
14333 stores or package agencies.

14334 (b) Liquor purchased may be transported by the restaurant liquor licensee from the  
14335 place of purchase to the licensed premises.

14336 (c) Payment for liquor shall be made in accordance with rules established by the  
14337 commission.

14338 (2) A restaurant liquor licensee may sell or provide a primary spirituous liquor only in a  
14339 quantity not to exceed one ounce per beverage dispensed through a calibrated metered  
14340 dispensing system approved by the department in accordance with commission rules adopted  
14341 under this title, except that:

14342 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing  
14343 system if used as a secondary flavoring ingredient in a beverage subject to the following  
14344 restrictions:

14345 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of  
14346 a primary spirituous liquor;

14347 (ii) the secondary ingredient is not the only spirituous liquor in the beverage;

14348 (iii) the restaurant liquor licensee shall designate a location where flavorings are stored  
14349 on the floor plan provided to the department; and

14350 (iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

14351 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing  
14352 system if used:

14353 (i) as a flavoring on desserts; and

14354 (ii) in the preparation of flaming food dishes, drinks, and desserts;

14355 (c) each restaurant patron may have no more than 2.75 ounces of spirituous liquor at a  
14356 time; and

14357 (d) each restaurant patron may have no more than one spirituous liquor drink at a time  
14358 before the patron.

14359 (3) (a) (i) Wine may be sold and served by the glass or in an individual portion not to  
14360 exceed five ounces per glass or individual portion.

14361 (ii) An individual portion of wine may be served to a patron in more than one glass as  
14362 long as the total amount of wine does not exceed five ounces.

14363 (iii) An individual portion of wine is considered to be one alcoholic beverage under  
14364 Subsection (7)(e).

14365 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices  
14366 fixed by the commission to tables of four or more persons.

14367 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by  
14368 the commission to tables of less than four persons.

14369 (c) A wine service may be performed and a service charge assessed by the restaurant as  
14370 authorized by commission rule for wine purchased at the restaurant.

14371 (4) (a) Heavy beer may be served in original containers not exceeding one liter at prices  
14372 fixed by the commission.

14373 (b) A service charge may be assessed by the restaurant as authorized by commission  
14374 rule for heavy beer purchased at the restaurant.

14375 (5) (a) (i) Subject to Subsection (5)(a)(ii), a restaurant licensed to sell liquor may sell  
14376 beer for on-premise consumption:

14377 (A) in an open container; and

14378 (B) on draft.



14379 (ii) Beer sold pursuant to Subsection (5)(a)(i) shall be in a size of container that does  
14380 not exceed two liters, except that beer may not be sold to an individual patron in a size of  
14381 container that exceeds one liter.

14382 (b) A restaurant licensed under this chapter that sells beer pursuant to Subsection  
14383 (5)(a):

14384 (i) may do so without obtaining a separate on-premise beer retailer license from the  
14385 commission; and

14386 (ii) shall comply with all appropriate operational restrictions under Chapter 10, Beer  
14387 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are  
14388 inconsistent with or less restrictive than the operational restrictions under this part.

14389 (c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer  
14390 Licenses, required by Subsection (5)(b) may result in a suspension or revocation of the  
14391 restaurant's:

14392 (i) state liquor license; and

14393 (ii) alcoholic beverage license issued by the local authority.

14394 (6) Alcoholic beverages may not be stored, served, or sold in any place other than as  
14395 designated in the licensee's application, unless the licensee first applies for and receives  
14396 approval from the department for a change of location within the restaurant.

14397 (7) (a) (i) A patron may only make alcoholic beverage purchases in the restaurant from  
14398 and be served by a person employed, designated, and trained by the licensee to sell and serve  
14399 alcoholic beverages.

14400 (ii) Notwithstanding Subsection (7)(a)(i), a patron who has purchased bottled wine  
14401 from an employee of the restaurant or has carried bottled wine onto the premises of the  
14402 restaurant pursuant to Subsection (14) may thereafter serve wine from the bottle to the patron  
14403 or others at the patron's table.

14404 (b) Alcoholic beverages shall be delivered by a server to the patron.

14405 (c) Any alcoholic beverage may only be consumed at the patron's table or counter.

14406 (d) Alcoholic beverages may not be served to or consumed by a patron at a bar.

14407 (e) Each restaurant patron may have no more than two alcoholic beverages of any kind  
14408 at a time before the patron, subject to the limitation in Subsection (2)(d).

14409 (8) The liquor storage area shall remain locked at all times other than those hours and

- 14410 days when liquor sales are authorized by law.
- 14411 (9) (a) Liquor may not be sold, offered for sale, served, or otherwise furnished at a
- 14412 restaurant during the following days or hours:
- 14413 (i) until after the polls are closed on the day of any:
- 14414 (A) regular general election;
- 14415 (B) regular primary election; or
- 14416 (C) statewide special election;
- 14417 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,
- 14418 special service district, or school election, but only:
- 14419 (A) within the boundaries of the municipality, [~~special~~] local district, special service
- 14420 district, or school district; and
- 14421 (B) if required by local ordinance; and
- 14422 (iii) on any other day after 12 midnight and before 12 noon.
- 14423 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer
- 14424 Licenses, for on-premise beer licensees.
- 14425 (10) Alcoholic beverages may not be sold except in connection with an order for food
- 14426 prepared, sold, and served at the restaurant.
- 14427 (11) Alcoholic beverages may not be sold, served, or otherwise furnished to any:
- 14428 (a) minor;
- 14429 (b) person actually, apparently, or obviously intoxicated;
- 14430 (c) known habitual drunkard; or
- 14431 (d) known interdicted person.
- 14432 (12) (a) (i) Liquor may be sold only at prices fixed by the commission.
- 14433 (ii) Liquor may not be sold at discount prices on any date or at any time.
- 14434 (b) An alcoholic beverage may not be sold at less than the cost of the alcoholic
- 14435 beverage to the licensee.
- 14436 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
- 14437 over consumption or intoxication.
- 14438 (d) An alcoholic beverage may not be sold at a special or reduced price for only certain
- 14439 hours of the restaurant's business day such as a "happy hour."
- 14440 (e) The sale or service of more than one alcoholic beverage for the price of a single

14441 alcoholic beverage is prohibited.

14442 (f) The sale or service of an indefinite or unlimited number of alcoholic beverages  
14443 during any set period for a fixed price is prohibited.

14444 (g) A restaurant licensee may not engage in a public promotion involving or offering  
14445 free alcoholic beverages to the general public.

14446 (13) Alcoholic beverages may not be purchased for a patron of a restaurant by:

14447 (a) the licensee; or

14448 (b) any employee or agent of the licensee.

14449 (14) (a) A person may not bring onto the premises of a restaurant liquor licensee any  
14450 alcoholic beverage for on-premise consumption, except a person may bring, subject to the  
14451 discretion of the licensee, bottled wine onto the premises of any restaurant liquor licensee for  
14452 on-premise consumption.

14453 (b) Except bottled wine under Subsection (14)(a), a restaurant liquor licensee or its  
14454 officers, managers, employees, or agents may not allow:

14455 (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise  
14456 consumption; or

14457 (ii) consumption of any such alcoholic beverage on its premises.

14458 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server  
14459 or other representative of the licensee upon entering the restaurant.

14460 (d) A wine service may be performed and a service charge assessed by the restaurant as  
14461 authorized by commission rule for wine carried in by a patron.

14462 (15) (a) Except as provided in Subsection (15)(b), a restaurant licensee and its  
14463 employees may not permit a restaurant patron to carry from the restaurant premises an open  
14464 container that:

14465 (i) is used primarily for drinking purposes; and

14466 (ii) contains any alcoholic beverage.

14467 (b) Notwithstanding Subsection (15)(a), a restaurant patron may remove from the  
14468 restaurant the unconsumed contents of a bottle of wine purchased in the restaurant, or brought  
14469 onto the premises of the restaurant in accordance with Subsection (14), provided the bottle has  
14470 been recorked or recapped before removal.

14471 (16) (a) A minor may not be employed by a restaurant licensee to sell or dispense

- 14472 alcoholic beverages.
- 14473           (b) Notwithstanding Subsection (16)(a), a minor may be employed to enter the sale at a  
14474 cash register or other sales recording device.
- 14475           (17) An employee of a restaurant liquor licensee, while on duty, may not:
- 14476           (a) consume an alcoholic beverage; or
- 14477           (b) be intoxicated.
- 14478           (18) Any charge or fee made in connection with the sale, service, or consumption of  
14479 liquor may be stated in food or alcoholic beverage menus including:
- 14480           (a) a set-up charge;
- 14481           (b) a service charge; or
- 14482           (c) a chilling fee.
- 14483           (19) Each restaurant liquor licensee shall display in a prominent place in the restaurant:
- 14484           (a) the liquor license that is issued by the department;
- 14485           (b) a list of the types and brand names of liquor being served through its calibrated  
14486 metered dispensing system; and
- 14487           (c) a sign in large letters stating: "Warning: Driving under the influence of alcohol or  
14488 drugs is a serious crime that is prosecuted aggressively in Utah."
- 14489           (20) The following acts or conduct in a restaurant licensed under this chapter are  
14490 considered contrary to the public welfare and morals, and are prohibited upon the premises:
- 14491           (a) employing or using any person in the sale or service of alcoholic beverages while  
14492 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the  
14493 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
14494 buttocks, vulva, or genitals;
- 14495           (b) employing or using the services of any person to mingle with the patrons while the  
14496 person is unclothed or in attire, costume, or clothing described in Subsection (20)(a);
- 14497           (c) encouraging or permitting any person to touch, caress, or fondle the breasts,  
14498 buttocks, anus, or genitals of any other person;
- 14499           (d) permitting any employee or person to wear or use any device or covering, exposed  
14500 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;
- 14501           (e) permitting any person to use artificial devices or inanimate objects to depict any of  
14502 the prohibited activities described in this Subsection (20);

- 14503 (f) permitting any person to remain in or upon the premises who exposes to public  
14504 view any portion of that person's genitals or anus; or
- 14505 (g) showing films, still pictures, electronic reproductions, or other visual reproductions  
14506 depicting:
- 14507 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral  
14508 copulation, flagellation, or any sexual acts prohibited by Utah law;
- 14509 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or  
14510 genitals;
- 14511 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or  
14512 drawings are used to portray, any of the prohibited activities described in this Subsection (20);  
14513 or
- 14514 (iv) scenes wherein a person displays the vulva or the anus or the genitals.
- 14515 (21) Nothing in Subsection (20) precludes a local authority from being more restrictive  
14516 of acts or conduct of the type prohibited in Subsection (20).
- 14517 (22) (a) Although live entertainment is permitted on the premises of a restaurant liquor  
14518 licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by  
14519 Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation,  
14520 flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or the  
14521 displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon a  
14522 stage or at a designated area approved by the commission.
- 14523 (b) Nothing in Subsection (22)(a) precludes a local authority from being more  
14524 restrictive of acts or conduct of the type prohibited in Subsection (22)(a).
- 14525 (23) A restaurant liquor licensee may not engage in or permit any form of gambling, or  
14526 have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11,  
14527 Gambling, on the premises of the restaurant liquor licensee.
- 14528 (24) (a) Each restaurant liquor licensee shall maintain an expense ledger or record  
14529 showing in detail:
- 14530 (i) quarterly expenditures made separately for:
- 14531 (A) malt or brewed beverages;
- 14532 (B) set-ups;
- 14533 (C) liquor;

- 14534 (D) food; and
- 14535 (E) all other items required by the department; and
- 14536 (ii) sales made separately for:
- 14537 (A) malt or brewed beverages;
- 14538 (B) set-ups;
- 14539 (C) food; and
- 14540 (D) all other items required by the department.
- 14541 (b) The record required by Subsection (24)(a) shall be kept:
- 14542 (i) in a form approved by the department; and
- 14543 (ii) current for each three-month period.
- 14544 (c) Each expenditure shall be supported by:
- 14545 (i) delivery tickets;
- 14546 (ii) invoices;
- 14547 (iii) receipted bills;
- 14548 (iv) canceled checks;
- 14549 (v) petty cash vouchers; or
- 14550 (vi) other sustaining data or memoranda.
- 14551 (d) In addition to a ledger or record required under Subsection (24)(a), a restaurant
- 14552 liquor licensee shall maintain accounting and other records and documents as the department
- 14553 may require.
- 14554 (e) Any restaurant or person acting for the restaurant, who knowingly forges, falsifies,
- 14555 alters, cancels, destroys, conceals, or removes the entries in any of the books of account or
- 14556 other documents of the restaurant required to be made, maintained, or preserved by this title or
- 14557 the rules of the commission for the purpose of deceiving the commission or the department, or
- 14558 any of their officials or employees, is subject to:
- 14559 (i) the suspension or revocation of the restaurant's liquor license; and
- 14560 (ii) possible criminal prosecution under Chapter 12, Criminal Offenses.
- 14561 (25) (a) A restaurant liquor licensee may not close or cease operation for a period
- 14562 longer than 240 hours, unless:
- 14563 (i) the restaurant liquor licensee notifies the department in writing at least seven days
- 14564 before the closing; and

- 14565 (ii) the closure or cessation of operation is first approved by the department.
- 14566 (b) Notwithstanding Subsection (25)(a), in the case of emergency closure, immediate  
14567 notice of closure shall be made to the department by telephone.
- 14568 (c) The department may authorize a closure or cessation of operation for a period not to  
14569 exceed 60 days. The department may extend the initial period an additional 30 days upon  
14570 written request of the restaurant licensee and upon a showing of good cause. A closure or  
14571 cessation of operation may not exceed a total of 90 days without commission approval.
- 14572 (d) Any notice shall include:
- 14573 (i) the dates of closure or cessation of operation;
- 14574 (ii) the reason for the closure or cessation of operation; and
- 14575 (iii) the date on which the licensee will reopen or resume operation.
- 14576 (e) Failure of the licensee to provide notice and to obtain department authorization  
14577 prior to closure or cessation of operation shall result in an automatic forfeiture of:
- 14578 (i) the license; and
- 14579 (ii) the unused portion of the license fee for the remainder of the license year effective  
14580 immediately.
- 14581 (f) Failure of the licensee to reopen or resume operation by the approved date shall  
14582 result in an automatic forfeiture of:
- 14583 (i) the license; and
- 14584 (ii) the unused portion of the license fee for the remainder of the license year.
- 14585 (26) Each restaurant liquor licensee shall maintain at least 70% of its total restaurant  
14586 business from the sale of food, which does not include mix for alcoholic beverages or service  
14587 charges.
- 14588 (27) A restaurant liquor license may not be transferred from one location to another,  
14589 without prior written approval of the commission.
- 14590 (28) (a) A person, having been granted a restaurant liquor license may not sell, transfer,  
14591 assign, exchange, barter, give, or attempt in any way to dispose of the license to any other  
14592 person whether for monetary gain or not.
- 14593 (b) A restaurant liquor license has no monetary value for the purpose of any type of  
14594 disposition.
- 14595 (29) Each server of alcoholic beverages in a licensee's establishment shall keep a

14596 written beverage tab for each table or group that orders or consumes alcoholic beverages on the  
14597 premises. The beverage tab shall list the type and amount of alcoholic beverages ordered or  
14598 consumed.

14599 (30) A person's willingness to serve alcoholic beverages may not be made a condition  
14600 of employment as a server with a restaurant that has a restaurant liquor license.

14601 Section 398. Section **32A-4-307** is amended to read:

14602 **32A-4-307. Operational restrictions.**

14603 Each person granted a limited restaurant license and the employees and management  
14604 personnel of the restaurant shall comply with the following conditions and requirements.  
14605 Failure to comply may result in a suspension or revocation of the license or other disciplinary  
14606 action taken against individual employees or management personnel.

14607 (1) (a) Wine and heavy beer may not be purchased by a limited restaurant licensee  
14608 except from state stores or package agencies.

14609 (b) Wine and heavy beer purchased in accordance with Subsection (1)(a) may be  
14610 transported by the licensee from the place of purchase to the licensed premises.

14611 (c) Payment for wine and heavy beer shall be made in accordance with rules  
14612 established by the commission.

14613 (2) (a) A limited restaurant licensee may not sell, serve, or allow consumption of  
14614 spirituous liquor on the premises of the restaurant.

14615 (b) Spirituous liquor may not be on the premises of the restaurant except for use:

14616 (i) as a flavoring on desserts; and

14617 (ii) in the preparation of flaming food dishes, drinks, and desserts.

14618 (3) (a) (i) Wine may be sold and served by the glass or an individual portion not to  
14619 exceed five ounces per glass or individual portion.

14620 (ii) An individual portion may be served to a patron in more than one glass as long as  
14621 the total amount of wine does not exceed five ounces.

14622 (iii) An individual portion of wine is considered to be one alcoholic beverage under  
14623 Subsection (7)(e).

14624 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices  
14625 fixed by the commission to tables of four or more persons.

14626 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by



14627 the commission to tables of less than four persons.

14628 (c) A wine service may be performed and a service charge assessed by the limited  
14629 restaurant as authorized by commission rule for wine purchased at the limited restaurant.

14630 (4) (a) Heavy beer may be served in original containers not exceeding one liter at prices  
14631 fixed by the commission.

14632 (b) A service charge may be assessed by the limited restaurant as authorized by  
14633 commission rule for heavy beer purchased at the restaurant.

14634 (5) (a) (i) Subject to Subsection (5)(a)(ii), a limited restaurant licensee may sell beer for  
14635 on-premise consumption:

14636 (A) in an open container; and

14637 (B) on draft.

14638 (ii) Beer sold pursuant to Subsection (5)(a)(i) shall be in a size of container that does  
14639 not exceed two liters, except that beer may not be sold to an individual patron in a size of  
14640 container that exceeds one liter.

14641 (b) A limited restaurant licensee that sells beer pursuant to Subsection (5)(a):

14642 (i) may do so without obtaining a separate on-premise beer retailer license from the  
14643 commission; and

14644 (ii) shall comply with all appropriate operational restrictions under Chapter 10, Beer  
14645 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are  
14646 inconsistent with or less restrictive than the operational restrictions under this part.

14647 (c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer  
14648 Licenses, required by Subsection (5)(b) may result in a suspension or revocation of the  
14649 restaurant's:

14650 (i) limited restaurant license; and

14651 (ii) alcoholic beverage license issued by the local authority.

14652 (6) Wine, heavy beer, and beer may not be stored, served, or sold in any place other  
14653 than as designated in the licensee's application, unless the licensee first applies for and receives  
14654 approval from the department for a change of location within the restaurant.

14655 (7) (a) (i) A patron may only make alcoholic beverage purchases in the limited  
14656 restaurant from and be served by a person employed, designated, and trained by the licensee to  
14657 sell and serve alcoholic beverages.

14658 (ii) Notwithstanding Subsection (7)(a)(i), a patron who has purchased bottled wine  
14659 from an employee of the restaurant or has carried bottled wine onto the premises of the  
14660 restaurant pursuant to Subsection (14) may thereafter serve wine from the bottle to the patron  
14661 or others at the patron's table.

14662 (b) Alcoholic beverages shall be delivered by a server to the patron.

14663 (c) Any alcoholic beverage may only be consumed at the patron's table or counter.

14664 (d) Alcoholic beverages may not be served to or consumed by a patron at a bar.

14665 (e) Each restaurant patron may have no more than two alcoholic beverages of any kind  
14666 at a time before the patron.

14667 (8) The alcoholic beverage storage area shall remain locked at all times other than  
14668 those hours and days when alcoholic beverage sales are authorized by law.

14669 (9) (a) Wine and heavy beer may not be sold, offered for sale, served, or otherwise  
14670 furnished at a limited restaurant during the following days or hours:

14671 (i) until after the polls are closed on the day of any:

14672 (A) regular general election;

14673 (B) regular primary election; or

14674 (C) statewide special election;

14675 (ii) until after the polls are closed on the day of any municipal, ~~special~~ local district,  
14676 special service district, or school election, but only:

14677 (A) within the boundaries of the municipality, ~~special~~ local district, special service  
14678 district, or school district; and

14679 (B) if required by local ordinance; and

14680 (iii) on any other day after 12 midnight and before 12 noon.

14681 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer  
14682 Licenses, for on-premise beer licensees.

14683 (10) Alcoholic beverages may not be sold except in connection with an order of food  
14684 prepared, sold, and served at the restaurant.

14685 (11) Wine, heavy beer, and beer may not be sold, served, or otherwise furnished to any:

14686 (a) minor;

14687 (b) person actually, apparently, or obviously intoxicated;

14688 (c) known habitual drunkard; or

- 14689 (d) known interdicted person.
- 14690 (12) (a) (i) Wine and heavy beer may be sold only at prices fixed by the commission.
- 14691 (ii) Wine and heavy beer may not be sold at discount prices on any date or at any time.
- 14692 (b) Alcoholic beverages may not be sold at less than the cost of the alcoholic beverages
- 14693 to the licensee.
- 14694 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
- 14695 over consumption or intoxication.
- 14696 (d) An alcoholic beverage may not be sold at a special or reduced price for only certain
- 14697 hours of the limited restaurant's business day such as a "happy hour."
- 14698 (e) The sale or service of more than one alcoholic beverage for the price of a single
- 14699 alcoholic beverage is prohibited.
- 14700 (f) The sale or service of an indefinite or unlimited number of alcoholic beverages
- 14701 during any set period for a fixed price is prohibited.
- 14702 (g) A limited restaurant licensee may not engage in a public promotion involving or
- 14703 offering free alcoholic beverages to the general public.
- 14704 (13) Alcoholic beverages may not be purchased for a patron of the restaurant by:
- 14705 (a) the licensee; or
- 14706 (b) any employee or agent of the licensee.
- 14707 (14) (a) A person may not bring onto the premises of a limited restaurant licensee any
- 14708 alcoholic beverage for on-premise consumption, except a person may bring, subject to the
- 14709 discretion of the licensee, bottled wine onto the premises of any limited restaurant licensee for
- 14710 on-premise consumption.
- 14711 (b) Except bottled wine under Subsection (14)(a), a limited restaurant licensee or its
- 14712 officers, managers, employees, or agents may not allow:
- 14713 (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise
- 14714 consumption; or
- 14715 (ii) consumption of any alcoholic beverage described in Subsection (14)(b)(i) on its
- 14716 premises.
- 14717 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server
- 14718 or other representative of the licensee upon entering the restaurant.
- 14719 (d) A wine service may be performed and a service charge assessed by the restaurant as

14720 authorized by commission rule for wine carried in by a patron.

14721 (15) (a) Except as provided in Subsection (15)(b), a limited restaurant licensee and its  
14722 employees may not permit a restaurant patron to carry from the restaurant premises an open  
14723 container that:

14724 (i) is used primarily for drinking purposes; and

14725 (ii) contains any alcoholic beverage.

14726 (b) Notwithstanding Subsection (15)(a), a patron may remove the unconsumed contents  
14727 of a bottle of wine if before removal the bottle has been recorked or recapped.

14728 (16) (a) A minor may not be employed by a limited restaurant licensee to sell or  
14729 dispense alcoholic beverages.

14730 (b) Notwithstanding Subsection (16)(a), a minor may be employed to enter the sale at a  
14731 cash register or other sales recording device.

14732 (17) An employee of a limited restaurant licensee, while on duty, may not:

14733 (a) consume an alcoholic beverage; or

14734 (b) be intoxicated.

14735 (18) A charge or fee made in connection with the sale, service, or consumption of wine  
14736 or heavy beer may be stated in food or alcoholic beverage menus including:

14737 (a) a service charge; or

14738 (b) a chilling fee.

14739 (19) Each limited restaurant licensee shall display in a prominent place in the  
14740 restaurant:

14741 (a) the license that is issued by the department; and

14742 (b) a sign in large letters stating: "Warning: Driving under the influence of alcohol or  
14743 drugs is a serious crime that is prosecuted aggressively in Utah."

14744 (20) The following acts or conduct in a restaurant licensed under this part are  
14745 considered contrary to the public welfare and morals, and are prohibited upon the premises:

14746 (a) employing or using any person in the sale or service of alcoholic beverages while  
14747 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the  
14748 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
14749 buttocks, vulva, or genitals;

14750 (b) employing or using the services of any person to mingle with the patrons while the

14751 person is unclothed or in attire, costume, or clothing described in Subsection (20)(a);  
14752 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,  
14753 buttocks, anus, or genitals of any other person;  
14754 (d) permitting any employee or person to wear or use any device or covering, exposed  
14755 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;  
14756 (e) permitting any person to use artificial devices or inanimate objects to depict any of  
14757 the prohibited activities described in this Subsection (20);  
14758 (f) permitting any person to remain in or upon the premises who exposes to public  
14759 view any portion of that person's genitals or anus; or  
14760 (g) showing films, still pictures, electronic reproductions, or other visual reproductions  
14761 depicting:  
14762 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral  
14763 copulation, flagellation, or any sexual acts prohibited by Utah law;  
14764 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or  
14765 genitals;  
14766 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or  
14767 drawings are used to portray, any of the prohibited activities described in this Subsection (20);  
14768 or  
14769 (iv) scenes wherein a person displays the vulva, anus, or the genitals.  
14770 (21) Nothing in Subsection (20) precludes a local authority from being more restrictive  
14771 of acts or conduct of the type prohibited in Subsection (20).  
14772 (22) (a) Although live entertainment is permitted on the premises of a limited  
14773 restaurant licensee, a licensee may not allow any person to perform or simulate sexual acts  
14774 prohibited by Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral  
14775 copulation, flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or  
14776 genitals, or the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform  
14777 only upon a stage or at a designated area approved by the commission.  
14778 (b) Nothing in Subsection (22)(a) precludes a local authority from being more  
14779 restrictive of acts or conduct of the type prohibited in Subsection (22)(a).  
14780 (23) A limited restaurant licensee may not engage in or permit any form of gambling,  
14781 or have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11,

- 14782 Gambling, on the premises of the restaurant.
- 14783 (24) (a) Each limited restaurant licensee shall maintain an expense ledger or record
- 14784 showing in detail:
- 14785 (i) quarterly expenditures made separately for:
- 14786 (A) wine;
- 14787 (B) heavy beer;
- 14788 (C) beer;
- 14789 (D) food; and
- 14790 (E) all other items required by the department; and
- 14791 (ii) sales made separately for:
- 14792 (A) wine;
- 14793 (B) heavy beer;
- 14794 (C) beer;
- 14795 (D) food; and
- 14796 (E) all other items required by the department.
- 14797 (b) The record required by Subsection (24)(a) shall be kept:
- 14798 (i) in a form approved by the department; and
- 14799 (ii) current for each three-month period.
- 14800 (c) Each expenditure shall be supported by:
- 14801 (i) delivery tickets;
- 14802 (ii) invoices;
- 14803 (iii) receipted bills;
- 14804 (iv) canceled checks;
- 14805 (v) petty cash vouchers; or
- 14806 (vi) other sustaining data or memoranda.
- 14807 (d) In addition to the ledger or record maintained under Subsections (24)(a) through
- 14808 (c), a limited restaurant licensee shall maintain accounting and other records and documents as
- 14809 the department may require.
- 14810 (e) Any restaurant or person acting for the restaurant, who knowingly forges, falsifies,
- 14811 alters, cancels, destroys, conceals, or removes the entries in any of the books of account or
- 14812 other documents of the restaurant required to be made, maintained, or preserved by this title or

14813 the rules of the commission for the purpose of deceiving the commission or department, or any  
14814 of their officials or employees, is subject to:

- 14815 (i) the suspension or revocation of the limited restaurant's license; and
- 14816 (ii) possible criminal prosecution under Chapter 12, Criminal Offenses.

14817 (25) (a) A limited restaurant licensee may not close or cease operation for a period  
14818 longer than 240 hours, unless:

- 14819 (i) the limited restaurant licensee notifies the department in writing at least seven days  
14820 before the closing; and
- 14821 (ii) the closure or cessation of operation is first approved by the department.

14822 (b) Notwithstanding Subsection (25)(a), in the case of emergency closure, immediate  
14823 notice of closure shall be made to the department by telephone.

14824 (c) (i) Subject to Subsection (25)(c)(iii), the department may authorize a closure or  
14825 cessation of operation for a period not to exceed 60 days.

14826 (ii) The department may extend the initial period an additional 30 days upon:

- 14827 (A) written request of the limited restaurant licensee; and
- 14828 (B) a showing of good cause.

14829 (iii) A closure or cessation of operation may not exceed a total of 90 days without  
14830 commission approval.

14831 (d) Any notice required by Subsection (25)(a) shall include:

- 14832 (i) the dates of closure or cessation of operation;
- 14833 (ii) the reason for the closure or cessation of operation; and
- 14834 (iii) the date on which the licensee will reopen or resume operation.

14835 (e) Failure of the licensee to provide notice and to obtain department authorization  
14836 before closure or cessation of operation shall result in an automatic forfeiture of:

- 14837 (i) the license; and
- 14838 (ii) the unused portion of the license fee for the remainder of the license year effective  
14839 immediately.

14840 (f) Failure of the licensee to reopen or resume operation by the approved date shall  
14841 result in an automatic forfeiture of:

- 14842 (i) the license; and
- 14843 (ii) the unused portion of the license fee for the remainder of the license year.

14844 (26) Each limited restaurant licensee shall maintain at least 70% of its total restaurant  
14845 business from the sale of food, which does not include service charges.

14846 (27) A limited restaurant license may not be transferred from one location to another,  
14847 without prior written approval of the commission.

14848 (28) (a) A limited restaurant licensee may not sell, transfer, assign, exchange, barter,  
14849 give, or attempt in any way to dispose of the license to any other person whether for monetary  
14850 gain or not.

14851 (b) A limited restaurant license has no monetary value for the purpose of any type of  
14852 disposition.

14853 (29) (a) Each server of wine, heavy beer, and beer in a limited restaurant licensee's  
14854 establishment shall keep a written beverage tab for each table or group that orders or consumes  
14855 alcoholic beverages on the premises.

14856 (b) The beverage tab required by Subsection (29)(a) shall list the type and amount of  
14857 alcoholic beverages ordered or consumed.

14858 (30) A limited restaurant licensee may not make a person's willingness to serve  
14859 alcoholic beverages a condition of employment as a server with the restaurant.

14860 Section 399. Section **32A-5-107** is amended to read:

14861 **32A-5-107. Operational restrictions.**

14862 Each club granted a private club license and the employees, management personnel, and  
14863 members of the club shall comply with the following conditions and requirements. Failure to  
14864 comply may result in a suspension or revocation of the license or other disciplinary action  
14865 taken against individual employees or management personnel.

14866 (1) Each private club shall have a governing body that:

14867 (a) consists of three or more members of the club; and

14868 (b) holds regular meetings to:

14869 (i) review membership applications; and

14870 (ii) conduct any other business as required by the bylaws or house rules of the private  
14871 club.

14872 (2) (a) Each private club may admit an individual as a member only on written  
14873 application signed by the applicant, subject to:

14874 (i) the applicant paying an application fee as required by Subsection (4); and



- 14875 (ii) investigation, vote, and approval of a quorum of the governing body.
- 14876 (b) (i) Admissions shall be recorded in the official minutes of a regular meeting of the  
14877 governing body.
- 14878 (ii) An application, whether approved or disapproved, shall be filed as a part of the  
14879 official records of the licensee.
- 14880 (c) Notwithstanding Subsection (2)(a), a private club, in its discretion, may admit an  
14881 applicant and immediately accord the applicant temporary privileges of a member until the  
14882 governing body completes its investigation and votes on the application, subject to the  
14883 following conditions:
- 14884 (i) the applicant shall:
- 14885 (A) submit a written application; and
- 14886 (B) pay the application fee required by Subsection (4);
- 14887 (ii) the governing body votes on the application at its next meeting which shall take  
14888 place no later than 31 days following the day on which the application was submitted; and
- 14889 (iii) the applicant's temporary membership privileges are terminated if the governing  
14890 body disapproves the application.
- 14891 (d) The spouse of a member of any class of private club is entitled to all the rights and  
14892 privileges of the member:
- 14893 (i) to the extent permitted by the bylaws or house rules of the private club; and
- 14894 (ii) except to the extent restricted by this title.
- 14895 (e) The minor child of a member of a class A private club is entitled to all the rights  
14896 and privileges of the member:
- 14897 (i) to the extent permitted by the bylaws or house rules of the private club; and
- 14898 (ii) except to the extent restricted by this title.
- 14899 (3) (a) Each private club shall maintain a current and complete membership record  
14900 showing:
- 14901 (i) the date of application of each proposed member;
- 14902 (ii) each member's address;
- 14903 (iii) the date the governing body approved a member's admission;
- 14904 (iv) the date initiation fees and dues were assessed and paid; and
- 14905 (v) the serial number of the membership card issued to each member.

- 14906 (b) A current record shall also be kept indicating when members are dropped or  
14907 resigned.
- 14908 (4) (a) Each private club shall establish in the club bylaws or house rules application  
14909 fees and membership dues:
- 14910 (i) as established by commission rules; and  
14911 (ii) which are collected from all members.
- 14912 (b) An application fee:
- 14913 (i) shall not be less than \$4;  
14914 (ii) shall be paid when the applicant applies for membership; and  
14915 (iii) at the discretion of the private club, may be credited toward membership dues if  
14916 the governing body approves the applicant as a member.
- 14917 (5) (a) Each private club may, in its discretion, allow an individual to be admitted to or  
14918 use the club premises as a guest only under the following conditions:
- 14919 (i) each guest must be previously authorized by one of the following who agrees to host  
14920 the guest into the club:
- 14921 (A) an active member of the club; or  
14922 (B) a holder of a current visitor card;
- 14923 (ii) each guest must be known by the guest's host based on a preexisting bonafide  
14924 business or personal relationship with the host prior to the guest's admittance to the club;
- 14925 (iii) each guest must be accompanied by the guest's host for the duration of the guest's  
14926 visit to the club;
- 14927 (iv) each guest's host must remain on the club premises for the duration of the guest's  
14928 visit to the club;
- 14929 (v) each guest's host is responsible for the cost of all services extended to the guest;  
14930 (vi) each guest enjoys only those privileges derived from the guest's host for the  
14931 duration of the guest's visit to the club;
- 14932 (vii) an employee of the club, while on duty, may not act as a host for a guest;  
14933 (viii) an employee of the club, while on duty, may not attempt to locate a member or  
14934 current visitor card holder to serve as a host for a guest with whom the member or visitor card  
14935 holder has no acquaintance based on a preexisting bonafide business or personal relationship  
14936 prior to the guest's arrival at the club; and

14937 (ix) a club and its employees may not enter into an agreement or arrangement with a  
14938 club member or holder of a current visitor card to indiscriminately host members of the general  
14939 public into the club as guests.

14940 (b) Notwithstanding Subsection (5)(a), previous authorization is not required if:

14941 (i) the licensee is a class B private club; and

14942 (ii) the guest is a member of the same fraternal organization as the private club  
14943 licensee.

14944 (6) Each private club may, in its discretion, issue visitor cards to allow individuals to  
14945 enter and use the club premises on a temporary basis under the following conditions:

14946 (a) each visitor card shall be issued for a period not to exceed three weeks;

14947 (b) a fee of not less than \$4 shall be assessed for each visitor card issued;

14948 (c) a visitor card shall not be issued to a minor;

14949 (d) a holder of a visitor card may not host more than seven guests at one time;

14950 (e) each visitor card issued shall include:

14951 (i) the visitor's full name and signature;

14952 (ii) the date the card was issued;

14953 (iii) the date the card expires;

14954 (iv) the club's name; and

14955 (v) the serial number of the card; and

14956 (f) (i) the club shall maintain a current record of the issuance of each visitor card on the  
14957 club premises; and

14958 (ii) the record described in Subsection (6)(f)(i) shall:

14959 (A) be available for inspection by the department; and

14960 (B) include:

14961 (I) the name of the person to whom the card was issued;

14962 (II) the date the card was issued;

14963 (III) the date the card expires; and

14964 (IV) the serial number of the card.

14965 (7) A private club may not sell alcoholic beverages to or allow any patron to be  
14966 admitted to or use the club premises other than:

14967 (a) a member;

- 14968 (b) a visitor who holds a valid visitor card issued under Subsection (6); or
- 14969 (c) a guest of:
  - 14970 (i) a member; or
  - 14971 (ii) a holder of a current visitor card.
- 14972 (8) (a) A minor may not be:
  - 14973 (i) a member, officer, director, or trustee of a private club;
  - 14974 (ii) issued a visitor card;
  - 14975 (iii) admitted into, use, or be on the premises of a class D private club except to the
  - 14976 extent authorized under Subsections (8)(b) through (g);
  - 14977 (iv) admitted into, use, or be on the premises of any lounge or bar area, as defined by
  - 14978 commission rule, of any private club except to the extent authorized under Subsection
  - 14979 (8)(c)(ii); or
  - 14980 (v) admitted into, use, or be on the premises of any private club that:
    - 14981 (A) provides sexually oriented adult entertainment as defined by commission rule or by
    - 14982 local ordinance; or
    - 14983 (B) operates as a sexually oriented business as defined by commission rule or by local
    - 14984 ordinance.
  - 14985 (b) At the discretion of a class D private club, a minor may be admitted into, use, or be
  - 14986 on the premises of a class D private club under the following circumstances:
    - 14987 (i) during periods when no alcoholic beverages are sold, served, otherwise furnished, or
    - 14988 consumed on the premises, but in no event later than 1 p.m.;
    - 14989 (ii) when accompanied at all times by a member or holder of a current visitor card who
    - 14990 is the minor's parent, legal guardian, or spouse; and
    - 14991 (iii) the private club has a full kitchen and is licensed by the local jurisdiction as a food
    - 14992 service provider.
  - 14993 (c) A minor may be employed by a class D private club on the premises of the club if:
    - 14994 (i) the parent or legal guardian of the minor owns or operates the class D private club;
    - 14995 or
    - 14996 (ii) the minor performs maintenance and cleaning services during the hours when the
    - 14997 club is not open for business.
    - 14998 (d) (i) Subject to Subsection (8)(d)(ii), a minor who is at least 18 years of age may be

- 14999 admitted into, use, or be on the premises of a dance or concert hall if:
- 15000 (A) the dance or concert hall is located:
- 15001 (I) on the premises of a class D private club; or
- 15002 (II) on the property that immediately adjoins the premises of and is operated by a class
- 15003 D private club; and
- 15004 (B) the commission has issued the class D private club a permit to operate a minor
- 15005 dance or concert hall based on the criteria described in Subsection (8)(d)(iii).
- 15006 (ii) If the dance or concert hall is located on the premises of a class D private club, a
- 15007 minor must be properly hosted in accordance with Subsection (5) by:
- 15008 (A) a member; or
- 15009 (B) a holder of a current visitor card.
- 15010 (iii) The commission may issue a minor dance or concert hall permit if:
- 15011 (A) the club's lounge, bar, and alcoholic beverage consumption area is:
- 15012 (I) not accessible to minors;
- 15013 (II) clearly defined; and
- 15014 (III) separated from the dance or concert hall area by walls, multiple floor levels, or
- 15015 other substantial physical barriers;
- 15016 (B) any bar or dispensing area is not visible to minors;
- 15017 (C) no consumption of alcoholic beverages may occur in:
- 15018 (I) the dance or concert hall area; or
- 15019 (II) any area of the club accessible to a minor;
- 15020 (D) the club maintains sufficient security personnel to prevent the passing of beverages
- 15021 from the club's lounge, bar, or alcoholic beverage consumption areas to:
- 15022 (I) the dance or concert hall area; or
- 15023 (II) any area of the club accessible to a minor;
- 15024 (E) there are separate entrances, exits, and restroom facilities from the club's lounge,
- 15025 bar, and alcoholic beverage consumption areas than for:
- 15026 (I) the dance or concert hall area; or
- 15027 (II) any area accessible to a minor; and
- 15028 (F) the club complies with any other restrictions imposed by the commission by rule.
- 15029 (e) A minor under 18 years of age who is accompanied at all times by a parent or legal

15030 guardian who is a member or holder of a current visitor card may be admitted into, use, or be  
15031 on the premises of a concert hall described in Subsection (8)(d)(i) if:  
15032 (i) all requirements of Subsection (8)(d) are met; and  
15033 (ii) all signage, product, and dispensing equipment containing recognition of alcoholic  
15034 beverages is not visible to the minor.  
15035 (f) A minor under 18 years of age but who is 14 years of age or older who is not  
15036 accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of a  
15037 concert hall described in Subsection (8)(d)(i) if:  
15038 (i) all requirements of Subsections (8)(d) and (8)(e)(ii) are met; and  
15039 (ii) there is no alcoholic beverage, sales, service, or consumption on the premises of the  
15040 class D private club.  
15041 (g) The commission may suspend or revoke a minor dance or concert permit issued to a  
15042 class D private club and suspend or revoke the license of the class D private club if:  
15043 (i) the club fails to comply with the restrictions in Subsection (8)(d), (e), or (f);  
15044 (ii) the club sells, serves, or otherwise furnishes alcoholic beverages to a minor;  
15045 (iii) the licensee or a supervisory or managerial level employee of the private club is  
15046 convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities  
15047 that occurred on:  
15048 (A) the licensed premises; or  
15049 (B) the dance or concert hall that is located on property that immediately adjoins the  
15050 premises of and is operated by the class D private club;  
15051 (iv) there are three or more convictions of patrons of the private club under Title 58,  
15052 Chapter 37, Utah Controlled Substances Act, based on activities that occurred on:  
15053 (A) the licensed premises; or  
15054 (B) the dance or concert hall that is located on property that immediately adjoins the  
15055 premises of and is operated by the class D private club;  
15056 (v) there is more than one conviction:  
15057 (A) of:  
15058 (I) the licensee;  
15059 (II) an employee of the licensee;  
15060 (III) an entertainer contracted by the licensee; or

- 15061 (IV) a patron of the private club; and
- 15062 (B) made on the basis of lewd acts or lewd entertainment prohibited by this title that
- 15063 occurred on:
- 15064 (I) the licensed premises; or
- 15065 (II) the dance or concert hall that is located on property that immediately adjoins the
- 15066 premises of and is operated by the class D private club; or
- 15067 (vi) the commission finds acts or conduct contrary to the public welfare and morals
- 15068 involving lewd acts or lewd entertainment prohibited by this title that occurred on:
- 15069 (A) the licensed premises; or
- 15070 (B) the dance or concert hall that is located on property that immediately adjoins the
- 15071 premises of and is operated by the class D private club.
- 15072 (h) Nothing in this Subsection (8) shall prohibit a class D private club from selling,
- 15073 serving, or otherwise furnishing alcoholic beverages in a dance or concert area located on the
- 15074 club premises on days and times when the club does not allow minors into those areas.
- 15075 (i) Nothing in Subsections (8)(a) through (g) precludes a local authority from being
- 15076 more restrictive of a minor's admittance to, use of, or presence on the premises of any private
- 15077 club.
- 15078 (9) An employee of a club, while on duty, may not:
- 15079 (a) consume an alcoholic beverage;
- 15080 (b) be intoxicated; or
- 15081 (c) act as a host for a guest.
- 15082 (10) (a) Each private club shall maintain an expense ledger or record showing in detail
- 15083 all expenditures separated by payments for:
- 15084 (i) malt or brewed beverages;
- 15085 (ii) liquor;
- 15086 (iii) food;
- 15087 (iv) detailed payroll;
- 15088 (v) entertainment;
- 15089 (vi) rent;
- 15090 (vii) utilities;
- 15091 (viii) supplies; and

- 15092 (ix) all other expenditures.
- 15093 (b) The record required by this Subsection (10) shall be:
- 15094 (i) kept in a form approved by the department; and
- 15095 (ii) balanced each month.
- 15096 (c) Each expenditure shall be supported by:
- 15097 (i) delivery tickets;
- 15098 (ii) invoices;
- 15099 (iii) receipted bills;
- 15100 (iv) canceled checks;
- 15101 (v) petty cash vouchers; or
- 15102 (vi) other sustaining data or memoranda.
- 15103 (d) All invoices and receipted bills for the current calendar or fiscal year documenting
- 15104 purchases made by the club shall also be maintained.
- 15105 (11) (a) Each private club shall maintain a minute book that is posted currently by the
- 15106 club.
- 15107 (b) The minute book required by this Subsection (11) shall contain the minutes of all
- 15108 regular and special meetings of the governing body.
- 15109 (c) Membership lists shall also be maintained.
- 15110 (12) (a) Each private club shall maintain current copies of the club's current bylaws and
- 15111 current house rules.
- 15112 (b) Changes in the bylaws or house rules:
- 15113 (i) are not effective unless submitted to the department within ten days after adoption;
- 15114 and
- 15115 (ii) become effective 15 days after received by the department unless rejected by the
- 15116 department before the expiration of the 15-day period.
- 15117 (13) Each private club shall maintain accounting and other records and documents as
- 15118 the department may require.
- 15119 (14) Any club or person acting for the club, who knowingly forges, falsifies, alters,
- 15120 cancels, destroys, conceals, or removes the entries in any of the books of account or other
- 15121 documents of the club required to be made, maintained, or preserved by this title or the rules of
- 15122 the commission for the purpose of deceiving the commission or the department, or any of their



15123 officials or employees, is subject to:

15124 (a) the suspension or revocation of the club's license; and

15125 (b) possible criminal prosecution under Chapter 12, Criminal Offenses.

15126 (15) (a) Each private club shall maintain and keep all the records required by this  
15127 section and all other books, records, receipts, and disbursements maintained or used by the  
15128 licensee, as the department requires, for a minimum period of three years.

15129 (b) All records, books, receipts, and disbursements are subject to inspection by  
15130 authorized representatives of the commission and the department.

15131 (c) The club shall allow the department, through its auditors or examiners, to audit all  
15132 records of the club at times the department considers advisable.

15133 (d) The department shall audit the records of the licensee at least once annually.

15134 (16) Each private club shall own or lease premises suitable for the club's activities.

15135 (17) (a) A private club may not maintain facilities in any manner that barricades or  
15136 conceals the club operation.

15137 (b) Any member of the commission, authorized department personnel, or any peace  
15138 officer shall, upon presentation of credentials, be admitted immediately to the club and  
15139 permitted without hindrance or delay to inspect completely the entire club premises and all  
15140 books and records of the licensee, at any time during which the same are open for the  
15141 transaction of business to its members.

15142 (18) Any public advertising related to a private club by the following shall clearly  
15143 identify a club as being "a private club for members":

15144 (a) the private club;

15145 (b) the employees or agents of the private club; or

15146 (c) any person under a contract or agreement with the club.

15147 (19) A private club must have food available at all times when alcoholic beverages are  
15148 sold, served, or consumed on the premises.

15149 (20) (a) Liquor may not be purchased by a private club licensee except from state stores  
15150 or package agencies.

15151 (b) Liquor purchased in accordance with Subsection (20)(a) may be transported by the  
15152 licensee from the place of purchase to the licensed premises.

15153 (c) Payment for liquor shall be made in accordance with rules established by the

15154 commission.

15155 (21) A private club licensee may sell or provide any primary spirituous liquor only in a  
15156 quantity not to exceed one ounce per beverage dispensed through a calibrated metered  
15157 dispensing system approved by the department in accordance with commission rules adopted  
15158 under this title, except that:

15159 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing  
15160 system if used as a secondary flavoring ingredient in a beverage subject to the following  
15161 restrictions:

15162 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of  
15163 a primary spirituous liquor;

15164 (ii) the secondary ingredient is not the only spirituous liquor in the beverage;

15165 (iii) the private club licensee shall designate a location where flavorings are stored on  
15166 the floor plan provided to the department; and

15167 (iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

15168 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing  
15169 system if used:

15170 (i) as a flavoring on desserts; and

15171 (ii) in the preparation of flaming food dishes, drinks, and desserts; and

15172 (c) each club patron may have no more than 2.75 ounces of spirituous liquor at a time  
15173 before the patron.

15174 (22) (a) (i) Wine may be sold and served by the glass or an individual portion not to  
15175 exceed five ounces per glass or individual portion.

15176 (ii) An individual portion may be served to a patron in more than one glass as long as  
15177 the total amount of wine does not exceed five ounces.

15178 (iii) An individual portion of wine is considered to be one alcoholic beverage under  
15179 Subsection (26)(c).

15180 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices  
15181 fixed by the commission to tables of four or more persons.

15182 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by  
15183 the commission to tables of less than four persons.

15184 (c) A wine service may be performed and a service charge assessed by the private club

15185 as authorized by commission rule for wine purchased at the private club.

15186 (23) (a) Heavy beer may be served in original containers not exceeding one liter at  
15187 prices fixed by the commission.

15188 (b) A service charge may be assessed by the private club for heavy beer purchased at  
15189 the private club.

15190 (24) (a) (i) Subject to Subsection (24)(a)(ii), a private club licensed to sell liquor may  
15191 sell beer for on-premise consumption:

15192 (A) in an open container; and

15193 (B) on draft.

15194 (ii) Beer sold pursuant to Subsection (24)(a)(i) shall be in a size of container that does  
15195 not exceed two liters, except that beer may not be sold to an individual patron in a size of  
15196 container that exceeds one liter.

15197 (b) (i) A private club licensed under this chapter that sells beer pursuant to Subsection  
15198 (24)(a):

15199 (A) may do so without obtaining a separate on-premise beer retailer license from the  
15200 commission; and

15201 (B) shall comply with all appropriate operational restrictions under Chapter 10, Beer  
15202 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are  
15203 inconsistent with or less restrictive than the operational restrictions under this chapter.

15204 (ii) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer  
15205 Licenses, required by Subsection (24)(b)(i) may result in a suspension or revocation of the  
15206 private club's:

15207 (A) state liquor license; and

15208 (B) alcoholic beverage license issued by the local authority.

15209 (25) Alcoholic beverages may not be stored, served, or sold in any place other than as  
15210 designated in the licensee's application, unless the licensee first applies for and receives  
15211 approval from the department for a change of location within the private club.

15212 (26) (a) A patron may only make alcoholic beverage purchases in the private club from  
15213 and be served by a person employed, designated, and trained by the licensee to sell, dispense,  
15214 and serve alcoholic beverages.

15215 (b) Notwithstanding Subsection (26)(a), a patron who has purchased bottled wine from

15216 an employee of the private club or has carried bottled wine onto the premises of the private  
15217 club pursuant to Subsection (32) may thereafter serve wine from the bottle to the patron or  
15218 others at the patron's table.

15219 (c) Each club patron may have no more than two alcoholic beverages of any kind at a  
15220 time before the patron.

15221 (27) The liquor storage area shall remain locked at all times other than those hours and  
15222 days when liquor sales and service are authorized by law.

15223 (28) (a) Liquor may not be sold, offered for sale, served, or otherwise furnished at a  
15224 private club during the following days or hours:

15225 (i) until after the polls are closed on the day of any:

15226 (A) regular general election;

15227 (B) regular primary election; or

15228 (C) statewide special election;

15229 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,  
15230 special service district, or school election, but only:

15231 (A) within the boundaries of the municipality, [~~special~~] local district, special service  
15232 district, or school district; and

15233 (B) if required by local ordinance; and

15234 (iii) on any other day after 1 a.m. and before 10 a.m.

15235 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer  
15236 Licenses, for on-premise beer licenses.

15237 (c) (i) Notwithstanding Subsections (28)(a) and (b), a private club shall remain open  
15238 for one hour after the private club ceases the sale and service of alcoholic beverages during  
15239 which time a patron of the club may finish consuming:

15240 (A) any single drink containing spirituous liquor;

15241 (B) a single serving of wine not exceeding five ounces;

15242 (C) a single serving of heavy beer; or

15243 (D) a single serving of beer not exceeding 26 ounces.

15244 (ii) A club is not required to remain open:

15245 (A) after all patrons have vacated the premises; or

15246 (B) during an emergency.

15247 (d) Between the hours of 2 a.m. and 10 a.m. on any day a private club may not allow a  
15248 patron to remain on the premises to consume alcoholic beverages on the premises.

15249 (29) Alcoholic beverages may not be sold, served, or otherwise furnished to any:

15250 (a) minor;

15251 (b) person actually, apparently, or obviously intoxicated;

15252 (c) known habitual drunkard; or

15253 (d) known interdicted person.

15254 (30) (a) (i) Liquor may be sold only at prices fixed by the commission.

15255 (ii) Liquor may not be sold at discount prices on any date or at any time.

15256 (b) Alcoholic beverages may not be sold at less than the cost of the alcoholic beverage  
15257 to the licensee.

15258 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages  
15259 over consumption or intoxication.

15260 (d) The price of a single serving of a primary spirituous liquor shall be the same  
15261 whether served as a single drink or in conjunction with another alcoholic beverage.

15262 (e) An alcoholic beverage may not be sold at a special or reduced price for only certain  
15263 hours of the private club's business day such as a "happy hour."

15264 (f) The sale or service of more than one alcoholic beverage for the price of a single  
15265 alcoholic beverage is prohibited.

15266 (g) The sale or service of an indefinite or unlimited number of alcoholic beverages  
15267 during any set period for a fixed price is prohibited.

15268 (h) A private club licensee may not engage in a promotion involving or offering free  
15269 alcoholic beverages to patrons of the club.

15270 (31) Alcoholic beverages may not be purchased for a patron of the private club by:

15271 (a) the licensee; or

15272 (b) any employee or agent of the licensee.

15273 (32) (a) A person may not bring onto the premises of a private club licensee any  
15274 alcoholic beverage for on-premise consumption, except a person may bring, subject to the  
15275 discretion of the licensee, bottled wine onto the premises of any private club licensee for  
15276 on-premise consumption.

15277 (b) Except bottled wine under Subsection (32)(a), a private club or its officers,

15278 managers, employees, or agents may not allow:

15279 (i) a person to bring onto the private club premises any alcoholic beverage for  
15280 consumption on the private club premises; or

15281 (ii) consumption of alcoholic beverages described in Subsection (32)(b)(i) on the  
15282 premises of the private club.

15283 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server  
15284 or other representative of the licensee upon entering the private club.

15285 (d) A wine service may be performed and a service charge assessed by the private club  
15286 as authorized by commission rule for wine carried in by a patron.

15287 (33) (a) Except as provided in Subsection (33)(b), a private club and its employees may  
15288 not permit a patron of the club to carry from the club premises an open container that:

15289 (i) is used primarily for drinking purposes; and

15290 (ii) contains any alcoholic beverage.

15291 (b) A patron may remove the unconsumed contents of a bottle of wine if before  
15292 removal the bottle has been recorked or recapped.

15293 (34) (a) A minor may not be employed by any class A, B, or C private club to sell,  
15294 dispense, or handle any alcoholic beverage.

15295 (b) Notwithstanding Subsection (34)(a), a minor may be employed by a class A or C  
15296 private club to enter the sale at a cash register or other sales recording device.

15297 (c) Except to the extent authorized in Subsection (8)(c), a minor may not be employed  
15298 by or be on the premises of any class D private club.

15299 (d) A minor may not be employed to work in any lounge or bar area of any class A, B,  
15300 or C private club.

15301 (35) An employee of a private club, while on duty, may not:

15302 (a) consume an alcoholic beverage; or

15303 (b) be intoxicated.

15304 (36) (a) A private club may not charge for the service or supply of glasses, ice, or  
15305 mixers unless:

15306 (i) the charges are fixed in the house rules of the club; and

15307 (ii) a copy of the house rules is kept on the club premises and available at all times for  
15308 examination by patrons of the club.

15309 (b) A charge or fee made in connection with the sale, service, or consumption of liquor  
15310 may be stated in food or alcoholic beverage menus including:

- 15311 (i) a set-up charge;
- 15312 (ii) a service charge; or
- 15313 (iii) a chilling fee.

15314 (37) Each private club licensee shall display in a prominent place in the private club:

- 15315 (a) the private club license that is issued by the department;
- 15316 (b) a list of the types and brand names of liquor being served through its calibrated  
15317 metered dispensing system; and

15318 (c) a sign in large letters stating: "Warning: Driving under the influence of alcohol or  
15319 drugs is a serious crime that is prosecuted aggressively in Utah."

15320 (38) The following acts or conduct in a private club licensed under this chapter are  
15321 considered contrary to the public welfare and morals, and are prohibited upon the premises:

15322 (a) employing or using any person in the sale or service of alcoholic beverages while  
15323 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the  
15324 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
15325 buttocks, vulva, or genitals;

15326 (b) employing or using the services of any person to mingle with the patrons while the  
15327 person is unclothed or in attire, costume, or clothing described in Subsection (38)(a);

15328 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,  
15329 buttocks, anus, or genitals of any other person;

15330 (d) permitting any employee or person to wear or use any device or covering, exposed  
15331 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

15332 (e) permitting any person to use artificial devices or inanimate objects to depict any of  
15333 the prohibited activities described in this Subsection (38);

15334 (f) permitting any person to remain in or upon the premises who exposes to public  
15335 view any portion of his or her genitals or anus; or

15336 (g) showing films, still pictures, electronic reproductions, or other visual reproductions  
15337 depicting:

15338 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral  
15339 copulation, flagellation, or any sexual acts prohibited by Utah law;

15340 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or  
15341 genitals;

15342 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or  
15343 drawings are used to portray, any of the prohibited activities described in this Subsection (38);  
15344 or

15345 (iv) scenes wherein a person displays the vulva or the anus or the genitals.

15346 (39) Nothing in Subsection (38) precludes a local authority from being more restrictive  
15347 of acts or conduct of the type prohibited in Subsection (38).

15348 (40) (a) Although live entertainment is permitted on the premises of a club liquor  
15349 licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by  
15350 Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation,  
15351 flagellation, or the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or  
15352 the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon  
15353 a stage or at a designated area approved by the commission.

15354 (b) Nothing in Subsection (40)(a) precludes a local authority from being more  
15355 restrictive of acts or conduct of the type prohibited in Subsection (40)(a).

15356 (41) A private club may not engage in or permit any form of gambling, or have any  
15357 video gaming device, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling, on  
15358 the premises of the private club.

15359 (42) (a) A private club may not close or cease operation for a period longer than 240  
15360 hours, unless:

15361 (i) the private club licensee notifies the department in writing at least seven days before  
15362 the closing; and

15363 (ii) the closure or cessation of operation is first approved by the department.

15364 (b) Notwithstanding Subsection (42)(a), in the case of emergency closure, immediate  
15365 notice of closure shall be made to the department by telephone.

15366 (c) The department may authorize a closure or cessation of operation for a period not to  
15367 exceed 60 days. The department may extend the initial period an additional 30 days upon  
15368 written request of the private club and upon a showing of good cause. A closure or cessation of  
15369 operation may not exceed a total of 90 days without commission approval.

15370 (d) The notice required by Subsection (42)(a) shall include:



- 15371 (i) the dates of closure or cessation of operation;
- 15372 (ii) the reason for the closure or cessation of operation; and
- 15373 (iii) the date on which the licensee will reopen or resume operation.
- 15374 (e) Failure of the licensee to provide notice and to obtain department authorization
- 15375 prior to closure or cessation of operation shall result in an automatic forfeiture of:
- 15376 (i) the license; and
- 15377 (ii) the unused portion of the license fee for the remainder of the license year effective
- 15378 immediately.
- 15379 (f) Failure of the licensee to reopen or resume operation by the approved date shall
- 15380 result in an automatic forfeiture of:
- 15381 (i) the license; and
- 15382 (ii) the unused portion of the club's license fee for the remainder of the license year.
- 15383 (43) A private club license may not be transferred from one location to another,
- 15384 without prior written approval of the commission.
- 15385 (44) (a) A private club licensee, may not sell, transfer, assign, exchange, barter, give, or
- 15386 attempt in any way to dispose of the license to any other person, whether for monetary gain or
- 15387 not.
- 15388 (b) A private club license has no monetary value for the purpose of any type of
- 15389 disposition.
- 15390 Section 400. Section **34-30-14** is amended to read:
- 15391 **34-30-14. Public works -- Wages.**
- 15392 (1) For purposes of this section:
- 15393 (a) "Political subdivision" means a county, city, town, school district, [~~special~~] local
- 15394 district, special service district, public corporation, institution of higher education of the state,
- 15395 public agency of any political subdivision, or other entity that expends public funds for
- 15396 construction, maintenance, repair or improvement of public works.
- 15397 (b) "Public works" or "public works project" means a building, road, street, sewer,
- 15398 storm drain, water system, irrigation system, reclamation project, or other facility owned or to
- 15399 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in
- 15400 part with tax revenue paid by residents of the state.
- 15401 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,

15402 the state or any political subdivision that contracts for the construction, maintenance, repair, or  
15403 improvement of public works may not require that a contractor, subcontractor, or material  
15404 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public  
15405 works pay its employees:

15406 (i) a predetermined amount of wages or wage rate; or

15407 (ii) a type, amount, or rate of employee benefits.

15408 (b) Subsection (2)(a) does not apply when federal law requires the payment of  
15409 prevailing or minimum wages to persons working on projects funded in whole or in part by  
15410 federal funds.

15411 (3) The state or any political subdivision that contracts for the construction,  
15412 maintenance, repair, or improvement of public works may not require that a contractor,  
15413 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair  
15414 or improvement of public works execute or otherwise become a party to any project labor  
15415 agreement, collective bargaining agreement, prehire agreement, or any other agreement with  
15416 employees, their representatives, or any labor organization as a condition of bidding,  
15417 negotiating, being awarded, or performing work on a public works project.

15418 (4) This section applies to any contract executed after May 1, 1995.

15419 Section 401. Section **34-32-1.1** is amended to read:

15420 **34-32-1.1. Prohibiting public employers from making payroll deductions for**  
15421 **political purposes.**

15422 (1) As used in this section:

15423 (a) (i) "Labor organization" means a lawful organization of any kind that is composed,  
15424 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing  
15425 with employers concerning grievances, labor disputes, wages, rates of pay, hours of  
15426 employment, or other terms and conditions of employment.

15427 (ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each  
15428 employee association and union for public employees.

15429 (iii) "Labor organization" does not include organizations governed by the National  
15430 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151  
15431 et seq.

15432 (b) "Political purposes" means an act done with the intent or in a way to influence or

15433 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
 15434 against any candidate for public office at any caucus, political convention, primary, or election.

15435 (c) "Public employee" means a person employed by:

15436 (i) the state of Utah or any administrative subunit of the state;

15437 (ii) a state institution of higher education; or

15438 (iii) a municipal corporation, a county, a municipality, a school district, a [~~special~~]

15439 local district, a special service district, or any other political subdivision of the state.

15440 (d) "Public employer" means an employer that is:

15441 (i) the state of Utah or any administrative subunit of the state;

15442 (ii) a state institution of higher education; or

15443 (iii) a municipal corporation, a county, a municipality, a school district, a [~~special~~]

15444 local district, a special service district, or any other political subdivision of the state.

15445 (e) "Union dues" means dues, fees, assessments, or other monies required as a  
 15446 condition of membership or participation in a labor organization.

15447 (2) A public employer may not deduct from the wages of its employees any amounts to  
 15448 be paid to:

15449 (a) a candidate as defined in Section 20A-11-101;

15450 (b) a personal campaign committee as defined in Section 20A-11-101;

15451 (c) a political action committee as defined in Section 20A-11-101;

15452 (d) a political issues committee as defined in Section 20A-11-101;

15453 (e) a registered political party as defined in Section 20A-11-101;

15454 (f) a political fund as defined in Section 20A-11-1402; or

15455 (g) any entity established by a labor organization to solicit, collect, or distribute monies  
 15456 primarily for political purposes as defined in this chapter.

15457 (3) The attorney general may bring an action to require a public employer to comply  
 15458 with the requirements of this section.

15459 Section 402. Section **34-41-101** is amended to read:

15460 **34-41-101. Definitions.**

15461 As used in this chapter:

15462 (1) "Drug" means any substance recognized as a drug in the United States

15463 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug

15464 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to  
15465 any of those compendia.

15466 (2) "Drug testing" means the scientific analysis for the presence of drugs or their  
15467 metabolites in the human body in accordance with the definitions and terms of this chapter.

15468 (3) "Local governmental employee" means any person or officer in the service of a  
15469 local governmental entity or state institution of higher education for compensation.

15470 (4) (a) "Local governmental entity" means any political subdivision of Utah including  
15471 any county, municipality, local school district, [~~special~~] local district, special service district, or  
15472 any administrative subdivision of those entities.

15473 (b) "Local governmental entity" does not mean Utah state government or its  
15474 administrative subdivisions provided for in Sections 67-19-33 through 67-19-38.

15475 (5) "Periodic testing" means preselected and preannounced drug testing of employees  
15476 or volunteers conducted on a regular schedule.

15477 (6) "Prospective employee" means any person who has made a written or oral  
15478 application to become an employee of a local governmental entity or a state institution of  
15479 higher education.

15480 (7) "Random testing" means the unannounced drug testing of an employee or volunteer  
15481 who was selected for testing by using a method uninfluenced by any personal characteristics  
15482 other than job category.

15483 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the  
15484 recorded specific facts and reasonable inferences drawn from those facts that a local  
15485 government employee or volunteer is in violation of the drug-free workplace policy.

15486 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as  
15487 part of a program of counseling, education, and treatment of an employee or volunteer in  
15488 conjunction with the drug-free workplace policy.

15489 (10) "Safety sensitive position" means any local governmental or state institution of  
15490 higher education position involving duties which directly affects the safety of governmental  
15491 employees, the general public, or positions where there is access to controlled substances, as  
15492 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of  
15493 performing job duties.

15494 (11) "Sample" means urine, blood, breath, saliva, or hair.

15495 (12) "State institution of higher education" means the institution as defined in Section  
15496 53B-3-102.

15497 (13) "Volunteer" means any person who donates services as authorized by the local  
15498 governmental entity or state institution of higher education without pay or other compensation  
15499 except expenses actually and reasonably incurred.

15500 Section 403. Section **36-12-13** is amended to read:

15501 **36-12-13. Office of Legislative Fiscal Analyst established -- Powers, functions,**  
15502 **and duties -- Qualifications.**

15503 (1) There is established an Office of Legislative Fiscal Analyst as a permanent staff  
15504 office for the Legislature.

15505 (2) The powers, functions, and duties of the Office of Legislative Fiscal Analyst under  
15506 the supervision of the fiscal analyst are:

15507 (a) to analyze in detail the executive budget before the convening of each legislative  
15508 session and make recommendations to the Legislature on each item or program appearing in  
15509 the executive budget;

15510 (b) to prepare cost estimates on all proposed bills that anticipate state government  
15511 expenditures;

15512 (c) to prepare cost estimates on all proposed bills that anticipate expenditures by  
15513 county, municipal, [~~or special~~] local district, or special service district governments;

15514 (d) to prepare cost estimates on all proposed bills that anticipate direct expenditures by  
15515 any Utah resident, and the cost to the overall impacted Utah resident population;

15516 (e) to prepare a review and analysis of revenue estimates for existing and proposed  
15517 revenue acts;

15518 (f) to report instances in which the administration may be failing to carry out the  
15519 expressed intent of the Legislature;

15520 (g) to direct attention to each new proposed service contained in the governor's budget;

15521 (h) to direct attention to each budget item previously denied by the Legislature;

15522 (i) to propose and analyze statutory changes for more effective operational economies  
15523 or more effective administration;

15524 (j) to prepare, after each session of the Legislature, a summary showing the effect of  
15525 the final legislative program on the financial condition of the state;

- 15526 (k) to conduct organizational and management improvement studies;
- 15527 (l) to prepare and deliver upon request of any interim committee or the Legislative  
15528 Management Committee, reports on the finances of the state and on anticipated or proposed  
15529 requests for appropriations;
- 15530 (m) to recommend areas for research studies by the executive department or the interim  
15531 committees;
- 15532 (n) to assist in prescribing the format for the presentation of the governor's budget to  
15533 facilitate program and in-depth review of state expenditures in accordance with Sections  
15534 63-38-14 and 63-38-15;
- 15535 (o) to recommend to the appropriations subcommittees the agencies or programs for  
15536 which an in-depth budget review should be requested, and to recommend to the Legislative  
15537 Management Committee the priority in which the request should be made;
- 15538 (p) to appoint and develop a professional staff within budget limitations; and
- 15539 (q) to prepare and submit the annual budget request for the office.
- 15540 (3) The legislative fiscal analyst shall have a master's degree in public administration,  
15541 political science, economics, accounting, or the equivalent in academic or practical experience.
- 15542 (4) In carrying out the duties provided for in this section, the legislative fiscal analyst  
15543 may obtain access to all records, documents, and reports necessary to the scope of his duties  
15544 according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.
- 15545 Section 404. Section **49-11-102** is amended to read:
- 15546 **49-11-102. Definitions.**
- 15547 As used in this title:
- 15548 (1) (a) "Active member" means a member who is employed or who has been employed  
15549 by a participating employer within the previous 120 days.
- 15550 (b) "Active member" does not include retirees.
- 15551 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the  
15552 basis of mortality tables as recommended by the actuary and adopted by the executive director,  
15553 including regular interest.
- 15554 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and  
15555 adopted by the board upon which the funding of system costs and benefits are computed.
- 15556 (4) "Agency" means:

15557 (a) a department, division, agency, office, authority, commission, board, institution, or  
15558 hospital of the state;

15559 (b) a county, municipality, school district, [~~or special~~] local district, or special service  
15560 district;

15561 (c) a state college or university; or

15562 (d) any other participating employer.

15563 (5) "Allowance" means the pension plus the annuity, including any cost of living or  
15564 other authorized adjustments to the pension and annuity.

15565 (6) "Alternate payee" means a member's former spouse or family member eligible to  
15566 receive payments under a Domestic Relations Order in compliance with Section 49-11-612.

15567 (7) "Annuity" means monthly payments derived from member contributions.

15568 (8) "Appointive officer" means an employee appointed to a position for a definite and  
15569 fixed term of office by official and duly recorded action of a participating employer whose  
15570 appointed position is designated in the participating employer's charter, creation document, or  
15571 similar document, and who earns during the first full month of the term of office \$500 or more,  
15572 indexed as of January 1, 1990, as provided in Section 49-12-407.

15573 (9) "Beneficiary" means any person entitled to receive a payment under this title  
15574 through a relationship with or designated by a member, participant, covered individual, or  
15575 alternate payee of a defined contribution plan.

15576 (10) "Board" means the Utah State Retirement Board established under Section  
15577 49-11-202.

15578 (11) "Board member" means a person serving on the Utah State Retirement Board as  
15579 established under Section 49-11-202.

15580 (12) "Contributions" means the total amount paid by the participating employer and the  
15581 member into a system or to the Utah Governors' and Legislators' Retirement Plan under  
15582 Chapter 19, Utah Governor's and Legislators' Retirement Act.

15583 (13) "Council member" means a person serving on the Membership Council  
15584 established under Section 49-11-202.

15585 (14) "Covered individual" means any individual covered under Chapter 20, Public  
15586 Employees' Benefit and Insurance Program Act.

15587 (15) "Current service" means covered service as defined in Chapters 12, 13, 14, 15, 16,

15588 17, 18, and 19.

15589 (16) "Defined contribution" or "defined contribution plan" means any defined  
15590 contribution plan authorized under the Internal Revenue Code and administered by the board.

15591 (17) "Educational institution" means a political subdivision or instrumentality of the  
15592 state or a combination thereof primarily engaged in educational activities or the administration  
15593 or servicing of educational activities, including:

15594 (a) the State Board of Education and its instrumentalities;

15595 (b) any institution of higher education and its branches;

15596 (c) any school district and its instrumentalities;

15597 (d) any vocational and technical school; and

15598 (e) any entity arising out of a consolidation agreement between entities described under  
15599 this Subsection (17).

15600 (18) (a) "Employer" means any department, educational institution, or political  
15601 subdivision of the state eligible to participate in a government-sponsored retirement system  
15602 under federal law.

15603 (b) "Employer" may also include an agency financed in whole or in part by public  
15604 funds.

15605 (19) "Exempt employee" means an employee working for a participating employer:

15606 (a) who is not eligible for service credit under Section 49-12-203, 49-13-203,  
15607 49-14-203, 49-15-203, or 49-16-203; and

15608 (b) for whom a participating employer is not required to pay contributions or  
15609 nonelective contributions.

15610 (20) "Final average monthly salary" means the amount computed by dividing the  
15611 compensation received during the final average salary period under each system by the number  
15612 of months in the final average salary period.

15613 (21) "Fund" means any fund created under this title for the purpose of paying benefits  
15614 or costs of administering a system, plan, or program.

15615 (22) (a) "Inactive member" means a member who has not been employed by a  
15616 participating employer for a period of at least 120 days.

15617 (b) "Inactive member" does not include retirees.

15618 (23) (a) "Member" means a person, except a retiree, with contributions on deposit with



15619 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, or with a  
15620 terminated system.

15621 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)  
15622 of the Internal Revenue Code, if the employees have contributions on deposit with the office.  
15623 If leased employees constitute less than 20% of the participating employer's work force that is  
15624 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,  
15625 "member" does not include leased employees covered by a plan described in Section 414(n)(5)  
15626 of the federal Internal Revenue Code.

15627 (24) "Member contributions" means the sum of the contributions paid to a system or  
15628 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a  
15629 system, and which are made by:

15630 (a) the member; and

15631 (b) the participating employer on the member's behalf under Section 414(h) of the  
15632 Internal Revenue Code.

15633 (25) "Nonelective contribution" means an amount contributed by a participating  
15634 employer into a participant's defined contribution account.

15635 (26) "Office" means the Utah State Retirement Office.

15636 (27) "Participant" means an individual with voluntary deferrals or nonelective  
15637 contributions on deposit with the defined contribution plans administered under this title.

15638 (28) "Participating employer" means a participating employer, as defined by Chapters  
15639 12, 13, 14, 15, 16, 17, and 18, or an agency financed in whole or in part by public funds which  
15640 is participating in a system or plan as of January 1, 2002.

15641 (29) "Pension" means monthly payments derived from participating employer  
15642 contributions.

15643 (30) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by  
15644 Chapter 19 or the defined contribution plans created under Section 49-11-801.

15645 (31) (a) "Political subdivision" means any local government entity, including cities,  
15646 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally  
15647 separate and distinct from the state and only if its employees are not by virtue of their  
15648 relationship to the entity employees or the state.

15649 (b) "Political subdivision" includes [~~special~~] local districts, special service districts, or

15650 authorities created by the Legislature or by local governments, including the office.

15651 (c) "Political subdivision" does not include a project entity created under Title 11,  
15652 Chapter 13, Interlocal Cooperation Act.

15653 (32) "Program" means the Public Employees' Insurance Program created under Chapter  
15654 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'  
15655 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term  
15656 Disability Act.

15657 (33) "Public funds" means those funds derived, either directly or indirectly, from public  
15658 taxes or public revenue, dues or contributions paid or donated by the membership of the  
15659 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,  
15660 the governmental, educational, and social programs and systems of the state or its political  
15661 subdivisions.

15662 (34) "Refund interest" means the amount accrued on member contributions at a rate  
15663 adopted by the board.

15664 (35) "Retiree" means an individual who has qualified for an allowance under this title.

15665 (36) "Retirement" means the status of an individual who has become eligible, applies  
15666 for, and is entitled to receive an allowance under this title.

15667 (37) "Retirement date" means the date selected by the member on which the member's  
15668 retirement becomes effective with the office.

15669 (38) "Service credit" means:

15670 (a) the period during which an employee is employed and compensated by a  
15671 participating employer and meets the eligibility requirements for membership in a system or the  
15672 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are  
15673 paid to the office; and

15674 (b) periods of time otherwise purchasable under this title.

15675 (39) "System" means the individual retirement systems created by Chapters 12, 13, 14,  
15676 15, 16, 17, and 18.

15677 (40) "Voluntary deferrals" means an amount contributed by a participant into that  
15678 participant's defined contribution account.

15679 Section 405. Section **51-4-2** is amended to read:

15680 **51-4-2. Deposits by political subdivisions.**

- 15681 (1) As used in this section:
- 15682 (a) "Officer" means each:
- 15683 (i) county treasurer, county auditor, county assessor, county clerk, clerk of the district
- 15684 court, city treasurer, city clerk, justice court judge; and
- 15685 (ii) other officer of a political subdivision.
- 15686 (b) "Political subdivision" means a county, city, town, school district, [~~and special~~]
- 15687 local district, and special service district.
- 15688 (2) (a) Each officer shall deposit all public funds daily whenever practicable but not
- 15689 later than three days after receipt.
- 15690 (b) Each officer shall deposit all public funds only in qualified depositories unless the
- 15691 public funds need to be deposited in a bank outside Utah in order to provide for:
- 15692 (i) payment of maturing bonds or other evidences of indebtedness; or
- 15693 (ii) payment of the interest on bonds or other evidences of indebtedness.
- 15694 (3) (a) (i) Each officer shall require all checks to be made payable to the office of the
- 15695 officer receiving funds or to the political subdivision's treasurer.
- 15696 (ii) An officer may not accept a check unless it is made payable to the office of the
- 15697 officer receiving funds or to the political subdivision's treasurer.
- 15698 (b) Each officer shall deposit all monies he collects into an account controlled by his
- 15699 political subdivision's treasurer.
- 15700 (4) (a) Except as provided in Subsection (4)(b) and unless a shorter time for depositing
- 15701 funds is otherwise required by law, each political subdivision that has collected funds that are
- 15702 due to the state or to another political subdivision of the state shall, on or before the tenth day
- 15703 of each month, pay all of those funds that were receipted during the last month:
- 15704 (i) to a qualified depository for the credit of the appropriate public treasurer; or
- 15705 (ii) to the appropriate public treasurer.
- 15706 (b) Property tax collections shall be apportioned and paid according to Section
- 15707 59-2-1365.
- 15708 Section 406. Section **52-4-203** is amended to read:
- 15709 **52-4-203. Minutes of open meetings -- Public records -- Recording of meetings.**
- 15710 (1) Except as provided under Subsection (7), written minutes and a recording shall be
- 15711 kept of all open meetings. The minutes and a recording shall include:

- 15712 (a) the date, time, and place of the meeting;
- 15713 (b) the names of members present and absent;
- 15714 (c) the substance of all matters proposed, discussed, or decided;
- 15715 (d) a record, by individual member, of votes taken;
- 15716 (e) the name of each person who provided testimony and the substance in brief of their
- 15717 testimony; and
- 15718 (f) any other information that any member requests be entered in the minutes or
- 15719 recording.

15720 (2) A recording of an open meeting shall be a complete and unedited record of all open

15721 portions of the meeting from the commencement of the meeting through adjournment of the

15722 meeting.

15723 (3) (a) The minutes and recordings of an open meeting are public records and shall be

15724 available within a reasonable time after the meeting.

15725 (b) An open meeting record kept only by a recording must be converted to written

15726 minutes within a reasonable time upon request.

15727 (4) All or any part of an open meeting may be independently recorded by any person in

15728 attendance if the recording does not interfere with the conduct of the meeting.

15729 (5) Minutes or recordings of an open meeting that is required to be retained

15730 permanently shall be maintained in or converted to a format that meets long-term records

15731 storage requirements.

15732 (6) Written minutes and recordings of open meetings are public records under Title 63,

15733 Chapter 2, Government Records Access and Management Act, but written minutes shall be the

15734 official record of action taken at the meeting.

15735 (7) Either written minutes or a recording shall be kept of:

15736 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by

15737 the public body; and

15738 (b) an open meeting of [~~an independent special district as defined under Title 17A,~~

15739 ~~Special Districts, or~~] a local district under Title 17B, [~~Chapter 2, Local Districts,~~] Limited

15740 Purpose Local Government Entities - Local Districts, or special service district under Title

15741 17A, Chapter 2, Part 13, Utah Special Service District Act, if the district's annual budgeted

15742 expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

15743 Section 407. Section **53-3-207** is amended to read:

15744 **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
15745 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
15746 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

15747 (1) As used in this section:

15748 (a) "driving privilege" means the privilege granted under this chapter to drive a motor  
15749 vehicle;

15750 (b) "driving privilege card" means the evidence of the privilege granted and issued  
15751 under this chapter to drive a motor vehicle;

15752 (c) "governmental entity" means the state and its political subdivisions as defined in  
15753 this Subsection (1);

15754 (d) "political subdivision" means any county, city, town, school district, public transit  
15755 district, ~~redevelopment~~ community development and renewal agency, special improvement or  
15756 taxing district, ~~special~~ local district, special service district, an entity created by an interlocal  
15757 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
15758 governmental subdivision or public corporation; and

15759 (e) "state" means this state, and includes any office, department, agency, authority,  
15760 commission, board, institution, hospital, college, university, children's justice center, or other  
15761 instrumentality of the state.

15762 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a  
15763 license certificate or a driving privilege card indicating the type or class of motor vehicle the  
15764 person may drive.

15765 (b) A person may not drive a class of motor vehicle unless granted the privilege in that  
15766 class.

15767 (3) (a) Every license certificate or driving privilege card shall bear:

15768 (i) the distinguishing number assigned to the person by the division;

15769 (ii) the name, birth date, and Utah residence address of the person;

15770 (iii) a brief description of the person for the purpose of identification;

15771 (iv) any restrictions imposed on the license under Section 53-3-208;

15772 (v) a photograph of the person;

15773 (vi) a photograph or other facsimile of the person's signature; and

15774 (vii) an indication whether the person intends to make an anatomical gift under Title  
15775 26, Chapter 28, Uniform Anatomical Gift Act, unless the driving privilege is extended under  
15776 Subsection 53-3-214(3).

15777 (b) A new license certificate issued by the division may not bear the person's Social  
15778 Security number.

15779 (c) (i) The license certificate or driving privilege card shall be of an impervious  
15780 material, resistant to wear, damage, and alteration.

15781 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the license  
15782 certificate or driving privilege card shall be as prescribed by the commissioner.

15783 (iii) The commissioner may also prescribe the issuance of a special type of limited  
15784 license certificate or driving privilege card under Subsection 53-3-220(4) and may authorize  
15785 the issuance of a renewed or duplicate license certificate or driving privilege card without a  
15786 picture if the applicant is not then living in the state.

15787 (4) (a) (i) The division upon determining after an examination that an applicant is  
15788 mentally and physically qualified to be granted a driving privilege may issue to an applicant a  
15789 receipt for the fee.

15790 (ii) The receipt serves as a temporary license certificate or temporary driving privilege  
15791 card allowing the person to drive a motor vehicle while the division is completing its  
15792 investigation to determine whether the person is entitled to be granted a driving privilege.

15793 (b) The receipt shall be in the person's immediate possession while driving a motor  
15794 vehicle, and it is invalid when the person's license certificate or driving privilege card has been  
15795 issued or when, for good cause, the privilege has been refused.

15796 (c) The division shall indicate on the receipt a date after which it is not valid as a  
15797 license certificate or driving privilege card.

15798 (5) (a) The division shall distinguish learner permits, temporary permits, license  
15799 certificates, and driving privilege cards issued to any person younger than 21 years of age by  
15800 use of plainly printed information or the use of a color or other means not used for other license  
15801 certificates or driving privilege cards.

15802 (b) The division shall distinguish a license certificate or driving privilege card issued to  
15803 any person:

15804 (i) younger than 21 years of age by use of a portrait-style format not used for other

15805 license certificates or driving privilege cards and by plainly printing the date the license  
15806 certificate or driving privilege card holder is 21 years of age, which is the legal age for  
15807 purchasing an alcoholic beverage or product under Section 32A-12-203; and

15808 (ii) younger than 19 years of age, by plainly printing the date the license certificate or  
15809 driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco  
15810 products under Section 76-10-104.

15811 (6) (a) The division shall only issue a driving privilege card to a person whose privilege  
15812 was obtained without using a Social Security number as required under Subsection  
15813 53-3-205(9).

15814 (b) The division shall distinguish a driving privilege card from a license certificate by:

15815 (i) use of a format, color, font, or other means; and

15816 (ii) clearly displaying on the front of the driving privilege card a phrase substantially  
15817 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

15818 (7) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary  
15819 permit, or any other temporary permit or receipt issued by the division.

15820 (8) The division shall issue temporary license certificates or temporary driving  
15821 privilege cards of the same nature, except as to duration, as the license certificates or driving  
15822 privilege cards that they temporarily replace, as are necessary to implement applicable  
15823 provisions of this section and Section 53-3-223.

15824 (9) A governmental entity may not accept a driving privilege card as proof of personal  
15825 identification.

15826 (10) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

15827 (11) Except as provided under this section, the provisions, requirements, classes,  
15828 endorsements, fees, restrictions, and sanctions under this code apply to a:

15829 (a) driving privilege in the same way as a license issued under this chapter; and

15830 (b) driving privilege card in the same way as a license certificate issued under this  
15831 chapter.

15832 Section 408. Section **53-7-104** is amended to read:

15833 **53-7-104. Enforcement of rules -- Division of authority and responsibility.**

15834 (1) The authority and responsibility for enforcing rules made under this chapter is  
15835 divided as provided in this section.

15836 (2) The fire officers of any city or county shall enforce the rules of the state fire  
15837 marshal in their respective areas.

15838 (3) The state fire marshal may enforce the rules in:

15839 (a) areas outside of corporate cities, fire protection districts, and ~~special~~ other local  
15840 districts or special service districts organized for fire protection purposes; and

15841 (b) state-owned property, school district owned property, and privately owned property  
15842 used for schools located within corporate cities and county fire protection districts, asylums,  
15843 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,  
15844 children's homes or institutions, or similar institutional type occupancy of any capacity.

15845 (4) The state fire marshal may enforce the rules in corporate cities, counties, ~~and~~ fire  
15846 protection districts, and special service districts organized for fire protection purposes upon  
15847 receiving a request from the chief fire official or the local governing body.

15848 Section 409. Section **53-10-605** is amended to read:

15849 **53-10-605. Use of money in fund -- Criteria -- Administration.**

15850 (1) Subject to an annual legislative appropriation from the fund to:

15851 (a) the committee, the committee shall:

15852 (i) authorize the use of the money in the fund, by grant to a local entity or state agency  
15853 in accordance with this Subsection (1) and Subsection (2);

15854 (ii) grant to state agencies and local entities an amount not to exceed the per month fee  
15855 levied on telephone services under Section 69-2-5.6 for installation, implementation, and  
15856 maintenance of unified, statewide 911 emergency services and technology; and

15857 (iii) in addition to any money under Subsection (1)(a)(ii), grant to counties of the third  
15858 through sixth class the amount dedicated for rural assistance, which is at least 3 cents per  
15859 month levied on telephone services under Section 69-2-5.6 to:

15860 (A) enhance the 911 emergency services with a focus on areas or counties that do not  
15861 have E-911 services; and

15862 (B) where needed, assist the counties, in cooperation with private industry, with the  
15863 creation or integration of wireless systems and location technology in rural areas of the state;  
15864 and

15865 (b) the committee, the committee shall:

15866 (i) include reimbursement to a provider of radio communications service, as defined in



15867 Section 69-2-2, for costs as provided in Subsections (1)(b)(ii) and (iii);  
15868 (ii) an agreement to reimburse costs to a provider of radio communications services  
15869 must be a written agreement among the committee, the local public safety answering point and  
15870 the carrier; and

15871 (iii) shall include reimbursement to the provider for the cost of design, development,  
15872 and implementation of equipment or software necessary to provide Phase I, wireless E-911  
15873 service to public service answering points, provided:

15874 (A) the reimbursement under this Subsection (1)(b) does not exceed the amount  
15875 allowed by Subsection 53-10-602(3);

15876 (B) the provider submits an invoice for the reimbursement to the committee; and

15877 (C) the provider has not been reimbursed by the consumer for the costs submitted to  
15878 the committee; and

15879 (c) the state's Automated Geographic Reference Center in the Division of Integrated  
15880 Technology of the Department of Technology Services, an amount equal to 1 cent per month  
15881 levied on telephone services under Section 69-2-5.6 shall be used to enhance and upgrade  
15882 statewide digital mapping standards.

15883 (2) (a) Beginning July 1, 2007, the committee may not grant the money in the fund to a  
15884 local entity unless the local entity is in compliance with Phase I, wireless E-911 service.

15885 (b) Beginning July 1, 2009, the committee may not grant money in the fund to a local  
15886 entity unless the local entity is in compliance with Phase II, wireless E-911 service.

15887 (3) A local entity must deposit any money it receives from the committee into a special  
15888 emergency telephone service fund in accordance with Subsection 69-2-5(4).

15889 (4) For purposes of this part, "local entity" means a county, city, town, [~~special~~  
15890 ~~district;~~] local district, special service district, or interlocal entity created under Title 11,  
15891 Chapter 13, Interlocal Cooperation Act.

15892 Section 410. Section **53-13-103** is amended to read:

15893 **53-13-103. Law enforcement officer.**

15894 (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an  
15895 employee of a law enforcement agency that is part of or administered by the state or any of its  
15896 political subdivisions, and whose primary and principal duties consist of the prevention and  
15897 detection of crime and the enforcement of criminal statutes or ordinances of this state or any of

15898 its political subdivisions.

15899 (b) "Law enforcement officer" specifically includes the following:

15900 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any

15901 county, city, or town;

15902 (ii) the commissioner of public safety and any member of the Department of Public

15903 Safety certified as a peace officer;

15904 (iii) all persons specified in Sections 23-20-1.5 and 63-11-17.2;

15905 (iv) any police officer employed by any college or university;

15906 (v) investigators for the Motor Vehicle Enforcement Division;

15907 (vi) special agents or investigators employed by the attorney general, district attorneys,

15908 and county attorneys;

15909 (vii) employees of the Department of Natural Resources designated as peace officers by

15910 law;

15911 (viii) school district police officers as designated by the board of education for the

15912 school district;

15913 (ix) the executive director of the Department of Corrections and any correctional

15914 enforcement or investigative officer designated by the executive director and approved by the

15915 commissioner of public safety and certified by the division;

15916 (x) correctional enforcement, investigative, or adult probation and parole officers

15917 employed by the Department of Corrections serving on or before July 1, 1993;

15918 (xi) members of a law enforcement agency established by a private college or

15919 university provided that the college or university has been certified by the commissioner of

15920 public safety according to rules of the Department of Public Safety;

15921 (xii) airport police officers of any airport owned or operated by the state or any of its

15922 political subdivisions; and

15923 (xiii) transit police officers designated under Section [~~17A-2-1062~~] 17B-2a-823.

15924 (2) Law enforcement officers may serve criminal process and arrest violators of any

15925 law of this state and have the right to require aid in executing their lawful duties.

15926 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,

15927 but the authority extends to other counties, cities, or towns only when the officer is acting

15928 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is

15929 employed by the state.

15930 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law  
15931 enforcement officers may exercise their peace officer authority to a certain geographic area.

15932 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise his  
15933 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act  
15934 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the  
15935 limited geographic area.

15936 (c) The authority of law enforcement officers employed by the Department of  
15937 Corrections is regulated by Title 64, Chapter 13, Department of Corrections -- State Prison.

15938 (4) A law enforcement officer shall, prior to exercising peace officer authority,  
15939 satisfactorily complete:

15940 (a) the basic course at a certified law enforcement officer training academy or pass a  
15941 certification examination as provided in Section 53-6-206, and be certified; and

15942 (b) annual certified training of at least 40 hours per year as directed by the director of  
15943 the division, with the advice and consent of the council.

15944 Section 411. Section **53A-2-123** is amended to read:

15945 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**  
15946 **certain property.**

15947 (1) As used in this section:

15948 (a) "Affected entity" means each county, municipality, [~~independent special district~~  
15949 ~~under Title 17A, Chapter 2, Independent Special Districts;~~] local district under Title 17B,  
15950 [~~Chapter 2, Local Districts;~~] Limited Purpose Local Government Entities - Local Districts,  
15951 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,  
15952 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
15953 and specified public utility:

15954 (i) whose services or facilities are likely to require expansion or significant  
15955 modification because of an intended use of land; or

15956 (ii) that has filed with the school district a copy of the general or long-range plan of the  
15957 county, municipality, [~~independent special district;~~] local district, special service district,  
15958 school district, interlocal cooperation entity, or specified public utility.

15959 (b) "Specified public utility" means an electrical corporation, gas corporation, or

15960 telephone corporation, as those terms are defined in Section 54-2-1.

15961 (2) (a) If a school district located in a county of the first or second class prepares a  
15962 long-range plan regarding its facilities proposed for the future or amends an already existing  
15963 long-range plan, the school district shall, before preparing a long-range plan or amendments to  
15964 an existing long-range plan, provide written notice, as provided in this section, of its intent to  
15965 prepare a long-range plan or to amend an existing long-range plan.

15966 (b) Each notice under Subsection (2)(a) shall:

15967 (i) indicate that the school district intends to prepare a long-range plan or to amend a  
15968 long-range plan, as the case may be;

15969 (ii) describe or provide a map of the geographic area that will be affected by the  
15970 long-range plan or amendments to a long-range plan;

15971 (iii) be sent to:

15972 (A) each county in whose unincorporated area and each municipality in whose  
15973 boundaries is located the land on which the proposed long-range plan or amendments to a  
15974 long-range plan are expected to indicate that the proposed facilities will be located;

15975 (B) each affected entity;

15976 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

15977 (D) each association of governments, established pursuant to an interlocal agreement  
15978 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
15979 described in Subsection (2)(b)(iii)(A) is a member; and

15980 (E) the state planning coordinator appointed under Section 63-38d-202;

15981 (iv) with respect to the notice to counties and municipalities described in Subsection  
15982 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
15983 consider in the process of preparing, adopting, and implementing the long-range plan or  
15984 amendments to a long-range plan concerning:

15985 (A) impacts that the use of land proposed in the proposed long-range plan or  
15986 amendments to a long-range plan may have on the county, municipality, or affected entity; and

15987 (B) uses of land that the county, municipality, or affected entity is planning or  
15988 considering that may conflict with the proposed long-range plan or amendments to a long-range  
15989 plan; and

15990 (v) include the address of an Internet website, if the school district has one, and the

15991 name and telephone number of a person where more information can be obtained concerning  
15992 the school district's proposed long-range plan or amendments to a long-range plan.

15993 (3) (a) Except as provided in Subsection (3)(d), each school district intending to  
15994 acquire real property in a county of the first or second class for the purpose of expanding the  
15995 district's infrastructure or other facilities shall provide written notice, as provided in this  
15996 Subsection (3), of its intent to acquire the property if the intended use of the property is  
15997 contrary to:

15998 (i) the anticipated use of the property under the county or municipality's general plan;  
15999 or

16000 (ii) the property's current zoning designation.

16001 (b) Each notice under Subsection (3)(a) shall:

16002 (i) indicate that the school district intends to acquire real property;

16003 (ii) identify the real property; and

16004 (iii) be sent to:

16005 (A) each county in whose unincorporated area and each municipality in whose  
16006 boundaries the property is located; and

16007 (B) each affected entity.

16008 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
16009 63-2-304(7).

16010 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district  
16011 previously provided notice under Subsection (2) identifying the general location within the  
16012 municipality or unincorporated part of the county where the property to be acquired is located.

16013 (ii) If a school district is not required to comply with the notice requirement of  
16014 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall  
16015 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of  
16016 the real property.

16017 Section 412. Section **53B-16-104** is amended to read:

16018 **53B-16-104. Restrictions on higher education entities bidding on architect or**  
16019 **engineering services in public procurement projects.**

16020 (1) As used in this section:

16021 (a) "Architect-engineer services" means those professional services within the scope of

16022 the practice of architecture as defined in Section 58-3a-102, or professional engineering as  
16023 defined in Section 58-22-102.

16024 (b) "Government entity" means a state agency, an institution of higher education, a  
16025 county, a municipality, a local school district, ~~[or a special]~~ a local district, or a special service  
16026 district.

16027 (2) When a government entity elects to obtain architect or engineering services by  
16028 using a competitive procurement process and has provided public notice of its competitive  
16029 procurement process:

16030 (a) a higher education entity, or any part of one, may not submit a proposal in response  
16031 to the government entity's competitive procurement process; and

16032 (b) the government entity may not award a contract to perform the architect or  
16033 engineering services solicited in the competitive procurement process to a higher education  
16034 entity or any part of one.

16035 (3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a  
16036 higher education entity may, in a private capacity, submit a proposal in response to the  
16037 competitive procurement process.

16038 (b) An employee of a higher education entity may not use any supplies, materials, or  
16039 other resources owned by, or any persons matriculating at, attending, or employed by, the  
16040 higher education entity in:

16041 (i) preparing a response to the competitive procurement process; or

16042 (ii) completing any work, assignment, or contract awarded to the employee resulting  
16043 from that competitive procurement process.

16044 Section 413. Section **54-3-28** is amended to read:

16045 **54-3-28. Notice required of certain public utilities before preparing or amending**  
16046 **a long-range plan or acquiring certain property.**

16047 (1) As used in this section:

16048 (a) (i) "Affected entity" means each county, municipality, ~~[independent special district~~  
16049 ~~under Title 17A, Chapter 2, Independent Special Districts,]~~ local district under Title 17B,  
16050 ~~[Chapter 2, Local Districts,]~~ Limited Purpose Local Government Entities - Local Districts,  
16051 special service district, school district, interlocal cooperation entity established under Title 11,  
16052 Chapter 13, Interlocal Cooperation Act, and specified public utility:

16053 (A) whose services or facilities are likely to require expansion or significant  
16054 modification because of expected uses of land under a proposed long-range plan or under  
16055 proposed amendments to a long-range plan; or

16056 (B) that has filed with the specified public utility a copy of the general or long-range  
16057 plan of the county, municipality, [~~independent special district,~~] local district, special service  
16058 district, school district, interlocal cooperation entity, or specified public utility.

16059 (ii) "Affected entity" does not include the specified public utility that is required under  
16060 Subsection (2) to provide notice.

16061 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
16062 telephone corporation, as those terms are defined in Section 54-2-1.

16063 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities  
16064 proposed for the future in a county of the first or second class or amends an already existing  
16065 long-range plan, the specified public utility shall, before preparing a long-range plan or  
16066 amendments to an existing long-range plan, provide written notice, as provided in this section,  
16067 of its intent to prepare a long-range plan or to amend an existing long-range plan.

16068 (b) Each notice under Subsection (2) shall:

16069 (i) indicate that the specified public utility intends to prepare a long-range plan or to  
16070 amend a long-range plan, as the case may be;

16071 (ii) describe or provide a map of the geographic area that will be affected by the  
16072 long-range plan or amendments to a long-range plan;

16073 (iii) be sent to:

16074 (A) each county in whose unincorporated area and each municipality in whose  
16075 boundaries is located the land on which the proposed long-range plan or amendments to a  
16076 long-range plan are expected to indicate that the proposed facilities will be located;

16077 (B) each affected entity;

16078 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

16079 (D) each association of governments, established pursuant to an interlocal agreement  
16080 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
16081 described in Subsection (2)(b)(iii)(A) is a member; and

16082 (E) the state planning coordinator appointed under Section 63-38d-202;

16083 (iv) with respect to the notice to counties and municipalities described in Subsection

16084 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public  
16085 utility to consider in the process of preparing, adopting, and implementing the long-range plan  
16086 or amendments to a long-range plan concerning:

16087 (A) impacts that the use of land proposed in the proposed long-range plan or  
16088 amendments to a long-range plan may have on the county, municipality, or affected entity; and

16089 (B) uses of land that the county, municipality, or affected entity is planning or  
16090 considering that may conflict with the proposed long-range plan or amendments to a long-range  
16091 plan; and

16092 (v) include the address of an Internet website, if the specified public utility has one, and  
16093 the name and telephone number of a person where more information can be obtained  
16094 concerning the specified public utility's proposed long-range plan or amendments to a  
16095 long-range plan.

16096 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending  
16097 to acquire real property in a county of the first or second class for the purpose of expanding its  
16098 infrastructure or other facilities used for providing the services that the specified public utility  
16099 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its  
16100 intent to acquire the property if the intended use of the property is contrary to:

16101 (i) the anticipated use of the property under the county or municipality's general plan;

16102 or

16103 (ii) the property's current zoning designation.

16104 (b) Each notice under Subsection (3)(a) shall:

16105 (i) indicate that the specified public utility intends to acquire real property;

16106 (ii) identify the real property; and

16107 (iii) be sent to:

16108 (A) each county in whose unincorporated area and each municipality in whose  
16109 boundaries the property is located; and

16110 (B) each affected entity.

16111 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
16112 63-2-304(7).

16113 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified  
16114 public utility previously provided notice under Subsection (2) identifying the general location



16115 within the municipality or unincorporated part of the county where the property to be acquired  
16116 is located.

16117 (ii) If a specified public utility is not required to comply with the notice requirement of  
16118 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility  
16119 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition  
16120 of the real property.

16121 Section 414. Section **54-8c-1** is amended to read:

16122 **54-8c-1. Definitions.**

16123 As used in this chapter:

16124 (1) "Authorized person" means an employee or agent:

16125 (a) of a public utility that:

16126 (i) generates, transmits, or delivers electricity; or

16127 (ii) provides and whose work relates to communication services;

16128 (b) of an industrial plant whose work relates to the electrical system of the industrial  
16129 plant;

16130 (c) of a cable television or communication services company, or of a contractor of  
16131 cable television or communication services company, if specifically and expressly authorized  
16132 by the owner of the poles to make cable television or communication services attachments; or

16133 (d) of a state, county, or municipal agency which has or whose work relates to:

16134 (i) overhead electrical lines;

16135 (ii) overhead lighting systems;

16136 (iii) authorized overhead circuit construction;

16137 (iv) conductors on poles; or

16138 (v) structures of any type.

16139 (2) "Business day" means any day other than Saturday, Sunday, or a legal holiday.

16140 (3) "High voltage" means voltage in excess of six hundred volts measured between:

16141 (a) conductors; or

16142 (b) a conductor and the ground.

16143 (4) "Overhead line" means all bare or insulated electrical conductors installed above  
16144 the ground.

16145 (5) "Public utility" means any entity that generates, transmits, or distributes electrical

16146 energy, including any:

16147 (a) public utility as defined in Title 54, Chapter 2;

16148 (b) municipality as defined in Title 10;

16149 (c) agricultural cooperative association as defined in Title 3;

16150 (d) ~~[county]~~ improvement district as defined in ~~[Title 17A, Chapter 2, Part 3]~~ Section  
16151 17B-1-102; or

16152 (e) entity created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act.

16153 (6) "Responsible party" means any person who contracts to perform, is responsible for  
16154 the performance of, or has control over, any function or activity at any location.

16155 Section 415. Section **54-14-103** is amended to read:

16156 **54-14-103. Definitions.**

16157 As used in this chapter:

16158 (1) "Actual excess cost" means the difference in cost between the standard cost of a  
16159 facility and the actual cost of the facility, including any necessary right-of-way, as determined  
16160 in accordance with Section 54-14-203.

16161 (2) "Board" means the Electrical Facility Review Board.

16162 (3) "Commencement of construction of a facility" includes the ordering of materials  
16163 necessary to construct the facility.

16164 (4) "Estimated excess cost" means any material difference in estimated cost between  
16165 the costs of a facility, including any necessary right-of-way, if constructed in accordance with  
16166 the requirements of a local government and the standard cost of the facility.

16167 (5) "Facility" means a transmission line or a substation.

16168 (6) "Local government" means a city or town as defined in Section 10-1-104 or a  
16169 county. If a facility is proposed to be located in more than one local government jurisdiction,  
16170 "local government" may refer to one or more of the local governments in whose jurisdiction the  
16171 facility is located.

16172 (7) "Pay" includes, in reference to a local government paying the actual excess cost of a  
16173 facility, payment by:

16174 (a) a ~~[special]~~ local district ~~[created by the local government]~~ under Title 17B, Limited  
16175 Purposed Local Government Entities - Local Districts; ~~[or]~~

16176 (b) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service

16177 District Act; or

16178 [~~(b)~~] (c) a private entity other than the public utility pursuant to a regulation or decision  
16179 of the local government.

16180 (8) (a) "Standard cost" means the estimated cost of a facility, including any necessary  
16181 right-of-way, if constructed in accordance with:

16182 (i) the public utility's normal practices; and

16183 (ii) zoning, subdivision, and building code regulations of a local government, including  
16184 siting, setbacks, screening, and landscaping requirements:

16185 (A) imposed on similar land uses in the same zone; and

16186 (B) that do not impair the ability of the public utility to provide service to its customers  
16187 in a safe, reliable, adequate, and efficient manner.

16188 (b) With respect to a transmission line, standard cost is the cost of any overhead line  
16189 constructed in accordance with the public utility's normal practices.

16190 (9) (a) "Substation" means a separate space within which electric supply equipment is  
16191 located for the purpose of switching, regulating, transforming, or otherwise modifying the  
16192 characteristics of electricity, including:

16193 (i) electrical equipment such as transformers, circuit breakers, voltage regulating  
16194 equipment, buses, switches, capacitor banks, reactors, protection and control equipment, and  
16195 other related equipment;

16196 (ii) the site at which the equipment is located, any foundations, support structures,  
16197 buildings, or driveways necessary to locate, operate, and maintain the equipment at the site; and

16198 (iii) the structure intended to restrict access to the equipment to qualified persons.

16199 (b) "Substation" does not include a distribution pole-mounted or pad-mounted  
16200 transformer that is used for the final transformation of power to the voltage level utilized by the  
16201 customer.

16202 (10) "Transmission line" means an electrical line, including structures, equipment,  
16203 plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000  
16204 volts or above.

16205 Section 416. Section **57-8-27** is amended to read:

16206 **57-8-27. Separate taxation.**

16207 (1) Each unit and its percentage of undivided interest in the common areas and

16208 facilities shall be considered to be a parcel and shall be subject to separate assessment and  
16209 taxation by each assessing unit [~~and special~~], local district, and special service district for all  
16210 types of taxes authorized by law, including ad valorem levies and special assessments. Neither  
16211 the building or buildings, the property, nor any of the common areas and facilities may be  
16212 considered a parcel.

16213 (2) In the event any of the interests in real property made subject to this chapter by the  
16214 declaration are leasehold interests, if the lease creating these interests is of record in the office  
16215 of the county recorder, if the balance of the term remaining under the lease is at least 40 years  
16216 at the time the leasehold interest is made subject to this chapter, if units are situated or are to be  
16217 situated on or within the real property covered by the lease, and if the lease provides that the  
16218 lessee shall pay all taxes and assessments imposed by governmental authority, then until ten  
16219 years prior to the date that the leasehold is to expire or until the lease is terminated, whichever  
16220 first occurs, all taxes and assessments on the real property covered by the lease shall be levied  
16221 against the owner of the lessee's interest. If the owner of the reversion under the lease has  
16222 executed the declaration and condominium plat, until ten years prior to the date that the  
16223 leasehold is to expire, or until the lease is terminated, whichever first occurs, all taxes and  
16224 assessments on the real property covered by the lease shall be separately levied against the unit  
16225 owners having an interest in the lease, with each unit owner for taxation purposes being  
16226 considered the owner of a parcel consisting of his undivided condominium interest in the fee of  
16227 the real property affected by the lease.

16228 (3) No forfeiture or sale of the improvements or the property as a whole for delinquent  
16229 real estate taxes, special assessments, or charges shall divest or in anywise affect the title to an  
16230 individual unit if the real estate taxes or duly levied share of the assessments and charges on the  
16231 individual unit are currently paid.

16232 (4) Any exemption from taxes that may exist on real property or the ownership of the  
16233 property may not be denied by virtue of the submission of the property to this chapter.

16234 (5) Timeshare interests and timeshare estates, as defined in Subsection 57-19-2(17),  
16235 may not be separately taxed but shall be valued, assessed, and taxed at the unit level. The value  
16236 of timeshare interests and timeshare estates, for purposes of ad valorem taxation, shall be  
16237 determined by valuing the real property interest associated with the timeshare interest or  
16238 timeshare estate, exclusive of the value of any intangible property and rights associated with

16239 the acquisition, operation, ownership, and use of the timeshare interest or timeshare estate,  
16240 including the fees and costs associated with the sale of timeshare interests and timeshare estates  
16241 that exceed those fees and costs normally incurred in the sale of other similar properties, the  
16242 fees and costs associated with the operation, ownership, and use of timeshare interests and  
16243 timeshare estates, vacation exchange rights, vacation conveniences and services, club  
16244 memberships, and any other intangible rights and benefits available to a timeshare unit owner.  
16245 Nothing in this section shall be construed as requiring the assessment of any real property  
16246 interest associated with a timeshare interest or timeshare estate at less than its fair market  
16247 value. Notice of assessment, delinquency, sale, or any other purpose required by law is  
16248 considered sufficient for all purposes if the notice is given to the management committee.

16249 Section 417. Section **59-2-102** is amended to read:

16250 **59-2-102. Definitions.**

16251 As used in this chapter and title:

16252 (1) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of  
16253 engaging in dispensing activities directly affecting agriculture or horticulture with an  
16254 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or  
16255 rotorcraft's use for agricultural and pest control purposes.

16256 (2) "Air charter service" means an air carrier operation which requires the customer to  
16257 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled  
16258 trip.

16259 (3) "Air contract service" means an air carrier operation available only to customers  
16260 who engage the services of the carrier through a contractual agreement and excess capacity on  
16261 any trip and is not available to the public at large.

16262 (4) "Aircraft" is as defined in Section 72-10-102.

16263 (5) "Airline" means any air carrier operating interstate routes on a scheduled basis  
16264 which offers to fly passengers or cargo on the basis of available capacity on regularly scheduled  
16265 routes.

16266 (6) "Assessment roll" means a permanent record of the assessment of property as  
16267 assessed by the county assessor and the commission and may be maintained manually or as a  
16268 computerized file as a consolidated record or as multiple records by type, classification, or  
16269 categories.

16270 (7) "Certified revenue levy" means a property tax levy that provides the same amount  
16271 of ad valorem property tax revenue as was collected for the prior year, plus new growth, but  
16272 exclusive of revenue from collections from redemptions, interest, and penalties.

16273 (8) "County-assessed commercial vehicle" means:

16274 (a) any commercial vehicle, trailer, or semitrailer which is not apportioned under  
16275 Section 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or  
16276 property in furtherance of the owner's commercial enterprise;

16277 (b) any passenger vehicle owned by a business and used by its employees for  
16278 transportation as a company car or vanpool vehicle; and

16279 (c) vehicles which are:

16280 (i) especially constructed for towing or wrecking, and which are not otherwise used to  
16281 transport goods, merchandise, or people for compensation;

16282 (ii) used or licensed as taxicabs or limousines;

16283 (iii) used as rental passenger cars, travel trailers, or motor homes;

16284 (iv) used or licensed in this state for use as ambulances or hearses;

16285 (v) especially designed and used for garbage and rubbish collection; or

16286 (vi) used exclusively to transport students or their instructors to or from any private,  
16287 public, or religious school or school activities.

16288 (9) (a) Except as provided in Subsection (9)(b), for purposes of Section 59-2-801,  
16289 "designated tax area" means a tax area created by the overlapping boundaries of only the  
16290 following taxing entities:

16291 (i) a county; and

16292 (ii) a school district.

16293 (b) Notwithstanding Subsection (9)(a), "designated tax area" includes a tax area created  
16294 by the overlapping boundaries of:

16295 (i) the taxing entities described in Subsection (9)(a); and

16296 (ii) (A) a city or town if the boundaries of the school district under Subsection (9)(a)  
16297 and the boundaries of the city or town are identical; or

16298 (B) a special service district if the boundaries of the school district under Subsection  
16299 (9)(a) are located entirely within the special service district.

16300 (10) "Eligible judgment" means a final and unappealable judgment or order under

16301 Section 59-2-1330:

16302 (a) that became a final and unappealable judgment or order no more than 14 months  
16303 prior to the day on which the notice required by Subsection 59-2-919(4) is required to be  
16304 mailed; and

16305 (b) for which a taxing entity's share of the final and unappealable judgment or order is  
16306 greater than or equal to the lesser of:

16307 (i) \$5,000; or

16308 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the  
16309 previous fiscal year.

16310 (11) (a) "Escaped property" means any property, whether personal, land, or any  
16311 improvements to the property, subject to taxation and is:

16312 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed  
16313 to the wrong taxpayer by the assessing authority;

16314 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to  
16315 comply with the reporting requirements of this chapter; or

16316 (iii) undervalued because of errors made by the assessing authority based upon  
16317 incomplete or erroneous information furnished by the taxpayer.

16318 (b) Property which is undervalued because of the use of a different valuation  
16319 methodology or because of a different application of the same valuation methodology is not  
16320 "escaped property."

16321 (12) "Fair market value" means the amount at which property would change hands  
16322 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell  
16323 and both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair  
16324 market value" shall be determined using the current zoning laws applicable to the property in  
16325 question, except in cases where there is a reasonable probability of a change in the zoning laws  
16326 affecting that property in the tax year in question and the change would have an appreciable  
16327 influence upon the value.

16328 (13) "Farm machinery and equipment," for purposes of the exemption provided under  
16329 Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed  
16330 handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage  
16331 tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or

16332 equipment used primarily for agricultural purposes; but does not include vehicles required to be  
16333 registered with the Motor Vehicle Division or vehicles or other equipment used for business  
16334 purposes other than farming.

16335 (14) "Geothermal fluid" means water in any form at temperatures greater than 120  
16336 degrees centigrade naturally present in a geothermal system.

16337 (15) "Geothermal resource" means:

16338 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;  
16339 and

16340 (b) the energy, in whatever form, including pressure, present in, resulting from, created  
16341 by, or which may be extracted from that natural heat, directly or through a material medium.

16342 (16) (a) "Goodwill" means:

16343 (i) acquired goodwill that is reported as goodwill on the books and records:

16344 (A) of a taxpayer; and

16345 (B) that are maintained for financial reporting purposes; or

16346 (ii) the ability of a business to:

16347 (A) generate income that exceeds a normal rate of return on assets; or

16348 (B) obtain an economic or competitive advantage resulting from:

16349 (I) superior management skills;

16350 (II) reputation;

16351 (III) customer relationships;

16352 (IV) patronage; or

16353 (V) a factor similar to Subsections (16)(a)(ii)(B)(I) through (IV).

16354 (b) "Goodwill" does not include:

16355 (i) the intangible property described in Subsection [~~(19)~~] (20)(a) or (b);

16356 (ii) locational attributes of real property, including:

16357 (A) zoning;

16358 (B) location;

16359 (C) view;

16360 (D) a geographic feature;

16361 (E) an easement;

16362 (F) a covenant;



- 16363 (G) proximity to raw materials;
- 16364 (H) the condition of surrounding property; or
- 16365 (I) proximity to markets;
- 16366 (iii) value attributable to the identification of an improvement to real property,
- 16367 including:
- 16368 (A) reputation of the designer, builder, or architect of the improvement;
- 16369 (B) a name given to, or associated with, the improvement; or
- 16370 (C) the historic significance of an improvement; or
- 16371 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 16372 of the existing tangible property in place working together as a unit.

16373 (17) "Governing body" means:

- 16374 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 16375 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -
- 16376 Local Districts, the local district's board of trustees;
- 16377 (c) for a school district, the local board of education; or
- 16378 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special
- 16379 Service District Act:

16380 (i) the legislative body of the county or municipality that created the special service  
16381 district, to the extent that the county or municipal legislative body has not delegated authority  
16382 to an administrative control board established under Section 17A-2-1326; or

16383 (ii) the administrative control board, to the extent that the county or municipal  
16384 legislative body has delegated authority to an administrative control board established under  
16385 Section 17A-2-1326.

16386 [~~17~~] (18) (a) For purposes of Section 59-2-103:

16387 (i) "household" means the association of persons who live in the same dwelling,  
16388 sharing its furnishings, facilities, accommodations, and expenses; and

16389 (ii) "household" includes married individuals, who are not legally separated, that have  
16390 established domiciles at separate locations within the state.

16391 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
16392 commission may make rules defining the term "domicile."

16393 [~~18~~] (19) (a) Except as provided in Subsection [~~18~~] (19)(c), "improvement" means a

16394 building, structure, fixture, fence, or other item that is permanently attached to land, regardless  
16395 of whether the title has been acquired to the land, if:

- 16396 (i) (A) attachment to land is essential to the operation or use of the item; and
- 16397 (B) the manner of attachment to land suggests that the item will remain attached to the  
16398 land in the same place over the useful life of the item; or
- 16399 (ii) removal of the item would:
  - 16400 (A) cause substantial damage to the item; or
  - 16401 (B) require substantial alteration or repair of a structure to which the item is attached.
- 16402 (b) "Improvement" includes:
  - 16403 (i) an accessory to an item described in Subsection [~~(18)~~] (19)(a) if the accessory is:
    - 16404 (A) essential to the operation of the item described in Subsection [~~(18)~~] (19)(a); and
    - 16405 (B) installed solely to serve the operation of the item described in Subsection [~~(18)~~]  
16406 (19)(a); and
  - 16407 (ii) an item described in Subsection [~~(18)~~] (19)(a) that:
    - 16408 (A) is temporarily detached from the land for repairs; and
    - 16409 (B) remains located on the land.
  - 16410 (c) Notwithstanding Subsections [~~(18)~~] (19)(a) and (b), "improvement" does not  
16411 include:
    - 16412 (i) an item considered to be personal property pursuant to rules made in accordance  
16413 with Section 59-2-107;
    - 16414 (ii) a moveable item that is attached to land:
      - 16415 (A) for stability only; or
      - 16416 (B) for an obvious temporary purpose;
    - 16417 (iii) (A) manufacturing equipment and machinery; or
    - 16418 (B) essential accessories to manufacturing equipment and machinery;
    - 16419 (iv) an item attached to the land in a manner that facilitates removal without substantial  
16420 damage to:
      - 16421 (A) the land; or
      - 16422 (B) the item; or
    - 16423 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that  
16424 transportable factory-built housing unit is considered to be personal property under Section

16425 59-2-1503.

16426 [~~(19)~~] (20) "Intangible property" means:

16427 (a) property that is capable of private ownership separate from tangible property,

16428 including:

16429 (i) moneys;

16430 (ii) credits;

16431 (iii) bonds;

16432 (iv) stocks;

16433 (v) representative property;

16434 (vi) franchises;

16435 (vii) licenses;

16436 (viii) trade names;

16437 (ix) copyrights; and

16438 (x) patents;

16439 (b) a low-income housing tax credit; or

16440 (c) goodwill.

16441 [~~(20)~~] (21) "Low-income housing tax credit" means:

16442 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;

16443 or

16444 (b) a low-income housing tax credit under:

16445 (i) Section 59-7-607; or

16446 (ii) Section 59-10-1010.

16447 [~~(21)~~] (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and

16448 uranium.

16449 [~~(22)~~] (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous

16450 valuable mineral.

16451 [~~(23)~~] (24) "Mining" means the process of producing, extracting, leaching, evaporating,

16452 or otherwise removing a mineral from a mine.

16453 [~~(24)~~] (25) (a) "Mobile flight equipment" means tangible personal property that is:

16454 (i) owned or operated by an:

16455 (A) air charter service;

16456 (B) air contract service; or  
16457 (C) airline; and  
16458 (ii) (A) capable of flight;  
16459 (B) attached to an aircraft that is capable of flight; or  
16460 (C) contained in an aircraft that is capable of flight if the tangible personal property is  
16461 intended to be used:  
16462 (I) during multiple flights;  
16463 (II) during a takeoff, flight, or landing; and  
16464 (III) as a service provided by an air charter service, air contract service, or airline.  
16465 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare  
16466 engine that is rotated:  
16467 (A) at regular intervals; and  
16468 (B) with an engine that is attached to the aircraft.  
16469 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
16470 commission may make rules defining the term "regular intervals."  
16471 [~~25~~] (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal,  
16472 salts, sand, rock, gravel, and all carboniferous materials.  
16473 [~~26~~] (27) "Personal property" includes:  
16474 (a) every class of property as defined in Subsection [~~27~~] (28) which is the subject of  
16475 ownership and not included within the meaning of the terms "real estate" and "improvements";  
16476 (b) gas and water mains and pipes laid in roads, streets, or alleys;  
16477 (c) bridges and ferries;  
16478 (d) livestock which, for the purposes of the exemption provided under Section  
16479 59-2-1112, means all domestic animals, honeybees, poultry, fur-bearing animals, and fish; and  
16480 (e) outdoor advertising structures as defined in Section 72-7-502.  
16481 [~~27~~] (28) (a) "Property" means property that is subject to assessment and taxation  
16482 according to its value.  
16483 (b) "Property" does not include intangible property as defined in this section.  
16484 [~~28~~] (29) "Public utility," for purposes of this chapter, means the operating property  
16485 of a railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline  
16486 company, electrical corporation, telephone corporation, sewerage corporation, or heat

16487 corporation where the company performs the service for, or delivers the commodity to, the  
16488 public generally or companies serving the public generally, or in the case of a gas corporation  
16489 or an electrical corporation, where the gas or electricity is sold or furnished to any member or  
16490 consumers within the state for domestic, commercial, or industrial use. Public utility also  
16491 means the operating property of any entity or person defined under Section 54-2-1 except water  
16492 corporations.

16493 [~~(29)~~] (30) "Real estate" or "real property" includes:

16494 (a) the possession of, claim to, ownership of, or right to the possession of land;

16495 (b) all mines, minerals, and quarries in and under the land, all timber belonging to  
16496 individuals or corporations growing or being on the lands of this state or the United States, and  
16497 all rights and privileges appertaining to these; and

16498 (c) improvements.

16499 [~~(30)~~] (31) "Residential property," for the purposes of the reductions and adjustments  
16500 under this chapter, means any property used for residential purposes as a primary residence. It  
16501 does not include property used for transient residential use or condominiums used in rental  
16502 pools.

16503 [~~(31)~~] (32) For purposes of Subsection 59-2-801(1)(e), "route miles" means the number  
16504 of miles calculated by the commission that is:

16505 (a) measured in a straight line by the commission; and

16506 (b) equal to the distance between a geographical location that begins or ends:

16507 (i) at a boundary of the state; and

16508 (ii) where an aircraft:

16509 (A) takes off; or

16510 (B) lands.

16511 [~~(32)~~] (33) (a) "State-assessed commercial vehicle" means:

16512 (i) any commercial vehicle, trailer, or semitrailer which operates interstate or intrastate  
16513 to transport passengers, freight, merchandise, or other property for hire; or

16514 (ii) any commercial vehicle, trailer, or semitrailer which operates interstate and  
16515 transports the vehicle owner's goods or property in furtherance of the owner's commercial  
16516 enterprise.

16517 (b) "State-assessed commercial vehicle" does not include vehicles used for hire which

16518 are specified in Subsection (8)(c) as county-assessed commercial vehicles.

16519 ~~[(33)]~~ (34) "Taxable value" means fair market value less any applicable reduction  
16520 allowed for residential property under Section 59-2-103.

16521 ~~[(34)]~~ (35) "Tax area" means a geographic area created by the overlapping boundaries  
16522 of one or more taxing entities.

16523 ~~[(35)]~~ (36) "Taxing entity" means any county, city, town, school district, special taxing  
16524 district, local district under Title 17B, Limited Purpose Local Government Entities - Local  
16525 Districts, or ~~[any]~~ other political subdivision of the state with the authority to levy a tax on  
16526 property.

16527 ~~[(36)]~~ (37) "Tax roll" means a permanent record of the taxes charged on property, as  
16528 extended on the assessment roll and may be maintained on the same record or records as the  
16529 assessment roll or may be maintained on a separate record properly indexed to the assessment  
16530 roll. It includes tax books, tax lists, and other similar materials.

16531 Section 418. Section **59-2-511** is amended to read:

16532 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**  
16533 **tax -- One-time in lieu fee payment -- Passage of title.**

16534 (1) For purposes of this section, "governmental entity" means:

16535 (a) the United States;

16536 (b) the state;

16537 (c) a political subdivision of the state, including:

16538 (i) a county;

16539 (ii) a city;

16540 (iii) a town;

16541 (iv) a school district; ~~[or]~~

16542 (v) a ~~[special]~~ local district; or

16543 (vi) a special service district; or

16544 (d) an entity created by the state or the United States, including:

16545 (i) an agency;

16546 (ii) a board;

16547 (iii) a bureau;

16548 (iv) a commission;

- 16549 (v) a committee;
- 16550 (vi) a department;
- 16551 (vii) a division;
- 16552 (viii) an institution;
- 16553 (ix) an instrumentality; or
- 16554 (x) an office.

16555 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
16556 entity is subject to the rollback tax imposed by this part if:

16557 (i) prior to the governmental entity acquiring the land, the land is assessed under this  
16558 part; and

16559 (ii) after the governmental entity acquires the land, the land does not meet the  
16560 requirements of Section 59-2-503 for assessment under this part.

16561 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
16562 rollback tax imposed by this part if:

16563 (i) a portion of the public right-of-way is located within a subdivision as defined in  
16564 Section 10-9a-103; or

16565 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
16566 receives:

- 16567 (A) money; or
- 16568 (B) other consideration.

16569 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is  
16570 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee  
16571 payment as provided in Subsection (3)(b), if:

- 16572 (i) the governmental entity acquires the land by eminent domain;
- 16573 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and
- 16574 (B) the governmental entity provides written notice of the proceedings to the owner; or
- 16575 (iii) the land is donated to the governmental entity.

16576 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the  
16577 governmental entity shall make a one-time in lieu fee payment:

- 16578 (A) to the county treasurer of the county in which the land is located; and
- 16579 (B) in an amount equal to the amount of rollback tax calculated under Section

16580 59-2-506.

16581 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the  
16582 governmental entity shall make a one-time in lieu fee payment:

16583 (A) to the county treasurer of the county in which the land is located; and

16584 (B) (I) if the land remaining after the acquisition by the governmental entity meets the  
16585 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section  
16586 59-2-506 on the land acquired by the governmental entity; or

16587 (II) if the land remaining after the acquisition by the governmental entity is less than  
16588 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired  
16589 by the governmental entity and the land remaining after the acquisition by the governmental  
16590 entity.

16591 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the  
16592 governmental entity" includes other eligible acreage that is used in conjunction with the land  
16593 remaining after the acquisition by the governmental entity.

16594 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute  
16595 the revenues generated by the payment:

16596 (i) to the taxing entities in which the land is located; and

16597 (ii) in the same proportion as the revenue from real property taxes is distributed.

16598 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity  
16599 is made subject to a conservation easement in accordance with Section 59-2-506.5:

16600 (a) the land is not subject to the rollback tax imposed by this part; and

16601 (b) the governmental entity acquiring the land is not required to make an in lieu fee  
16602 payment under Subsection (3)(b).

16603 (5) If a governmental entity acquires land subject to assessment under this part, title to  
16604 the land may not pass to the governmental entity until the following are paid to the county  
16605 treasurer:

16606 (a) any tax due under this part;

16607 (b) any one-time in lieu fee payment due under this part; and

16608 (c) any interest due under this part.

16609 Section 419. Section **59-2-912** is amended to read:

16610 **59-2-912. Time for adoption of levy -- Certification to county auditor.**



16611 (1) The ~~[county legislative]~~ governing body of each taxing entity shall~~[-];~~  
 16612 (a) before June 22 of each year, adopt a proposed or, if the tax rate is not more than the  
 16613 certified tax rate, a final tax rate for the taxing entity~~[-The county legislative body shall]; and~~  
 16614 (b) report the rate and levy, and submit the statement required under Section 59-2-913  
 16615 and any other information prescribed by rules of the commission for the preparation, review,  
 16616 and certification of the rate, to the county auditor of the county in which the taxing entity is  
 16617 located.

16618 (2) (a) If the ~~[county legislative]~~ governing body of any taxing entity fails to comply  
 16619 with ~~[this section,]~~ Subsection (1), the ~~[county executive]~~ auditor of the county in which the  
 16620 taxing entity is located shall notify the taxing entity by certified mail of the deficiency and  
 16621 forward all available documentation to the commission. ~~[The]~~

16622 (b) Upon receipt of the notice and documentation from the county auditor under  
 16623 Subsection (2)(a), the commission shall hold a hearing on the matter and certify an appropriate  
 16624 rate.

16625 Section 420. Section **59-2-924** is amended to read:

16626 **59-2-924. Report of valuation of property to county auditor and commission --**  
 16627 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**  
 16628 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

16629 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to  
 16630 the county auditor and the commission the following statements:

16631 (i) a statement containing the aggregate valuation of all taxable property in each taxing  
 16632 entity; and

16633 (ii) a statement containing the taxable value of any additional personal property  
 16634 estimated by the county assessor to be subject to taxation in the current year.

16635 (b) The county auditor shall, on or before June 8, transmit to the governing body of  
 16636 each taxing entity:

16637 (i) the statements described in Subsections (1)(a)(i) and (ii);

16638 (ii) an estimate of the revenue from personal property;

16639 (iii) the certified tax rate; and

16640 (iv) all forms necessary to submit a tax levy request.

16641 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad

16642 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the  
16643 prior year.

16644 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not  
16645 include:

16646 (A) collections from redemptions;

16647 (B) interest; and

16648 (C) penalties.

16649 (iii) (A) Except as provided in Subsection (2)(a)(v), the certified tax rate shall be  
16650 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the  
16651 taxing entity by the amount calculated under Subsection (2)(a)(iii)(B).

16652 (B) For purposes of Subsection (2)(a)(iii)(A), the legislative body of a taxing entity  
16653 shall calculate an amount as follows:

16654 (I) calculate for the taxing entity the difference between:

16655 (Aa) the aggregate taxable value of all property taxed; and

16656 (Bb) any redevelopment adjustments for the current calendar year;

16657 (II) after making the calculation required by Subsection (2)(a)(iii)(B)(I), calculate an  
16658 amount determined by increasing or decreasing the amount calculated under Subsection  
16659 (2)(a)(iii)(B)(I) by the average of the percentage net change in the value of taxable property for  
16660 the equalization period for the three calendar years immediately preceding the current calendar  
16661 year;

16662 (III) after making the calculation required by Subsection (2)(a)(iii)(B)(II), calculate the  
16663 product of:

16664 (Aa) the amount calculated under Subsection (2)(a)(iii)(B)(II); and

16665 (Bb) the percentage of property taxes collected for the five calendar years immediately  
16666 preceding the current calendar year; and

16667 (IV) after making the calculation required by Subsection (2)(a)(iii)(B)(III), calculate an  
16668 amount determined by subtracting from the amount calculated under Subsection  
16669 (2)(a)(iii)(B)(III) any new growth as defined in this section:

16670 (Aa) within the taxing entity; and

16671 (Bb) for the current calendar year.

16672 (C) For purposes of Subsection (2)(a)(iii)(B)(I), the aggregate taxable value of all

16673 property taxed includes:

16674 (I) the total taxable value of the real and personal property contained on the tax rolls;  
16675 and

16676 (II) the taxable value of any additional personal property estimated by the county  
16677 assessor to be subject to taxation in the current year.

16678 (D) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
16679 the commission may prescribe rules for calculating redevelopment adjustments for a calendar  
16680 year.

16681 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
16682 Act, the commission shall make rules determining the calculation of ad valorem property tax  
16683 revenues budgeted by a taxing entity.

16684 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues  
16685 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax  
16686 revenues are calculated for purposes of Section 59-2-913.

16687 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)  
16688 shall be calculated as follows:

16689 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified  
16690 tax rate is zero;

16691 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

16692 (I) in a county of the first, second, or third class, the levy imposed for municipal-type  
16693 services under Sections 17-34-1 and 17-36-9; and

16694 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county  
16695 purposes and such other levies imposed solely for the municipal-type services identified in  
16696 Section 17-34-1 and Subsection 17-36-3(22); and

16697 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy  
16698 imposed by that section, except that the certified tax rates for the following levies shall be  
16699 calculated in accordance with Section 59-2-913 and this section:

16700 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,  
16701 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

16702 (II) levies to pay for the costs of state legislative mandates or judicial or administrative  
16703 orders under Section 59-2-906.3.

16704 (vi) (A) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be  
16705 established at that rate which is sufficient to generate only the revenue required to satisfy one or  
16706 more eligible judgments, as defined in Section 59-2-102.

16707 (B) The ad valorem property tax revenue generated by the judgment levy shall not be  
16708 considered in establishing the taxing entity's aggregate certified tax rate.

16709 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use  
16710 the taxable value of property on the assessment roll.

16711 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the  
16712 assessment roll does not include new growth as defined in Subsection (2)(b)(iii).

16713 (iii) "New growth" means:

16714 (A) the difference between the increase in taxable value of the taxing entity from the  
16715 previous calendar year to the current year; minus

16716 (B) the amount of an increase in taxable value described in Subsection (2)(b)(iv).

16717 (iv) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

16718 (A) the amount of increase to locally assessed real property taxable values resulting  
16719 from factoring, reappraisal, or any other adjustments; or

16720 (B) the amount of an increase in the taxable value of property assessed by the  
16721 commission under Section 59-2-201 resulting from a change in the method of apportioning the  
16722 taxable value prescribed by:

16723 (I) the Legislature;

16724 (II) a court;

16725 (III) the commission in an administrative rule; or

16726 (IV) the commission in an administrative order.

16727 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from  
16728 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,  
16729 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter  
16730 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax  
16731 rate to offset the increased revenues.

16732 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under  
16733 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

16734 (A) decreased on a one-time basis by the amount of the estimated sales and use tax

16735 revenue to be distributed to the county under Subsection 59-12-1102(3); and

16736 (B) increased by the amount necessary to offset the county's reduction in revenue from  
16737 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,  
16738 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection  
16739 (2)(d)(i)(A).

16740 (ii) The commission shall determine estimates of sales and use tax distributions for  
16741 purposes of Subsection (2)(d)(i).

16742 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort  
16743 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be  
16744 decreased on a one-time basis by the amount necessary to offset the first 12 months of  
16745 estimated revenue from the additional resort communities sales and use tax imposed under  
16746 Section 59-12-402.

16747 (f) For the calendar year beginning on January 1, 1999, and ending on December 31,  
16748 1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the  
16749 adjustment in revenues from uniform fees on tangible personal property under Section  
16750 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under  
16751 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.

16752 (g) For purposes of Subsections (2)(h) through (j):

16753 (i) "1998 actual collections" means the amount of revenues a taxing entity actually  
16754 collected for the calendar year beginning on January 1, 1998, under Section 59-2-405 for:

16755 (A) motor vehicles required to be registered with the state that weigh 12,000 pounds or  
16756 less; and

16757 (B) state-assessed commercial vehicles required to be registered with the state that  
16758 weigh 12,000 pounds or less.

16759 (ii) "1999 actual collections" means the amount of revenues a taxing entity actually  
16760 collected for the calendar year beginning on January 1, 1999, under Section 59-2-405.1.

16761 (h) For the calendar year beginning on January 1, 2000, the commission shall make the  
16762 following adjustments:

16763 (i) the commission shall make the adjustment described in Subsection (2)(i)(i) if, for  
16764 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
16765 greater than the sum of:

- 16766 (A) the taxing entity's 1999 actual collections; and  
16767 (B) any adjustments the commission made under Subsection (2)(f);  
16768 (ii) the commission shall make the adjustment described in Subsection (2)(i)(ii) if, for  
16769 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
16770 greater than the taxing entity's 1999 actual collections, but the taxing entity's 1998 actual  
16771 collections were less than the sum of:  
16772 (A) the taxing entity's 1999 actual collections; and  
16773 (B) any adjustments the commission made under Subsection (2)(f); and  
16774 (iii) the commission shall make the adjustment described in Subsection (2)(i)(iii) if, for  
16775 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
16776 less than the taxing entity's 1999 actual collections.  
16777 (i) (i) For purposes of Subsection (2)(h)(i), the commission shall increase a taxing  
16778 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
16779 Section 59-2-906.1 by the amount necessary to offset the difference between:  
16780 (A) the taxing entity's 1998 actual collections; and  
16781 (B) the sum of:  
16782 (I) the taxing entity's 1999 actual collections; and  
16783 (II) any adjustments the commission made under Subsection (2)(f).  
16784 (ii) For purposes of Subsection (2)(h)(ii), the commission shall decrease a taxing  
16785 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
16786 Section 59-2-906.1 by the amount necessary to offset the difference between:  
16787 (A) the sum of:  
16788 (I) the taxing entity's 1999 actual collections; and  
16789 (II) any adjustments the commission made under Subsection (2)(f); and  
16790 (B) the taxing entity's 1998 actual collections.  
16791 (iii) For purposes of Subsection (2)(h)(iii), the commission shall decrease a taxing  
16792 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
16793 Section 59-2-906.1 by the amount of any adjustments the commission made under Subsection  
16794 (2)(f).  
16795 (j) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for  
16796 purposes of Subsections (2)(f) through (i), the commission may make rules establishing the

16797 method for determining a taxing entity's 1998 actual collections and 1999 actual collections.

16798 (k) (i) (A) For fiscal year 2000, the certified tax rate of each county required under  
16799 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the  
16800 unincorporated area of the county shall be decreased by the amount necessary to reduce  
16801 revenues in that fiscal year by an amount equal to the difference between the amount the county  
16802 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services  
16803 countywide and the amount the county spent during fiscal year 2000 for those services,  
16804 excluding amounts spent from a municipal services fund for those services.

16805 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection  
16806 (2)(k)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal  
16807 year by the amount that the county spent during fiscal year 2000 for advanced life support and  
16808 paramedic services countywide, excluding amounts spent from a municipal services fund for  
16809 those services.

16810 (ii) (A) A city or town located within a county of the first class to which Subsection  
16811 (2)(k)(i) applies may increase its certified tax rate by the amount necessary to generate within  
16812 the city or town the same amount of revenues as the county would collect from that city or  
16813 town if the decrease under Subsection (2)(k)(i) did not occur.

16814 (B) An increase under Subsection (2)(k)(ii)(A), whether occurring in a single fiscal  
16815 year or spread over multiple fiscal years, is not subject to the notice and hearing requirements  
16816 of Sections 59-2-918 and 59-2-919.

16817 (l) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to  
16818 provide detective investigative services to the unincorporated area of the county shall be  
16819 decreased:

16820 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year  
16821 by at least \$4,400,000; and

16822 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year  
16823 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in  
16824 revenues under Subsection (2)(l)(i)(A).

16825 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a  
16826 county to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate  
16827 within the city or town the same amount of revenue as the county would have collected during

16828 county fiscal year 2001 from within the city or town except for Subsection (2)(l)(i)(A).

16829 (II) Beginning with municipal fiscal year 2003, a city or town located within a county  
16830 to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate within the  
16831 city or town the same amount of revenue as the county would have collected during county  
16832 fiscal year 2002 from within the city or town except for Subsection (2)(l)(i)(B).

16833 (B) (I) Except as provided in Subsection (2)(l)(ii)(B)(II), an increase in the city or  
16834 town's certified tax rate under Subsection (2)(l)(ii)(A), whether occurring in a single fiscal year  
16835 or spread over multiple fiscal years, is subject to the notice and hearing requirements of  
16836 Sections 59-2-918 and 59-2-919.

16837 (II) For an increase under this Subsection (2)(l)(ii) that generates revenue that does not  
16838 exceed the same amount of revenue as the county would have collected except for Subsection  
16839 (2)(l)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

16840 (Aa) publishes a notice that meets the size, type, placement, and frequency  
16841 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed  
16842 by the county to one imposed by the city or town, and explains how the revenues from the tax  
16843 increase will be used; and

16844 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the  
16845 city or town's regular budget hearing.

16846 (m) (i) This Subsection (2)(m) applies to each county that:

16847 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part  
16848 13, Utah Special Service District Act, to provide jail service, as provided in Subsection  
16849 17A-2-1304(1)(a)(x); and

16850 (B) levies a property tax on behalf of the special service district under Section  
16851 17A-2-1322.

16852 (ii) (A) The certified tax rate of each county to which this Subsection (2)(m) applies  
16853 shall be decreased by the amount necessary to reduce county revenues by the same amount of  
16854 revenues that will be generated by the property tax imposed on behalf of the special service  
16855 district.

16856 (B) Each decrease under Subsection (2)(m)(ii)(A) shall occur contemporaneously with  
16857 the levy on behalf of the special service district under Section 17A-2-1322.

16858 (n) (i) As used in this Subsection (2)(n):



16859 (A) "Annexing county" means a county whose unincorporated area is included within a  
16860 fire district by annexation.

16861 (B) "Annexing municipality" means a municipality whose area is included within a fire  
16862 district by annexation.

16863 (C) "Equalized fire protection tax rate" means the tax rate that results from:

16864 (I) calculating, for each participating county and each participating municipality, the  
16865 property tax revenue necessary to cover all of the costs associated with providing fire  
16866 protection, paramedic, and emergency services:

16867 (Aa) for a participating county, in the unincorporated area of the county; and

16868 (Bb) for a participating municipality, in the municipality; and

16869 (II) adding all the amounts calculated under Subsection (2)(n)(i)(C)(I) for all  
16870 participating counties and all participating municipalities and then dividing that sum by the  
16871 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

16872 (Aa) for participating counties, in the unincorporated area of all participating counties;  
16873 and

16874 (Bb) for participating municipalities, in all the participating municipalities.

16875 (D) "Fire district" means a ~~[county]~~ service area under Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a,  
16876 Part ~~[4, County]~~ 9, Service Area Act, in the creation of which an election was not required  
16877 under Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c).

16878 (E) "Fire protection tax rate" means:

16879 (I) for an annexing county, the property tax rate that, when applied to taxable property  
16880 in the unincorporated area of the county, generates enough property tax revenue to cover all the  
16881 costs associated with providing fire protection, paramedic, and emergency services in the  
16882 unincorporated area of the county; and

16883 (II) for an annexing municipality, the property tax rate that generates enough property  
16884 tax revenue in the municipality to cover all the costs associated with providing fire protection,  
16885 paramedic, and emergency services in the municipality.

16886 (F) "Participating county" means a county whose unincorporated area is included  
16887 within a fire district at the time of the creation of the fire district.

16888 (G) "Participating municipality" means a municipality whose area is included within a  
16889 fire district at the time of the creation of the fire district.

16890 (ii) In the first year following creation of a fire district, the certified tax rate of each  
16891 participating county and each participating municipality shall be decreased by the amount of  
16892 the equalized fire protection tax rate.

16893 (iii) In the first year following annexation to a fire district, the certified tax rate of each  
16894 annexing county and each annexing municipality shall be decreased by the fire protection tax  
16895 rate.

16896 (iv) Each tax levied under this section by a fire district shall be considered to be levied  
16897 by:

16898 (A) each participating county and each annexing county for purposes of the county's  
16899 tax limitation under Section 59-2-908; and

16900 (B) each participating municipality and each annexing municipality for purposes of the  
16901 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a  
16902 city.

16903 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

16904 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county  
16905 auditor of:

16906 (i) its intent to exceed the certified tax rate; and

16907 (ii) the amount by which it proposes to exceed the certified tax rate.

16908 (c) The county auditor shall notify all property owners of any intent to exceed the  
16909 certified tax rate in accordance with Subsection 59-2-919(2).

16910 (4) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be  
16911 reduced for any year to the extent necessary to provide a community development and renewal  
16912 agency established under Title 17C, Limited Purpose Local Government Entities - Community  
16913 Development and Renewal Agencies, with approximately the same amount of money the  
16914 agency would have received without a reduction in the county's certified tax rate if:

16915 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or  
16916 (2)(d)(i);

16917 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the  
16918 previous year; and

16919 (iii) the decrease results in a reduction of the amount to be paid to the agency under  
16920 Section 17C-1-403 or 17C-1-404.

16921 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any  
16922 year to the extent necessary to provide a community development and renewal agency with  
16923 approximately the same amount of money as the agency would have received without an  
16924 increase in the certified tax rate that year if:

16925 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to  
16926 a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

16927 (ii) The certified tax rate of a city, school district, ~~[or special]~~ local district, or special  
16928 district increases independent of the adjustment to the taxable value of the base year.

16929 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or  
16930 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a community  
16931 development and renewal agency established under Title 17C, Limited Purpose Local  
16932 Government Entities - Community Development and Renewal Agencies, for the payment of  
16933 bonds or other contract indebtedness, but not for administrative costs, may not be less than that  
16934 amount would have been without a decrease in the certified tax rate under Subsection (2)(c) or  
16935 (2)(d)(i).

16936 Section 421. Section **59-2-1101** is amended to read:

16937 **59-2-1101. Exemption of certain property -- Proportional payments for certain**  
16938 **property -- County legislative body authority to adopt rules or ordinances.**

16939 (1) For purposes of this section:

16940 (a) "exclusive use exemption" means a property tax exemption under Subsection  
16941 (3)(d), for property owned by a nonprofit entity that is used exclusively for religious, charitable,  
16942 or educational purposes;

16943 (b) "government exemption" means a property tax exemption provided under  
16944 Subsection (3)(a), (b), or (c); and

16945 (c) "tax relief" means an exemption, deferral, or abatement that is authorized by this  
16946 part.

16947 (2) (a) Except as provided in Subsection (2)(b) or (c), tax relief may be allowed only if  
16948 the claimant is the owner of the property as of January 1 of the year the exemption is claimed.

16949 (b) Notwithstanding Subsection (2)(a), a claimant shall collect and pay a proportional  
16950 tax based upon the length of time that the property was not owned by the claimant if:

16951 (i) the claimant is a federal, state, or political subdivision entity described in

16952 Subsection (3)(a), (b), or (c); or  
16953 (ii) pursuant to Subsection (3)(d):  
16954 (A) the claimant is a nonprofit entity; and  
16955 (B) the property is used exclusively for religious, charitable, or educational purposes.  
16956 (c) Notwithstanding Subsection (2)(a), a claimant may be allowed a veteran's  
16957 exemption in accordance with Sections 59-2-1104 and 59-2-1105 regardless of whether the  
16958 claimant is the owner of the property as of January 1 of the year the exemption is claimed if the  
16959 claimant is:  
16960 (i) the unmarried surviving spouse of:  
16961 (A) a deceased disabled veteran as defined in Section 59-2-1104; or  
16962 (B) a veteran who was killed in action or died in the line of duty as defined in Section  
16963 59-2-1104; or  
16964 (ii) a minor orphan of:  
16965 (A) a deceased disabled veteran as defined in Section 59-2-1104; or  
16966 (B) a veteran who was killed in action or died in the line of duty as defined in Section  
16967 59-2-1104.  
16968 (3) The following property is exempt from taxation:  
16969 (a) property exempt under the laws of the United States;  
16970 (b) property of:  
16971 (i) the state;  
16972 (ii) school districts; and  
16973 (iii) public libraries;  
16974 (c) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, property of:  
16975 (i) counties;  
16976 (ii) cities;  
16977 (iii) towns;  
16978 (iv) [~~special~~] local districts; [~~and~~]  
16979 special service districts; and  
16980 [~~(v)~~] (vi) all other political subdivisions of the state;  
16981 (d) property owned by a nonprofit entity which is used exclusively for religious,  
16982 charitable, or educational purposes;

16983 (e) places of burial not held or used for private or corporate benefit;  
16984 (f) farm equipment and machinery;  
16985 (g) intangible property; and  
16986 (h) the ownership interest of an out-of-state public agency, as defined in Section  
16987 11-13-103:  
16988 (i) if that ownership interest is in property providing additional project capacity, as  
16989 defined in Section 11-13-103; and  
16990 (ii) on which a fee in lieu of ad valorem property tax is payable under Section  
16991 11-13-302.  
16992 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or  
16993 a government exemption ceases to qualify for the exemption because of a change in the  
16994 ownership of the property:  
16995 (a) the new owner of the property shall pay a proportional tax based upon the period of  
16996 time:  
16997 (i) beginning on the day that the new owner acquired the property; and  
16998 (ii) ending on the last day of the calendar year during which the new owner acquired  
16999 the property; and  
17000 (b) the new owner of the property and the person from whom the new owner acquires  
17001 the property shall notify the county assessor, in writing, of the change in ownership of the  
17002 property within 30 days from the day that the new owner acquires the property.  
17003 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection  
17004 (4)(a):  
17005 (a) is subject to any exclusive use exemption or government exemption that the  
17006 property is entitled to under the new ownership of the property; and  
17007 (b) applies only to property that is acquired after December 31, 2005.  
17008 (6) A county legislative body may adopt rules or ordinances to:  
17009 (a) effectuate the exemptions, deferrals, abatements, or other relief from taxation  
17010 provided in this part; and  
17011 (b) designate one or more persons to perform the functions given the county under this  
17012 part.  
17013 Section 422. Section **59-12-104** is amended to read:

17014           **59-12-104. Exemptions.**

17015           The following sales and uses are exempt from the taxes imposed by this chapter:

17016           (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax  
17017 under Chapter 13, Motor and Special Fuel Tax Act;

17018           (2) sales to the state, its institutions, and its political subdivisions; however, this  
17019 exemption does not apply to sales of:

17020           (a) construction materials except:

17021           (i) construction materials purchased by or on behalf of institutions of the public  
17022 education system as defined in Utah Constitution Article X, Section 2, provided the  
17023 construction materials are clearly identified and segregated and installed or converted to real  
17024 property which is owned by institutions of the public education system; and

17025           (ii) construction materials purchased by the state, its institutions, or its political  
17026 subdivisions which are installed or converted to real property by employees of the state, its  
17027 institutions, or its political subdivisions; or

17028           (b) tangible personal property in connection with the construction, operation,  
17029 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities  
17030 providing additional project capacity, as defined in Section 11-13-103;

17031           (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

17032           (i) the proceeds of each sale do not exceed \$1; and

17033           (ii) the seller or operator of the vending machine reports an amount equal to 150% of  
17034 the cost of the item described in Subsection (3)(b) as goods consumed; and

17035           (b) Subsection (3)(a) applies to:

17036           (i) food and food ingredients; or

17037           (ii) prepared food;

17038           (4) sales of the following to a commercial airline carrier for in-flight consumption:

17039           (a) food and food ingredients;

17040           (b) prepared food; or

17041           (c) services related to Subsection (4)(a) or (b);

17042           (5) sales of parts and equipment for installation in aircraft operated by common carriers  
17043 in interstate or foreign commerce;

17044           (6) sales of commercials, motion picture films, prerecorded audio program tapes or

17045 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture  
17046 exhibitor, distributor, or commercial television or radio broadcaster;

17047 (7) (a) subject to Subsection (7)(b), sales of cleaning or washing of tangible personal  
17048 property if the cleaning or washing of the tangible personal property is not assisted cleaning or  
17049 washing of tangible personal property;

17050 (b) if a seller that sells at the same business location assisted cleaning or washing of  
17051 tangible personal property and cleaning or washing of tangible personal property that is not  
17052 assisted cleaning or washing of tangible personal property, the exemption described in  
17053 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning  
17054 or washing of the tangible personal property; and

17055 (c) for purposes of Subsection (7)(b) and in accordance with Title 63, Chapter 46a,  
17056 Utah Administrative Rulemaking Act, the commission may make rules:

17057 (i) governing the circumstances under which sales are at the same business location;  
17058 and

17059 (ii) establishing the procedures and requirements for a seller to separately account for  
17060 sales of assisted cleaning or washing of tangible personal property;

17061 (8) sales made to or by religious or charitable institutions in the conduct of their regular  
17062 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are  
17063 fulfilled;

17064 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of  
17065 this state if the vehicle is both not:

17066 (a) registered in this state; and

17067 (b) used in this state except as necessary to transport the vehicle to the borders of this  
17068 state;

17069 (10) (a) amounts paid for an item described in Subsection (10)(b) if:

17070 (i) the item is intended for human use; and

17071 (ii) (A) a prescription was issued for the item; or

17072 (B) the item was purchased by a hospital or other medical facility; and

17073 (b) (i) Subsection (10)(a) applies to:

17074 (A) a drug;

17075 (B) a syringe; or

- 17076 (C) a stoma supply; and  
17077 (ii) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17078 commission may by rule define the terms:  
17079 (A) "syringe"; or  
17080 (B) "stoma supply";  
17081 (11) sales or use of property, materials, or services used in the construction of or  
17082 incorporated in pollution control facilities allowed by Sections 19-2-123 through 19-2-127;  
17083 (12) (a) sales of an item described in Subsection (12)(c) served by:  
17084 (i) the following if the item described in Subsection (12)(c) is not available to the  
17085 general public:  
17086 (A) a church; or  
17087 (B) a charitable institution;  
17088 (ii) an institution of higher education if:  
17089 (A) the item described in Subsection (12)(c) is not available to the general public; or  
17090 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan  
17091 offered by the institution of higher education; or  
17092 (b) sales of an item described in Subsection (12)(c) provided for a patient by:  
17093 (i) a medical facility; or  
17094 (ii) a nursing facility; and  
17095 (c) Subsections (12)(a) and (b) apply to:  
17096 (i) food and food ingredients;  
17097 (ii) prepared food; or  
17098 (iii) alcoholic beverages;  
17099 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property  
17100 by a person:  
17101 (i) regardless of the number of transactions involving the sale of that tangible personal  
17102 property by that person; and  
17103 (ii) not regularly engaged in the business of selling that type of tangible personal  
17104 property;  
17105 (b) this Subsection (13) does not apply if:  
17106 (i) the sale is one of a series of sales of a character to indicate that the person is



- 17107 regularly engaged in the business of selling that type of tangible personal property;
- 17108 (ii) the person holds that person out as regularly engaged in the business of selling that
- 17109 type of tangible personal property;
- 17110 (iii) the person sells an item of tangible personal property that the person purchased as
- 17111 a sale that is exempt under Subsection (25); or
- 17112 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of
- 17113 this state in which case the tax is based upon:
- 17114 (A) the bill of sale or other written evidence of value of the vehicle or vessel being
- 17115 sold; or
- 17116 (B) in the absence of a bill of sale or other written evidence of value, the fair market
- 17117 value of the vehicle or vessel being sold at the time of the sale as determined by the
- 17118 commission; and
- 17119 (c) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 17120 commission shall make rules establishing the circumstances under which:
- 17121 (i) a person is regularly engaged in the business of selling a type of tangible personal
- 17122 property;
- 17123 (ii) a sale of tangible personal property is one of a series of sales of a character to
- 17124 indicate that a person is regularly engaged in the business of selling that type of tangible
- 17125 personal property; or
- 17126 (iii) a person holds that person out as regularly engaged in the business of selling a type
- 17127 of tangible personal property;
- 17128 (14) (a) except as provided in Subsection (14)(b), amounts paid or charged on or after
- 17129 July 1, 2006, for a purchase or lease by a manufacturing facility other than a cogeneration
- 17130 facility, for the following:
- 17131 (i) machinery and equipment that:
- 17132 (A) is used:
- 17133 (I) for a manufacturing facility other than a manufacturing facility that is a scrap
- 17134 recycler described in Subsection 59-12-102(45)(b):
- 17135 (Aa) in the manufacturing process; and
- 17136 (Bb) to manufacture an item sold as tangible personal property; or
- 17137 (II) for a manufacturing facility that is a scrap recycler described in Subsection

17138 59-12-102(45)(b), to process an item sold as tangible personal property; and  
17139 (B) has an economic life of three or more years; and  
17140 (ii) normal operating repair or replacement parts that:  
17141 (A) have an economic life of three or more years; and  
17142 (B) are used:  
17143 (I) for a manufacturing facility in the state other than a manufacturing facility that is a  
17144 scrap recycler described in Subsection 59-12-102(45)(b), in the manufacturing process; or  
17145 (II) for a manufacturing facility in the state that is a scrap recycler described in  
17146 Subsection 59-12-102(45)(b), to process an item sold as tangible personal property;  
17147 (b) (i) amounts paid or charged on or after July 1, 2005, for a purchase or lease by a  
17148 manufacturing facility that is a cogeneration facility placed in service on or after May 1, 2006,  
17149 for the following:  
17150 (A) machinery and equipment that:  
17151 (I) is used:  
17152 (Aa) in the manufacturing process; and  
17153 (Bb) to manufacture an item sold as tangible personal property; and  
17154 (II) has an economic life of three or more years; and  
17155 (B) normal operating repair or replacement parts that:  
17156 (I) are used in the manufacturing process in a manufacturing facility in the state; and  
17157 (II) have an economic life of three or more years; and  
17158 (ii) for amounts paid or charged on or after July 1, 2005, but on or before June 30,  
17159 2006, for a purchase or lease described in Subsection (14)(b)(i), a cogeneration facility may  
17160 claim the exemption allowed by Subsection (14)(b)(i) by filing for a refund:  
17161 (A) for sales and use taxes paid under this chapter on the purchase or lease payment;  
17162 and  
17163 (B) in accordance with Section 59-12-110;  
17164 (c) for purposes of this Subsection (14) and in accordance with Title 63, Chapter 46a,  
17165 Utah Administrative Rulemaking Act, the commission:  
17166 (i) shall by rule define the term "establishment"; and  
17167 (ii) may by rule define what constitutes processing an item sold as tangible personal  
17168 property; and

17169 (d) on or before October 1, 1991, and every five years after October 1, 1991, the  
17170 commission shall:

17171 (i) review the exemptions described in this Subsection (14) and make  
17172 recommendations to the Revenue and Taxation Interim Committee concerning whether the  
17173 exemptions should be continued, modified, or repealed; and

17174 (ii) include in its report:

17175 (A) the cost of the exemptions;

17176 (B) the purpose and effectiveness of the exemptions; and

17177 (C) the benefits of the exemptions to the state;

17178 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:

17179 (i) tooling;

17180 (ii) special tooling;

17181 (iii) support equipment;

17182 (iv) special test equipment; or

17183 (v) parts used in the repairs or renovations of tooling or equipment described in  
17184 Subsections (15)(a)(i) through (iv); and

17185 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

17186 (i) the tooling, equipment, or parts are used or consumed exclusively in the  
17187 performance of any aerospace or electronics industry contract with the United States  
17188 government or any subcontract under that contract; and

17189 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),  
17190 title to the tooling, equipment, or parts is vested in the United States government as evidenced  
17191 by:

17192 (A) a government identification tag placed on the tooling, equipment, or parts; or

17193 (B) listing on a government-approved property record if placing a government  
17194 identification tag on the tooling, equipment, or parts is impractical;

17195 (16) sales of newspapers or newspaper subscriptions;

17196 (17) (a) except as provided in Subsection (17)(b), tangible personal property traded in  
17197 as full or part payment of the purchase price, except that for purposes of calculating sales or use  
17198 tax upon vehicles not sold by a vehicle dealer, trade-ins are limited to other vehicles only, and  
17199 the tax is based upon:

- 17200 (i) the bill of sale or other written evidence of value of the vehicle being sold and the  
17201 vehicle being traded in; or
- 17202 (ii) in the absence of a bill of sale or other written evidence of value, the then existing  
17203 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the  
17204 commission; and
- 17205 (b) notwithstanding Subsection (17)(a), Subsection (17)(a) does not apply to the  
17206 following items of tangible personal property traded in as full or part payment of the purchase  
17207 price:
- 17208 (i) money;
  - 17209 (ii) electricity;
  - 17210 (iii) water;
  - 17211 (iv) gas; or
  - 17212 (v) steam;
- 17213 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property  
17214 used or consumed primarily and directly in farming operations, regardless of whether the  
17215 tangible personal property:
- 17216 (A) becomes part of real estate; or
  - 17217 (B) is installed by a:
    - 17218 (I) farmer;
    - 17219 (II) contractor; or
    - 17220 (III) subcontractor; or
  - 17221 (ii) sales of parts used in the repairs or renovations of tangible personal property if the  
17222 tangible personal property is exempt under Subsection (18)(a)(i); and
- 17223 (b) notwithstanding Subsection (18)(a), amounts paid or charged for the following  
17224 tangible personal property are subject to the taxes imposed by this chapter:
- 17225 (i) (A) subject to Subsection (18)(b)(i)(B), the following tangible personal property if  
17226 the tangible personal property is used in a manner that is incidental to farming:
    - 17227 (I) machinery;
    - 17228 (II) equipment;
    - 17229 (III) materials; or
    - 17230 (IV) supplies; and

- 17231 (B) tangible personal property that is considered to be used in a manner that is  
17232 incidental to farming includes:
- 17233 (I) hand tools; or  
17234 (II) maintenance and janitorial equipment and supplies;
- 17235 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property if the tangible  
17236 personal property is used in an activity other than farming; and  
17237 (B) tangible personal property that is considered to be used in an activity other than  
17238 farming includes:
- 17239 (I) office equipment and supplies; or  
17240 (II) equipment and supplies used in:  
17241 (Aa) the sale or distribution of farm products;  
17242 (Bb) research; or  
17243 (Cc) transportation; or  
17244 (iii) a vehicle required to be registered by the laws of this state during the period ending  
17245 two years after the date of the vehicle's purchase;
- 17246 (19) sales of hay;  
17247 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or  
17248 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or  
17249 garden, farm, or other agricultural produce is sold by:  
17250 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other  
17251 agricultural produce;  
17252 (b) an employee of the producer described in Subsection (20)(a); or  
17253 (c) a member of the immediate family of the producer described in Subsection (20)(a);  
17254 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued  
17255 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
- 17256 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,  
17257 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,  
17258 wholesaler, or retailer for use in packaging tangible personal property to be sold by that  
17259 manufacturer, processor, wholesaler, or retailer;
- 17260 (23) property stored in the state for resale;  
17261 (24) property brought into the state by a nonresident for his or her own personal use or

17262 enjoyment while within the state, except property purchased for use in Utah by a nonresident  
17263 living and working in Utah at the time of purchase;

17264 (25) property purchased for resale in this state, in the regular course of business, either  
17265 in its original form or as an ingredient or component part of a manufactured or compounded  
17266 product;

17267 (26) property upon which a sales or use tax was paid to some other state, or one of its  
17268 subdivisions, except that the state shall be paid any difference between the tax paid and the tax  
17269 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if  
17270 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax  
17271 Act;

17272 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a  
17273 person for use in compounding a service taxable under the subsections;

17274 (28) purchases made in accordance with the special supplemental nutrition program for  
17275 women, infants, and children established in 42 U.S.C. Sec. 1786;

17276 (29) beginning on July 1, 1999, through June 30, 2014, sales or leases of rolls, rollers,  
17277 refractory brick, electric motors, or other replacement parts used in the furnaces, mills, or ovens  
17278 of a steel mill described in SIC Code 3312 of the 1987 Standard Industrial Classification  
17279 Manual of the federal Executive Office of the President, Office of Management and Budget;

17280 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State  
17281 Boating Act, a boat trailer, or an outboard motor if the boat, trailer, or outboard motor is both  
17282 not:

17283 (a) registered in this state; and

17284 (b) used in this state except as necessary to transport the boat, boat trailer, or outboard  
17285 motor to the borders of this state;

17286 (31) sales of aircraft manufactured in Utah if sold for delivery and use outside Utah  
17287 where a sales or use tax is not imposed, even if the title is passed in Utah;

17288 (32) amounts paid for the purchase of telephone service for purposes of providing  
17289 telephone service;

17290 (33) sales or leases of vehicles to, or use of vehicles by an authorized carrier;

17291 (34) (a) 45% of the sales price of any new manufactured home; and

17292 (b) 100% of the sales price of any used manufactured home;

- 17293 (35) sales relating to schools and fundraising sales;
- 17294 (36) sales or rentals of durable medical equipment if:
- 17295 (a) a person presents a prescription for the durable medical equipment; and
- 17296 (b) the durable medical equipment is used for home use only;
- 17297 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
- 17298 Section 72-11-102; and
- 17299 (b) the commission shall by rule determine the method for calculating sales exempt
- 17300 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;
- 17301 (38) sales to a ski resort of:
- 17302 (a) snowmaking equipment;
- 17303 (b) ski slope grooming equipment;
- 17304 (c) passenger ropeways as defined in Section 72-11-102; or
- 17305 (d) parts used in the repairs or renovations of equipment or passenger ropeways
- 17306 described in Subsections (38)(a) through (c);
- 17307 (39) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use;
- 17308 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
- 17309 amusement, entertainment, or recreation an unassisted amusement device as defined in Section
- 17310 59-12-102;
- 17311 (b) if a seller that sells or rents at the same business location the right to use or operate
- 17312 for amusement, entertainment, or recreation one or more unassisted amusement devices and
- 17313 one or more assisted amusement devices, the exemption described in Subsection (40)(a) applies
- 17314 if the seller separately accounts for the sales or rentals of the right to use or operate for
- 17315 amusement, entertainment, or recreation for the assisted amusement devices; and
- 17316 (c) for purposes of Subsection (40)(b) and in accordance with Title 63, Chapter 46a,
- 17317 Utah Administrative Rulemaking Act, the commission may make rules:
- 17318 (i) governing the circumstances under which sales are at the same business location;
- 17319 and
- 17320 (ii) establishing the procedures and requirements for a seller to separately account for
- 17321 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for
- 17322 assisted amusement devices;
- 17323 (41) sales by the state or a political subdivision of the state, except state institutions of

- 17324 higher education as defined in Section 53B-3-102, of:
- 17325           (a) photocopies; or
- 17326           (b) other copies of records held or maintained by the state or a political subdivision of
- 17327 the state;
- 17328           (42) amounts paid for admission to an athletic event at an institution of higher
- 17329 education that is subject to the provisions of Title IX of the Education Amendments of 1972,
- 17330 20 U.S.C. Sec. 1681 et seq.;
- 17331           (43) sales of telephone service charged to a prepaid telephone calling card;
- 17332           (44) (a) sales of:
- 17333               (i) hearing aids;
- 17334               (ii) hearing aid accessories; or
- 17335               (iii) except as provided in Subsection (44)(b), parts used in the repairs or renovations
- 17336 of hearing aids or hearing aid accessories; and
- 17337           (b) for purposes of this Subsection (44), notwithstanding Subsection (44)(a)(iii),
- 17338 "parts" does not include batteries;
- 17339           (45) (a) sales made to or by:
- 17340               (i) an area agency on aging; or
- 17341               (ii) a senior citizen center owned by a county, city, or town; or
- 17342           (b) sales made by a senior citizen center that contracts with an area agency on aging;
- 17343           (46) sales or leases of semiconductor fabricating, processing, research, or development
- 17344 materials regardless of whether the semiconductor fabricating, processing, research, or
- 17345 development materials:
- 17346               (a) actually come into contact with a semiconductor; or
- 17347               (b) ultimately become incorporated into real property;
- 17348           (47) an amount paid by or charged to a purchaser for accommodations and services
- 17349 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section
- 17350 59-12-104.2;
- 17351           (48) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary
- 17352 sports event registration certificate in accordance with Section 41-3-306 for the event period
- 17353 specified on the temporary sports event registration certificate;
- 17354           (49) sales or uses of electricity, if the sales or uses are:



- 17355 (a) made under a tariff adopted by the Public Service Commission of Utah only for  
17356 purchase of electricity produced from a new wind, geothermal, biomass, or solar power energy  
17357 source, as designated in the tariff by the Public Service Commission of Utah; and
- 17358 (b) for an amount of electricity that is:
- 17359 (i) unrelated to the amount of electricity used by the person purchasing the electricity  
17360 under the tariff described in Subsection (49)(a); and
- 17361 (ii) equivalent to the number of kilowatthours specified in the tariff described in  
17362 Subsection (49)(a) that may be purchased under the tariff described in Subsection (49)(a);
- 17363 (50) sales or rentals of mobility enhancing equipment if a person presents a  
17364 prescription for the mobility enhancing equipment;
- 17365 (51) sales of water in a:
- 17366 (a) pipe;
- 17367 (b) conduit;
- 17368 (c) ditch; or
- 17369 (d) reservoir;
- 17370 (52) sales of currency or coinage that constitute legal tender of the United States or of a  
17371 foreign nation;
- 17372 (53) (a) sales of an item described in Subsection (53)(b) if the item:
- 17373 (i) does not constitute legal tender of any nation; and
- 17374 (ii) has a gold, silver, or platinum content of 80% or more; and
- 17375 (b) Subsection (53)(a) applies to a gold, silver, or platinum:
- 17376 (i) ingot;
- 17377 (ii) bar;
- 17378 (iii) medallion; or
- 17379 (iv) decorative coin;
- 17380 (54) amounts paid on a sale-leaseback transaction;
- 17381 (55) sales of a prosthetic device:
- 17382 (a) for use on or in a human;
- 17383 (b) for which a prescription is issued; and
- 17384 (c) to a person that presents a prescription for the prosthetic device;
- 17385 (56) (a) except as provided in Subsection (56)(b), purchases, leases, or rentals of

17386 machinery or equipment by an establishment described in Subsection (56)(c) if the machinery  
17387 or equipment is primarily used in the production or postproduction of the following media for  
17388 commercial distribution:

- 17389 (i) a motion picture;
- 17390 (ii) a television program;
- 17391 (iii) a movie made for television;
- 17392 (iv) a music video;
- 17393 (v) a commercial;
- 17394 (vi) a documentary; or
- 17395 (vii) a medium similar to Subsections (56)(a)(i) through (vi) as determined by the  
17396 commission by administrative rule made in accordance with Subsection (56)(d); or

17397 (b) notwithstanding Subsection (56)(a), purchases, leases, or rentals of machinery or  
17398 equipment by an establishment described in Subsection (56)(c) that is used for the production  
17399 or postproduction of the following are subject to the taxes imposed by this chapter:

- 17400 (i) a live musical performance;
- 17401 (ii) a live news program; or
- 17402 (iii) a live sporting event;
- 17403 (c) the following establishments listed in the 1997 North American Industry  
17404 Classification System of the federal Executive Office of the President, Office of Management  
17405 and Budget, apply to Subsections (56)(a) and (b):
  - 17406 (i) NAICS Code 512110; or
  - 17407 (ii) NAICS Code 51219; and
  - 17408 (d) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17409 commission may by rule:

17410 (i) prescribe what constitutes a medium similar to Subsections (56)(a)(i) through (vi);

17411 or

- 17412 (ii) define:
  - 17413 (A) "commercial distribution";
  - 17414 (B) "live musical performance";
  - 17415 (C) "live news program"; or
  - 17416 (D) "live sporting event";

17417 (57) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on  
17418 or before June 30, 2009, of machinery or equipment that:  
17419 (i) is leased or purchased for or by a facility that:  
17420 (A) is a renewable energy production facility;  
17421 (B) is located in the state; and  
17422 (C) (I) becomes operational on or after July 1, 2004; or  
17423 (II) has its generation capacity increased by one or more megawatts on or after July 1,  
17424 2004 as a result of the use of the machinery or equipment;  
17425 (ii) has an economic life of five or more years; and  
17426 (iii) is used to make the facility or the increase in capacity of the facility described in  
17427 Subsection (57)(a)(i) operational up to the point of interconnection with an existing  
17428 transmission grid including:  
17429 (A) a wind turbine;  
17430 (B) generating equipment;  
17431 (C) a control and monitoring system;  
17432 (D) a power line;  
17433 (E) substation equipment;  
17434 (F) lighting;  
17435 (G) fencing;  
17436 (H) pipes; or  
17437 (I) other equipment used for locating a power line or pole; and  
17438 (b) this Subsection (57) does not apply to:  
17439 (i) machinery or equipment used in construction of:  
17440 (A) a new renewable energy production facility; or  
17441 (B) the increase in the capacity of a renewable energy production facility;  
17442 (ii) contracted services required for construction and routine maintenance activities;  
17443 and  
17444 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
17445 of the facility described in Subsection (57)(a)(i)(C)(II), machinery or equipment used or  
17446 acquired after:  
17447 (A) the renewable energy production facility described in Subsection (57)(a)(i) is

17448 operational as described in Subsection (57)(a)(iii); or  
17449 (B) the increased capacity described in Subsection (57)(a)(i) is operational as described  
17450 in Subsection (57)(a)(iii);  
17451 (58) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on  
17452 or before June 30, 2009, of machinery or equipment that:  
17453 (i) is leased or purchased for or by a facility that:  
17454 (A) is a waste energy production facility;  
17455 (B) is located in the state; and  
17456 (C) (I) becomes operational on or after July 1, 2004; or  
17457 (II) has its generation capacity increased by one or more megawatts on or after July 1,  
17458 2004 as a result of the use of the machinery or equipment;  
17459 (ii) has an economic life of five or more years; and  
17460 (iii) is used to make the facility or the increase in capacity of the facility described in  
17461 Subsection (58)(a)(i) operational up to the point of interconnection with an existing  
17462 transmission grid including:  
17463 (A) generating equipment;  
17464 (B) a control and monitoring system;  
17465 (C) a power line;  
17466 (D) substation equipment;  
17467 (E) lighting;  
17468 (F) fencing;  
17469 (G) pipes; or  
17470 (H) other equipment used for locating a power line or pole; and  
17471 (b) this Subsection (58) does not apply to:  
17472 (i) machinery or equipment used in construction of:  
17473 (A) a new waste energy facility; or  
17474 (B) the increase in the capacity of a waste energy facility;  
17475 (ii) contracted services required for construction and routine maintenance activities;  
17476 and  
17477 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
17478 described in Subsection (58)(a)(i)(C)(II), machinery or equipment used or acquired after:

17479 (A) the waste energy facility described in Subsection (58)(a)(i) is operational as  
17480 described in Subsection (58)(a)(iii); or  
17481 (B) the increased capacity described in Subsection (58)(a)(i) is operational as described  
17482 in Subsection (58)(a)(iii);  
17483 (59) (a) leases of five or more years or purchases made on or after July 1, 2004 but on  
17484 or before June 30, 2009, of machinery or equipment that:  
17485 (i) is leased or purchased for or by a facility that:  
17486 (A) is located in the state;  
17487 (B) produces fuel from biomass energy including:  
17488 (I) methanol; or  
17489 (II) ethanol; and  
17490 (C) (I) becomes operational on or after July 1, 2004; or  
17491 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004 as  
17492 a result of the installation of the machinery or equipment;  
17493 (ii) has an economic life of five or more years; and  
17494 (iii) is installed on the facility described in Subsection (59)(a)(i);  
17495 (b) this Subsection (59) does not apply to:  
17496 (i) machinery or equipment used in construction of:  
17497 (A) a new facility described in Subsection (59)(a)(i); or  
17498 (B) the increase in capacity of the facility described in Subsection (59)(a)(i); or  
17499 (ii) contracted services required for construction and routine maintenance activities;  
17500 and  
17501 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
17502 described in Subsection (59)(a)(i)(C)(II), machinery or equipment used or acquired after:  
17503 (A) the facility described in Subsection (59)(a)(i) is operational; or  
17504 (B) the increased capacity described in Subsection (59)(a)(i) is operational;  
17505 (60) amounts paid to a purchaser as a rebate from the manufacturer of a new vehicle for  
17506 purchasing the new vehicle;  
17507 (61) (a) subject to Subsection (61)(b), sales of tangible personal property to persons  
17508 within this state that is subsequently shipped outside the state and incorporated pursuant to  
17509 contract into and becomes a part of real property located outside of this state, except to the

17510 extent that the other state or political entity imposes a sales, use, gross receipts, or other similar  
17511 transaction excise tax on it against which the other state or political entity allows a credit for  
17512 taxes imposed by this chapter; and

17513 (b) the exemption provided for in Subsection (61)(a):

17514 (i) is allowed only if the exemption is applied:

17515 (A) in calculating the purchase price of the tangible personal property; and

17516 (B) to a written contract that is in effect on July 1, 2004; and

17517 (ii) (A) does not apply beginning on the day on which the contract described in

17518 Subsection (61)(b)(i):

17519 (I) is substantially modified; or

17520 (II) terminates; and

17521 (B) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

17522 the commission may by rule prescribe the circumstances under which a contract is substantially

17523 modified;

17524 (62) purchases:

17525 (a) of one or more of the following items in printed or electronic format:

17526 (i) a list containing information that includes one or more:

17527 (A) names; or

17528 (B) addresses; or

17529 (ii) a database containing information that includes one or more:

17530 (A) names; or

17531 (B) addresses; and

17532 (b) used to send direct mail;

17533 (63) redemptions or repurchases of property by a person if that property was:

17534 (a) delivered to a pawnbroker as part of a pawn transaction; and

17535 (b) redeemed or repurchased within the time period established in a written agreement

17536 between the person and the pawnbroker for redeeming or repurchasing the property;

17537 (64) (a) purchases or leases of an item described in Subsection (64)(b) if the item:

17538 (i) is purchased or leased by, or on behalf of, a telephone service provider; and

17539 (ii) has a useful economic life of one or more years; and

17540 (b) the following apply to Subsection (64)(a):

- 17541 (i) telecommunications enabling or facilitating equipment, machinery, or software;  
 17542 (ii) telecommunications equipment, machinery, or software required for 911 service;  
 17543 (iii) telecommunications maintenance or repair equipment, machinery, or software;  
 17544 (iv) telecommunications switching or routing equipment, machinery, or software; or  
 17545 (v) telecommunications transmission equipment, machinery, or software; [~~and~~]  
 17546 (65) (a) beginning on July 1, 2006 and ending on June 30, 2016, purchases of tangible  
 17547 personal property used in the research and development of coal-to-liquids, oil shale, or tar  
 17548 sands technology; and  
 17549 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
 17550 commission may, for purposes of Subsection (65)(a), make rules defining what constitutes  
 17551 tangible personal property used in the research and development of coal-to-liquids, oil shale,  
 17552 and tar sands technology[-]; and  
 17553 (66) sales to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit  
 17554 District Act, or to a subcontractor of a public transit district, including sales of construction  
 17555 materials that are to be installed or converted to real property owned by the public transit  
 17556 district.  
 17557 Section 423. Section **59-12-501** is amended to read:  
 17558 **59-12-501. Public transit tax -- Base -- Rate -- Voter approval.**  
 17559 (1) (a) (i) In addition to other sales and use taxes, any county, city, or town within a  
 17560 transit district organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public  
 17561 Transit District Act, may impose a sales and use tax of up to .25% on the transactions described  
 17562 in Subsection 59-12-103(1) located within the county, city, or town, to fund a public  
 17563 transportation system.  
 17564 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax  
 17565 under this section on:  
 17566 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
 17567 are exempt from taxation under Section 59-12-104; and  
 17568 (B) any amounts paid or charged by a seller that collects a tax under Subsection  
 17569 59-12-107(1)(b).  
 17570 (b) For purposes of this Subsection (1), the location of a transaction shall be  
 17571 determined in accordance with Section 59-12-207.

17572 (c) (i) A county, city, or town may impose a tax under this section only if the governing  
17573 body of the county, city, or town, by resolution, submits the proposal to all the qualified voters  
17574 within the county, city, or town for approval at a general or special election conducted in the  
17575 manner provided by statute.

17576 (ii) An election under Subsection [~~17B-2-512~~] 17B-1-412(3)(a)(ii) approving the  
17577 annexation of an area to a public transit district or local district and approving for that annexed  
17578 area the sales and use tax authorized by this section satisfies the election requirement of  
17579 Subsection (1)(c)(i) for the area to be annexed to the public transit district or local district.

17580 (2) (a) If only a portion of a county is included within a public transit district, the  
17581 proposal may be submitted only to the qualified voters residing within the boundaries of the  
17582 proposed or existing public transit district.

17583 (b) Notice of any such election shall be given by the county, city, or town governing  
17584 body 15 days in advance in the manner prescribed by statute.

17585 (c) If a majority of the voters voting in such election approve the proposal, it shall  
17586 become effective on the date provided by the county, city, or town governing body.

17587 (3) This section may not be construed to require an election in jurisdictions where  
17588 voters have previously approved a public transit sales or use tax.

17589 Section 424. Section **59-12-502** is amended to read:

17590 **59-12-502. Additional public transit tax for expanded system and fixed guideway**  
17591 **and interstate improvements -- Base -- Rate -- Voter approval.**

17592 (1) (a) (i) In addition to other sales and use taxes, including the public transit district tax  
17593 authorized by Section 59-12-501, a county, city, or town within a transit district organized  
17594 under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act, may  
17595 impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)  
17596 located within the county, city, or town, to fund a fixed guideway and expanded public  
17597 transportation system.

17598 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax  
17599 under this section on:

17600 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
17601 are exempt from taxation under Section 59-12-104; and

17602 (B) any amounts paid or charged by a seller that collects a tax under Subsection



17603 59-12-107(1)(b).

17604 (b) For purposes of this Subsection (1), the location of a transaction shall be  
17605 determined in accordance with Section 59-12-207.

17606 (c) (i) A county, city, or town may impose the tax under this section only if the  
17607 governing body of the county, city, or town submits, by resolution, the proposal to all the  
17608 qualified voters within the county, city, or town for approval at a general or special election  
17609 conducted in the manner provided by statute.

17610 (ii) Notice of the election under Subsection (1)(c)(i) shall be given by the county, city,  
17611 or town governing body 15 days in advance in the manner prescribed by statute.

17612 (2) If the majority of the voters voting in this election approve the proposal, it shall  
17613 become effective on the date provided by the county, city, or town governing body.

17614 (3) (a) This section may not be construed to require an election in jurisdictions where  
17615 voters have previously approved a public transit sales or use tax.

17616 (b) This section shall be construed to require an election to impose the sales and use  
17617 tax authorized by this section, including jurisdictions where the voters have previously  
17618 approved the sales and use tax authorized by Section 59-12-501, but this section may not be  
17619 construed to affect the sales and use tax authorized by Section 59-12-501.

17620 (4) No public funds shall be spent to promote the required election.

17621 (5) (a) Notwithstanding the designated use of revenues in Subsection (1), of the  
17622 revenues generated by the tax imposed under this section by any county of the first class:

17623 (i) 75% shall be allocated to fund a fixed guideway and expanded public transportation  
17624 system; and

17625 (ii) except as provided in Subsection (5)(b), 25% shall be allocated to fund new  
17626 construction, major renovations, and improvements to Interstate 15 and state highways within  
17627 the county and to pay any debt service and bond issuance costs related to those projects.

17628 (b) Notwithstanding the designated use of revenues in Subsection (1), beginning on  
17629 July 1, 2006, and ending on July 1, 2007, a county of the first class may expend an amount not  
17630 to exceed \$3,500,000 of the revenues described in Subsection (5)(a)(ii) for expenses relating to  
17631 reconfiguring railroad curves within that county to reduce rail congestion.

17632 (6) A county of the first class may, through an interlocal agreement, authorize the  
17633 deposit or transfer of the portion of the revenues described in Subsection (5)(a)(ii) to the Public

17634 Transportation System Tax Highway Fund created in Section 72-2-121.

17635 Section 425. Section **59-12-1001** is amended to read:

17636 **59-12-1001. Authority to impose tax for highways or to fund a system for public**  
17637 **transit -- Base -- Rate -- Ordinance requirements -- Voter approval requirements --**  
17638 **Election requirements -- Notice of election requirements -- Exceptions to voter approval**  
17639 **requirements -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

17640 (1) (a) A city or town in which the transactions described in Subsection 59-12-103(1)  
17641 are not subject to a sales and use tax under Section 59-12-501 may as provided in this part  
17642 impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)  
17643 located within the city or town.

17644 (b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this  
17645 section on:

17646 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
17647 exempt from taxation under Section 59-12-104; and

17648 (ii) any amounts paid or charged by a seller that collects a tax under Subsection  
17649 59-12-107(1)(b).

17650 (c) For purposes of this Subsection (1), the location of a transaction shall be  
17651 determined in accordance with Section 59-12-207.

17652 (2) (a) A city or town imposing a tax under this part may use the revenues generated by  
17653 the tax:

17654 (i) for the construction and maintenance of highways under the jurisdiction of the city  
17655 or town imposing the tax;

17656 (ii) subject to Subsection (2)(b), to fund a system for public transit; or

17657 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).

17658 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection  
17659 (2)(b)(ii), "public transit" is as defined in Section [~~17A-2-1004~~] 17B-2a-802.

17660 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed  
17661 guideway system.

17662 (3) To impose a tax under this part, the governing body of the city or town shall:

17663 (a) pass an ordinance approving the tax; and

17664 (b) except as provided in Subsection (7), obtain voter approval for the tax as provided

- 17665 in Subsection (4).
- 17666 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:
- 17667 (a) hold an election during:
- 17668 (i) a regular general election; or
- 17669 (ii) a municipal general election; and
- 17670 (b) publish notice of the election:
- 17671 (i) 15 days or more before the day on which the election is held; and
- 17672 (ii) in a newspaper of general circulation in the city or town.
- 17673 (5) An ordinance approving a tax under this part shall provide an effective date for the
- 17674 tax as provided in Subsection (6).
- 17675 (6) (a) For purposes of this Subsection (6):
- 17676 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
- 17677 4, Annexation.
- 17678 (ii) "Annexing area" means an area that is annexed into a city or town.
- 17679 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a city
- 17680 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:
- 17681 (A) on the first day of a calendar quarter; and
- 17682 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 17683 the requirements of Subsection (6)(b)(ii) from the city or town.
- 17684 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:
- 17685 (A) that the city or town will enact or repeal a tax under this part;
- 17686 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);
- 17687 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
- 17688 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of
- 17689 the tax.
- 17690 (c) (i) Notwithstanding Subsection (6)(b)(i), for a transaction described in Subsection
- 17691 (6)(c)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 17692 (A) that begins after the effective date of the enactment of the tax; and
- 17693 (B) if the billing period for the transaction begins before the effective date of the
- 17694 enactment of the tax under Subsection (1).
- 17695 (ii) Notwithstanding Subsection (6)(b)(i), for a transaction described in Subsection

- 17696 (6)(c)(iii), the repeal of a tax shall take effect on the first day of the last billing period:
- 17697 (A) that began before the effective date of the repeal of the tax; and
- 17698 (B) if the billing period for the transaction begins before the effective date of the repeal
- 17699 of the tax imposed under Subsection (1).
- 17700 (iii) Subsections (6)(c)(i) and (ii) apply to transactions subject to a tax under:
- 17701 (A) Subsection 59-12-103(1)(b);
- 17702 (B) Subsection 59-12-103(1)(c);
- 17703 (C) Subsection 59-12-103(1)(d);
- 17704 (D) Subsection 59-12-103(1)(e);
- 17705 (E) Subsection 59-12-103(1)(f);
- 17706 (F) Subsection 59-12-103(1)(g);
- 17707 (G) Subsection 59-12-103(1)(h);
- 17708 (H) Subsection 59-12-103(1)(i);
- 17709 (I) Subsection 59-12-103(1)(j); or
- 17710 (J) Subsection 59-12-103(1)(k).
- 17711 (d) (i) Notwithstanding Subsection (6)(b)(i), if a tax due under this chapter on a
- 17712 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
- 17713 enactment or repeal of a tax described in Subsection (6)(b)(i) takes effect:
- 17714 (A) on the first day of a calendar quarter; and
- 17715 (B) beginning 60 days after the effective date of the enactment or repeal under
- 17716 Subsection (6)(b)(i).
- 17717 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 17718 commission may by rule define the term "catalogue sale."
- 17719 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
- 17720 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
- 17721 part for an annexing area, the enactment or repeal shall take effect:
- 17722 (A) on the first day of a calendar quarter; and
- 17723 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 17724 the requirements of Subsection (6)(e)(ii) from the city or town that annexes the annexing area.
- 17725 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
- 17726 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or

- 17727 repeal of a tax under this part for the annexing area;
- 17728 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
- 17729 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
- 17730 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
- 17731 (f) (i) Notwithstanding Subsection (6)(e)(i), for a transaction described in Subsection
- 17732 (6)(f)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 17733 (A) that begins after the effective date of the enactment of the tax; and
- 17734 (B) if the billing period for the transaction begins before the effective date of the
- 17735 enactment of the tax under Subsection (1).
- 17736 (ii) Notwithstanding Subsection (6)(e)(i), for a transaction described in Subsection
- 17737 (6)(f)(iii), the repeal of a tax shall take effect on the first day of the last billing period:
- 17738 (A) that began before the effective date of the repeal of the tax; and
- 17739 (B) if the billing period for the transaction begins before the effective date of the repeal
- 17740 of the tax imposed under Subsection (1).
- 17741 (iii) Subsections (6)(f)(i) and (ii) apply to transactions subject to a tax under:
- 17742 (A) Subsection 59-12-103(1)(b);
- 17743 (B) Subsection 59-12-103(1)(c);
- 17744 (C) Subsection 59-12-103(1)(d);
- 17745 (D) Subsection 59-12-103(1)(e);
- 17746 (E) Subsection 59-12-103(1)(f);
- 17747 (F) Subsection 59-12-103(1)(g);
- 17748 (G) Subsection 59-12-103(1)(h);
- 17749 (H) Subsection 59-12-103(1)(i);
- 17750 (I) Subsection 59-12-103(1)(j); or
- 17751 (J) Subsection 59-12-103(1)(k).
- 17752 (g) (i) Notwithstanding Subsection (6)(e)(i), if a tax due under this chapter on a
- 17753 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
- 17754 enactment or repeal of a tax described in Subsection (6)(e)(i) takes effect:
- 17755 (A) on the first day of a calendar quarter; and
- 17756 (B) beginning 60 days after the effective date of the enactment or repeal under
- 17757 Subsection (6)(e)(i).

17758 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17759 commission may by rule define the term "catalogue sale."

17760 (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the voter  
17761 approval requirements of Subsection (3)(b) if:

17762 (i) on or before January 1, 1996, the city or town imposed a license fee or tax on  
17763 businesses based on gross receipts pursuant to Section 10-1-203; or

17764 (ii) the city or town:

17765 (A) on or before June 30, 2002, obtained voter approval in accordance with Subsection  
17766 (3)(b) to impose a tax under this part for a purpose described in Subsection (2)(a)(i); and

17767 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a  
17768 purpose described in Subsection (2)(a).

17769 (b) Notwithstanding Subsection (7)(a), the exception from the voter approval  
17770 requirements in Subsection (7)(a)(i) does not apply to a city or town that, on or before January  
17771 1, 1996, imposed a license fee or tax on only one class of businesses based on gross receipts  
17772 pursuant to Section 10-1-203.

17773 Section 426. Section **59-12-1502** is amended to read:

17774 **59-12-1502. Definitions.**

17775 As used in this part:

17776 (1) "Annexation" means an annexation to a county under Title 17, Chapter 2,  
17777 Annexation to County.

17778 (2) "Annexing area" means an area that is annexed into a county.

17779 (3) "Qualifying county" means a county in which a sales and use tax authorized by  
17780 Section 59-12-502 is not imposed by:

17781 (a) the county;

17782 (b) a city within the county; or

17783 (c) a town within the county.

17784 (4) "State highway" means a highway designated as a state highway under Title 72,  
17785 Chapter 4, Designation of State Highways Act.

17786 (5) (a) Except as provided in Subsection (5)(b), "public transit" is as defined in Section  
17787 [~~17A-2-1004~~] 17B-2a-802.

17788 (b) Notwithstanding Subsection (5)(a), "public transit" does not include a fixed

17789 guideway system.

17790 Section 427. Section **59-12-1503** is amended to read:

17791 **59-12-1503. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of**  
 17792 **tax revenues -- Administration, collection, and enforcement of tax by commission --**  
 17793 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**

17794 (1) (a) Beginning on or after April 1, 2004, and subject to the other provisions of this  
 17795 part, the county legislative body of a qualifying county may impose a sales and use tax of .25%:

17796 (i) on the transactions:

17797 (A) described in Subsection 59-12-103(1); and

17798 (B) within the county, including the cities and towns within the county;

17799 (ii) for the purposes determined by the county legislative body in accordance with  
 17800 Subsection (2); and

17801 (iii) in addition to any other sales and use tax authorized under this chapter.

17802 (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a  
 17803 tax under this section on:

17804 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
 17805 exempt from taxation under Section 59-12-104; or

17806 (ii) any amounts paid or charged by a seller that collects a tax under Subsection  
 17807 59-12-107(1)(b).

17808 (c) For purposes of this Subsection (1), the location of a transaction shall be  
 17809 determined in accordance with Section 59-12-207.

17810 (2) (a) Subject to Subsection (2)(b), before obtaining the approval required by  
 17811 Subsection (3), a county legislative body shall adopt a resolution specifying the percentage of  
 17812 revenues the county will receive from the tax under this part that will be allocated to fund one  
 17813 or more of the following:

17814 (i) a project or service relating to a fixed guideway system:

17815 (A) for the portion of the project or service that is performed within the county; and

17816 (B) if the fixed guideway system is owned and operated by a public transit district  
 17817 organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act;

17818 (ii) a project or service relating to a system for public transit:

17819 (A) for the portion of the project or service that is performed within the county; and

17820 (B) if the system for public transit is owned and operated by a public transit district  
17821 organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act;  
17822 or

17823 (iii) the following relating to a state highway within the county:

17824 (A) a project beginning on or after the day on which a county legislative body imposes  
17825 a tax under this part only within the county involving:

17826 (I) new construction;

17827 (II) a renovation;

17828 (III) an improvement; or

17829 (IV) an environmental study;

17830 (B) debt service on a project described in Subsections (2)(a)(iii)(A)(I) through (IV); or

17831 (C) bond issuance costs relating to a project described in Subsections (2)(a)(iii)(A)(I)  
17832 through (IV).

17833 (b) (i) A county legislative body shall in the resolution required by Subsection (2)(a)  
17834 allocate as required by Subsection (2)(a) 100% of the revenues the county will receive from the  
17835 tax under this part.

17836 (ii) For purposes of this Subsection (2)(b), the revenues a county will receive from the  
17837 tax under this part do not include amounts retained by the commission in accordance with  
17838 Subsection (8).

17839 (3) (a) Before imposing a tax under this part, a county legislative body shall:

17840 (i) obtain approval from a majority of the members of the county legislative body to:

17841 (A) impose the tax; and

17842 (B) allocate the revenues the county will receive from the tax in accordance with the  
17843 resolution adopted in accordance with Subsection (2); and

17844 (ii) subject to Subsection (3)(b), submit an opinion question to the county's registered  
17845 voters voting on the imposition of the tax so that each registered voter has the opportunity to  
17846 express the registered voter's opinion on whether a tax should be imposed under this part.

17847 (b) The opinion question required by Subsection (3)(a)(ii) shall state the allocations  
17848 specified in the resolution:

17849 (i) adopted in accordance with Subsection (2); and

17850 (ii) approved by the county legislative body in accordance with Subsection (3)(a).



17851 (c) The election required by this Subsection (3) shall be held:  
17852 (i) (A) at a regular general election; and  
17853 (B) in accordance with the procedures and requirements of Title 20A, Election Code,  
17854 governing regular general elections; or  
17855 (ii) (A) at a special election called by the county legislative body;  
17856 (B) only on the date of a municipal general election provided in Subsection  
17857 20A-1-202(1); and  
17858 (C) in accordance with the procedures and requirements of Section 20A-1-203.  
17859 (4) (a) Subject to Subsection (8), if a county legislative body determines that a majority  
17860 of the county's registered voters voting on the imposition of the tax have voted in favor of the  
17861 imposition of the tax in accordance with Subsection (3), the county legislative body may  
17862 impose the tax by a majority vote of all of the members of the county legislative body.  
17863 (b) If a county legislative body imposes a tax under Subsection (4)(a), the revenues  
17864 generated by the tax shall be:  
17865 (i) allocated in accordance with the allocations specified in the resolution under  
17866 Subsection (2); and  
17867 (ii) expended as provided in this part.  
17868 (5) If a county legislative body allocates revenues generated by the tax for a project  
17869 described in Subsection (2)(a)(iii)(A), before beginning the project the county legislative body  
17870 shall:  
17871 (a) obtain approval from the Transportation Commission to complete the project; and  
17872 (b) enter into an interlocal agreement:  
17873 (i) established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act;  
17874 (ii) with the Department of Transportation; and  
17875 (iii) to complete the project.  
17876 (6) (a) If after a county legislative body imposes a tax under Subsection (4) the county  
17877 legislative body seeks to change the allocation of the tax specified in the resolution under  
17878 Subsection (2), the county legislative body may change the allocation of the tax by:  
17879 (i) adopting a resolution in accordance with Subsection (2) specifying the percentage of  
17880 revenues the county will receive from the tax under this part that will be allocated to fund one  
17881 or more of the systems or projects described in Subsection (2);

17882 (ii) obtaining approval to change the allocation of the tax from a majority of the  
17883 members of the county legislative body; and  
17884 (iii) (A) submitting an opinion question to the county's registered voters voting on  
17885 changing the allocation of the tax so that each registered voter has the opportunity to express  
17886 the registered voter's opinion on whether the allocation of the tax should be changed; and  
17887 (B) obtaining approval to change the allocation of the tax from a majority of the  
17888 county's registered voters voting on changing the allocation of the tax.  
17889 (b) (i) The opinion question required by Subsection (6)(a)(iii) shall state the allocations  
17890 specified in the resolution:  
17891 (A) adopted in accordance with Subsection (6)(a)(i); and  
17892 (B) approved by the county legislative body in accordance with Subsection (6)(a)(ii).  
17893 (ii) The election required by Subsection (6)(a)(iii) shall follow the procedures and  
17894 requirements of Title 11, Chapter 14, Local Government Bonding Act.  
17895 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), revenues generated by a tax  
17896 under this part that are allocated for a purpose described in Subsection (2)(a)(i) or (ii) shall be  
17897 transmitted:  
17898 (A) by the commission;  
17899 (B) to the county;  
17900 (C) monthly; and  
17901 (D) by electronic funds transfer.  
17902 (ii) Notwithstanding Subsection (7)(a)(i), a county may request that the commission  
17903 transfer the revenues described in Subsection (7)(a)(i):  
17904 (A) directly to a public transit district:  
17905 (I) organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit  
17906 District Act; and  
17907 (II) designated by the county; and  
17908 (B) by providing written notice to the commission:  
17909 (I) requesting the revenues to be transferred directly to a public transit district as  
17910 provided in Subsection (7)(a)(ii)(A); and  
17911 (II) designating the public transit district to which the revenues are requested to be  
17912 transferred.

- 17913 (b) Revenues generated by a tax under this part that are allocated for a purpose  
17914 described in Subsection (2)(a)(iii) shall be:
- 17915 (i) deposited into the State Highway Projects Within Counties Fund created by Section  
17916 72-2-121.1; and
- 17917 (ii) expended as provided in Section 72-2-121.1.
- 17918 (8) (a) (i) Except as provided in Subsection (8)(a)(ii), the tax authorized under this part  
17919 shall be administered, collected, and enforced in accordance with:
- 17920 (A) the same procedures used to administer, collect, and enforce the tax under:
- 17921 (I) Part 1, Tax Collection; or
- 17922 (II) Part 2, Local Sales and Use Tax Act; and
- 17923 (B) Chapter 1, General Taxation Policies.
- 17924 (ii) Notwithstanding Subsection (8)(a)(i), a tax under this part is not subject to  
17925 Subsections 59-12-205(2) through (7).
- 17926 (b) (i) The commission may retain an amount of tax collected under this part of not to  
17927 exceed the lesser of:
- 17928 (A) 1.5%; or
- 17929 (B) an amount equal to the cost to the commission of administering this part.
- 17930 (ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:
- 17931 (A) placed in the Sales and Use Tax Administrative Fees Account; and
- 17932 (B) used as provided in Subsection 59-12-206(2).
- 17933 (9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after July 1, 2004, a  
17934 county enacts or repeals a tax under this part, the enactment or repeal shall take effect:
- 17935 (A) on the first day of a calendar quarter; and
- 17936 (B) after a 90-day period beginning on the date the commission receives notice meeting  
17937 the requirements of Subsection (9)(a)(ii) from the county.
- 17938 (ii) The notice described in Subsection (9)(a)(i)(B) shall state:
- 17939 (A) that the county will enact or repeal a tax under this part;
- 17940 (B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);
- 17941 (C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and
- 17942 (D) if the county enacts the tax described in Subsection (9)(a)(ii)(A), the rate of the tax.
- 17943 (b) (i) Notwithstanding Subsection (9)(a)(i), for a transaction described in Subsection

17944 (9)(b)(iii), the enactment of a tax shall take effect on the first day of the first billing period:  
17945 (A) that begins after the effective date of the enactment of the tax; and  
17946 (B) if the billing period for the transaction begins before the effective date of the  
17947 enactment of the tax under Subsection (1).  
17948 (ii) Notwithstanding Subsection (9)(a)(i), for a transaction described in Subsection  
17949 (9)(b)(iii), the repeal of a tax shall take effect on the first day of the last billing period:  
17950 (A) that began before the effective date of the repeal of the tax; and  
17951 (B) if the billing period for the transaction begins before the effective date of the repeal  
17952 of the tax imposed under Subsection (1).  
17953 (iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:  
17954 (A) Subsection 59-12-103(1)(b);  
17955 (B) Subsection 59-12-103(1)(c);  
17956 (C) Subsection 59-12-103(1)(d);  
17957 (D) Subsection 59-12-103(1)(e);  
17958 (E) Subsection 59-12-103(1)(f);  
17959 (F) Subsection 59-12-103(1)(g);  
17960 (G) Subsection 59-12-103(1)(h);  
17961 (H) Subsection 59-12-103(1)(i);  
17962 (I) Subsection 59-12-103(1)(j); or  
17963 (J) Subsection 59-12-103(1)(k).  
17964 (c) (i) Notwithstanding Subsection (9)(a)(i), if a tax due under this chapter on a  
17965 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an  
17966 enactment or repeal of a tax described in Subsection (9)(a)(i) takes effect:  
17967 (A) on the first day of a calendar quarter; and  
17968 (B) beginning 60 days after the effective date of the enactment or repeal under  
17969 Subsection (9)(a)(i).  
17970 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17971 commission may by rule define the term "catalogue sale."  
17972 (d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs  
17973 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
17974 part for an annexing area, the enactment or repeal shall take effect:

- 17975 (A) on the first day of a calendar quarter; and
- 17976 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 17977 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.
- 17978 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:
- 17979 (A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment
- 17980 or repeal of a tax under this part for the annexing area;
- 17981 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
- 17982 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and
- 17983 (D) the rate of the tax described in Subsection (9)(d)(ii)(A).
- 17984 (e) (i) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection
- 17985 (9)(e)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 17986 (A) that begins after the effective date of the enactment of the tax; and
- 17987 (B) if the billing period for the transaction begins before the effective date of the
- 17988 enactment of the tax under Subsection (1).
- 17989 (ii) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection
- 17990 (9)(e)(iii), the repeal of a tax shall take effect on the first day of the last billing period:
- 17991 (A) that began before the effective date of the repeal of the tax; and
- 17992 (B) if the billing period for the transaction begins before the effective date of the repeal
- 17993 of the tax imposed under Subsection (1).
- 17994 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:
- 17995 (A) Subsection 59-12-103(1)(b);
- 17996 (B) Subsection 59-12-103(1)(c);
- 17997 (C) Subsection 59-12-103(1)(d);
- 17998 (D) Subsection 59-12-103(1)(e);
- 17999 (E) Subsection 59-12-103(1)(f);
- 18000 (F) Subsection 59-12-103(1)(g);
- 18001 (G) Subsection 59-12-103(1)(h);
- 18002 (H) Subsection 59-12-103(1)(i);
- 18003 (I) Subsection 59-12-103(1)(j); or
- 18004 (J) Subsection 59-12-103(1)(k).
- 18005 (f) (i) Notwithstanding Subsection (9)(d)(i), if a tax due under this chapter on a

18006 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an  
18007 enactment or repeal of a tax described in Subsection (9)(d)(i) takes effect:

18008 (A) on the first day of a calendar quarter; and

18009 (B) beginning 60 days after the effective date of the enactment or repeal under  
18010 Subsection (9)(d)(i).

18011 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
18012 commission may by rule define the term "catalogue sale."

18013 Section 428. Section **59-12-1703** is amended to read:

18014 **59-12-1703. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of**  
18015 **tax revenues -- Administration, collection, and enforcement of tax by commission --**  
18016 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**

18017 (1) (a) Beginning on or after April 1, 2007, and subject to the other provisions of this  
18018 part, a county legislative body may impose a sales and use tax of up to .25%:

18019 (i) on the transactions:

18020 (A) described in Subsection 59-12-103(1); and

18021 (B) within the county, including the cities and towns within the county;

18022 (ii) for the purposes described in Subsection (4); and

18023 (iii) in addition to any other sales and use tax authorized under this chapter.

18024 (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a  
18025 tax under this section on:

18026 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
18027 exempt from taxation under Section 59-12-104; or

18028 (ii) any amounts paid or charged by a seller that collects a tax under Subsection  
18029 59-12-107(1)(b).

18030 (c) For purposes of this Subsection (1), the location of a transaction shall be  
18031 determined in accordance with Section 59-12-207.

18032 (2) (a) Except as provided in Subsection (2)(d), before imposing a tax under this part, a  
18033 county legislative body shall:

18034 (i) obtain approval from a majority of the members of the county legislative body to  
18035 impose the tax; and

18036 (ii) submit an opinion question to the county's registered voters voting on the

18037 imposition of the tax so that each registered voter has the opportunity to express the registered  
18038 voter's opinion on whether a tax should be imposed under this part.

18039 (b) (i) In a county of the first or second class, the opinion question required by  
18040 Subsection (2)(a)(ii) shall state the following:

18041 "Shall (insert the name of the county), Utah, be authorized to impose a (insert the  
18042 amount of the sales and use tax up to .25%) sales and use tax for corridor preservation,  
18043 congestion mitigation, or to expand capacity for regionally significant transportation facilities?"

18044 (ii) In a county of the third, fourth, fifth, or sixth class, the opinion question required by  
18045 Subsection (2)(a)(ii) shall state the following:

18046 "Shall (insert the name of the county), Utah, be authorized to impose a (insert the  
18047 amount of the sales and use tax up to .25%) sales and use tax for transportation projects,  
18048 corridor preservation, congestion mitigation, or to expand capacity for regionally significant  
18049 transportation facilities?"

18050 (c) Except as provided in Subsection (2)(d), the election required by this Subsection (2)  
18051 shall be held:

18052 (i) at a regular general election conducted in accordance with the procedures and  
18053 requirements of Title 20A, Election Code, governing regular elections; or

18054 (ii) at a special election called by the county legislative body that is:

18055 (A) held only on the date of a municipal general election as provided in Subsection  
18056 20A-1-202(1); and

18057 (B) authorized in accordance with the procedures and requirements of Section  
18058 20A-1-203.

18059 (d) Notwithstanding Subsection (2)(a) or (c), if a county seeks to impose a tax under  
18060 this part on or after April 1, 2007, but on or before December 31, 2007, the county legislative  
18061 body shall:

18062 (i) obtain the approval required by Subsection (2)(a)(i) within five calendar days of  
18063 September 20, 2006;

18064 (ii) direct the county clerk to submit the opinion question required by Subsection  
18065 (2)(a)(ii) during the November 7, 2006 general election; and

18066 (iii) hold the election required by this section on November 7, 2006.

18067 (3) If a county legislative body determines that a majority of the county's registered

18068 voters voting on the imposition of the tax have voted in favor of the imposition of the tax in  
18069 accordance with Subsection (2), the county legislative body shall impose the tax in accordance  
18070 with this section.

18071 (4) (a) Subject to Subsections (5) and (6), the revenues generated by a tax under this  
18072 part may only be expended for:

18073 (i) a project or service:

18074 (A) relating to a regionally significant transportation facility;

18075 (B) for the portion of the project or service that is performed within the county;

18076 (C) for new capacity or congestion mitigation if the project or service is performed  
18077 within a county:

18078 (I) of the first class;

18079 (II) of the second class; or

18080 (III) that is part of an area metropolitan planning organization;

18081 (D) (I) if the project or service is a principal arterial highway or a minor arterial  
18082 highway in a county of the first or second class, that is part of the county and municipal master  
18083 plan and part of:

18084 (Aa) the statewide long-range plan; or

18085 (Bb) the regional transportation plan of the area metropolitan planning organization if a  
18086 metropolitan planning organization exists for the area; or

18087 (II) if the project or service is for a fixed guideway or an airport, that is part of the  
18088 regional transportation plan of the area metropolitan planning organization if a metropolitan  
18089 planning organization exists for the area; and

18090 (E) that is on a priority list:

18091 (I) created by the county's council of governments in accordance with Subsection (5);  
18092 and

18093 (II) approved by the county legislative body in accordance with Subsection (6);

18094 (ii) corridor preservation for a project described in Subsection (4)(a)(i) as provided in  
18095 Subsection (7)(b); or

18096 (iii) any debt service and bond issuance costs related to a project described in  
18097 Subsection (4)(a)(i) or (ii).

18098 (b) In a county of the first or second class, a regionally significant transportation



18099 facility project or service described in Subsection (4)(a)(i)(A) must have a funded year priority  
18100 designation on a Statewide Transportation Improvement Program and Transportation  
18101 Improvement Program if the project or service described in Subsection (4)(a)(i) is:

18102 (i) a principal arterial highway as defined in Section 72-4-102.5;

18103 (ii) a minor arterial highway as defined in Section 72-4-102.5; or

18104 (iii) a major collector highway:

18105 (A) as defined in Section 72-4-102.5; and

18106 (B) in a rural area.

18107 (c) Notwithstanding the designated use of revenues in Subsection (4)(a), of the  
18108 revenues generated by the tax imposed under this section by any county of the first or second  
18109 class, 25% or more shall be expended for the purpose described in Subsection (4)(a)(ii).

18110 (d) For purposes of this Subsection (4), the revenues a county will receive from a tax  
18111 under this part do not include amounts retained by the commission in accordance with  
18112 Subsection (8).

18113 (5) (a) The county's council of governments shall create a priority list of regionally  
18114 significant transportation facility projects described in Subsection (4)(a) using the process  
18115 described in Subsection (5)(b) and present the priority list to the county's legislative body for  
18116 approval as described in Subsection (6).

18117 (b) Subject to Sections 59-12-1704 and 59-12-1705, a council of governments shall  
18118 establish a council of governments' endorsement process which includes prioritization and  
18119 application procedures for use of the revenues a county will receive from a tax under this part.

18120 (6) (a) The council of governments shall submit the priority list described in  
18121 Subsection (5) to the county's legislative body and obtain approval of the list from a majority of  
18122 the members of the county legislative body.

18123 (b) A county's council of governments may only submit one priority list per calendar  
18124 year.

18125 (c) A county legislative body may only consider and approve one priority list per  
18126 calendar year.

18127 (7) (a) (i) Except as provided in Subsections (7)(a)(ii) and (7)(b), revenues described in  
18128 Subsection (4) shall be transmitted:

18129 (A) by the commission;

- 18130 (B) to the county;
- 18131 (C) monthly; and
- 18132 (D) by electronic funds transfer.
- 18133 (ii) A county may request that the commission transfer a portion of the revenues
- 18134 described in Subsection (4):
- 18135 (A) directly to a public transit district:
- 18136 (I) organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit
- 18137 District Act; and
- 18138 (II) designated by the county; and
- 18139 (B) by providing written notice to the commission:
- 18140 (I) requesting the revenues to be transferred directly to a public transit district as
- 18141 provided in Subsection (7)(a)(ii)(A); and
- 18142 (II) designating the public transit district to which the revenues are requested to be
- 18143 transferred.
- 18144 (b) (i) Except as provided in Subsection (7)(b)(ii), revenues generated by a tax under
- 18145 this part that are allocated for a purpose described in Subsection (4)(a)(ii) shall be:
- 18146 (A) deposited in or transferred to the Local Transportation Corridor Preservation Fund
- 18147 created by Section 72-2-117.5; and
- 18148 (B) expended as provided in Section 72-2-117.5.
- 18149 (ii) In a county of the first class, revenues generated by a tax under this part that are
- 18150 allocated for a purpose described in Subsection (4)(a)(ii) shall be:
- 18151 (A) deposited in or transferred to the Public Transportation System Tax Highway Fund
- 18152 created by Section 72-2-121; and
- 18153 (B) expended as provided in Section 72-2-121.
- 18154 (8) (a) (i) Except as provided in Subsection (8)(b), the tax authorized under this part
- 18155 shall be administered, collected, and enforced in accordance with:
- 18156 (A) the same procedures used to administer, collect, and enforce the tax under:
- 18157 (I) Part 1, Tax Collection; or
- 18158 (II) Part 2, Local Sales and Use Tax Act; and
- 18159 (B) Chapter 1, General Taxation Policies.
- 18160 (ii) A tax under this part is not subject to Subsections 59-12-205(2) through (7).

18161 (b) (i) The commission may retain an amount of tax collected under this part of not to  
18162 exceed the lesser of:

18163 (A) 1.5%; or

18164 (B) an amount equal to the cost to the commission of administering this part.

18165 (ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:

18166 (A) placed in the Sales and Use Tax Administrative Fees Account; and

18167 (B) used as provided in Subsection 59-12-206(2).

18168 (9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after April 1, 2007, a  
18169 county enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal,  
18170 or change shall take effect:

18171 (A) on the first day of a calendar quarter; and

18172 (B) after a 90-day period beginning on the date the commission receives notice meeting  
18173 the requirements of Subsection (9)(a)(ii) from the county.

18174 (ii) The notice described in Subsection (9)(a)(i)(B) shall state:

18175 (A) that the county will enact, repeal, or change the rate of a tax under this part;

18176 (B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);

18177 (C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and

18178 (D) if the county enacts the tax or changes the rate of the tax described in Subsection  
18179 (9)(a)(ii)(A), the rate of the tax.

18180 (b) (i) For a transaction described in Subsection (9)(b)(iii), if the billing period for the  
18181 transaction begins before the effective date of the enactment of the tax or tax rate increase  
18182 under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first  
18183 day of the first billing period that begins after the effective date of the enactment of the tax or  
18184 the tax rate increase.

18185 (ii) For a transaction described in Subsection (9)(b)(iii), if the billing period for the  
18186 transaction begins before the effective date of the repeal of the tax or the tax rate decrease  
18187 imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the  
18188 first day of the last billing period that began before the effective date of the repeal of the tax or  
18189 the tax rate decrease.

18190 (iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:

18191 (A) Subsection 59-12-103(1)(b);

- 18192 (B) Subsection 59-12-103(1)(c);
- 18193 (C) Subsection 59-12-103(1)(d);
- 18194 (D) Subsection 59-12-103(1)(e);
- 18195 (E) Subsection 59-12-103(1)(f);
- 18196 (F) Subsection 59-12-103(1)(g);
- 18197 (G) Subsection 59-12-103(1)(h);
- 18198 (H) Subsection 59-12-103(1)(i);
- 18199 (I) Subsection 59-12-103(1)(j); or
- 18200 (J) Subsection 59-12-103(1)(k).

18201 (c) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
18202 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
18203 a tax described in Subsection (9)(a)(i) takes effect:

- 18204 (A) on the first day of a calendar quarter; and
- 18205 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
18206 rate of the tax under Subsection (9)(a)(i).

18207 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
18208 commission may by rule define the term "catalogue sale."

18209 (d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs  
18210 on or after April 1, 2007, the annexation will result in the enactment, repeal, or change in the  
18211 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
18212 effect:

- 18213 (A) on the first day of a calendar quarter; and
- 18214 (B) after a 90-day period beginning on the date the commission receives notice meeting  
18215 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

18216 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:

- 18217 (A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment,  
18218 repeal, or change in the rate of a tax under this part for the annexing area;
- 18219 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
- 18220 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and
- 18221 (D) if the county enacts the tax or changes the rate of the tax described in Subsection  
18222 (9)(d)(ii)(A), the rate of the tax.

18223 (e) (i) For a transaction described in Subsection (9)(e)(iii), if the billing period for the  
18224 transaction begins before the effective date of the enactment of the tax or a tax rate increase  
18225 under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first  
18226 day of the first billing period that begins after the effective date of the enactment of the tax or  
18227 the tax rate increase.

18228 (ii) For a transaction described in Subsection (9)(e)(iii), if the billing period for the  
18229 transaction begins before the effective date of the repeal of the tax or the tax rate decrease  
18230 imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the  
18231 first day of the last billing period that began before the effective date of the repeal of the tax or  
18232 the tax rate decrease.

18233 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:

18234 (A) Subsection 59-12-103(1)(b);

18235 (B) Subsection 59-12-103(1)(c);

18236 (C) Subsection 59-12-103(1)(d);

18237 (D) Subsection 59-12-103(1)(e);

18238 (E) Subsection 59-12-103(1)(f);

18239 (F) Subsection 59-12-103(1)(g);

18240 (G) Subsection 59-12-103(1)(h);

18241 (H) Subsection 59-12-103(1)(i);

18242 (I) Subsection 59-12-103(1)(j); or

18243 (J) Subsection 59-12-103(1)(k).

18244 (f) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
18245 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
18246 a tax described in Subsection (9)(d)(i) takes effect:

18247 (A) on the first day of a calendar quarter; and

18248 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
18249 rate under Subsection (9)(d)(i).

18250 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
18251 commission may by rule define the term "catalogue sale."

18252 Section 429. Section **63-2-103** is amended to read:

18253 **63-2-103. Definitions.**

18254 As used in this chapter:

18255 (1) "Audit" means:

18256 (a) a systematic examination of financial, management, program, and related records  
18257 for the purpose of determining the fair presentation of financial statements, adequacy of  
18258 internal controls, or compliance with laws and regulations; or

18259 (b) a systematic examination of program procedures and operations for the purpose of  
18260 determining their effectiveness, economy, efficiency, and compliance with statutes and  
18261 regulations.

18262 (2) "Chronological logs" mean the regular and customary summary records of law  
18263 enforcement agencies and other public safety agencies that show:

18264 (a) the time and general nature of police, fire, and paramedic calls made to the agency;

18265 (b) and any arrests or jail bookings made by the agency.

18266 (3) "Classification," "classify," and their derivative forms mean determining whether a  
18267 record series, record, or information within a record is public, private, controlled, protected, or  
18268 exempt from disclosure under Subsection 63-2-201(3)(b).

18269 (4) (a) "Computer program" means:

18270 (i) a series of instructions or statements that permit the functioning of a computer  
18271 system in a manner designed to provide storage, retrieval, and manipulation of data from the  
18272 computer system; and

18273 (ii) any associated documentation and source material that explain how to operate the  
18274 computer program.

18275 (b) "Computer program" does not mean:

18276 (i) the original data, including numbers, text, voice, graphics, and images;

18277 (ii) analysis, compilation, and other manipulated forms of the original data produced by  
18278 use of the program; or

18279 (iii) the mathematical or statistical formulas, excluding the underlying mathematical  
18280 algorithms contained in the program, that would be used if the manipulated forms of the  
18281 original data were to be produced manually.

18282 (5) (a) "Contractor" means:

18283 (i) any person who contracts with a governmental entity to provide goods or services  
18284 directly to a governmental entity; or

- 18285 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 18286 (b) "Contractor" does not mean a private provider.
- 18287 (6) "Controlled record" means a record containing data on individuals that is controlled
- 18288 as provided by Section 63-2-303.
- 18289 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
- 18290 governmental entity's familiarity with a record series or based on a governmental entity's
- 18291 review of a reasonable sample of a record series, the primary classification that a majority of
- 18292 records in a record series would be given if classified and the classification that other records
- 18293 typically present in the record series would be given if classified.
- 18294 (8) "Elected official" means each person elected to a state office, county office,
- 18295 municipal office, school board or school district office, [~~or special~~] local district office, or
- 18296 special service district office but does not include judges.
- 18297 (9) "Explosive" means a chemical compound, device, or mixture:
- 18298 (a) commonly used or intended for the purpose of producing an explosion; and
- 18299 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 18300 quantities, or packing so that:
- 18301 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 18302 compound or mixture may cause a sudden generation of highly heated gases; and
- 18303 (ii) the resultant gaseous pressures are capable of:
- 18304 (A) producing destructive effects on contiguous objects; or
- 18305 (B) causing death or serious bodily injury.
- 18306 (10) "Government audit agency" means any governmental entity that conducts an audit.
- 18307 (11) (a) "Governmental entity" means:
- 18308 (i) executive department agencies of the state, the offices of the governor, lieutenant
- 18309 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
- 18310 the Board of Examiners, the National Guard, the Career Service Review Board, the State Board
- 18311 of Education, the State Board of Regents, and the State Archives;
- 18312 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
- 18313 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
- 18314 committees, except any political party, group, caucus, or rules or sifting committee of the
- 18315 Legislature;

18316 (iii) courts, the Judicial Council, the Office of the Court Administrator, and similar  
18317 administrative units in the judicial branch;

18318 (iv) any state-funded institution of higher education or public education; or

18319 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
18320 ordinance or a policy relating to information practices pursuant to Section 63-2-701, this  
18321 chapter shall apply to the political subdivision to the extent specified in Section 63-2-701 or as  
18322 specified in any other section of this chapter that specifically refers to political subdivisions.

18323 (b) "Governmental entity" also means every office, agency, board, bureau, committee,  
18324 department, advisory board, or commission of an entity listed in Subsection (11)(a) that is  
18325 funded or established by the government to carry out the public's business.

18326 (12) "Gross compensation" means every form of remuneration payable for a given  
18327 period to an individual for services provided including salaries, commissions, vacation pay,  
18328 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
18329 similar benefit received from the individual's employer.

18330 (13) "Individual" means a human being.

18331 (14) (a) "Initial contact report" means an initial written or recorded report, however  
18332 titled, prepared by peace officers engaged in public patrol or response duties describing official  
18333 actions initially taken in response to either a public complaint about or the discovery of an  
18334 apparent violation of law, which report may describe:

18335 (i) the date, time, location, and nature of the complaint, the incident, or offense;

18336 (ii) names of victims;

18337 (iii) the nature or general scope of the agency's initial actions taken in response to the  
18338 incident;

18339 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

18340 (v) the name, address, and other identifying information about any person arrested or  
18341 charged in connection with the incident; or

18342 (vi) the identity of the public safety personnel, except undercover personnel, or  
18343 prosecuting attorney involved in responding to the initial incident.

18344 (b) Initial contact reports do not include follow-up or investigative reports prepared  
18345 after the initial contact report. However, if the information specified in Subsection (14)(a)  
18346 appears in follow-up or investigative reports, it may only be treated confidentially if it is



- 18347 private, controlled, protected, or exempt from disclosure under Subsection 63-2-201(3)(b).
- 18348 (15) "Legislative body" means the Legislature.
- 18349 (16) "Notice of compliance" means a statement confirming that a governmental entity
- 18350 has complied with a records committee order.
- 18351 (17) "Person" means:
- 18352 (a) an individual;
- 18353 (b) a nonprofit or profit corporation;
- 18354 (c) a partnership;
- 18355 (d) a sole proprietorship;
- 18356 (e) other type of business organization; or
- 18357 (f) any combination acting in concert with one another.
- 18358 (18) "Private provider" means any person who contracts with a governmental entity to
- 18359 provide services directly to the public.
- 18360 (19) "Private record" means a record containing data on individuals that is private as
- 18361 provided by Section 63-2-302.
- 18362 (20) "Protected record" means a record that is classified protected as provided by
- 18363 Section 63-2-304.
- 18364 (21) "Public record" means a record that is not private, controlled, or protected and that
- 18365 is not exempt from disclosure as provided in Subsection 63-2-201(3)(b).
- 18366 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
- 18367 card, tape, recording, electronic data, or other documentary material regardless of physical form
- 18368 or characteristics:
- 18369 (i) that is prepared, owned, received, or retained by a governmental entity or political
- 18370 subdivision; and
- 18371 (ii) where all of the information in the original is reproducible by photocopy or other
- 18372 mechanical or electronic means.
- 18373 (b) "Record" does not mean:
- 18374 (i) a personal note or personal communication prepared or received by an employee or
- 18375 officer of a governmental entity in the employee's or officer's private capacity;
- 18376 (ii) a temporary draft or similar material prepared for the originator's personal use or
- 18377 prepared by the originator for the personal use of an individual for whom the originator is

- 18378 working;
- 18379 (iii) material that is legally owned by an individual in the individual's private capacity;
- 18380 (iv) material to which access is limited by the laws of copyright or patent unless the
- 18381 copyright or patent is owned by a governmental entity or political subdivision;
- 18382 (v) proprietary software;
- 18383 (vi) junk mail or a commercial publication received by a governmental entity or an
- 18384 official or employee of a governmental entity;
- 18385 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
- 18386 of a library open to the public;
- 18387 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
- 18388 of a library open to the public, regardless of physical form or characteristics of the material;
- 18389 (ix) a daily calendar or other personal note prepared by the originator for the
- 18390 originator's personal use or for the personal use of an individual for whom the originator is
- 18391 working;
- 18392 (x) a computer program that is developed or purchased by or for any governmental
- 18393 entity for its own use;
- 18394 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 18395 (A) a member of the judiciary;
- 18396 (B) an administrative law judge;
- 18397 (C) a member of the Board of Pardons and Parole; or
- 18398 (D) a member of any other body charged by law with performing a quasi-judicial
- 18399 function; or
- 18400 (xii) a telephone number or similar code used to access a mobile communication
- 18401 device that is used by an employee or officer of a governmental entity, provided that the
- 18402 employee or officer of the governmental entity has designated at least one business telephone
- 18403 number that is a public record as provided in Section 63-2-301.
- 18404 (23) "Record series" means a group of records that may be treated as a unit for
- 18405 purposes of designation, description, management, or disposition.
- 18406 (24) "Records committee" means the State Records Committee created in Section
- 18407 63-2-501.
- 18408 (25) "Records officer" means the individual appointed by the chief administrative

18409 officer of each governmental entity, or the political subdivision to work with state archives in  
 18410 the care, maintenance, scheduling, designation, classification, disposal, and preservation of  
 18411 records.

18412 (26) "Schedule," "scheduling," and their derivative forms mean the process of  
 18413 specifying the length of time each record series should be retained by a governmental entity for  
 18414 administrative, legal, fiscal, or historical purposes and when each record series should be  
 18415 transferred to the state archives or destroyed.

18416 (27) "Sponsored research" means research, training, and other sponsored activities as  
 18417 defined by the federal Executive Office of the President, Office of Management and Budget:

18418 (a) conducted:

18419 (i) by an institution within the state system of higher education defined in Section  
 18420 53B-1-102; and

18421 (ii) through an office responsible for sponsored projects or programs; and

18422 (b) funded or otherwise supported by an external:

18423 (i) person that is not created or controlled by the institution within the state system of  
 18424 higher education; or

18425 (ii) federal, state, or local governmental entity.

18426 (28) "State archives" means the Division of Archives and Records Service created in  
 18427 Section 63-2-901.

18428 (29) "State archivist" means the director of the state archives.

18429 (30) "Summary data" means statistical records and compilations that contain data  
 18430 derived from private, controlled, or protected information but that do not disclose private,  
 18431 controlled, or protected information.

18432 Section 430. Section **63-6-1 (Effective 07/01/07)** is amended to read:

18433 **63-6-1 (Effective 07/01/07). Members -- Functions.**

18434 (1) As used in this chapter:

18435 (a) "Political subdivision" means any county, city, town, school district, ~~[public transit~~  
 18436 ~~district, redevelopment]~~ community development and renewal agency, special improvement or  
 18437 taxing district, ~~[special]~~ local district, special service district, an entity created by an interlocal  
 18438 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
 18439 governmental subdivision or public corporation.

18440 (b) "State" means the state of Utah, and includes each office, department, division,  
18441 agency, authority, commission, board, institution, college, university, Children's Justice Center,  
18442 or other instrumentality of the state.

18443 (2) The governor, the state auditor, and the attorney general shall constitute a Board of  
18444 Examiners, with power to examine all claims against the state or a political subdivision, for the  
18445 payment of which funds appropriated by the Legislature or derived from any other source are  
18446 not available.

18447 (3) No claim against the state or a political subdivision, for the payment of which  
18448 specifically designated funds are required to be appropriated by the Legislature shall be passed  
18449 upon by the Legislature without having been considered and acted upon by the Board of  
18450 Examiners.

18451 (4) The governor shall be the president, and the state auditor shall be the secretary of  
18452 the board, and in the absence of either an officer pro tempore may be elected from among the  
18453 members of the board.

18454 Section 431. Section **63-30d-102** is amended to read:

18455 **63-30d-102. Definitions.**

18456 As used in this chapter:

18457 (1) "Claim" means any asserted demand for or cause of action for money or damages,  
18458 whether arising under the common law, under state constitutional provisions, or under state  
18459 statutes, against a governmental entity or against an employee in the employee's personal  
18460 capacity.

18461 (2) (a) "Employee" includes:

18462 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

18463 (ii) members of a governing body;

18464 (iii) members of a government entity board;

18465 (iv) members of a government entity commission;

18466 (v) members of an advisory body, officers, and employees of a Children's Justice  
18467 Center created in accordance with Section 67-5b-104;

18468 (vi) student teachers holding a letter of authorization in accordance with Sections  
18469 53A-6-103 and 53A-6-104;

18470 (vii) educational aides;

18471 (viii) students engaged in providing services to members of the public in the course of  
18472 an approved medical, nursing, or other professional health care clinical training program;

18473 (ix) volunteers as defined by Subsection 67-20-2(3); and

18474 (x) tutors.

18475 (b) "Employee" includes all of the positions identified in Subsection (2)(a), whether or  
18476 not the individual holding that position receives compensation.

18477 (c) "Employee" does not include an independent contractor.

18478 (3) "Governmental entity" means the state and its political subdivisions as both are  
18479 defined in this section.

18480 (4) (a) "Governmental function" means each activity, undertaking, or operation of a  
18481 governmental entity.

18482 (b) "Governmental function" includes each activity, undertaking, or operation  
18483 performed by a department, agency, employee, agent, or officer of a governmental entity.

18484 (c) "Governmental function" includes a governmental entity's failure to act.

18485 (5) "Injury" means death, injury to a person, damage to or loss of property, or any other  
18486 injury that a person may suffer to his person or estate, that would be actionable if inflicted by a  
18487 private person or his agent.

18488 (6) "Personal injury" means an injury of any kind other than property damage.

18489 (7) "Political subdivision" means any county, city, town, school district, ~~[public transit~~  
18490 ~~district, redevelopment]~~ community development and renewal agency, special improvement or  
18491 taxing district, ~~[special]~~ local district, special service district, an entity created by an interlocal  
18492 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
18493 governmental subdivision or public corporation.

18494 (8) "Property damage" means injury to, or loss of, any right, title, estate, or interest in  
18495 real or personal property.

18496 (9) "State" means the state of Utah, and includes each office, department, division,  
18497 agency, authority, commission, board, institution, hospital, college, university, Children's  
18498 Justice Center, or other instrumentality of the state.

18499 (10) "Willful misconduct" means the intentional doing of a wrongful act, or the  
18500 wrongful failure to act, without just cause or excuse, where the actor is aware that his conduct  
18501 will probably result in injury.

18502 Section 432. Section **63-30d-401** is amended to read:  
18503 **63-30d-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**  
18504 **Appointment of guardian ad litem.**

18505 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of  
18506 limitations that would apply if the claim were against a private person begins to run.

18507 (b) The statute of limitations does not begin to run until a claimant knew, or with the  
18508 exercise of reasonable diligence should have known:

18509 (i) that the claimant had a claim against the governmental entity or its employee; and

18510 (ii) the identity of the governmental entity or the name of the employee.

18511 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

18512 (2) Any person having a claim against a governmental entity, or against its employee  
18513 for an act or omission occurring during the performance of the employee's duties, within the  
18514 scope of employment, or under color of authority shall file a written notice of claim with the  
18515 entity before maintaining an action, regardless of whether or not the function giving rise to the  
18516 claim is characterized as governmental.

18517 (3) (a) The notice of claim shall set forth:

18518 (i) a brief statement of the facts;

18519 (ii) the nature of the claim asserted;

18520 (iii) the damages incurred by the claimant so far as they are known; and

18521 (iv) if the claim is being pursued against a governmental employee individually as  
18522 provided in Subsection 63-30d-202(3)(c), the name of the employee.

18523 (b) The notice of claim shall be:

18524 (i) signed by the person making the claim or that person's agent, attorney, parent, or  
18525 legal guardian; and

18526 (ii) directed and delivered by hand or by mail according to the requirements of Section  
18527 68-3-8.5 to the office of:

18528 (A) the city or town clerk, when the claim is against an incorporated city or town;

18529 (B) the county clerk, when the claim is against a county;

18530 (C) the superintendent or business administrator of the board, when the claim is against  
18531 a school district or board of education;

18532 (D) the presiding officer or secretary/clerk of the board, when the claim is against a

18533 [~~special~~] local district or special service district;

18534 (E) the attorney general, when the claim is against the State of Utah;

18535 (F) a member of the governing board, the executive director, or executive secretary,

18536 when the claim is against any other public board, commission, or body; or

18537 (G) the agent authorized by a governmental entity to receive the notice of claim by the  
18538 governmental entity under Subsection (5)(e).

18539 (4) (a) If an injury that may reasonably be expected to result in a claim against a  
18540 governmental entity is sustained by a claimant who is under the age of majority or mentally  
18541 incompetent, that governmental entity may file a request with the court for the appointment of a  
18542 guardian ad litem for the potential claimant.

18543 (b) If a guardian ad litem is appointed, the time for filing a claim under Section  
18544 63-30d-402 begins when the order appointing the guardian is issued.

18545 (5) (a) Each governmental entity subject to suit under this chapter shall file a statement  
18546 with the Division of Corporations and Commercial Code within the Department of Commerce  
18547 containing:

18548 (i) the name and address of the governmental entity;

18549 (ii) the office or agent designated to receive a notice of claim; and

18550 (iii) the address at which it is to be directed and delivered.

18551 (b) Each governmental entity shall update its statement as necessary to ensure that the  
18552 information is accurate.

18553 (c) The Division of Corporations and Commercial Code shall develop a form for  
18554 governmental entities to complete that provides the information required by Subsection (5)(a).

18555 (d) (i) Newly incorporated municipalities shall file the statement required by  
18556 Subsection (5)(a) at the time that the statement of incorporation and boundaries is filed with the  
18557 lieutenant governor under Section 10-1-106.

18558 (ii) Newly incorporated [~~special~~] local districts shall file the statement required by  
18559 Subsection (5)(a) at the time that the written notice [~~of creation of the district~~] is filed with the  
18560 [~~State Tax Commission and State Auditor~~] lieutenant governor under [~~Sections 17A-1-102 and~~  
18561 ~~17B-3-215~~] Section 17B-1-215.

18562 (e) A governmental entity may, in its statement, identify an agent authorized by the  
18563 entity to accept notices of claim on its behalf.

18564 (6) The Division of Corporations and Commercial Code shall:  
18565 (a) maintain an index of the statements required by this section arranged both  
18566 alphabetically by entity and by county of operation; and  
18567 (b) make the indices available to the public both electronically and via hard copy.  
18568 (7) A governmental entity may not challenge the validity of a notice of claim on the  
18569 grounds that it was not directed and delivered to the proper office or agent if the error is caused  
18570 by the governmental entity's failure to file or update the statement required by Subsection (5).  
18571 Section 433. Section **63-38-3.3** is amended to read:  
18572 **63-38-3.3. Payment of fees prerequisite to service -- Exception.**  
18573 (1) (a) State and county officers required by law to charge fees may not perform any  
18574 official service unless the fees prescribed for that service are paid in advance.  
18575 (b) When the fee is paid, the officer shall perform the services required.  
18576 (c) An officer is liable upon the officer's official bond for every failure or refusal to  
18577 perform an official duty when the fees are tendered.  
18578 (2) (a) Except as provided in Subsection (2)(b), no fees may be charged:  
18579 (i) to the officer's state, or any county or subdivision of the state;  
18580 (ii) to any public officer acting for the state, county, or subdivision;  
18581 (iii) in cases of habeas corpus;  
18582 (iv) in criminal causes before final judgment;  
18583 (v) for administering and certifying the oath of office;  
18584 (vi) for swearing pensioners and their witnesses; or  
18585 (vii) for filing and recording bonds of public officers.  
18586 (b) Fees may be charged for payment:  
18587 (i) of recording fees for [~~county and municipal improvement district~~] assessment area  
18588 recordings in compliance with [~~Sections 17A-3-207 and 17A-3-307~~] Section 11-42-205;  
18589 (ii) of recording fees for judgments recorded in compliance with Sections 57-3-106 and  
18590 78-5-119; and  
18591 (iii) to the state engineer under Section 73-2-14.  
18592 Section 434. Section **63-38d-102** is amended to read:  
18593 **63-38d-102. Definitions.**  
18594 As used in this chapter:



18595 (1) "Committee" means the Resource Development Coordinating Committee created  
18596 by this chapter.

18597 (2) "Director" means the chief administrative officer of the Governor's Office of  
18598 Planning and Budget appointed as provided in this chapter.

18599 (3) "Office" means the Governor's Office of Planning and Budget created by this  
18600 chapter.

18601 (4) "Political subdivision" means a county, municipality, [~~special~~] local district, special  
18602 service district, school district, interlocal cooperation agreement entity, or any administrative  
18603 subunit of them.

18604 (5) "State planning coordinator" means the person appointed as planning coordinator as  
18605 provided in this chapter.

18606 Section 435. Section **63-38d-601** is amended to read:

18607 **63-38d-601. Definitions.**

18608 As used in this part:

18609 (1) "Coordinator" means the public lands policy coordinator appointed in this part.

18610 (2) "Council" means the Public Lands Policy Coordinating Council created by this part.

18611 (3) "Office" means the Public Lands Policy Coordinating Office created by this part.

18612 (4) "Political subdivision" means a county, municipality, [~~special~~] local district, special  
18613 service district, school district, interlocal cooperation agreement entity, or any administrative  
18614 subunit of them.

18615 (5) "State planning coordinator" means the person appointed under Subsection  
18616 63-38d-202(1)(a)(ii).

18617 Section 436. Section **63-38f-2002** is amended to read:

18618 **63-38f-2002. Definitions.**

18619 As used in this part:

18620 (1) "Board" means the Board of Business and Economic Development created by  
18621 Section 63-38f-301.

18622 (2) "Business incubator expense" means an expense relating to funding a program that  
18623 is:

18624 (a) designed to provide business support services and resources to one or more  
18625 business entities within a project area during the business entities' early stages of development;

- 18626 and
- 18627 (b) determined to be a business incubator by the board.
- 18628 (3) "Business rehabilitation expense" means an expense relating to the renovation or
- 18629 rehabilitation of an existing building within a project area as determined by the board.
- 18630 (4) "Debt service" means the payment of debt service on a bond issued to pay a:
- 18631 (a) business rehabilitation expense relating to a project; or
- 18632 (b) public infrastructure expense relating to a project.
- 18633 (5) "Eligible county" means a county of the third, fourth, fifth, or sixth class.
- 18634 (6) "Eligible expense" means an expense:
- 18635 (a) incurred by an eligible county;
- 18636 (b) relating to a project; and
- 18637 (c) that is:
- 18638 (i) a business incubator expense;
- 18639 (ii) debt service; or
- 18640 (iii) a public infrastructure expense.
- 18641 (7) "Project" means an economic development project:
- 18642 (a) as determined by the board; and
- 18643 (b) for which an eligible county applies to the board in accordance with this part for a
- 18644 loan or grant to assist the eligible county in paying an eligible expense.
- 18645 (8) "Project area" means the geographic area within which a project is implemented by
- 18646 an eligible county.
- 18647 (9) "Public infrastructure expense" means an expense relating to a publicly owned
- 18648 improvement located within a project area if:
- 18649 (a) the expense is:
- 18650 (i) incurred for:
- 18651 (A) construction;
- 18652 (B) demolition;
- 18653 (C) design;
- 18654 (D) engineering;
- 18655 (E) an environmental impact study;
- 18656 (F) environmental remediation; or

18657 (G) rehabilitation; or  
18658 (ii) similar to an expense described in Subsection (9)(a)(i) as determined by the board;  
18659 and  
18660 (b) the publicly owned improvement is:  
18661 (i) not a building as determined by the board; and  
18662 (ii) necessary to support a project as determined by the board.  
18663 (10) "Publicly owned improvement" means an improvement to real property if:  
18664 (a) the real property is owned by:  
18665 (i) the United States;  
18666 (ii) the state; or  
18667 (iii) a political subdivision:  
18668 (A) as defined in Section [~~17B-2-101~~] 17B-1-102; and  
18669 (B) of the state; and  
18670 (b) the improvement relates to:  
18671 (i) a sewage system including a system for collection, transport, storage, treatment,  
18672 dispersal, effluent use, or discharge;  
18673 (ii) a drainage or flood control system, including a system for collection, transport,  
18674 diversion, storage, detention, retention, dispersal, use, or discharge;  
18675 (iii) a water system including a system for production, collection, storage, treatment,  
18676 transport, delivery, connection, or dispersal;  
18677 (iv) a highway, street, or road system for vehicular use for travel, ingress, or egress;  
18678 (v) a rail transportation system;  
18679 (vi) a system for pedestrian use for travel, ingress, or egress;  
18680 (vii) a public utility system including a system for electricity, gas, or  
18681 telecommunications; or  
18682 (viii) a system or device that is similar to a system or device described in Subsections  
18683 (10)(b)(i) through (vii) as determined by the board.  
18684 (11) "Restricted account" means the Business Development for Disadvantaged Rural  
18685 Communities Restricted Account created by Section 63-38f-2003.  
18686 Section 437. Section **63-51-2** is amended to read:  
18687 **63-51-2. Definitions.**

18688 As used in this chapter:

18689 (1) "Commencement of construction" means any clearing of land, excavation, or  
18690 construction but does not include preliminary site review, including soil tests, topographical  
18691 surveys, exploratory drilling, boring or mining, or other preliminary tests.

18692 (2) "Developer" means any person engaged or to be engaged in industrial development  
18693 or the development or utilization of natural resources in this state through a natural resource or  
18694 industrial facility, including owners, contract purchases of owners, and persons who, as a lessee  
18695 or under an agreement, are engaged or to be engaged in industrial development or the  
18696 development or utilization of natural resources in this state through a natural resource or  
18697 industrial facility.

18698 (3) "Major developer" means any developer whose proposed new or additional natural  
18699 resource facility or industrial facility is projected:

18700 (a) To employ more than 500 people; or

18701 (b) To cause the population of an affected unit of local government to increase by more  
18702 than 5%, the increase to include the primary work force of the facility and their dependents and  
18703 the work force and dependents attributable to commercial and public service employment  
18704 created by the presence of the facility.

18705 (4) "Natural resource facility" or "industrial facility" means any land, structure,  
18706 building, plant, mine, road, installation, excavation, machinery, equipment, or device, or any  
18707 addition to, reconstruction, replacement, or improvement of, land or an existing structure,  
18708 building, plant, mine, road, installation, excavation, machinery, or device reasonably used,  
18709 erected, constructed, acquired, or installed by any person, if a substantial purpose of or result of  
18710 the use, erection, construction, acquisition, rental, lease, or installation is related to industrial  
18711 development or the development or utilization of the natural resources in this state.

18712 (5) "Person" includes any individual, firm, co-partnership, joint venture, corporation,  
18713 estate, trust, business trust, syndicate, or any group or combination acting as a unit.

18714 (6) "Unit of local government" means any county, municipality, school district,  
18715 [~~special~~] local district, special service district, or any other political subdivision of the state.

18716 Section 438. Section **63-56-102** is amended to read:

18717 **63-56-102. Application of chapter.**

18718 (1) This chapter applies only to contracts solicited or entered into after the effective

18719 date of this chapter unless the parties agree to its application to a contract solicited or entered  
18720 into prior to the effective date.

18721 (2) Except as provided in Section 63-56-103, this chapter shall apply to every  
18722 expenditure of public funds irrespective of their source, including federal assistance, by any  
18723 state agency under any contract.

18724 (3) (a) Only the following sections shall apply to local public procurement units:  
18725 Sections 63-56-103, 63-56-105, 63-56-301, 63-56-303 through 63-56-420, 63-56-422,  
18726 63-56-501 through 63-56-602, 63-56-801 through 63-56-806, and 63-56-815 through  
18727 63-56-819; provided, however, that, except as provided in Sections 63-56-906 and 63-56-907,  
18728 the jurisdiction of the procurement appeals board is limited to matters involving state agencies.

18729 (b) Subsections 63-56-208(1)(b), 63-56-503(4), and 63-56-504(2) also apply to local  
18730 public procurement units.

18731 (c) For the purpose of application of those sections and subsections to a local public  
18732 procurement unit, "state" shall mean "local public procurement unit," "chief procurement  
18733 officer" or "head of a purchasing agency" shall mean any person conducting procurement for a  
18734 local public procurement unit, and "rules and regulations" shall mean ordinances and rules and  
18735 regulations promulgated by a local public procurement unit to implement or supplement those  
18736 sections.

18737 (d) In addition to the sections and subsections listed above and except as provided in  
18738 [~~Section 17A-1-801~~] Subsection 17B-1-108(3) relating to [~~special~~] local districts, each local  
18739 public procurement unit shall adopt ordinances relating to the procurement of  
18740 architect-engineer services not inconsistent with the provisions of Part 7, Architect-Engineer  
18741 Services.

18742 (e) Any other section of this chapter, or its implementing regulations, may be adopted  
18743 by any local public procurement unit.

18744 (f) Any other implementing regulations adopted by local public procurement units may  
18745 not be inconsistent with the provisions of this chapter.

18746 (4) Unless otherwise provided by statute, this chapter does not apply to procurement of  
18747 real property.

18748 Section 439. Section **63-56-201** is amended to read:

18749 **63-56-201. Creation of procurement policy board.**

- 18750 (1) (a) There is created a state procurement policy board.
- 18751 (b) The policy board shall consist of eight members who shall be appointed as follows:
- 18752 (i) an employee of a state institution of higher education, appointed by the board of
- 18753 regents;
- 18754 (ii) an employee of the Department of Human Services, appointed by the executive
- 18755 director of that department;
- 18756 (iii) an employee of the Department of Transportation, appointed by the executive
- 18757 director of that department;
- 18758 (iv) an employee of a school district appointed by a cooperative purchasing entity for
- 18759 school districts;
- 18760 (v) an employee of the Division of Facilities Construction and Management appointed
- 18761 by the director of that division;
- 18762 (vi) an employee of a county, appointed by the Utah Association of Counties;
- 18763 (vii) an employee of a city, appointed by the Utah League of Cities and Towns; and
- 18764 (viii) an employee of a ~~special~~ local district or special service district, appointed by
- 18765 the Utah Association of Special Districts.
- 18766 (c) Members of the policy board shall be knowledgeable and experienced in, and have
- 18767 supervisory responsibility for, procurement in their official positions.
- 18768 (2) Members shall be appointed to four-year staggered terms.
- 18769 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
- 18770 appointed for the unexpired term.
- 18771 (4) (a) The policy board shall:
- 18772 (i) adopt rules of procedure for conducting its business; and
- 18773 (ii) elect a chair to serve for one year.
- 18774 (b) The chair may be elected to succeeding terms.
- 18775 (c) The chief procurement officer shall serve as the nonvoting secretary to the policy
- 18776 board.
- 18777 (5) (a) (i) Members who are not government employees shall receive no compensation
- 18778 or benefits for their services, but may receive per diem and expenses incurred in the
- 18779 performance of the member's official duties at the rates established by the Division of Finance
- 18780 under Sections 63A-3-106 and 63A-3-107.

- 18781 (ii) Members may decline to receive per diem and expenses for their service.
- 18782 (b) (i) State government officer and employee members who do not receive salary, per  
18783 diem, or expenses from their agency for their service may receive per diem and expenses  
18784 incurred in the performance of their official duties from the board at the rates established by the  
18785 Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 18786 (ii) State government officer and employee members may decline to receive per diem  
18787 and expenses for their service.
- 18788 (c) (i) Higher education members who do not receive salary, per diem, or expenses  
18789 from the entity that they represent for their service may receive per diem and expenses incurred  
18790 in the performance of their official duties from the committee at the rates established by the  
18791 Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 18792 (ii) Higher education members may decline to receive per diem and expenses for their  
18793 service.
- 18794 (d) (i) Local government members who do not receive salary, per diem, or expenses  
18795 from the entity that they represent for their service may receive per diem and expenses incurred  
18796 in the performance of their official duties at the rates established by the Division of Finance  
18797 under Sections 63A-3-106 and 63A-3-107.
- 18798 (ii) Local government members may decline to receive per diem and expenses for their  
18799 service.
- 18800 Section 440. Section **63-90a-1** is amended to read:
- 18801 **63-90a-1. Definitions.**
- 18802 As used in this chapter:
- 18803 (1) "Constitutional taking issues" means actions involving the physical taking or  
18804 exaction of private real property by a political subdivision that might require compensation to a  
18805 private real property owner because of:
- 18806 (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;
- 18807 (b) Article I, Section 22 of the Utah Constitution; or
- 18808 (c) any recent court rulings governing the physical taking or exaction of private real  
18809 property by a government entity.
- 18810 (2) "Political subdivision" means a county, municipality, ~~[special]~~ local district, special  
18811 service district, school district, or other local government entity.

18812 Section 441. Section **63-90b-102** is amended to read:

18813 **63-90b-102. Definitions.**

18814 As used in this chapter:

18815 (1) "Free exercise of religion" means an act or refusal to act that is substantially  
18816 motivated by sincere religious belief, whether or not the act or refusal is compulsory or central  
18817 to a larger system of religious belief, and includes the use, building, or conversion of real  
18818 property for the purpose of religious exercise.

18819 (2) "Government entity" means the state, a county, a municipality, a higher education  
18820 institution, a ~~[special]~~ local district, a special service district, any other political subdivision of  
18821 the state, or any administrative subunit of any of them.

18822 (3) "Land use regulation" means any state or local law or ordinance, whether statutory  
18823 or otherwise, that limits or restricts a person's use or development of land or a structure affixed  
18824 to land.

18825 (4) "Person" means any individual, partnership, corporation, or other legal entity that  
18826 owns an interest in real property.

18827 Section 442. Section **63-91-102** is amended to read:

18828 **63-91-102. Definitions.**

18829 As used in this chapter:

18830 (1) "Agency head" means a cabinet officer, an elected official, an executive director, or  
18831 a board or commission vested with responsibility to administer or make policy for a state  
18832 agency.

18833 (2) "Agency internal audit director" or "audit director" means the person appointed by  
18834 the agency head, with the approval of the audit committee if one has been established, to direct  
18835 the internal audit function for the state agency.

18836 (3) "Appointing authority" means:

18837 (a) the governor, for state agencies;

18838 (b) the Judicial Council, for judicial branch agencies;

18839 (c) the Board of Regents, for higher education entities; and

18840 (d) the State Board of Education, for the State Office of Education.

18841 (4) "Audit committee" means a standing committee whose members are appointed by  
18842 an appointing authority:



18843 (a) from members of the agency governing board; and  
18844 (b) from individuals who do not have administrative responsibilities within the agency  
18845 who have the expertise to provide effective oversight of and advice about internal audit  
18846 activities and services.

18847 (5) "Audit plan" means a list of audits to be performed by the internal audit  
18848 organization within a specified period of time.

18849 (6) "Agency governing board" is any board or commission that has policy making and  
18850 oversight responsibility over the agency, including the authority to appoint and remove the  
18851 agency director.

18852 (7) "Higher education entity" means the board of regents, the institutional councils of  
18853 each higher education institution, and each higher education institution.

18854 (8) "Internal audit" means an independent appraisal activity established within a state  
18855 agency as a control system to examine and evaluate the adequacy and effectiveness of other  
18856 control systems within the agency.

18857 (9) "Judicial branch agency" means each administrative entity of the judicial branch.

18858 (10) (a) "State agency" means:

18859 (i) each department, commission, board, council, agency, institution, officer,  
18860 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,  
18861 or other administrative unit of the state; and

18862 (ii) each state public education entity.

18863 (b) "State agency" does not mean:

18864 (i) a legislative branch agency;

18865 (ii) an independent agency;

18866 (iii) a county, municipality, school district, [~~or special~~] local district, or special service  
18867 district; or

18868 (iv) any administrative subdivision of a county, municipality, school district, [~~or~~  
18869 ~~special~~] local district, or special service district.

18870 Section 443. Section **63-93-102** is amended to read:

18871 **63-93-102. Definitions.**

18872 As used in this chapter:

18873 (1) "Attribution" means to be responsible for the truth, correctness, and accuracy of a

18874 report.

18875 (2) "Chief executive officer" means:

18876 (a) the governor, for the state;

18877 (b) the chair of the county commission or the county executive, for a county; and

18878 (c) the mayor, for a municipality, or if governed under a council-manager form of

18879 government, the chair of the council.

18880 (3) "Government entity" includes the state, its agencies and institutions, each county,  
18881 municipality, school district, [~~and special~~] local district, and special service district in Utah.

18882 (4) "Promotional literature" means reports whose primary or secondary purpose is to  
18883 provide nonresidents with information about the government entity that produced the report.

18884 (5) (a) "Report" means each account, statement, record of proceedings, summary of  
18885 activities, and other written or printed document required by statute that is prepared or  
18886 produced by a government entity that is distributed to the public.

18887 (b) "Report" does not mean written or printed documents whose primary purpose is to  
18888 provide biographical information about government officials.

18889 Section 444. Section **63-96-102** is amended to read:

18890 **63-96-102. Definitions.**

18891 As used in this chapter:

18892 (1) (a) "Contribution" means any of the following:

18893 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
18894 value to a fund;

18895 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
18896 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
18897 anything of value to a fund; or

18898 (iii) any transfer of funds from another elected official or surrogate to the filing elected  
18899 official's or surrogate's fund.

18900 (b) "Contribution" does not include money lent to the elected official or surrogate by a  
18901 financial institution in the ordinary course of business.

18902 (2) "Disbursement" means monies, transfers, or other withdrawals from a fund for any  
18903 purpose.

18904 (3) "Elected official" means each person elected to a state office, county office,

18905 municipal office, school board or school district office, [~~or special~~] local district office, or  
18906 special service district office, but does not include judges standing for retention election.

18907 (4) (a) "Fund" means any sum of money or other resources, however titled or  
18908 described, that is segregated, designated, or set aside for the use or benefit of an elected  
18909 official.

18910 (b) "Fund" does not mean:

18911 (i) an elected official's or surrogate's private money or public money; or

18912 (ii) campaign funds or accounts established by candidates under the authority of Title  
18913 20A, Chapter 11, Part 2, State Office Candidates -- Campaign Organization and Financial  
18914 Reporting Requirements, Title 20A, Chapter 11, Part 3, Candidates for Legislative Office --  
18915 Campaign Organization and Financial Reporting Requirements, and Title 20A, Chapter 11,  
18916 Part 4, Officeholder Financial Reporting Requirement.

18917 (5) "Private money" means personal monies used to pay normal expenses for which an  
18918 elected official or surrogate is personally liable for state and federal taxes.

18919 (6) "Public money" means monies controlled by an elected official or surrogate in their  
18920 public capacity that are accounted for by a governmental entity.

18921 (7) "Surrogate" means any committee, party, organization, or other person or group  
18922 who holds or maintains a fund for the benefit of an elected official.

18923 Section 445. Section **63A-9-401** is amended to read:

18924 **63A-9-401. Division -- Duties.**

18925 (1) The division shall:

18926 (a) perform all administrative duties and functions related to management of state  
18927 vehicles;

18928 (b) coordinate all purchases of state vehicles;

18929 (c) establish one or more fleet automation and information systems for state vehicles;

18930 (d) make rules establishing requirements for:

18931 (i) maintenance operations for state vehicles;

18932 (ii) use requirements for state vehicles;

18933 (iii) fleet safety and loss prevention programs;

18934 (iv) preventative maintenance programs;

18935 (v) procurement of state vehicles, including vehicle standards, alternative fuel vehicle

- 18936 requirements, short-term lease programs, equipment installation, and warranty recovery  
18937 programs;
- 18938 (vi) fuel management programs;
  - 18939 (vii) cost management programs;
  - 18940 (viii) business and personal use practices, including commute standards;
  - 18941 (ix) cost recovery and billing procedures;
  - 18942 (x) disposal of state vehicles;
  - 18943 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
  - 18944 (xii) standard use and rate structures for state vehicles; and
  - 18945 (xiii) insurance and risk management requirements;
- 18946 (e) establish a parts inventory;
- 18947 (f) create and administer a fuel dispensing services program that meets the  
18948 requirements of Subsection (2);
- 18949 (g) emphasize customer service when dealing with agencies and agency employees;
  - 18950 (h) conduct an annual audit of all state vehicles for compliance with division  
18951 requirements;
- 18952 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a  
18953 subscriber of services other than an executive branch agency:
- 18954 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established  
18955 in Section 63A-1-114; and
  - 18956 (ii) obtain the approval of the Legislature as required by Section 63-38-3.5; and
  - 18957 (j) conduct a market analysis by July 1, 2005, and periodically thereafter, of proposed  
18958 rates and fees, which analysis shall include a comparison of the division's rates and fees with  
18959 the fees of other public or private sector providers where comparable services and rates are  
18960 reasonably available.
- 18961 (2) The division shall operate a fuel dispensing services program in a manner that:
- 18962 (a) reduces the risk of environmental damage and subsequent liability for leaks  
18963 involving state-owned underground storage tanks;
  - 18964 (b) eliminates fuel site duplication and reduces overall costs associated with fuel  
18965 dispensing;
  - 18966 (c) provides efficient fuel management and efficient and accurate accounting of

- 18967 fuel-related expenses;
- 18968 (d) where practicable, privatizes portions of the state's fuel dispensing system;
- 18969 (e) provides central planning for fuel contingencies;
- 18970 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
- 18971 reflect usage patterns;
- 18972 (g) where practicable, uses alternative sources of energy; and
- 18973 (h) provides safe, accessible fuel supplies in an emergency.
- 18974 (3) The division shall:
- 18975 (a) ensure that the state and each of its agencies comply with state and federal law and
- 18976 state and federal rules and regulations governing underground storage tanks;
- 18977 (b) coordinate the installation of new state-owned underground storage tanks and the
- 18978 upgrading or retrofitting of existing underground storage tanks; and
- 18979 (c) ensure that counties, municipalities, school districts, [~~and special~~] local districts,
- 18980 and special service districts subscribing to services provided by the division sign a contract
- 18981 that:
- 18982 (i) establishes the duties and responsibilities of the parties;
- 18983 (ii) establishes the cost for the services; and
- 18984 (iii) defines the liability of the parties.
- 18985 (4) The executive director of the Department of Administrative Services may make
- 18986 rules governing fuel dispensing according to the procedures and requirements of Title 63,
- 18987 Chapter 46a, Utah Administrative Rulemaking Act.
- 18988 (5) (a) (i) Each state agency and each higher education institution shall subscribe to the
- 18989 fuel dispensing services provided by the division.
- 18990 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
- 18991 systems, or products other than those provided by the division.
- 18992 (b) Counties, municipalities, school districts, [~~special~~] local districts, special service
- 18993 districts, and federal agencies may subscribe to the fuel dispensing services provided by the
- 18994 division if:
- 18995 (i) the county or municipal legislative body, the school district, or the [~~special~~] local
- 18996 district or special service district board recommends that the county, municipality, school
- 18997 district, [~~or special~~] local district, or special service district subscribe to the fuel dispensing

18998 services of the division; and  
18999 (ii) the division approves participation in the program by that government unit.  
19000 (6) The director, with the approval of the executive director, may delegate functions to  
19001 institutions of higher education, by contract or other means authorized by law, if:  
19002 (a) the agency or institution of higher education has requested the authority;  
19003 (b) in the judgment of the director, the state agency or institution has the necessary  
19004 resources and skills to perform the delegated responsibilities; and  
19005 (c) the delegation of authority is in the best interest of the state and the function  
19006 delegated is accomplished according to provisions contained in law or rule.  
19007 Section 446. Section **63C-7-103** is amended to read:  
19008 **63C-7-103. Definitions.**  
19009 As used in this chapter:  
19010 (1) "Board" means the Utah Communications Agency Network Board created in  
19011 Section 63C-7-201.  
19012 (2) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase  
19013 agreements, or other evidences of indebtedness or borrowing issued or incurred by the Utah  
19014 Communications Agency Network pursuant to this chapter.  
19015 (3) "Communications network" means a regional or statewide public safety  
19016 governmental communications network and related facilities, including real property,  
19017 improvements, and equipment necessary for the acquisition, construction, and operation of the  
19018 services and facilities.  
19019 (4) "Effective date" means the first date after which the Utah Communications Agency  
19020 Network is officially created and shall be the first date after which:  
19021 (a) at least ten public agencies have submitted to the Utah Communications Agency  
19022 Network office the membership resolutions required to become a member; and  
19023 (b) the governor has appointed the four state representatives to the executive  
19024 committee.  
19025 (5) "Executive Committee" means the administrative body of the Utah  
19026 Communications Agency Network created in Section 63C-7-205.  
19027 (6) "Lease" means any lease, lease purchase, sublease, operating, management, or  
19028 similar agreement.

- 19029 (7) "Member" means a public agency which:
- 19030 (a) adopts a membership resolution to be included within the Utah Communications
- 19031 Agency Network; and
- 19032 (b) submits an originally executed copy of an authorizing resolution to the Utah
- 19033 Communications Agency Network office.
- 19034 (8) "Member representative" means a person or that person's designee appointed by the
- 19035 governing body of each member.
- 19036 (9) "Public agency" means any political subdivision of the state, including cities,
- 19037 towns, counties, school districts, ~~[and special]~~ local districts, and special service districts,
- 19038 dispatched by a public safety answering point.
- 19039 (10) "Public safety answering point" means an organization, entity, or combination of
- 19040 entities which have joined together to form a central answering point for the receipt,
- 19041 management, and dissemination to the proper responding agency, of emergency and
- 19042 nonemergency communications, including 911 calls, police, fire, emergency medical,
- 19043 transportation, parks, wildlife, corrections, and any other governmental communications.
- 19044 (11) "State" means the state of Utah.
- 19045 (12) "State representative" means:
- 19046 (a) the four appointees of the governor or their designees; and
- 19047 (b) the Utah State Treasurer or his designee.
- 19048 Section 447. Section **63D-2-102** is amended to read:
- 19049 **63D-2-102. Definitions.**
- 19050 As used in this chapter:
- 19051 (1) (a) "Collect" means the gathering of personally identifiable information:
- 19052 (i) from a user of a governmental website; or
- 19053 (ii) about a user of the governmental website.
- 19054 (b) "Collect" includes use of any identifying code linked to a user of a governmental
- 19055 website.
- 19056 (2) "Court website" means a website on the Internet that is operated by or on behalf of
- 19057 any court created in Title 78, Judicial Code.
- 19058 (3) "Governmental entity" means:
- 19059 (a) an executive branch agency as defined in Section 63D-1a-102;

- 19060 (b) the legislative branch;
- 19061 (c) the judicial branch;
- 19062 (d) the State Board of Education;
- 19063 (e) the Board of Regents;
- 19064 (f) an institution of higher education; and
- 19065 (g) a political subdivision of the state:
- 19066 (i) as defined in Section [~~17B-2-101~~] 17B-1-102; and
- 19067 (ii) including a school district.
- 19068 (4) (a) "Governmental website" means a website on the Internet that is operated by or
- 19069 on behalf of a governmental entity.
- 19070 (b) "Governmental website" includes a court website.
- 19071 (5) "Governmental website operator" means a governmental entity or person acting on
- 19072 behalf of the governmental entity that:
- 19073 (a) operates a governmental website; and
- 19074 (b) collects or maintains personally identifiable information from or about a user of that
- 19075 website.
- 19076 (6) "Personally identifiable information" means information that identifies:
- 19077 (a) a user by:
- 19078 (i) name;
- 19079 (ii) account number;
- 19080 (iii) physical address;
- 19081 (iv) email address;
- 19082 (v) telephone number;
- 19083 (vi) Social Security number;
- 19084 (vii) credit card information; or
- 19085 (viii) bank account information;
- 19086 (b) a user as having requested or obtained specific materials or services from a
- 19087 governmental website;
- 19088 (c) Internet sites visited by a user; or
- 19089 (d) any of the contents of a user's data-storage device.
- 19090 (7) "User" means a person who accesses a governmental website.



19091 Section 448. Section **63E-1-102** is amended to read:  
19092 **63E-1-102. Definitions.**  
19093 As used in this title:  
19094 (1) "Authorizing statute" means the statute creating an entity as an independent entity.  
19095 (2) "Committee" means the Retirement and Independent Entities Committee created in  
19096 Section 63E-1-201.  
19097 (3) "Independent corporation" means a corporation incorporated in accordance with  
19098 Chapter 2, Independent Corporations Act.  
19099 (4) (a) "Independent entity" means an entity having a public purpose relating to the  
19100 state or its citizens that is individually created by the state or is given by the state the right to  
19101 exist and conduct its affairs as an:  
19102 (i) independent state agency; or  
19103 (ii) independent corporation.  
19104 (b) "Independent entity" includes the:  
19105 (i) Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;  
19106 (ii) Heber Valley Railroad Authority created in Title 9, Chapter 3, Part 3, Heber Valley  
19107 Historic Railroad Authority;  
19108 (iii) Utah Science Center Authority created in Title 9, Chapter 3, Part 4, Utah Science  
19109 Center Authority;  
19110 (iv) Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing  
19111 Corporation Act;  
19112 (v) Utah State Fair Corporation created in Title 9, Chapter 4, Part 11, Utah State Fair  
19113 Corporation Act;  
19114 (vi) Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'  
19115 Compensation Fund;  
19116 (vii) Utah State Retirement Office created in Title 49, Chapter 11, Utah State  
19117 Retirement Systems Administration;  
19118 (viii) School and Institutional Trust Lands Administration created in Title 53C, Chapter  
19119 1, Part 2, School and Institutional Trust Lands Administration;  
19120 (ix) Utah Communications Agency Network created in Title 63C, Chapter 7, Utah  
19121 Communications Agency Network Act; and

19122 (x) Utah Capital Investment Corporation created in Title 63, Chapter 38f, Part 12, Utah  
 19123 Venture Capital Enhancement Act.

19124 (c) Notwithstanding this Subsection (4), "independent entity" does not include:

19125 (i) the Public Service Commission of Utah created in Section 54-1-1;

19126 (ii) an institution within the state system of higher education;

19127 (iii) a city, county, or town;

19128 (iv) a local school district;

19129 [~~(v) a special district created under the authority of Title 17A, Special Districts; or]~~

19130 [~~(vi)~~] (v) a local district [created] under [the authority of] Title 17B, Limited Purpose

19131 Local Government Entities[-] - Local Districts; or

19132 (vi) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
 19133 District Act.

19134 (5) "Independent state agency" means an entity that is created by the state, but is  
 19135 independent of the governor's direct supervisory control.

19136 (6) "Monies held in trust" means monies maintained for the benefit of:

19137 (a) one or more private individuals, including public employees;

19138 (b) one or more public or private entities; or

19139 (c) the owners of a quasi-public corporation.

19140 (7) "Public corporation" means an artificial person, public in ownership, individually  
 19141 created by the state as a body politic and corporate for the administration of a public purpose  
 19142 relating to the state or its citizens.

19143 (8) "Quasi-public corporation" means an artificial person, private in ownership,  
 19144 individually created as a corporation by the state which has accepted from the state the grant of  
 19145 a franchise or contract involving the performance of a public purpose relating to the state or its  
 19146 citizens.

19147 Section 449. Section **63F-1-507** is amended to read:

19148 **63F-1-507. State Geographic Information Database.**

19149 (1) There is created a State Geographic Information Database to be managed by the  
 19150 center.

19151 (2) The database shall:

19152 (a) serve as the central reference for all information contained in any GIS database by

- 19153 any state agency;
- 19154 (b) serve as a clearing house and repository for all data layers required by multiple
- 19155 users;
- 19156 (c) serve as a standard format for geographic information acquired, purchased, or
- 19157 produced by any state agency; and
- 19158 (d) include an accurate representation of all civil subdivision boundaries of the state.
- 19159 (3) Each state agency that acquires, purchases, or produces digital geographic
- 19160 information data shall:
- 19161 (a) inform the center of the existence of the data layers and their geographic extent;
- 19162 (b) allow the center access to all data classified public; and
- 19163 (c) comply with any database requirements established by the center.
- 19164 (4) At least annually, the State Tax Commission shall deliver to the center information
- 19165 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
- 19166 17-2-9, 17-3-3, [~~17A-1-102, 17B-2-215~~] 17B-1-215, and 17C-1-201 relating to the creation or
- 19167 modification of the boundaries of the political subdivisions that are the subject of those
- 19168 sections.

19169 Section 450. Section **67-1a-6.5** is amended to read:

19170 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**

19171 **consolidation, division, dissolution, or boundary change.**

19172 (1) As used in this section:

19173 (a) "AGRC" means the Automated Geographic Reference Center created under Section

19174 63F-1-506.

19175 (b) "Boundary change" means the adjustment of an entity's boundary either through

19176 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary

19177 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and

19178 losing territory), or any other adjustment of the entity's boundary.

19179 (c) "Consolidation" means the combining of two or more entities into a single entity

19180 such that the consolidated entity's boundary contains all of the territory of the original entities,

19181 but no additional territory.

19182 (d) "County attorney" means the county attorney of each county which contains any

19183 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary

19184 change.

19185 (e) (i) "County auditor" means the county auditor of each county which contains any  
19186 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary  
19187 change.

19188 (ii) If the county does not have a county auditor, "county auditor" means the county  
19189 clerk or other government official acting as the county auditor.

19190 (f) "County recorder" means the county recorder of each county which contains any  
19191 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary  
19192 change.

19193 (g) "County surveyor" means the county surveyor of each county which contains any  
19194 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary  
19195 change.

19196 (h) "Creation" means the forming of a new entity where that entity did not exist before  
19197 its creation.

19198 (i) "Dissolution" means the disbandment of an entity.

19199 (j) "Division" means the dividing of one entity into two or more entities such that the  
19200 original entity's boundary contains all of the territory of the resultant entities, but no additional  
19201 territory.

19202 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose  
19203 boundary is changed.

19204 (l) "Initiating body" means the county legislative body, municipal legislative body,  
19205 [~~special district board,~~] local district or special service district board, court, public official, or  
19206 other authorized person that initiates the creation, dissolution, consolidation, or boundary  
19207 change of an entity or entities.

19208 (m) "Notice of entity boundary change" means the notice the lieutenant governor  
19209 receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),  
19210 17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(e), 17A-2-1327(4), [~~17B-2-514~~]  
19211 17B-1-414(2), [~~17B-2-516~~] 17B-1-417(6), [~~17B-2-610~~] 17B-1-512(1), or 53A-2-101.5(1) of an  
19212 entity's pending boundary change.

19213 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives  
19214 under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending

19215 consolidation.

19216 (o) "Notice of entity creation" means the notice the lieutenant governor receives under  
19217 Subsection 10-1-116(1), 10-2-119(1), 10-2-125(6), 11-13-204(4), 11-13-205(6),  
19218 17A-2-1311(2), [~~17B-2-215~~] 17B-1-215(1), 17C-1-201(2), or 53A-2-101.5(1) of an entity's  
19219 pending creation.

19220 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives  
19221 under Subsection 10-1-116(1), 10-2-712(2), 17A-2-1329(3), [~~17B-2-708~~] 17B-1-1308(4), or  
19222 17C-1-701(2)(a) of an entity's pending dissolution.

19223 (q) "Notice of entity division" means the notice the lieutenant governor receives under  
19224 Subsection 17-3-3(3) of an entity's pending division.

19225 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant  
19226 governor receives under Subsection 10-2-120(1).

19227 (s) "Lieutenant governor" means the lieutenant governor created in Article VII, Section  
19228 1 of the Utah Constitution.

19229 (t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah  
19230 Constitution.

19231 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,  
19232 Section 6 of the Utah Constitution.

19233 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor  
19234 shall:

19235 (a) issue a certificate of entity creation;

19236 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the  
19237 notice of entity creation, including the accompanying map or legal description, to the State Tax  
19238 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;  
19239 and

19240 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor; and

19241 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)  
19242 and a statement indicating completion of Subsection (2)(b).

19243 (3) Within ten days after receiving a notice of intention to file articles of incorporation,  
19244 the lieutenant governor shall:

19245 (a) issue a certificate indicating receipt of a notice of intention to file articles of

19246 incorporation;

19247           (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the

19248 notice of intention to file articles of incorporation, including the accompanying map or legal

19249 description, to the State Tax Commission, AGRC, county recorder, county surveyor, county

19250 auditor, and county attorney; and

19251           (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor; and

19252           (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)

19253 and a statement indicating completion of Subsection (3)(b).

19254           (4) Within ten days after receiving a notice of entity consolidation, the lieutenant

19255 governor shall:

19256           (a) issue a certificate of entity consolidation;

19257           (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the

19258 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county

19259 surveyor, county auditor, and county attorney; and

19260           (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor; and

19261           (c) send to the initiating body and the entities being consolidated, if different from the

19262 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement

19263 indicating completion of Subsection (4)(b).

19264           (5) Within ten days after receiving a notice of entity division, the lieutenant governor

19265 shall:

19266           (a) issue a certificate of entity division;

19267           (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the

19268 notice of entity consolidation, including the accompanying map or legal description, to the

19269 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county

19270 attorney; and

19271           (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor; and

19272           (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)

19273 and a statement indicating completion of Subsection (5)(b).

19274           (6) Within ten days after receiving a notice of entity dissolution, the lieutenant

19275 governor shall:

19276           (a) issue a certificate of entity dissolution;

19277 (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the  
19278 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county  
19279 surveyor, county auditor, and county attorney; and

19280 (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor; and

19281 (c) send to the initiating body and the entity being dissolved, if different than the  
19282 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement  
19283 indicating completion of Subsection (6)(b).

19284 (7) Within ten days after receiving a notice of entity boundary change, the lieutenant  
19285 governor shall:

19286 (a) issue a certificate of entity boundary change;

19287 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the  
19288 notice of entity boundary change, including the accompanying map or legal description, to the  
19289 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county  
19290 attorney; and

19291 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if  
19292 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a  
19293 statement indicating completion of Subsection (7)(b).

19294 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the  
19295 public certificates, notices, maps, and other documents necessary in performing the duties of  
19296 Subsections (2) through (7).

19297 (b) The lieutenant governor shall furnish a certified copy of documents to any person  
19298 who requests a certified copy.

19299 (c) The lieutenant governor may charge a reasonable fee for copies of documents or  
19300 certified copies of documents.

19301 Section 451. Section **67-3-1** is amended to read:

19302 **67-3-1. Functions and duties.**

19303 (1) (a) The state auditor is the auditor of public accounts and is independent of any  
19304 executive or administrative officers of the state.

19305 (b) The state auditor is not limited in the selection of personnel or in the determination  
19306 of the reasonable and necessary expenses of his office.

19307 (2) The state auditor shall examine and certify annually in respect to each fiscal year,

- 19308 financial statements showing:
- 19309 (a) the condition of the state's finances;
  - 19310 (b) the revenues received or accrued;
  - 19311 (c) expenditures paid or accrued;
  - 19312 (d) the amount of unexpended or unencumbered balances of the appropriations to the
  - 19313 agencies, departments, divisions, commissions, and institutions; and
  - 19314 (e) the cash balances of the funds in the custody of the state treasurer.
- 19315 (3) (a) The state auditor shall:
- 19316 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
  - 19317 any department of state government or any independent agency or public corporation as the law
  - 19318 requires, as the auditor determines is necessary, or upon request of the governor or the
  - 19319 Legislature;
  - 19320 (ii) perform the audits in accordance with generally accepted auditing standards and
  - 19321 other auditing procedures as promulgated by recognized authoritative bodies;
  - 19322 (iii) as the auditor determines is necessary, conduct the audits to determine:
  - 19323 (A) honesty and integrity in fiscal affairs;
  - 19324 (B) accuracy and reliability of financial statements;
  - 19325 (C) effectiveness and adequacy of financial controls; and
  - 19326 (D) compliance with the law.
  - 19327 (b) If any state entity receives federal funding, the state auditor shall ensure that the
  - 19328 audit is performed in accordance with federal audit requirements.
  - 19329 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
  - 19330 appropriation to the state auditor from the General Fund.
  - 19331 (ii) If an appropriation is not provided, or if the federal government does not
  - 19332 specifically provide for payment of audit costs, the costs of the federal compliance portions of
  - 19333 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
  - 19334 bears to the total federal funds received by the state.
  - 19335 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
  - 19336 funds passed through the state to local governments and to reflect any reduction in audit time
  - 19337 obtained through the use of internal auditors working under the direction of the state auditor.
  - 19338 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to



19339 financial audits, and as the auditor determines is necessary, conduct performance and special  
19340 purpose audits, examinations, and reviews of any entity that receives public funds, including a  
19341 determination of any or all of the following:

19342 (i) the honesty and integrity of all its fiscal affairs;

19343 (ii) whether or not its administrators have faithfully complied with legislative intent;

19344 (iii) whether or not its operations have been conducted in an efficient, effective, and  
19345 cost-efficient manner;

19346 (iv) whether or not its programs have been effective in accomplishing the intended  
19347 objectives; and

19348 (v) whether or not its management, control, and information systems are adequate and  
19349 effective.

19350 (b) The auditor may not conduct performance and special purpose audits,  
19351 examinations, and reviews of any entity that receives public funds if the entity:

19352 (i) has an elected auditor; and

19353 (ii) has, within the entity's last budget year, had its financial statements or performance  
19354 formally reviewed by another outside auditor.

19355 (5) The state auditor shall administer any oath or affirmation necessary to the  
19356 performance of the duties of the auditor's office, and may subpoena witnesses and documents,  
19357 whether electronic or otherwise, and examine into any matter that the auditor considers  
19358 necessary.

19359 (6) The state auditor may require all persons who have had the disposition or  
19360 management of any property of this state or its political subdivisions to submit statements  
19361 regarding it at the time and in the form that the auditor requires.

19362 (7) The state auditor shall:

19363 (a) except where otherwise provided by law, institute suits in Salt Lake County in  
19364 relation to the assessment, collection, and payment of its revenues against:

19365 (i) persons who by any means have become entrusted with public monies or property  
19366 and have failed to pay over or deliver those monies or property; and

19367 (ii) all debtors of the state;

19368 (b) collect and pay into the state treasury all fees received by the state auditor;

19369 (c) perform the duties of a member of all boards of which the state auditor is a member

19370 by the constitution or laws of the state, and any other duties that are prescribed by the  
19371 constitution and by law;

19372 (d) stop the payment of the salary of any state official or state employee who:  
19373 (i) refuses to settle accounts or provide required statements about the custody and  
19374 disposition of public funds or other state property;

19375 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling  
19376 board or department head with respect to the manner of keeping prescribed accounts or funds;  
19377 or

19378 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the  
19379 official's or employee's attention;

19380 (e) establish accounting systems, methods, and forms for public accounts in all taxing  
19381 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

19382 (f) superintend the contractual auditing of all state accounts;

19383 (g) subject to Subsection (8), withhold state allocated funds or the disbursement of  
19384 property taxes from any state taxing or fee-assessing unit, if necessary, to ensure that officials  
19385 and employees in those taxing units of the state comply with state laws and procedures in the  
19386 budgeting, expenditures, and financial reporting of public funds; and

19387 (h) subject to Subsection (9), withhold the disbursement of tax monies from any  
19388 county, if necessary, to ensure that officials and employees in the county comply with Section  
19389 59-2-303.1.

19390 (8) Except as otherwise provided by law, the state auditor may not withhold funds  
19391 under Subsection (7)(g) until a taxing or fee-assessing unit has received formal written notice  
19392 of noncompliance from the auditor and has been given 60 days to make the specified  
19393 corrections.

19394 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has  
19395 received formal written notice of noncompliance from the auditor and has been given 60 days  
19396 to make the specified corrections.

19397 (10) The state auditor shall:

19398 (a) establish audit guidelines and procedures for audits of local mental health and  
19399 substance abuse authorities and their contract providers, conducted pursuant to Title 17,  
19400 Chapter 43, Parts 2, Local Substance Abuse Authorities and 3, Local Mental Health

19401 Authorities, Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal  
19402 Organizations, and Other Local Entities Act, and Title 62A, Chapter 15, Substance Abuse and  
19403 Mental Health Act; and

19404 (b) ensure that those guidelines and procedures provide assurances to the state that:

19405 (i) state and federal funds appropriated to local mental health authorities are used for  
19406 mental health purposes;

19407 (ii) a private provider under an annual or otherwise ongoing contract to provide  
19408 comprehensive mental health programs or services for a local mental health authority is in  
19409 compliance with state and local contract requirements, and state and federal law;

19410 (iii) state and federal funds appropriated to local substance abuse authorities are used  
19411 for substance abuse programs and services; and

19412 (iv) a private provider under an annual or otherwise ongoing contract to provide  
19413 comprehensive substance abuse programs or services for a local substance abuse authority is in  
19414 compliance with state and local contract requirements, and state and federal law.

19415 (11) The state auditor may, in accordance with the auditor's responsibilities for political  
19416 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political  
19417 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or  
19418 investigations of any political subdivision that are necessary to determine honesty and integrity  
19419 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of  
19420 financial controls and compliance with the law.

19421 (12) (a) The state auditor may not audit work that the state auditor performed before  
19422 becoming state auditor.

19423 (b) If the state auditor has previously been a responsible official in state government  
19424 whose work has not yet been audited, the Legislature shall:

19425 (i) designate how that work shall be audited; and

19426 (ii) provide additional funding for those audits, if necessary.

19427 (13) The state auditor shall:

19428 (a) with the assistance, advice, and recommendations of an advisory committee  
19429 appointed by the state auditor from among local district boards of trustees, officers, and  
19430 employees and special service district boards, officers, and employees:

19431 (i) prepare a Uniform Accounting Manual for Local Districts that:

19432           (A) prescribes a uniform system of accounting and uniform budgeting and reporting  
19433 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -  
19434 Local Districts, and special service districts under Title 17A, Chapter 2, Part 13, Utah Special  
19435 Service District Act;

19436           (B) conforms with generally accepted accounting principles; and

19437           (C) prescribes reasonable exceptions and modifications for smaller districts to the  
19438 uniform system of accounting, budgeting, and reporting;

19439           (ii) maintain the manual under Subsection (13)(a) so that it continues to reflect  
19440 generally accepted accounting principles;

19441           (iii) conduct a continuing review and modification of procedures in order to improve  
19442 them;

19443           (iv) prepare and supply each district with suitable budget and reporting forms; and

19444           (v) prepare instructional materials, conduct training programs, and render other  
19445 services considered necessary to assist local districts and special service districts in  
19446 implementing the uniform accounting, budgeting, and reporting procedures; and

19447           (b) continually analyze and evaluate the accounting, budgeting, and reporting practices  
19448 and experiences of specific local districts and special service districts selected by the state  
19449 auditor and make the information available to all districts.

19450           ~~[(13)]~~ (14) (a) The following records in the custody or control of the state auditor are  
19451 protected records under Title 63, Chapter 2, Government Records Access and Management  
19452 Act:

19453           (i) records that would disclose information relating to allegations of personal  
19454 misconduct, gross mismanagement, or illegal activity of a past or present governmental  
19455 employee if the information or allegation cannot be corroborated by the state auditor through  
19456 other documents or evidence, and the records relating to the allegation are not relied upon by  
19457 the state auditor in preparing a final audit report;

19458           (ii) records and audit workpapers to the extent they would disclose the identity of a  
19459 person who during the course of an audit, communicated the existence of any waste of public  
19460 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation  
19461 adopted under the laws of this state, a political subdivision of the state, or any recognized entity  
19462 of the United States, if the information was disclosed on the condition that the identity of the

19463 person be protected;

19464 (iii) before an audit is completed and the final audit report is released, records or drafts  
19465 circulated to a person who is not an employee or head of a governmental entity for their  
19466 response or information;

19467 (iv) records that would disclose an outline or part of any audit survey plans or audit  
19468 program; and

19469 (v) requests for audits, if disclosure would risk circumvention of an audit.

19470 (b) The provisions of Subsections [~~(13)~~] (14)(a)(i), (ii), and (iii) do not prohibit the  
19471 disclosure of records or information that relate to a violation of the law by a governmental  
19472 entity or employee to a government prosecutor or peace officer.

19473 (c) The provisions of this Subsection [~~(13)~~] (14) do not limit the authority otherwise  
19474 given to the state auditor to classify a document as public, private, controlled, or protected  
19475 under Title 63, Chapter 2, Government Records Access and Management Act.

19476 Section 452. Section **67-11-2** is amended to read:

19477 **67-11-2. Definitions.**

19478 For the purposes of this chapter:

19479 (a) "Wages" means all remuneration for employment as defined herein, including the  
19480 cash value of all remuneration paid in any medium other than cash, except that such term shall  
19481 not include "sick pay" as that term is defined in this section and shall not include that part of  
19482 such remuneration which, even if it were for "employment" within the meaning of the Federal  
19483 Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

19484 (b) "Sick pay" means payments made to employees on account of sickness or accident  
19485 disability under a sick leave plan of the type outlined in Subsections 209(b) and 209(d) of the  
19486 Social Security Act.

19487 (c) "Employment" means any service performed by an employee in the employ of the  
19488 state, or any political subdivision thereof, for such employer, except:

19489 (1) service which in the absence of an agreement entered into under this chapter would  
19490 constitute "employment" as defined in the Social Security Act;

19491 (2) service which under the Social Security Act may not be included in an agreement  
19492 between the state and federal security administrator entered into under this act;

19493 (3) services of an emergency nature, service in any class or classes of positions the

19494 compensation for which is on a fee basis, performed (A) by employees of the state, or (B) if so  
19495 provided in the plan submitted under Section 67-11-5, by a political subdivision of the state, by  
19496 an employee of such subdivision;

19497 (4) services performed by students employed by a public school, college, or university  
19498 at which they are enrolled and which they are attending on a full-time basis;

19499 (5) part-time services performed by election workers, i.e., judges of election and  
19500 registrars; or

19501 (6) services performed by voluntary firemen, except when such services are  
19502 prescheduled for a specific period of duty.

19503 (d) "Employee" includes an elective or appointive officer or employee of a state or  
19504 political subdivision thereof.

19505 (e) "State agency" means the Division of Finance, referred to herein as the state agency.

19506 (f) "Federal security administrator" includes any individual to whom the federal  
19507 security administrator has delegated any of his functions under the Social Security Act with  
19508 respect to coverage under such act of employees of states and their political subdivisions.

19509 (g) "Political subdivision" includes an instrumentality of the state, of one or more of its  
19510 political subdivisions, or of the state and one or more of its political subdivisions, including  
19511 leagues or associations thereof, but only if such instrumentality is a juristic entity which is  
19512 legally separate and distinct from the state or subdivision and only if its employees are not by  
19513 virtue of their relation to such juristic entity employees of the state or subdivision. The term  
19514 shall include ~~[special]~~ local districts, special service districts, or authorities created by the  
19515 Legislature or local governments such as, but not limited to, mosquito abatement districts,  
19516 sewer or water districts, and libraries.

19517 (h) "Social Security Act" means the Act of Congress approved August 14, 1935,  
19518 Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations  
19519 and requirements issued pursuant thereto), as such act has been and may from time to time be  
19520 amended.

19521 (i) "Federal Insurance Contributions Act" means Chapter 21 of the federal Internal  
19522 Revenue Code as such Code may be amended.

19523 Section 453. Section **67-21-2** is amended to read:

19524 **67-21-2. Definitions.**

19525 As used in this chapter:

19526 (1) "Adverse action" means to discharge, threaten, or otherwise discriminate against an  
19527 employee in any manner that affects the employee's employment, including compensation,  
19528 terms, conditions, location, rights, immunities, promotions, or privileges.

19529 (2) "Communicate" means a verbal, written, broadcast, or other communicated report.

19530 (3) "Employee" means a person who performs a service for wages or other  
19531 remuneration under a contract of hire, written or oral, express or implied.

19532 (4) (a) "Employer" means the employing state agency or political subdivision of the  
19533 state.

19534 (b) "Employer" includes an agent of an employer.

19535 (5) "Public body" means any of the following:

19536 (a) a state officer, employee, agency, department, division, bureau, board, commission,  
19537 council, authority, educational institution, or any other body in the executive branch of state  
19538 government;

19539 (b) an agency, board, commission, council, institution member, or employee of the  
19540 legislative branch of state government;

19541 (c) a county, city, town, regional governing body, council, school district, [~~special~~]  
19542 local district, special service district, or municipal corporation, board, department, commission,  
19543 council, agency, or any member or employee of them;

19544 (d) any other body that is created by state or local authority, or that is primarily funded  
19545 by or through state or local authority, or any member or employee of that body;

19546 (e) a law enforcement agency or any member or employee of a law enforcement  
19547 agency; and

19548 (f) the judiciary and any member or employee of the judiciary.

19549 Section 454. Section **71-8-1** is amended to read:

19550 **71-8-1. Definitions.**

19551 As used in this chapter:

19552 (1) "Council" means the Veterans' Advisory Council.

19553 (2) "Department" means the Utah National Guard.

19554 (3) "Director" means the director of the Division of Veterans' Affairs.

19555 (4) "Division" means the Division of Veterans' Affairs.

19556 (5) "Executive director" means the adjutant general of the Utah National Guard.

19557 (6) "Government entity" means the state and any county, municipality, [~~special~~] local  
19558 district, special service district, and any other political subdivision or administrative unit of the  
19559 state, including state institutions of education.

19560 (7) "Veteran" means:

19561 (a) an individual who has served on active duty in the armed forces for at least 180  
19562 consecutive days or was a member of a reserve component, and who has been separated or  
19563 retired under honorable conditions; or

19564 (b) any individual incurring an actual service-related injury or disability in the line of  
19565 duty whether or not that person completed 180 days of active duty.

19566 Section 455. Section **71-10-1** is amended to read:

19567 **71-10-1. Definitions.**

19568 As used in this chapter:

19569 (1) "Active duty" means active military duty and does not include active duty for  
19570 training, initial active duty for training, or inactive duty for training.

19571 (2) "Disabled veteran" means an individual who has:

19572 (a) been separated or retired from the armed forces under honorable conditions; and

19573 (b) established the existence of a service-connected disability or is receiving  
19574 compensation, disability retirement benefits, or pension because of a public statute  
19575 administered by the federal Department of Veterans Affairs or a military department.

19576 (3) "Government entity" means the state, any county, municipality, [~~special~~] local  
19577 district, special service district, or any other political subdivision or administrative unit of the  
19578 state, including state institutions of education.

19579 (4) "Preference eligible" means:

19580 (a) any individual who has served on active duty in the armed forces for more than 180  
19581 consecutive days, or was a member of a reserve component who served in a campaign or  
19582 expedition for which a campaign medal has been authorized and who has been separated under  
19583 honorable conditions;

19584 (b) a disabled veteran with any percentage of disability;

19585 (c) the spouse or unmarried widow or widower of a veteran;

19586 (d) a purple heart recipient; or



19587 (e) a retired member of the armed forces who retired below the rank of major or its  
19588 equivalent.

19589 (5) "Veteran" means:

19590 (a) an individual who has served on active duty in the armed forces for more than 180  
19591 consecutive days, or was a member of a reserve component who served in a campaign or  
19592 expedition for which a campaign medal has been authorized and who has been separated or  
19593 retired under honorable conditions; or

19594 (b) any individual incurring an actual service-related injury or disability in the line of  
19595 duty whether or not that person completed 180 consecutive days of active duty.

19596 Section 456. Section **72-1-208** is amended to read:

19597 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**  
19598 **all state departments -- Inspection of work done by a public transit district.**

19599 (1) The department shall cooperate with the counties, cities, and towns in the  
19600 construction, maintenance, and use of the highways and in all related matters, and may provide  
19601 services to the counties, cities, and towns on terms mutually agreed upon.

19602 (2) The department, with the approval of the governor, shall cooperate with the federal  
19603 government in all federal-aid projects and with all state departments in all matters in  
19604 connection with the use of the highways.

19605 (3) The department:

19606 (a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,  
19607 Part 8, Public Transit District Act, relating to safety appliances and procedures; and

19608 (b) may make further additions or changes necessary for the purpose of safety to  
19609 employees and the general public.

19610 Section 457. Section **72-1-303** is amended to read:

19611 **72-1-303. Duties of commission.**

19612 The commission has the following duties:

19613 (1) determining priorities and funding levels of projects in the state transportation  
19614 systems for each fiscal year based on project lists compiled by the department;

19615 (2) determining additions and deletions to state highways under Chapter 4, Designation  
19616 of State Highways Act;

19617 (3) holding public hearings and otherwise providing for public input in transportation

19618 matters;

19619 (4) making policies and rules in accordance with Title 63, Chapter 46a, Utah

19620 Administrative Rulemaking Act, necessary to perform the commission's duties described under

19621 this section;

19622 (5) in accordance with Section 63-46b-12, reviewing orders issued by the executive

19623 director in adjudicative proceedings held in accordance with Title 63, Chapter 46b,

19624 Administrative Procedures Act;

19625 (6) advising the department in state transportation systems policy;

19626 (7) approving settlement agreements of condemnation cases subject to Section

19627 63-38b-401;

19628 (8) in accordance with Section [~~17A-2-1038~~] 17B-2a-807, appointing a commissioner

19629 to serve as a nonvoting, ex officio member on the board of trustees of a public transit district;

19630 (9) in accordance with Section [~~17A-2-1039~~] 17B-2a-808, reviewing, at least annually,

19631 the short-term and long-range public transit plans; and

19632 (10) reviewing administrative rules made, amended, or repealed by the department.

19633 Section 458. Section **72-2-201** is amended to read:

19634 **72-2-201. Definitions.**

19635 As used in this part:

19636 (1) "Fund" means the Transportation Infrastructure Loan Fund created under Section

19637 72-2-202.

19638 (2) "Infrastructure assistance" means any use of fund moneys, except an infrastructure

19639 loan, to provide financial assistance for transportation projects, including to finance leases,

19640 fund reserves, make grants, make interest buy-down grants, leases, or loans obtained by a

19641 public entity to finance transportation projects.

19642 (3) "Infrastructure loan" means a loan of fund monies to finance a transportation

19643 project.

19644 (4) "Public entity" means a state agency, county, municipality, [~~special~~] local district,

19645 special service district, or an intergovernmental entity organized under state law.

19646 (5) "Transportation project" means a project to improve the state transportation systems

19647 and includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping,

19648 and fixturing.

19649 Section 459. Section **72-10-601** is amended to read:

19650 **72-10-601. Definitions.**

19651 As used in this part:

19652 (1) "City" means a municipality of the first class, as defined under Section 10-2-301,  
19653 that:

19654 (a) is authorized by statute to operate an airport; and

19655 (b) operates an airport with greater than ten million annual passengers.

19656 (2) "Division" means the Criminal Investigation and Technical Services Division of the  
19657 Department of Public Safety, established in Section 53-10-103.

19658 (3) "Ground transportation service" means transporting passengers for hire or as a  
19659 courtesy in connection with a business over public streets pursuant to a license with the city.

19660 (4) (a) "Ground transportation service provider" means a driver who provides ground  
19661 transportation service where the pickup or drop-off of a passenger occurs at an airport under a  
19662 city's authority.

19663 (b) "Ground transportation service provider" includes:

19664 (i) a taxicab driver;

19665 (ii) a limousine or luxury car driver;

19666 (iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section  
19667 [~~17A-2-1004~~] 17B-2a-802;

19668 (iv) a courtesy vehicle or hotel vehicle driver;

19669 (v) a special transportation vehicle driver who transports disabled persons; and

19670 (vi) a van driver.

19671 Section 460. Section **73-1-4** is amended to read:

19672 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**  
19673 **five years -- Extension of time.**

19674 (1) In order to further the state policy of securing the maximum use and benefit of its  
19675 scarce water resources, a person entitled to the use of water has a continuing obligation to place  
19676 all of a water right to beneficial use. The forfeiture of all or part of any right to use water for  
19677 failure to place all or part of the water to beneficial use makes possible the allocation and use of  
19678 water consistent with long established beneficial use concepts. The provisions of Subsections  
19679 (2) through (6) shall be construed to carry out the purposes and policies set forth in this

19680 Subsection (1).

19681 (2) As used in this section, "public water supply entity" means an entity that supplies  
19682 water as a utility service or for irrigation purposes and is also:

19683 (a) a municipality, water conservancy district, metropolitan water district, irrigation  
19684 district [~~created under Section 17A-2-701.5~~], or other public agency;

19685 (b) a water company regulated by the Public Service Commission; or

19686 (c) any other owner of a community water system.

19687 (3) (a) When an appropriator or the appropriator's successor in interest abandons or  
19688 ceases to use all or a portion of a water right for a period of five years, the water right or the  
19689 unused portion of that water right ceases and the water reverts to the public, unless, before the  
19690 expiration of the five-year period, the appropriator or the appropriator's successor in interest  
19691 files a verified nonuse application with the state engineer.

19692 (b) (i) A nonuse application may be filed on all or a portion of the water right,  
19693 including water rights held by mutual irrigation companies.

19694 (ii) Public water supply entities that own stock in a mutual water company, after giving  
19695 written notice to the water company, may file nonuse applications with the state engineer on  
19696 the water represented by the stock.

19697 (c) (i) A water right or a portion of the water right may not be forfeited unless a judicial  
19698 action to declare the right forfeited is commenced within 15 years from the end of the latest  
19699 period of nonuse of at least five years.

19700 (ii) If forfeiture is asserted in an action for general determination of rights in  
19701 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year  
19702 limitation period shall commence to run back in time from the date the state engineer's  
19703 proposed determination of rights is served upon each claimant.

19704 (iii) A decree entered in an action for general determination of rights under Chapter 4,  
19705 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any  
19706 right determined to be valid in the decree, but shall not bar a claim for periods of nonuse that  
19707 occur after the entry of the decree.

19708 (iv) A proposed determination by the state engineer in an action for general  
19709 determination of rights under Chapter 4, Determination of Water Rights, shall bar any claim of  
19710 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has

19711 been filed within the time allowed in Chapter 4, Determination of Water Rights.

19712 (d) The extension of time to resume the use of that water may not exceed five years  
19713 unless the time is further extended by the state engineer.

19714 (e) The provisions of this section are applicable whether the unused or abandoned  
19715 water or a portion of the water is permitted to run to waste or is used by others without right  
19716 with the knowledge of the water right holder, provided that the use of water pursuant to a lease  
19717 or other agreement with the appropriator or the appropriator's successor shall be considered to  
19718 constitute beneficial use.

19719 (f) The provisions of this section shall not apply:

19720 (i) to those periods of time when a surface water source fails to yield sufficient water to  
19721 satisfy the water right, or when groundwater is not available because of a sustained drought;

19722 (ii) to water stored in reservoirs pursuant to an existing water right, where the stored  
19723 water is being held in storage for present or future use; or

19724 (iii) when a water user has beneficially used substantially all of a water right within a  
19725 five-year period, provided that this exemption shall not apply to the adjudication of a water  
19726 right in a general determination of water rights under Chapter 4, Determination of Water  
19727 Rights.

19728 (g) Groundwater rights used to supplement the quantity or quality of other water  
19729 supplies may not be subject to loss or reduction under this section if not used during periods  
19730 when the other water source delivers sufficient water so as to not require use of the  
19731 supplemental groundwater.

19732 (4) (a) The state engineer shall furnish an application requiring the following  
19733 information:

19734 (i) the name and address of the applicant;

19735 (ii) a description of the water right or a portion of the water right, including the point of  
19736 diversion, place of use, and priority;

19737 (iii) the date the water was last diverted and placed to beneficial use;

19738 (iv) the quantity of water;

19739 (v) the period of use;

19740 (vi) the extension of time applied for;

19741 (vii) a statement of the reason for the nonuse of the water; and

- 19742 (viii) any other information that the state engineer requires.
- 19743 (b) Filing the application extends the time during which nonuse may continue until the  
19744 state engineer issues his order on the nonuse application.
- 19745 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the  
19746 application once a week for two successive weeks in a newspaper of general circulation in the  
19747 county in which the source of the water supply is located and where the water is to be used.
- 19748 (ii) The notice shall:
- 19749 (A) state that an application has been made; and
- 19750 (B) specify where the interested party may obtain additional information relating to the  
19751 application.
- 19752 (d) Any interested person may file a written protest with the state engineer against the  
19753 granting of the application:
- 19754 (i) within 20 days after the notice is published, if the adjudicative proceeding is  
19755 informal; and
- 19756 (ii) within 30 days after the notice is published, if the adjudicative proceeding is  
19757 formal.
- 19758 (e) In any proceedings to determine whether the application for extension should be  
19759 approved or rejected, the state engineer shall follow the procedures and requirements of Title  
19760 63, Chapter 46b, Administrative Procedures Act.
- 19761 (f) After further investigation, the state engineer may approve or reject the application.
- 19762 (5) (a) Nonuse applications on all or a portion of a water right shall be granted by the  
19763 state engineer for periods not exceeding five years each, upon a showing of reasonable cause  
19764 for nonuse.
- 19765 (b) Reasonable causes for nonuse include:
- 19766 (i) demonstrable financial hardship or economic depression;
- 19767 (ii) the initiation of recognized water conservation or efficiency practices, or the  
19768 operation of a groundwater recharge recovery program approved by the state engineer;
- 19769 (iii) operation of legal proceedings;
- 19770 (iv) the holding of a water right or stock in a mutual water company without use by any  
19771 public water supply entity to meet the reasonable future requirements of the public;
- 19772 (v) situations where, in the opinion of the state engineer, the nonuse would assist in

- 19773 implementing an existing, approved water management plan;
- 19774 (vi) situations where all or part of the land on which water is used is contracted under  
19775 an approved state agreement or federal conservation following program;
- 19776 (vii) the loss of capacity caused by deterioration of the water supply or delivery  
19777 equipment if the applicant submits, with the application, a specific plan to resume full use of  
19778 the water right by replacing, restoring, or improving the equipment; or
- 19779 (viii) any other reasonable cause.
- 19780 (6) (a) Sixty days before the expiration of any extension of time, the state engineer  
19781 shall notify the applicant by registered mail or by any form of electronic communication  
19782 through which receipt is verifiable, of the date when the extension period will expire.
- 19783 (b) Before the date of expiration, the applicant shall either:
- 19784 (i) file a verified statement with the state engineer setting forth the date on which use of  
19785 the water was resumed, and whatever additional information is required by the state engineer;  
19786 or
- 19787 (ii) apply for a further extension of time in which to resume use of the water according  
19788 to the procedures and requirements of this section.
- 19789 (c) Upon receipt of the applicant's properly completed, verified statement, the state  
19790 engineer shall conduct investigations necessary to verify that beneficial use has resumed and, if  
19791 so, shall issue a certificate of resumption of use of the water as evidenced by the resumed  
19792 beneficial use.
- 19793 (7) The appropriator's water right or a portion of the water right ceases and the water  
19794 reverts to the public if the:
- 19795 (a) appropriator or the appropriator's successor in interest fails to apply for an  
19796 extension of time;
- 19797 (b) state engineer denies the nonuse application; or
- 19798 (c) appropriator or the appropriator's successor in interest fails to apply for a further  
19799 extension of time.
- 19800 Section 461. Section **73-2-1** is amended to read:
- 19801 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**
- 19802 (1) There shall be a state engineer.
- 19803 (2) The state engineer shall:

- 19804 (a) be appointed by the governor with the consent of the Senate;
- 19805 (b) hold office for the term of four years and until a successor is appointed; and
- 19806 (c) have five years experience as a practical engineer or the theoretical knowledge,
- 19807 practical experience, and skill necessary for the position.
- 19808 (3) (a) The state engineer shall be responsible for the general administrative
- 19809 supervision of the waters of the state and the measurement, appropriation, apportionment, and
- 19810 distribution of those waters.
- 19811 (b) The state engineer may secure the equitable apportionment and distribution of the
- 19812 water according to the respective rights of appropriators.
- 19813 (4) The state engineer shall make rules, in accordance with Title 63, Chapter 46a, Utah
- 19814 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
- 19815 regarding:
- 19816 (a) reports of water right conveyances;
- 19817 (b) the construction of water wells and the licensing of water well drillers;
- 19818 (c) dam construction and safety;
- 19819 (d) the alteration of natural streams;
- 19820 (e) sewage effluent reuse;
- 19821 (f) geothermal resource conservation; and
- 19822 (g) enforcement orders and the imposition of fines and penalties.
- 19823 (5) The state engineer may make rules, in accordance with Title 63, Chapter 46a, Utah
- 19824 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
- 19825 governing:
- 19826 (a) water distribution systems and water commissioners;
- 19827 (b) water measurement and reporting;
- 19828 (c) ground-water recharge and recovery;
- 19829 (d) the determination of water rights; and
- 19830 (e) the form and content of applications and related documents, maps, and reports.
- 19831 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 19832 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 19833 water without first seeking redress through the administrative process;
- 19834 (b) prevent theft, waste, loss, or pollution of those waters;



- 19835 (c) enable him to carry out the duties of his office; and
- 19836 (d) enforce administrative orders and collect fines and penalties.
- 19837 (7) The state engineer may:
- 19838 (a) upon request from the board of trustees of an irrigation district under Title ~~[17A]~~
- 19839 17B, Chapter ~~[2]~~ 2a, Part ~~[7]~~ 5, Irrigation District Act, or ~~[a]~~ another local local district under
- 19840 Title 17B, ~~[Chapter 2,]~~ Limited Purpose Local Government Entities - Local Districts, or a
- 19841 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,
- 19842 that operates an irrigation water system, cause a water survey to be made of all lands proposed
- 19843 to be annexed to the district in order to determine and allot the maximum amount of water that
- 19844 could be beneficially used on the land, with a separate survey and allotment being made for
- 19845 each 40-acre or smaller tract in separate ownership; and
- 19846 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
- 19847 district board a return of the survey and report of the allotment.
- 19848 (8) (a) The state engineer may establish water distribution systems and define their
- 19849 boundaries.
- 19850 (b) The water distribution systems shall be formed in a manner that:
- 19851 (i) secures the best protection to the water claimants; and
- 19852 (ii) is the most economical for the state to supervise.
- 19853 Section 462. Section **73-5-15** is amended to read:
- 19854 **73-5-15. Groundwater management plan.**
- 19855 (1) As used in this section:
- 19856 (a) "Critical management area" means a groundwater basin in which the groundwater
- 19857 withdrawals consistently exceed the safe yield.
- 19858 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
- 19859 groundwater basin over a period of time without exceeding the long-term recharge of the basin
- 19860 or unreasonably affecting the basin's physical and chemical integrity.
- 19861 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
- 19862 groundwater basin by adopting a groundwater management plan in accordance with this section
- 19863 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
- 19864 basins or aquifers.
- 19865 (b) The objectives of a groundwater management plan are to:

- 19866 (i) limit groundwater withdrawals to safe yield;
- 19867 (ii) protect the physical integrity of the aquifer; and
- 19868 (iii) protect water quality.
- 19869 (c) The state engineer shall adopt a groundwater management plan for a groundwater
- 19870 basin if more than 1/3 of the water right owners in the groundwater basin request that the state
- 19871 engineer adopt a groundwater management plan.
- 19872 (3) (a) In developing a groundwater management plan, the state engineer may consider:
- 19873 (i) the hydrology of the groundwater basin;
- 19874 (ii) the physical characteristics of the groundwater basin;
- 19875 (iii) the relationship between surface water and groundwater, including whether the
- 19876 groundwater should be managed in conjunction with hydrologically connected surface waters;
- 19877 (iv) the geographic spacing and location of groundwater withdrawals;
- 19878 (v) water quality;
- 19879 (vi) local well interference; and
- 19880 (vii) other relevant factors.
- 19881 (b) The state engineer shall base the provisions of a groundwater management plan on
- 19882 the principles of prior appropriation.
- 19883 (c) (i) The state engineer shall use the best available scientific method to determine
- 19884 safe yield.
- 19885 (ii) As hydrologic conditions change or additional information becomes available, safe
- 19886 yield determinations made by the state engineer may be revised by following the procedures
- 19887 listed in Subsection (5).
- 19888 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
- 19889 groundwater basin shall be limited to the basin's safe yield.
- 19890 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
- 19891 shall:
- 19892 (A) determine the groundwater basin's safe yield; and
- 19893 (B) adopt a groundwater management plan for the groundwater basin.
- 19894 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
- 19895 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
- 19896 groundwater basin based on the priority date of the water rights under the groundwater

19897 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a  
19898 different distribution.

19899 (b) When adopting a groundwater management plan for a critical management area, the  
19900 state engineer shall, based on economic and other impacts to an individual water user or a local  
19901 community caused by the implementation of safe yield limits on withdrawals, allow gradual  
19902 implementation of the groundwater management plan.

19903 (c) (i) In consultation with the state engineer, water users in a groundwater basin may  
19904 agree to participate in a voluntary arrangement for managing withdrawals at any time, either  
19905 before or after a determination that groundwater withdrawals exceed the groundwater basin's  
19906 safe yield.

19907 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other  
19908 law.

19909 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than  
19910 all of the water users in a groundwater basin does not affect the rights of water users who do  
19911 not agree to the voluntary arrangement.

19912 (5) To adopt a groundwater management plan, the state engineer shall:

19913 (a) give notice as specified in Subsection (7) at least 30 days before the first public  
19914 meeting held in accordance with Subsection (5)(b):

19915 (i) that the state engineer proposes to adopt a groundwater management plan;

19916 (ii) describing generally the land area proposed to be included in the groundwater  
19917 management plan; and

19918 (iii) stating the location, date, and time of each public meeting to be held in accordance  
19919 with Subsection (5)(b);

19920 (b) hold one or more public meetings in the geographic area proposed to be included  
19921 within the groundwater management plan to:

19922 (i) address the need for a groundwater management plan;

19923 (ii) present any data, studies, or reports that the state engineer intends to consider in  
19924 preparing the groundwater management plan;

19925 (iii) address safe yield and any other subject that may be included in the groundwater  
19926 management plan;

19927 (iv) outline the estimated administrative costs, if any, that groundwater users are likely

19928 to incur if the plan is adopted; and

19929 (v) receive any public comments and other information presented at the public meeting,

19930 including comments from any of the entities listed in Subsection (7)(a)(iii);

19931 (c) receive and consider written comments concerning the proposed groundwater

19932 management plan from any person for a period determined by the state engineer of not less than

19933 60 days after the day on which the notice required by Subsection (5)(a) is given;

19934 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,

19935 publish notice:

19936 (A) that a draft of the groundwater management plan has been proposed; and

19937 (B) specifying where a copy of the draft plan may be reviewed; and

19938 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of

19939 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and

19940 (e) provide notice of the adoption of the groundwater management plan.

19941 (6) A groundwater management plan shall become effective on the date notice of

19942 adoption is completed under Subsection (7), or on a later date if specified in the plan.

19943 (7) (a) A notice required by this section shall be:

19944 (i) published once a week for two successive weeks in a newspaper of general

19945 circulation in each county that encompasses a portion of the land area proposed to be included

19946 within the groundwater management plan;

19947 (ii) published conspicuously on the state engineer's Internet website; and

19948 (iii) mailed to each of the following that has within its boundaries a portion of the land

19949 area to be included within the proposed groundwater management plan:

19950 (A) county;

19951 (B) incorporated city or town;

19952 [~~(C)~~] any of the following type of independent special districts operating under Title

19953 ~~17A, Special Districts:~~

19954 [~~(F)~~ county] (C) improvement district [providing water, sewerage, or flood control]

19955 under Title 17B, Chapter 2a, Part 4, Improvement District Act;

19956 [~~(H)~~ county] (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;

19957 [~~(HH)~~] (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;

19958 [~~(IV)~~] (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;

19959            [~~(V)~~] (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan  
 19960 Water District Act;

19961            [~~(VI)~~] (H) special service district providing water, sewer, drainage, or flood control  
 19962 services, under Title 17A, Chapter 2, Part 13, Utah Special Service District Act; [~~and~~]

19963            [~~(VII)~~] (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water  
 19964 Conservancy District Act; and

19965            [~~(D)~~] (J) soil conservation district, under Title 17A, Chapter 3, Part 8, Soil  
 19966 Conservation Districts.

19967            (b) A notice required by this section is effective upon substantial compliance with  
 19968 Subsections (7)(a)(i) through (iii).

19969            (8) A groundwater management plan may be amended in the same manner as a  
 19970 groundwater management plan may be adopted under this section.

19971            (9) The existence of a groundwater management plan does not preclude any otherwise  
 19972 eligible person from filing any application or challenging any decision made by the state  
 19973 engineer within the affected groundwater basin.

19974            (10) (a) A person aggrieved by a groundwater management plan may challenge any  
 19975 aspect of the groundwater management plan by filing a complaint within 60 days after the  
 19976 adoption of the groundwater management plan in the district court for any county in which the  
 19977 groundwater basin is found.

19978            (b) Notwithstanding Subsection (9), a person may challenge the components of a  
 19979 groundwater management plan only in the manner provided by Subsection (10)(a).

19980            (c) An action brought under this Subsection (10) is reviewed de novo by the district  
 19981 court.

19982            (d) A person challenging a groundwater management plan under this Subsection (10)  
 19983 shall join the state engineer as a defendant in the action challenging the groundwater  
 19984 management plan.

19985            (e) (i) Within 30 days after the day on which a person files an action challenging any  
 19986 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action  
 19987 shall publish notice of the action in a newspaper of general circulation in the county in which  
 19988 the district court is located.

19989            (ii) The notice required by Subsection (10)(e)(i) shall be published once a week for two

19990 consecutive weeks.

19991 (iii) The notice required by Subsection (10)(e)(i) shall:

19992 (A) identify the groundwater management plan the person is challenging;

19993 (B) identify the case number assigned by the district court;

19994 (C) state that a person affected by the groundwater management plan may petition the

19995 district court to intervene in the action challenging the groundwater management plan; and

19996 (D) list the address for the clerk of the district court in which the action is filed.

19997 (iv) (A) Any person affected by the groundwater management plan may petition to

19998 intervene in the action within 60 days after the day on which notice is last published under

19999 Subsections (10)(e)(i) and (ii).

20000 (B) The district court's treatment of a petition to intervene under this Subsection

20001 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

20002 (v) A district court in which an action is brought under Subsection (10)(a) shall

20003 consolidate all actions brought under that Subsection and include in the consolidated action any

20004 person whose petition to intervene is granted.

20005 (11) A groundwater management plan adopted or amended in accordance with this

20006 section is exempt from the requirements in Title 63, Chapter 46a, Utah Administrative

20007 Rulemaking Act.

20008 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater

20009 Recharge and Recovery Act, are exempted from this section.

20010 (13) Nothing in this section may be interpreted to require the development,

20011 implementation, or consideration of a groundwater management plan as a prerequisite or

20012 condition to the exercise of the state engineer's enforcement powers under other law, including

20013 powers granted under Section 73-2-25.

20014 (14) A groundwater management plan adopted in accordance with this section may not

20015 apply to the dewatering of a mine.

20016 (15) (a) A groundwater management plan adopted by the state engineer before May 1,

20017 2006, remains in force and has the same legal effect as it had on the day on which it was

20018 adopted by the state engineer.

20019 (b) If a groundwater management plan that existed before May 1, 2006, is amended on

20020 or after May 1, 2006, the amendment is subject to this section's provisions.

20021 Section 463. Section **73-10-1** is amended to read:

20022 **73-10-1. State's policy -- Creation of revolving fund -- General construction of**  
20023 **act.**

20024 (1) The Legislature of the state of Utah having heretofore declared by Section 73-1-1,  
20025 Utah Code Annotated 1953, that, "All waters of this state, whether above or under the ground  
20026 are hereby declared to be the property of the public, subject to all existing rights to the use  
20027 thereof"; and further, by Section 73-1-3, Utah Code Annotated 1953, that "Beneficial use shall  
20028 be the basis, the measures and the limit of all rights to the use of water in this state"; and  
20029 further, by Section [~~17A-2-1401~~] 17B-2a-1002 that the policy of the state is, "To obtain from  
20030 water in Utah the highest duty for domestic uses and irrigation of lands in Utah within the  
20031 terms of interstate compacts or otherwise," now by this act reiterates and reaffirms such  
20032 declaration of the public policy of the state of Utah.

20033 (2) It is further declared to be the policy of this chapter and of the state of Utah, and the  
20034 legislature recognizes:

20035 (a) that by construction of projects based upon sound engineering the waters within the  
20036 various counties of the state of Utah can be saved from waste and increased in efficiency of  
20037 beneficial use by 25% to 100%;

20038 (b) that because of well-known conditions such as low prices and lack of market for  
20039 farm products, particularly the inefficiency of water supply because of lack of late season water  
20040 and consequent lack of financial strength, water users in small communities have been unable  
20041 to build projects that would provide full conservation and beneficial use for the limited water  
20042 supply in this semiarid land;

20043 (c) that water, as the property of the public, should be so managed by the public that it  
20044 can be put to the highest use for public benefit;

20045 (d) that Congress of the United States has provided for the building of larger water  
20046 conservation projects throughout the semiarid states, payment of the capital costs without  
20047 interest to be made by the water users upon the basis of a fair portion of crop returns;

20048 (e) that the Congress of the United States has established in the department of interior  
20049 and in the department of agriculture, various agencies having authority to develop, protect, and  
20050 aid in putting to beneficial use the land and water resources of the United States and to  
20051 cooperate with state agencies having similar authority;

20052 (f) that the interests of the state of Utah require that means be provided for close  
20053 cooperation between all state and federal agencies to the end that the underground waters and  
20054 waters of the small streams of the state, and the lands thereunder, can be made to yield  
20055 abundantly and increase the income and well-being of the citizens of the state;

20056 (g) that it appears to be sound public policy for the state of Utah to provide a revolving  
20057 fund, to be increased at each legislative session, to the end that every mountain stream and  
20058 every water resource within the state can be made to render the highest beneficial service, such  
20059 fund to be so administered that no project will be built except upon expert engineering,  
20060 financial, and geological approval.

20061 (3) All of the provisions of this chapter shall be liberally construed so as to carry out  
20062 and put into force and effect the purposes and policies as hereinabove set forth.

20063 Section 464. Section **73-10-21** is amended to read:

20064 **73-10-21. Loans for water systems -- Eligible projects.**

20065 This chapter shall apply to all eligible projects of incorporated cities and towns,  
20066 [~~metropolitan water districts created under Title 17A, Chapter 2, Part 8, water conservancy~~  
20067 ~~districts created under Title 17A, Chapter 2, Part 14, improvement districts created under Title~~  
20068 ~~17A, Chapter 2, Part 3, county improvement districts created under Title 17A, Chapter 3, Part~~  
20069 ~~2,] local districts under Title 17B, Limited Purpose Local Government Entities - Local  
20070 Districts, assessment areas under Title 11, Chapter 42, Assessment Area Act, and special  
20071 service districts [established] under Title 17A, Chapter 2, Part 13, Utah Special Service District  
20072 Act. Eligible projects are those for the acquisition, improvement, or construction of water  
20073 systems used for the production, supply, transmission, storage, distribution, or treatment of  
20074 water for cities, towns, metropolitan water districts, water conservancy districts, improvement  
20075 districts, special improvement districts, or special service districts, or the improvement or  
20076 extension of such systems.~~

20077 Section 465. Section **73-10-32** is amended to read:

20078 **73-10-32. Definitions -- Water conservation plan required.**

20079 (1) As used in this section:

20080 (a) "Board" means the Board of Water Resources created under Section 73-10-1.5.

20081 (b) "Division" means the Division of Water Resources created under Section 73-10-18.

20082 (c) "Retail" means the level of distribution of culinary water that supplies culinary



20083 water directly to the end user.

20084 (d) "Retail water provider" means an entity which:

20085 (i) supplies culinary water to end users; and

20086 (ii) has more than 500 service connections.

20087 (e) "Water conservancy district" means an entity formed under Title [~~17A~~] 17B,

20088 Chapter [~~2~~] 2a, Part [~~14~~] 10, Water Conservancy [~~Districts~~] District Act.

20089 (f) "Water conservation plan" means a written document that contains existing and  
20090 proposed water conservation measures describing what will be done by retail water providers,  
20091 water conservancy districts, and the end user of culinary water to help conserve water and limit  
20092 or reduce its use in the state in terms of per capita consumption so that adequate supplies of  
20093 water are available for future needs.

20094 (2) (a) Each water conservation plan shall contain:

20095 (i) a clearly stated overall water use reduction goal and an implementation plan for  
20096 each of the water conservation measures it chooses to use, including a timeline for action and  
20097 an evaluation process to measure progress;

20098 (ii) a requirement that each water conservancy district and retail water provider devote  
20099 part of at least one regular meeting every five years of its governing body to a discussion and  
20100 formal adoption of the water conservation plan, and allow public comment on it;

20101 (iii) a requirement that a notification procedure be implemented that includes the  
20102 delivery of the water conservation plan to the media and to the governing body of each  
20103 municipality and county served by the water conservancy district or retail water provider; and

20104 (iv) a copy of the minutes of the meeting and the notification procedure required in  
20105 Subsections (2)(a)(ii) and (iii) which shall be added as an appendix to the plan.

20106 (b) A water conservation plan may include information regarding:

20107 (i) the installation and use of water efficient fixtures and appliances, including toilets,  
20108 shower fixtures, and faucets;

20109 (ii) residential and commercial landscapes and irrigation that require less water to  
20110 maintain;

20111 (iii) more water efficient industrial and commercial processes involving the use of  
20112 water;

20113 (iv) water reuse systems, both potable and not potable;

20114 (v) distribution system leak repair;

20115 (vi) dissemination of public information regarding more efficient use of water,

20116 including public education programs, customer water use audits, and water saving

20117 demonstrations;

20118 (vii) water rate structures designed to encourage more efficient use of water;

20119 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient

20120 use of water by means such as water efficient fixtures and landscapes;

20121 (ix) incentives to implement water efficient techniques, including rebates to water users

20122 to encourage the implementation of more water efficient measures; and

20123 (x) other measures designed to conserve water.

20124 (c) The Division of Water Resources may be contacted for information and technical

20125 resources regarding measures listed in Subsections (2)(b)(i) through (2)(b)(x).

20126 (3) (a) Before April 1, 1999, each water conservancy district [~~under Title 17A, Chapter~~

20127 ~~2, Part 14, Water Conservancy Districts,~~] and each retail water provider shall:

20128 (i) (A) prepare and adopt a water conservation plan if one has not already been

20129 adopted; or

20130 (B) if the district or provider has already adopted a water conservation plan, review the

20131 existing water conservation plan to determine if it should be amended and, if so, amend the

20132 water conservation plan; and

20133 (ii) file a copy of the water conservation plan or amended water conservation plan with

20134 the division.

20135 (b) Before adopting or amending a water conservation plan, each water conservancy

20136 district or retail water provider shall hold a public hearing with reasonable, advance public

20137 notice.

20138 (4) (a) The board shall:

20139 (i) provide guidelines and technical resources to retail water providers and water

20140 conservancy districts to prepare and implement water conservation plans;

20141 (ii) investigate alternative measures designed to conserve water; and

20142 (iii) report regarding its compliance with the act and impressions of the overall quality

20143 of the plans submitted to the Natural Resources, Agriculture, and Environment Interim

20144 Committee of the Legislature at its meeting in November 2004.

20145 (b) The board shall publish an annual report in a paper of state-wide distribution  
20146 specifying the retail water providers and water conservancy districts that do not have a current  
20147 water conservation plan on file with the board at the end of the calendar year.

20148 (5) A water conservancy district or retail water provider may only receive state funds  
20149 for water development if they comply with the requirements of this act.

20150 (6) Each water conservancy district and retail water provider specified under  
20151 Subsection (3)(a) shall:

20152 (a) update its water conservation plan no less frequently than every five years; and

20153 (b) follow the procedures required under Subsection (3) when updating the water  
20154 conservation plan.

20155 (7) It is the intent of the Legislature that the water conservation plans, amendments to  
20156 existing water conservation plans, and the studies and report by the board be handled within the  
20157 existing budgets of the respective entities or agencies.

20158 Section 466. Section **76-10-1503** is amended to read:

20159 **76-10-1503. Definitions.**

20160 As used in this act:

20161 (1) "Bus" means any passenger bus or coach or other motor vehicle having a seating  
20162 capacity of 15 or more passengers operated by a bus company for the purpose of carrying  
20163 passengers or cargo for hire and includes a transit vehicle, as defined in Section [~~17A-2-1004~~  
20164 17B-2a-802], of a public transit district under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~]  
20165 8, Public Transit District Act.

20166 (2) "Bus company" or "company" means any person, group of persons or corporation  
20167 providing for-hire transportation to passengers or cargo by bus upon the highways in the state,  
20168 including passengers and cargo in interstate or intrastate travel. These terms also include local  
20169 public bodies, public transit districts, municipalities, public corporations, boards and  
20170 commissions established under the laws of the state providing transportation to passengers or  
20171 cargo by bus upon the highways in the state, whether or not for hire.

20172 (3) "Charter" means a group of persons, pursuant to a common purpose and under a  
20173 single contract, and at a fixed charge in accordance with a bus company's tariff, which has  
20174 acquired the exclusive use of a bus to travel together to a specified destination or destinations.

20175 (4) "Passenger" means any person transported or served by a bus company, including

20176 persons accompanying or meeting another being transported, any person shipping or receiving  
 20177 cargo and any person purchasing a ticket or receiving a pass.

20178 (5) "Terminal" means a bus station or depot or any other facility operated or leased by  
 20179 or operated on behalf of a bus company and includes a transit facility, as defined in Section  
 20180 ~~[17A-2-1004]~~ 17B-2a-802, of a public transit district under Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a,  
 20181 Part ~~[10, Utah]~~ 8, Public Transit District Act. This term includes a reasonable area  
 20182 immediately adjacent to any designated stop along the route traveled by any bus operated by a  
 20183 bus company and parking lots or areas adjacent to terminals.

20184 Section 467. Section **78-27-63** is amended to read:

20185 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**  
 20186 **county or municipality -- No effect on duty or liability of person participating in**  
 20187 **recreational activity or other person.**

20188 (1) As used in this section:

20189 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury  
 20190 or property damage that are an integral and natural part of participating in a recreational  
 20191 activity.

20192 (b) "Municipality" has the meaning as defined in Section 10-1-104.

20193 (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or  
 20194 experience, and a corporation, partnership, limited liability company, or any other form of  
 20195 business enterprise.

20196 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,  
 20197 roller skating, ice skating, fishing, hiking, bike riding, or in-line skating on property:

20198 (i) owned by:

20199 (A) with respect to a claim against a county, the county; and

20200 (B) with respect to a claim against a municipality, the municipality; and

20201 (ii) intended for the specific use in question.

20202 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,  
 20203 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or  
 20204 recover from a county, municipality, or ~~[independent special]~~ local district under Title ~~[17A]~~  
 20205 17B, ~~[Chapter 2, Independent Special Districts]~~ Limited Purpose Local Government Entities -  
 20206 Local Districts, or special service district under Title 17A, Chapter 2, Part 13, Utah Special

20207 Service District Act, for personal injury or property damage resulting from any of the inherent  
20208 risks of participating in a recreational activity.

20209 (3) (a) Nothing in this section may be construed to relieve a person participating in a  
20210 recreational activity from an obligation that the person would have in the absence of this  
20211 section to exercise due care or from the legal consequences of a failure to exercise due care.

20212 (b) Nothing in this section may be construed to relieve any other person from an  
20213 obligation that the person would have in the absence of this section to exercise due care or from  
20214 the legal consequences of a failure to exercise due care.

20215 Section 468. **Repealer.**

20216 This bill repeals:

20217 Section 17A-1-101, **Definitions.**

20218 Section 17A-1-102, **Notice to State Tax Commission -- Tax rate on new property**  
20219 **included in the special district.**

20220 Section 17A-1-205, **Special districts subject to local district provisions relating to**  
20221 **collection of water and sewer service fees.**

20222 Section 17A-1-301, **Exemptions.**

20223 Section 17A-1-302, **Vacancies on special district boards.**

20224 Section 17A-1-401, **Short title.**

20225 Section 17A-1-402, **Legislative intent.**

20226 Section 17A-1-403, **Applicability to special districts -- Exceptions.**

20227 Section 17A-1-426, **Emergency expenditures.**

20228 Section 17A-1-446, **State auditor to evaluate fiscal practices.**

20229 Section 17A-1-801, **Hiring of professional architect, engineer, or surveyor.**

20230 Section 17A-2-101, **Creation procedures for certain independent special districts.**

20231 Section 17A-2-101.3, **Annexation, dissolution, and withdrawal provisions for**  
20232 **certain independent special districts.**

20233 Section 17A-2-104, **Notice before preparing or amending a long-range plan or**  
20234 **acquiring certain property.**

20235 Section 17A-2-201, **Short title -- Policy of state -- Assessments.**

20236 Section 17A-2-208, **Cemetery maintenance district board of trustees --**  
20237 **Appointment -- Other provisions applicable.**

- 20238 Section 17A-2-210, **Appointments to fill.**
- 20239 Section 17A-2-216, **Body politic and corporate -- Exercise of powers -- Corporate**
- 20240 **name.**
- 20241 Section 17A-2-217, **Powers of maintenance district.**
- 20242 Section 17A-2-219, **Acquisition and possession of property -- Legal title.**
- 20243 Section 17A-2-221, **Levy of taxes by cemetery board.**
- 20244 Section 17A-2-222, **Amount of tax -- Levy and collection.**
- 20245 Section 17A-2-223, **Power of board to incur indebtedness.**
- 20246 Section 17A-2-226, **Cities of first and second class excepted.**
- 20247 Section 17A-2-305, **Board of trustees -- Creation -- Appointment and election of**
- 20248 **members -- Qualifications.**
- 20249 Section 17A-2-306, **Bonds.**
- 20250 Section 17A-2-307, **Resolution calling bond election -- Precincts and polling places.**
- 20251 Section 17A-2-308, **Board of trustees -- Other provisions applicable -- No**
- 20252 **compensation to county legislative body -- Audit -- Budget.**
- 20253 Section 17A-2-309, **Results of bond election -- Resolution -- Issuance of bonds --**
- 20254 **Maximum bonded indebtedness.**
- 20255 Section 17A-2-310, **Certification of bond issue to county legislative body -- Tax**
- 20256 **levy -- Payment of revenue bonds -- Election on general obligation bonds and revenue**
- 20257 **bonds -- Bonds for sewer purposes -- Collection of charges.**
- 20258 Section 17A-2-312, **Powers of district -- Bond obligations of entity under Utah**
- 20259 **Interlocal Cooperation Act not obligation of district.**
- 20260 Section 17A-2-313, **Authority of district.**
- 20261 Section 17A-2-315, **Publication of resolution or proceeding -- Right to contest**
- 20262 **legality.**
- 20263 Section 17A-2-317, **Ratification of districts created under prior laws -- Issuance of**
- 20264 **authorized bonds -- Amendatory proceedings.**
- 20265 Section 17A-2-318, **Separability clause.**
- 20266 Section 17A-2-319, **Authority for district's exercise of other powers than those**
- 20267 **provided in creation -- Procedure -- Hearing -- Appeals.**
- 20268 Section 17A-2-320, **Special election of elective members of board of trustees.**

- 20269           Section 17A-2-322, Ratification of districts created under prior laws.
- 20270           Section 17A-2-323, Abolishment of previously created districts.
- 20271           Section 17A-2-325, Creation of districts authorized.
- 20272           Section 17A-2-327, Districts continuing method of selection of trustees --
- 20273   **Resolution -- Irrevocable as long as bonds outstanding -- Revocation of resolution.**
- 20274           Section 17A-2-328, Powers of municipalities -- Collection -- System for collection,
- 20275   **retention, and disposition of storm and flood waters -- Power of district to make contracts**
- 20276   **-- Retainage.**
- 20277           Section 17A-2-329, Overlapping districts -- Abolition of smaller district --
- 20278   **Conditions.**
- 20279           Section 17A-2-401, Short title.
- 20280           Section 17A-2-402, Legislative intent.
- 20281           Section 17A-2-403, Authorized services -- Notice to and coordination with utility.
- 20282           Section 17A-2-405, Area in county service area -- Overlapping of areas.
- 20283           Section 17A-2-411, Board of trustees -- Selection procedures -- Surety bonds --
- 20284   **Other provisions applicable -- Board membership for certain service areas providing fire**
- 20285   **protection, paramedic, and emergency services.**
- 20286           Section 17A-2-412, Service area deemed body corporate -- Powers.
- 20287           Section 17A-2-414, Tax rate -- Limitation.
- 20288           Section 17A-2-415, Levy and collection of tax -- Property subject to tax --
- 20289   **Collection of service charges.**
- 20290           Section 17A-2-416, Delinquent fees and charges to become lien when certified.
- 20291           Section 17A-2-418, Annexation or incorporation of all or part of county service
- 20292   **area into city or town.**
- 20293           Section 17A-2-419, Abandonment.
- 20294           Section 17A-2-423, Resolution calling election for issuing bonds -- Limit on general
- 20295   **obligation bonds.**
- 20296           Section 17A-2-424, Issuance of bonds -- Purposes of bonds -- Tax levy.
- 20297           Section 17A-2-425, Bonds payable from revenues -- Covenants with future holders
- 20298   **authorized.**
- 20299           Section 17A-2-426, Refunding bonds.

- 20300 Section 17A-2-428, Tax anticipation notes.
- 20301 Section 17A-2-429, Property exempt from taxation.
- 20302 Section 17A-2-431, Publication of resolutions or other proceedings adopted by
- 20303 board -- Time limit for contesting legality.
- 20304 Section 17A-2-502, Formation -- Time limit.
- 20305 Section 17A-2-506, Corporate status -- Board of trustees.
- 20306 Section 17A-2-509, Board to appoint engineer -- Contract with United States --
- 20307 Eminent domain -- Power to obtain water.
- 20308 Section 17A-2-511, Duties of secretary.
- 20309 Section 17A-2-512, Qualification and duties of treasurer.
- 20310 Section 17A-2-514, Employment of assistants.
- 20311 Section 17A-2-522, State lands subject.
- 20312 Section 17A-2-523, Apportioning benefits.
- 20313 Section 17A-2-524, Taxes assessed against unentered and unpatented lands.
- 20314 Section 17A-2-525, Sale price certified.
- 20315 Section 17A-2-526, Sale of lands sold for taxes.
- 20316 Section 17A-2-527, Land patented to purchaser prior to issuance of tax deed --
- 20317 Conditions.
- 20318 Section 17A-2-528, Notices to owner or occupant.
- 20319 Section 17A-2-530, Viewing of annexed land by board of trustees -- Assessment for
- 20320 taxation -- Board of equalization -- Hearing -- Notice -- Lien for taxes.
- 20321 Section 17A-2-532, Debt limitation.
- 20322 Section 17A-2-533, Board to report -- Annual meeting -- Notices -- Chair of annual
- 20323 meeting.
- 20324 Section 17A-2-534, Public uses -- Right of entry on lands -- Prohibitions.
- 20325 Section 17A-2-535, Validation of organization proceedings -- Notice of proposed
- 20326 corrections, amendments, or changes in assessment of benefits -- Hearing by county
- 20327 legislative body of report of board of trustees -- Board of equalization -- Increase of
- 20328 drainage benefits and taxes -- Lien.
- 20329 Section 17A-2-536, Compensation -- Conflict of interest -- Penalties.
- 20330 Section 17A-2-537, Appointment of trustee -- Vacancy -- No more than two



- 20331 **trustees from same county in multicounty district.**
- 20332       Section 17A-2-538, **Interference with works a misdemeanor.**
- 20333       Section 17A-2-539, **Additional liability.**
- 20334       Section 17A-2-540, **Right-of-way -- Highways and railroads may be assessed --**
- 20335 **Assessment of governmental units.**
- 20336       Section 17A-2-541, **Bridges and culverts across highways and railroads.**
- 20337       Section 17A-2-542, **Terms defined -- Power over watercourses -- Expenses.**
- 20338       Section 17A-2-543, **Contractual powers -- Bond issues -- Election.**
- 20339       Section 17A-2-544, **Bonds -- Lien on land and improvements.**
- 20340       Section 17A-2-545, **Bond issue -- Statement attached.**
- 20341       Section 17A-2-548, **Duties of trustees -- Equalizations.**
- 20342       Section 17A-2-549, **Estimates for construction -- Debts -- Sinking fund -- Levy.**
- 20343       Section 17A-2-550, **Addition of delinquent taxes in case of contract with the United**
- 20344 **States.**
- 20345       Section 17A-2-551, **Attendance of officials.**
- 20346       Section 17A-2-552, **Drainage district taxes.**
- 20347       Section 17A-2-553, **Taxes considered lien -- Sale of property -- Time of redemption**
- 20348 **-- Notice -- Penalty -- Record.**
- 20349       Section 17A-2-554, **Payment of taxes with bonds or warrants of district.**
- 20350       Section 17A-2-555, **Statement of indebtedness to be procured -- Fees -- Filing --**
- 20351 **Discharge of lien.**
- 20352       Section 17A-2-556, **Form of release and discharge.**
- 20353       Section 17A-2-557, **Release and discharge may be recorded.**
- 20354       Section 17A-2-559, **Redemption by owner or lien holder -- Adjustment, payment or**
- 20355 **settlement.**
- 20356       Section 17A-2-560, **Land redeemed when lien discharged -- Lien priority --**
- 20357 **Foreclosure.**
- 20358       Section 17A-2-601, **Establishment -- Time limit -- Exceptions.**
- 20359       Section 17A-2-607, **Legal existence of district -- Powers.**
- 20360       Section 17A-2-609, **Trustees -- Election or appointment -- Countywide fire**
- 20361 **protection district -- Other provisions applicable.**

- 20362 Section 17A-2-610, Separate meetings -- County clerk may be secretary.
- 20363 Section 17A-2-611, Authority of district.
- 20364 Section 17A-2-612, Election for office of fire commissioner.
- 20365 Section 17A-2-613, Office of the board of trustees -- Principal places of business of
- 20366 **district.**
- 20367 Section 17A-2-615, Association to encourage uniformity and coordination of
- 20368 **programs -- Contracts between two or more fire protection districts.**
- 20369 Section 17A-2-616, Statement of taxable value of property.
- 20370 Section 17A-2-617, Annual budget -- Levy, extension, and collection of taxes.
- 20371 Section 17A-2-618, Bonds -- Duty of board of trustees -- Levy of taxes for payment
- 20372 **of bonds.**
- 20373 Section 17A-2-619, Indebtedness not to exceed estimated expendable revenue.
- 20374 Section 17A-2-620, Duties of treasurer.
- 20375 Section 17A-2-621, Secretary -- Countersigning of drafts and warrants.
- 20376 Section 17A-2-622, Petition for bond election -- Petition requirements -- Notice and
- 20377 **hearing -- Election regarding issuance of bonds.**
- 20378 Section 17A-2-623, Limitations upon indebtedness.
- 20379 Section 17A-2-701.1, Title.
- 20380 Section 17A-2-701.2, Definitions.
- 20381 Section 17A-2-701.5, Creation of irrigation districts.
- 20382 Section 17A-2-706, Regular election of district for electing board members --
- 20383 **Election provisions -- Official bond -- Fiscal agents.**
- 20384 Section 17A-2-707, Office location.
- 20385 Section 17A-2-711, Board of trustees -- Organization -- Powers and duties -- Other
- 20386 **provisions applicable.**
- 20387 Section 17A-2-712, Additional powers of board.
- 20388 Section 17A-2-713, Titles vested -- Tax exemptions -- Sales -- Conveyances to
- 20389 **United States.**
- 20390 Section 17A-2-717.5, Validation of previous bond issues.
- 20391 Section 17A-2-718, Trustees to determine amounts required for current years --
- 20392 **Establishment of sinking funds and reserve funds -- Certification of amounts.**

- 20393 Section 17A-2-719.5, Use charges -- Duty of county assessors.
- 20394 Section 17A-2-721, Duties of county treasurer -- Liability -- Accounts to be kept
- 20395 and methods of payments -- Deposit of funds.
- 20396 Section 17A-2-722, Lien for unpaid use charges -- Sale of land for delinquent use
- 20397 charges -- Redemption period.
- 20398 Section 17A-2-724, Claims -- Manner of payment -- Registry of warrants --
- 20399 Emergency loans.
- 20400 Section 17A-2-726, Compensation of officials -- Prohibitions -- Penalties.
- 20401 Section 17A-2-728, Distribution of water.
- 20402 Section 17A-2-729, Diversion of water.
- 20403 Section 17A-2-730, Exclusion of lands from district.
- 20404 Section 17A-2-738, Redivision of districts.
- 20405 Section 17A-2-739, Exclusion of lands -- Liability not impaired.
- 20406 Section 17A-2-749, Special proceedings for judicial examination.
- 20407 Section 17A-2-750, Petition for confirmation.
- 20408 Section 17A-2-751, Notice -- Contest -- Time for hearing.
- 20409 Section 17A-2-752, Parties -- Appearances -- Practice and procedure.
- 20410 Section 17A-2-753, Findings and decree -- Costs.
- 20411 Section 17A-2-754, Transfer of water rights -- Notice to landowners.
- 20412 Section 17A-2-755, Districts declared bodies corporate -- Tax exemption of bonds
- 20413 and securities except corporate franchise tax.
- 20414 Section 17A-2-756, Inclusion of state lands.
- 20415 Section 17A-2-757, Special-benefit construction -- Terms -- Costs.
- 20416 Section 17A-2-758, Local improvement districts.
- 20417 Section 17A-2-759, Establishment -- Limit as to costs -- Authorization --
- 20418 Construction warrants -- Orders.
- 20419 Section 17A-2-760, Assessment of damages and benefits -- Board of equalization.
- 20420 Section 17A-2-761, Validation of the creation and organization of irrigation
- 20421 districts and of district elections.
- 20422 Section 17A-2-762, Costs levied and collected.
- 20423 Section 17A-2-763, Payment of delinquency.

- 20424 Section 17A-2-764, Local improvement bonds.
- 20425 Section 17A-2-765, Contracts with United States.
- 20426 Section 17A-2-766, Validation of act.
- 20427 Section 17A-2-767, Default of district -- Court procedure.
- 20428 Section 17A-2-801, Title.
- 20429 Section 17A-2-802, Definitions.
- 20430 Section 17A-2-803, Purpose of metropolitan water district.
- 20431 Section 17A-2-810, Concurrent and consolidated elections.
- 20432 Section 17A-2-818, Powers of incorporated districts -- Preferential right of city to
- 20433 purchase water.
- 20434 Section 17A-2-819, Trustees -- Representation -- Voting -- Organization and
- 20435 membership -- Other provisions apply.
- 20436 Section 17A-2-820, Powers of trustees.
- 20437 Section 17A-2-821, Resolution or ordinance proposing obligations or indebtedness
- 20438 -- Election.
- 20439 Section 17A-2-823, Majority vote in favor of incurring obligations or indebtedness.
- 20440 Section 17A-2-824, Revenue indebtedness or general obligation indebtedness --
- 20441 Procedure for incurring -- Terms.
- 20442 Section 17A-2-826, Sale of bonds.
- 20443 Section 17A-2-827, Proceeds of sale of bonds.
- 20444 Section 17A-2-828, Action to test validity of contracts, bonds, and other contract
- 20445 obligations or indebtedness.
- 20446 Section 17A-2-829, Water rates to pay operating expenses, repairs, and
- 20447 depreciation -- Interest and principal of bonded and other debt to be paid so far as
- 20448 practicable from water rates -- Tax levy.
- 20449 Section 17A-2-830, Conversion of coupon bonds into registered bonds --
- 20450 Reconversion -- Exchanging for higher denomination.
- 20451 Section 17A-2-831, Fees.
- 20452 Section 17A-2-833, Taxation -- Valuation.
- 20453 Section 17A-2-834, Rate of taxation.
- 20454 Section 17A-2-835, Amounts due from cities declared in resolution.

- 20455 Section 17A-2-836, Tax rates for cities.
- 20456 Section 17A-2-837, Collection of taxes.
- 20457 Section 17A-2-838, Collection fees.
- 20458 Section 17A-2-839, Lien for taxes.
- 20459 Section 17A-2-840, Expenses of incorporation.
- 20460 Section 17A-2-843, Interest of trustees or employees in contracts.
- 20461 Section 17A-2-845, Administration.
- 20462 Section 17A-2-846, Action by ordinance.
- 20463 Section 17A-2-847, Fiscal year -- Annual statements.
- 20464 Section 17A-2-848, Validating provision.
- 20465 Section 17A-2-849, Time for expenditure of tax revenues.
- 20466 Section 17A-2-850, Reserve funds -- Creation -- Use of funds -- Limitation.
- 20467 Section 17A-2-851, Separability.
- 20468 Section 17A-2-901, Organization authorized.
- 20469 Section 17A-2-906, Board of trustees -- Appointment -- Number.
- 20470 Section 17A-2-907, Board of trustees -- Vacancies -- Other provisions applicable.
- 20471 Section 17A-2-908, Powers of board of trustees.
- 20472 Section 17A-2-909, Taxation -- Limit of levy.
- 20473 Section 17A-2-911, Collection and disbursement of taxes.
- 20474 Section 17A-2-914, Notices -- Publication and posting.
- 20475 Section 17A-2-1001, Short title.
- 20476 Section 17A-2-1002, Legislative findings.
- 20477 Section 17A-2-1003, Part to be liberally construed.
- 20478 Section 17A-2-1004, Definitions.
- 20479 Section 17A-2-1016, Powers of incorporated district -- Bidding -- Eminent domain.
- 20480 Section 17A-2-1017, Consent required to control facilities -- Competition with
- 20481 existing publicly or privately owned public carriers prohibited.
- 20482 Section 17A-2-1018, Rates and charges for service.
- 20483 Section 17A-2-1019, Hearings on rates and charges and proposed facility location.
- 20484 Section 17A-2-1020, Hearings.
- 20485 Section 17A-2-1021, Intervention by municipality or county at hearings.

- 20486           Section 17A-2-1022, Cross-examination -- Introduction of evidence not covered on
- 20487 **direct.**
- 20488           Section 17A-2-1023, Technical rules of evidence not to apply.
- 20489           Section 17A-2-1024, Record of hearing -- Review.
- 20490           Section 17A-2-1025, Decision of board.
- 20491           Section 17A-2-1026, Safety regulations.
- 20492           Section 17A-2-1027, Traffic laws applicable.
- 20493           Section 17A-2-1028, Bond issues and other indebtedness authorized.
- 20494           Section 17A-2-1029, Participation in federal programs authorized.
- 20495           Section 17A-2-1030, Employee rights and benefits extended under federal law to
- 20496 **apply.**
- 20497           Section 17A-2-1031, Employees may organize and bargain collectively -- Strikes
- 20498 **prohibited -- District to enter into bargaining agreements.**
- 20499           Section 17A-2-1032, Labor disputes submitted to arbitration -- Selection of board
- 20500 **-- Parties to share expense.**
- 20501           Section 17A-2-1033, Acquisition of existing public transit systems -- Rights and
- 20502 **benefits of employees preserved.**
- 20503           Section 17A-2-1034, Agreements with state or public agency.
- 20504           Section 17A-2-1035, Limitation on indebtedness of district.
- 20505           Section 17A-2-1036, Investment of district funds.
- 20506           Section 17A-2-1037, Elections.
- 20507           Section 17A-2-1039, Board of trustees -- Powers and duties.
- 20508           Section 17A-2-1040, District officers -- Appointment -- Duty -- Compensation --
- 20509 **Oath -- Bond.**
- 20510           Section 17A-2-1041, General manager -- Duties -- Term and removal -- Salary to
- 20511 **be fixed.**
- 20512           Section 17A-2-1042, Additional powers and duties of general manager.
- 20513           Section 17A-2-1043, Certification of taxable value of property by county auditor.
- 20514           Section 17A-2-1044, Annual tax levy -- Election.
- 20515           Section 17A-2-1045, Collection of taxes by county officers.
- 20516           Section 17A-2-1046, Counties may withhold percentage for services rendered.

- 20517           Section 17A-2-1047, Enforcement of liens -- Sales and redemptions -- Disposition
- 20518 **of proceeds.**
- 20519           Section 17A-2-1048, Board of trustees representation for newly annexed area.
- 20520           Section 17A-2-1051, Members of board subject to recall.
- 20521           Section 17A-2-1052, Board may promulgate additional rules.
- 20522           Section 17A-2-1053, Action by ordinance permitted.
- 20523           Section 17A-2-1054, Fiscal year -- Annual statement of revenues and expenditures.
- 20524           Section 17A-2-1055, Title to vest in district -- Property exempt from taxation.
- 20525           Section 17A-2-1056, Claims against district -- Procedures.
- 20526           Section 17A-2-1057, Property exempt from execution -- Court may require tax
- 20527 **levy.**
- 20528           Section 17A-2-1058, District may issue bonds.
- 20529           Section 17A-2-1059, Funding districts -- Ceiling exempt tax.
- 20530           Section 17A-2-1060, Budget examination and comment.
- 20531           Section 17A-2-1401, Declaration of benefits and policy.
- 20532           Section 17A-2-1402, Short title -- Title of districts and bonds -- Requirements as to
- 20533 **publication -- Definitions.**
- 20534           Section 17A-2-1412, Duties of secretary -- Board may employ chief engineer,
- 20535 **attorney, and other employees.**
- 20536           Section 17A-2-1413, District powers -- Powers of board of trustees -- Other
- 20537 **provisions applicable.**
- 20538           Section 17A-2-1414, Who may enter into contracts -- Permissible purposes of
- 20539 **contracts -- Agreements and leases -- Elections for water purchase contracts.**
- 20540           Section 17A-2-1415, Contracts with subdivisions of other states.
- 20541           Section 17A-2-1416, Restoration of affected street or highway -- District subject to
- 20542 **certain rules of county, city, or town.**
- 20543           Section 17A-2-1417, Plans -- Available for public inspection -- Contents.
- 20544           Section 17A-2-1418, Utilization or distribution of electric power -- Subject to terms
- 20545 **and conditions of contracts -- Use of revenues.**
- 20546           Section 17A-2-1419, Franchise not required.
- 20547           Section 17A-2-1420, Organization of subdistricts -- Authority -- Bonds -- Board of

- 20548 **trustees -- Powers -- Validation of proceedings -- Separability clause.**
- 20549       Section 17A-2-1421, **Inclusion of existing district in another district -- Powers and**
- 20550 **authority of districts -- Contracts between districts -- Public corporations within districts.**
- 20551       Section 17A-2-1422, **District board may levy and collect taxes and special**
- 20552 **assessments -- Classification of methods.**
- 20553       Section 17A-2-1423, **Levy and collection of taxes under class A -- Rate of levy.**
- 20554       Section 17A-2-1424, **Board may sell or lease water to municipalities upon petition**
- 20555 **-- Levy and collection of special assessments under class B.**
- 20556       Section 17A-2-1425, **Board may sell or lease water to irrigation districts -- Levy**
- 20557 **and collection of special assessments under class C.**
- 20558       Section 17A-2-1426, **Board may sell or lease water on petition -- Levy and**
- 20559 **collection of taxes under class D.**
- 20560       Section 17A-2-1427, **Additional taxes and assessments to pay deficiencies.**
- 20561       Section 17A-2-1428, **Objections to assessments -- Hearings -- Procedure -- Appeal.**
- 20562       Section 17A-2-1429, **Officials charged with duty to collect taxes -- Taxes levied**
- 20563 **create lien -- Status of lien.**
- 20564       Section 17A-2-1430, **Tax sales.**
- 20565       Section 17A-2-1431, **Property exempt from assessments.**
- 20566       Section 17A-2-1432, **Board may dispose of water under term contracts.**
- 20567       Section 17A-2-1433, **Liens to secure payment of annual installments.**
- 20568       Section 17A-2-1434, **Creation of sinking fund.**
- 20569       Section 17A-2-1435, **Powers of board in distribution of water.**
- 20570       Section 17A-2-1436, **Rulemaking and enforcement power of board.**
- 20571       Section 17A-2-1439, **Contracts providing for payment in installments -- Issuance**
- 20572 **and sale of bonds -- Sinking fund -- Covenants -- Default -- Revenue obligations --**
- 20573 **Refunding bonds.**
- 20574       Section 17A-2-1440, **Election for issuance of bonds or incurring contract**
- 20575 **indebtedness or obligation -- When an election is not required.**
- 20576       Section 17A-2-1441, **Majority authorizes issuance of bonds -- Resubmission of**
- 20577 **proposition.**
- 20578       Section 17A-2-1442, **Board may petition district court for judicial determination of**



- 20579 **its acts -- Procedure.**
- 20580       Section 17A-2-1443, **Due notice -- Jurisdiction of district court.**
- 20581       Section 17A-2-1444, **Hearings to be advanced.**
- 20582       Section 17A-2-1445, **Part to be liberally construed.**
- 20583       Section 17A-2-1446, **Partial invalidity -- Savings clause.**
- 20584       Section 17A-2-1447, **Acts in conflict nonoperative as to this part.**
- 20585       Section 17A-2-1448, **Validation of proceedings -- Changes.**
- 20586       Section 17A-2-1449, **Validation of proceedings and actions -- Changes in validated**
- 20587 **contracts, bond proceedings or bonds authorized.**
- 20588       Section 17A-2-1801, **Title.**
- 20589       Section 17A-2-1802, **Purpose.**
- 20590       Section 17A-2-1803, **Area -- Procedures -- Appeals.**
- 20591       Section 17A-2-1804, **Services provided.**
- 20592       Section 17A-2-1805, **Body corporate -- Authority.**
- 20593       Section 17A-2-1806, **Levy and collection of tax -- Property subject to tax -- Service**
- 20594 **charges.**
- 20595       Section 17A-2-1807, **Tax rate -- Limitation.**
- 20596       Section 17A-2-1808, **Board of trustees -- Selection procedure -- Other provisions**
- 20597 **applicable.**
- 20598       Section 17A-2-1821, **Annexation areas to be included in election districts.**
- 20599       Section 17A-2-1822, **Ratification of county service areas -- Bond issuance --**
- 20600 **Amendatory proceedings.**
- 20601       Section 17A-2-1823, **Bond issuance.**
- 20602       Section 17A-2-1824, **Maximum bonded indebtedness.**
- 20603       Section 17A-2-1826, **Sinking fund.**
- 20604       Section 17A-2-1828, **Taxation of property.**
- 20605       Section 17A-2-1829, **Property exempt from execution -- Court may require tax**
- 20606 **levy.**
- 20607       Section 17A-2-1830, **Limitation of liability.**
- 20608       Section 17A-2-1831, **Publication -- Time limit for contesting legality.**
- 20609       Section 17A-2-1832, **Severability clause.**

- 20610 Section 17A-3-201, Short title.
- 20611 Section 17A-3-202, Purpose.
- 20612 Section 17A-3-203, Definitions.
- 20613 Section 17A-3-204, Powers of the county legislative body.
- 20614 Section 17A-3-205, Notice of intent to create special improvement district --
- 20615 **Contents.**
- 20616 Section 17A-3-206, Publication and mailing of notice of intention.
- 20617 Section 17A-3-207, Protests -- Hearing -- Alteration of proposal by resolution --
- 20618 **Adding property to district -- Removal of protesters' property from district -- Recording**
- 20619 **requirements -- Waiver of objections.**
- 20620 Section 17A-3-208, Contract required for improvement -- Bidding requirements --
- 20621 **Exceptions.**
- 20622 Section 17A-3-209, Payment of contracts -- Progress payments -- Retainage.
- 20623 Section 17A-3-210, Interim warrants.
- 20624 Section 17A-3-211, Utility connections and relocations ordered before paving --
- 20625 **Assessing costs.**
- 20626 Section 17A-3-212, Time for levy.
- 20627 Section 17A-3-213, Amount of assessment -- Payment from general funds.
- 20628 Section 17A-3-214, Ordinary repairs paid for by governing entity -- Grade change
- 20629 **cost partially paid by governing entity -- Intersection improvement costs.**
- 20630 Section 17A-3-215, Exemption of publicly-owned property -- Exception -- Service
- 20631 **charges.**
- 20632 Section 17A-3-216, Areas subject to assessment -- Methods of assessment.
- 20633 Section 17A-3-217, Assessment list -- Board of equalization and review -- Notice --
- 20634 **Publication -- Hearings -- Corrections -- Report -- Waiver of objections.**
- 20635 Section 17A-3-218, Assessment ordinance -- Publication -- Assessment list
- 20636 **incorporated by reference.**
- 20637 Section 17A-3-219, Supplemental assessment.
- 20638 Section 17A-3-220, Period for paying assessments -- Frequency of installments --
- 20639 **Interest.**
- 20640 Section 17A-3-221, Prepayment of assessment installments.

- 20641 Section 17A-3-222, Default in payment of assessment installment.
- 20642 Section 17A-3-223, Lien for assessment -- Priority.
- 20643 Section 17A-3-224, Sale of property to collect assessment.
- 20644 Section 17A-3-225, Payments from guaranty fund or reserve fund to avoid default
- 20645 -- Recovery from sale proceeds.
- 20646 Section 17A-3-226, Assessment proceeds constitute fund -- Disposition --
- 20647 **Investment.**
- 20648 Section 17A-3-227, Special improvement refunding bonds.
- 20649 Section 17A-3-228, Bonds.
- 20650 Section 17A-3-229, Errors or irregularities not voiding assessment -- Action to
- 20651 **enjoin levy or collection -- Limitation of actions.**
- 20652 Section 17A-3-230, Liability of governing entity on bonds.
- 20653 Section 17A-3-231, Disposition of surplus assessment -- Disposition of assessment
- 20654 **proceeds on abandonment of improvement.**
- 20655 Section 17A-3-232, Special Improvement Guaranty Fund -- Sources -- Uses --
- 20656 **Investment -- Subaccounts.**
- 20657 Section 17A-3-233, Reserve fund in lieu of special improvement guaranty fund --
- 20658 **Investment.**
- 20659 Section 17A-3-234, Special improvement fund surplus after bonds and warrants
- 20660 **paid.**
- 20661 Section 17A-3-235, Special improvement fund insufficient to pay bonds.
- 20662 Section 17A-3-236, Assessments on property acquired by governing entity at final
- 20663 **tax sale paid from guaranty fund or reserve fund -- Reimbursement.**
- 20664 Section 17A-3-237, Subrogation of governing entity for payments from guaranty
- 20665 **or reserve fund.**
- 20666 Section 17A-3-238, Insufficiency of guaranty or reserve fund -- Replenishment --
- 20667 **Warrants -- Tax levy to pay warrants.**
- 20668 Section 17A-3-239, Excess amount in guaranty fund -- Transfers to General Fund
- 20669 **-- Special improvement refunding bonds.**
- 20670 Section 17A-3-240, Other methods for making improvements unaffected.
- 20671 Section 17A-3-241, Validation of prior proceedings, bonds and warrants.

- 20672 Section 17A-3-242, Separability clause.
- 20673 Section 17A-3-243, Release of assessment.
- 20674 Section 17A-3-244, Dissolution of districts -- Payment of claims.
- 20675 Section 17A-3-301, Short title.
- 20676 Section 17A-3-302, Purpose.
- 20677 Section 17A-3-303, Definitions.
- 20678 Section 17A-3-304, Powers of municipality.
- 20679 Section 17A-3-305, Notice of intent to create special improvement district --
- 20680 **Contents.**
- 20681 Section 17A-3-306, Notice of intention to create district -- Publication -- Mailing.
- 20682 Section 17A-3-307, Protests by property owners -- Hearing -- Alteration of
- 20683 **proposal by resolution -- Conditions for adding property to district -- Deletion of**
- 20684 **protesters' property from district -- Recording requirements -- Waiver of objections.**
- 20685 Section 17A-3-308, Contracting for improvements -- Bids, publication, and notice
- 20686 **-- Improvements for which contracts need not be let.**
- 20687 Section 17A-3-309, Payment of contracts.
- 20688 Section 17A-3-310, Interim warrants.
- 20689 Section 17A-3-311, Connections of public utilities -- Service owned or provided by
- 20690 **municipality, power to assess cost of connection.**
- 20691 Section 17A-3-312, When assessments may be levied.
- 20692 Section 17A-3-313, Amount and payment of assessment.
- 20693 Section 17A-3-314, Costs not payable by assessments.
- 20694 Section 17A-3-315, Property of public agencies not assessable -- Charges for
- 20695 **services or materials permitted -- Property acquired after creation of district.**
- 20696 Section 17A-3-316, Areas subject to assessment -- Methods of assessment.
- 20697 Section 17A-3-317, Assessment list -- Board of equalization and review -- Hearings
- 20698 **-- Appeal -- Corrections -- Report -- Waiver of objections.**
- 20699 Section 17A-3-318, Assessment ordinance -- Publication -- Assessment list
- 20700 **incorporated by reference.**
- 20701 Section 17A-3-319, Supplemental assessment.
- 20702 Section 17A-3-320, Payment of assessments in installments -- Frequency -- Interest.

- 20703 Section 17A-3-321, Prepayment of assessment installments.
- 20704 Section 17A-3-322, Default in payment of assessment installment.
- 20705 Section 17A-3-323, Lien for assessment -- Priority.
- 20706 Section 17A-3-324, Sale of property to collect assessment.
- 20707 Section 17A-3-325, Payments from guaranty fund or reserve fund to avoid default
- 20708 -- Recovery from sale proceeds.
- 20709 Section 17A-3-326, Special improvement fund.
- 20710 Section 17A-3-327, Improvement revenues account.
- 20711 Section 17A-3-328, Special improvement bonds.
- 20712 Section 17A-3-329, Special improvement refunding bonds.
- 20713 Section 17A-3-330, Objection to assessment -- Actions to enjoin levy or set aside
- 20714 proceedings.
- 20715 Section 17A-3-331, Payment of special improvement bonds.
- 20716 Section 17A-3-332, Total assessments greater than cost of improvements -- Surplus
- 20717 to special improvement guaranty fund -- Abandonment of improvement.
- 20718 Section 17A-3-333, Improvement revenues -- Installment payments.
- 20719 Section 17A-3-334, Special Improvement Guaranty Fund -- Sources -- Uses --
- 20720 Investment -- Subaccounts.
- 20721 Section 17A-3-335, Reserve fund in lieu of Special Improvement Guaranty Fund --
- 20722 Investment.
- 20723 Section 17A-3-336, Interest charges, penalties and other collections greater than
- 20724 expenses -- Excess transferred to guaranty fund.
- 20725 Section 17A-3-337, Special improvement fund insufficient to pay bonds.
- 20726 Section 17A-3-338, Assessments on property acquired by municipality at final tax
- 20727 sale paid from guaranty fund or reserve fund -- Reimbursement.
- 20728 Section 17A-3-339, Subrogation of municipality for payments from guaranty or
- 20729 reserve fund.
- 20730 Section 17A-3-340, Insufficiency of guaranty or reserve fund -- Replenishment --
- 20731 Warrants -- Tax levy to pay warrants.
- 20732 Section 17A-3-341, Excess amount in guaranty fund -- Special improvement
- 20733 refunding bonds.

20734 Section 17A-3-342, Intent.

20735 Section 17A-3-344, Proceedings prior to act validated -- Exceptions.

20736 Section 17A-3-345, Release of assessment.

20737 Section 17B-2-217, Limitation on initiating process to create local district.

20738 Section 17B-2-804, Collection of past due fees for water or sewer service -- Civil  
20739 action authorized.

20740 Section 17B-2-805, Notice.

20741 Section 54-3-25, Telephone corporations -- Publishing special purpose district  
20742 names and telephone numbers.

20743 Section 469. Legislative intent.

20744 (1) For the past approximately ten years, the Legislature has been involved in the  
20745 process of updating and rewriting statutory provisions relating to special districts under Title  
20746 17A. The focus of this effort has been on what have been called independent special districts  
20747 under Chapter 2 of Title 17A. This bill is the culmination of that effort with respect to  
20748 independent special districts, except special service districts, and begins the process of  
20749 rewriting provisions applicable to dependent special districts under Chapter 3 of Title 17A.

20750 (2) Before this rewrite began, each of the various types of independent special districts  
20751 had its own set of provisions governing the district. Although some of the provisions were  
20752 unique to the specific type of district, many were similar to the provisions governing other  
20753 types of districts. A substantial goal of the rewrite has been to simplify, consolidate, and  
20754 standardize, as much as possible, these similar but different provisions so that, where possible,  
20755 only one set of provisions governed all types of districts. If there were provisions that were  
20756 unique to a particular type of district, those provisions were updated and simplified but  
20757 continue to apply only to that type of district.

20758 (3) The effort to achieve standardization has required some substantive changes to  
20759 provisions affecting one or more types of independent special districts. These substantive  
20760 changes have been made in order to simplify, consolidate, and standardize provisions  
20761 applicable to independent special districts, now called local districts. The Legislature intends  
20762 that none of these changes disturb the body of case law that has developed over the years  
20763 relating to the underlying principles applicable to this type of local government entity.

20764 (4) In addition, this bill eliminates some intent language that had existed in prior

20765 statute. The Legislature does not intend to effectuate any substantive change by eliminating  
20766 that intent language. The elimination of intent language is a reflection of current practice to  
20767 avoid intent language in statute and is not intended as a disavowal of the legislative intent  
20768 expressed in that language.

20769 Section 470. **Coordinating H.B. 65 with H.B. 103 -- Changing terminology.**

20770 If this H.B. 65 and H.B. 103, Statewide Mutual Aid Act, both pass, it is the intent of the  
20771 Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah  
20772 Code database for publication:

20773 (1) replace the references in Subsections 53-2-402(5) and 53-2-403(1)(a)(v) and  
20774 Section 53-2-404 to "public safety special district" with "public safety district";

20775 (2) modify Subsection 53-2-402(8) to read:

20776 "(8) "Public safety district" means a local district under Title 17B, Limited Purpose  
20777 Local Government Entities - Local Districts, or special service district under Title 17A,  
20778 Chapter 2, Part 13, Utah Special Service District Act, that provides public safety service."; and

20779 (3) replace the references in Subsections 53-2-405(1) and (2) to "special district" with  
20780 "local district, special service district".

20781 Section 471. **Coordinating H.B. 65 with H.B. 140 -- Changing terminology.**

20782 If this H.B. 65 and H.B. 140, Safe Drinking Water Amendments, both pass, it is the  
20783 intent of the Legislature that the Office of Legislative Research and General Counsel, in  
20784 preparing the Utah Code database for publication, replace the reference in Subsection  
20785 19-4-111(7) to "special district" with "local district or special service district".

20786 Section 472. **Coordinating H.B. 65 with H.B. 222 -- Changing terminology.**

20787 If this H.B. 65 and H.B. 222, Open and Public Meetings - Electronic Notice, both pass,  
20788 it is the intent of the Legislature that the Office of Legislative Research and General Counsel,  
20789 in preparing the Utah Code database for publication, replace the reference in Subsection  
20790 52-4-202(3)(b) to "a special district as defined under Title 17A, Special Districts, or a local  
20791 district as defined under Title 17B, Chapter 2, Local Districts, has a current annual budget of  
20792 less than \$1 million, a public body of the municipality, special district, or local district" with "a  
20793 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a  
20794 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,  
20795 or a dependent district under Title 17A, Chapter 3, Dependent Districts, has a current annual

20796 budget of less than \$1 million, a public body of the municipality, local district, special service  
20797 district, or dependent district".

20798 Section 473. **Coordinating H.B. 65 with H.B. 253 -- Changing terminology.**

20799 If this H.B. 65 and H.B. 253, Allowing State Memorials on State Property, both pass, it  
20800 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in  
20801 preparing the Utah Code database for publication, replace the references in Subsections  
20802 11-42-102(1)(b) and 63-9-68(1)(b) to "special district as defined under Title 17A, Special  
20803 Districts, or a local district as defined under Title 17B, Chapter 2, Local Districts" with "local  
20804 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a special  
20805 service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or a  
20806 dependent district under Title 17A, Chapter 3, Dependent Districts".

20807 Section 474. **Coordinating H.B. 65 with H.B. 272 -- Changing terminology.**

20808 If this H.B. 65 and H.B. 272, Prohibition Relating to Fees on Foster Homes for the Use  
20809 of Emergency Services, both pass, it is the intent of the Legislature that the Office of  
20810 Legislative Research and General Counsel, in preparing the Utah Code database for  
20811 publication:

20812 (1) modify Subsection 11-42-102(3)(b) to read:

20813 "(b) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
20814 District Act;" and

20815 (2) modify Subsection 11-42-102(3)(e) to read:

20816 "(e) a local district under Title 17B, Limited Purpose Local Government Entities - Local  
20817 Districts.".

20818 Section 475. **Coordinating H.B. 65 with H.B. 337 -- Changing terminology.**

20819 If this H.B. 65 and H.B. 337, Local Government Post-Employment Benefit Trust Fund  
20820 Amendments, both pass, it is the intent of the Legislature that the Office of Legislative  
20821 Research and General Counsel, in preparing the Utah Code database for publication, replace  
20822 the reference in Subsection 51-7-3(15) to "special district," with "local district under Title 17B,  
20823 Limited Purpose Local Government Entities - Local Districts, special service district under  
20824 Title 17A, Chapter 2, Part 13, Utah Special Service District Act,".

20825 Section 476. **Coordinating H.B. 65 with H.B. 372 -- Merging substantive**  
20826 **amendments.**



20827 If this H.B. 65 and H.B. 372, Local District Amendments, both pass, it is the intent of  
20828 the Legislature that the Office of Legislative Research and General Counsel, in preparing the  
20829 Utah Code database for publication, merge the amendments so that Subsection 17B-1-105(2)  
20830 reads:

20831 "(2) The name of a local district created after April 30, 2007 may not include the name  
20832 of a county or municipality, unless the service the district provides is transportation."

20833 **Section 477. Coordinating H.B. 65 with H.B. 430 -- Changing terminology.**

20834 If this H.B. 65 and H.B. 430, Public Employees Union Financial Responsibility Act,  
20835 both pass, it is the intent of the Legislature that the Office of Legislative Research and General  
20836 Counsel, in preparing the Utah Code database for publication, modify Subsection  
20837 34-44-102(2)(a) to read:

20838 "(2) (a) "Governmental entity" means the state including any departments, units, or  
20839 administrative subdivisions and any of the state's political subdivisions, including any county,  
20840 municipality, school district, local district, special service district, or any administrative  
20841 subdivision of those entities."

20842 **Section 478. Coordinating H.B. 65 with H.B. 450 -- Changing terminology --**  
20843 **Merging substantive amendments.**

20844 If this H.B. 65 and H.B. 450, Law Enforcement Districts, both pass, it is the intent of  
20845 the Legislature that the Office of Legislative Research and General Counsel, in preparing the  
20846 Utah Code database for publication:

20847 (1) replace the reference in Subsection 10-2-419(2)(b)(v) to "Section 17B-2-515.5"  
20848 with "Section 17B-1-416";

20849 (2) replace the reference in Subsection 10-2-419(2)(b)(vi) to "Subsection  
20850 17B-2-602(2)" with "Subsection 17B-1-503(2)";

20851 (3) modify Subsection 17-22-2(3)(a)(ii) to read:

20852 "(ii) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act, created to  
20853 provide extended police protection service and in the creation of which an election was not  
20854 required under Subsection 17B-1-214(3)(c).";

20855 (4) merge the amendments to Subsection 17B-2a-905(1)(a) to read:

20856 "(1) (a) Except as provided in Subsections (2) and (3).";

20857 (5) insert a new Subsection 17B-2a-905(3) to read:

- 20858 "(3) (a) As used in this Subsection (3):  
20859 (i) "Jurisdictional boundaries" means:  
20860 (A) for a county that is a police district participant, the unincorporated area of the  
20861 county that is included within the police district; and  
20862 (B) for a municipality that is a police district participant, the area within the boundaries  
20863 of the municipality.  
20864 (ii) "Police district" means a service area:  
20865 (A) created on or after April 30, 2007;  
20866 (B) created to provide extended police protection service; and  
20867 (C) in the creation of which an election was not required under Subsection  
20868 17B-1-214(3)(c).  
20869 (iii) "Police district participant" means:  
20870 (A) a county whose unincorporated area is partially or fully included within a police  
20871 district, whether in conjunction with the creation of the police district or by later annexation; or  
20872 (B) a municipality whose area is included within the police district, whether in  
20873 conjunction with the creation of the police district or by later annexation.  
20874 (b) Each police district participant shall appoint to the board of trustees of the police  
20875 district:  
20876 (i) one member, if the population within the jurisdictional boundaries of the police  
20877 district participant does not exceed 50,000;  
20878 (ii) two members, if the population within the jurisdictional boundaries of the police  
20879 district participant exceeds 50,000 but does not exceed 100,000; and  
20880 (iii) three members, if the population within the jurisdictional boundaries of the police  
20881 district participant exceeds 100,000.  
20882 (c) One of the members appointed under Subsection (3)(b) by a county that is a police  
20883 district participant shall be the county sheriff.  
20884 (d) Notwithstanding Subsection 17B-1-302(2), the number of members of a police  
20885 district board of trustees shall be the number resulting from application of Subsection (3)(b).  
20886 (e) An employee of the police district may not serve as a member of the board of  
20887 trustees.";  
20888 (6) merge the amendments in Subsection 17B-1-1002(1)(i)(i)(B) to read:

20889 "(B) provides:  
20890 (I) fire protection, paramedic, and emergency services; or  
20891 (II) extended police protection service; or";  
20892 (7) modify Subsection 17B-1-214(3)(c) to read:  
20893 "(c) [~~to~~] a resolution [~~adopted~~] under Subsection [~~17B-2-203~~] 17B-1-203 (1)(c) [~~on or~~  
20894 after May 5, 2003] that:  
20895 (i) (A) proposes the creation of a local district to provide fire protection, paramedic,  
20896 and emergency services, if the proposed local district includes a majority of the unincorporated  
20897 area of one or more counties[-:]; and  
20898 (B) was adopted on or after May 3, 2003; or  
20899 (ii) (A) proposes the creation of a local district to provide extended police protection  
20900 service, if the proposed local district includes:  
20901 (I) a majority of the unincorporated area of a single county; and  
20902 (II) no area of any other county, unless that area is entirely within a municipality whose  
20903 boundaries are included in the local district and a majority of whose land area is located within  
20904 the county whose unincorporated area is included in the local district; and  
20905 (B) was adopted on or after April 30, 2007; or";  
20906 (8) modify Subsection 17B-1-416(1)(a) to read:  
20907 "(a) the local district provides:  
20908 (i) fire protection, paramedic, and emergency services; or  
20909 (ii) extended police protection service;";  
20910 (9) modify Subsection 17B-1-502(2)(a)(i) to read:  
20911 "(i) the local district provides:  
20912 (A) fire protection, paramedic, and emergency services; or  
20913 (B) extended police protection service;"; and  
20914 (10) modify Subsection 17B-1-505(1)(a)(i) to read:  
20915 "(i) that provides:  
20916 (A) fire protection, paramedic, and emergency services; [~~and~~] or  
20917 (B) extended police protection service; and".  
20918 Section 479. **Coordinating H.B. 65 with S.B. 22 -- Changing technical cross**  
20919 **reference.**

20920 If this H.B.65 and S.B. 22, Sales and Use Tax Exemptions For Certain Governmental  
20921 Entities and Entities Within the State Systems of Public and Higher Education, both pass, it is  
20922 the intent of the Legislature that the Office of Legislative Research and General Counsel, in  
20923 preparing the Utah Code database for publication, replace the reference in Subsection  
20924 59-12-102(36)(a)(vi) to "Section 17B-2-101" with "Section 17B-1-102".

20925 Section 480. **Coordinating H.B. 65 with S.B. 95 -- Changing terminology and**  
20926 **technical cross references.**

20927 If this H.B. 65 and S.B. 95, Permanent Instream Flow to Preserve Water Quality, both  
20928 pass, it is the intent of the Legislature that the Office of Legislative Research and General  
20929 Counsel, in preparing the Utah Code database for publication, replace the language in  
20930 Subsection 73-3-30(3)(a) to "a special district, as defined in Subsection 17A-1-404(19)(c), (d),  
20931 (g), or (l)," with "a special service district under Title 17A, Chapter 2, Part 13, Utah Special  
20932 Service District Act, a service area under Title 17B, Chapter 2a, Part 9, Service Area Act, a  
20933 water conservancy district under Title 17B, Chapter 2a, Part 10, Water Conservancy District  
20934 Act, a county providing water or sewer service to an assessment area under Title 11, Chapter  
20935 42, Assessment Area Act."

20936 Section 481. **Coordinating H.B. 65 with S.B. 98 -- Changing terminology and**  
20937 **merging substantive amendments.**

20938 If this H.B. 65 and S.B. 98, Governmental Immunity for Trails, both pass, it is the intent  
20939 of the Legislature that the Office of Legislative Research and General Counsel, in preparing the  
20940 Utah Code database for publication, modify Subsection 78-27-63(2) to read:

20941 "(2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,  
20942 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or  
20943 recover from any of the following entities for personal injury or property damage resulting from  
20944 any of the inherent risks of participating in a recreational activity:

20945 (a) a county, municipality, [~~or independent special~~] local district under Title [~~17A,~~  
20946 ~~Chapter 2, Independent Special Districts, for personal injury or property damage resulting from~~  
20947 ~~any of the inherent risks of participating in a recreational activity.;~~] 17B, Limited Purpose Local  
20948 Government Entities - Local Districts, special service district under Title 17A, Chapter 2, Part  
20949 13, Utah Special Service District Act, or dependent district under Title 17A, Chapter 3,  
20950 Dependent Districts; or

20951 (b) the owner of property that is leased, rented, or otherwise made available to a  
20952 county, municipality, local district, special service district, or dependent district for the purpose  
20953 of providing or operating a recreational activity."

20954 Section 482. **Coordinating H.B. 65 with S.B. 111 -- Changing terminology.**

20955 If this H.B. 65 and S.B. 111, Free Exercise of Religion Without Government  
20956 Interference, both pass, it is the intent of the Legislature that the Office of Legislative Research  
20957 and General Counsel, in preparing the Utah Code database for publication, replace the  
20958 reference in Subsection 63-90c-102(2)(a) to "a special district" with "a local district under Title  
20959 17B, Limited Purpose Local Government Entities - Local Districts, a special service district  
20960 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, a dependent district  
20961 under Title 17A, Chapter 3, Dependent Districts,".

20962 Section 483. **Coordinating H.B. 65 with S.B. 172 -- Changing terminology.**

20963 If this H.B. 65 and S.B. 172, Municipal Land Use, Development, and Management  
20964 Changes, both pass, it is the intent of the Legislature that the Office of Legislative Research  
20965 and General Counsel, in preparing the Utah Code database for publication, modify Subsection  
20966 10-9a-305(8)(a) to read:

20967 "(a) is owned by a local district, special service district, or other political subdivision of  
20968 the state;".

20969 Section 484. **Coordinating H.B. 65 with S.B. 232 -- Changing terminology.**

20970 If this H.B. 65 and S.B. 232, Military Installation Development Authority, both pass, it  
20971 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in  
20972 preparing the Utah Code database for publication, modify Subsection 63H-1-102(10)(b) to  
20973 read:

20974 "(b) a political subdivision of the state, including a county, city, town, school district,  
20975 local district, special service district, or interlocal cooperation entity."

20976 Section 485. **Revisor instructions.**

20977 It is the intent of the Legislature that the Office of Legislative Research and General  
20978 Counsel, in preparing the Utah Code database for publication for sections not referenced in this  
20979 bill:

20980 (1) replace the phrase "special district" or similar language having the same intent, in  
20981 both existing code and in new language under bills enacted during the 2007 General Session,

20982 with:

20983 (a) if the context indicates that the phrase refers to independent special districts, "local  
20984 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, and  
20985 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act";

20986 or

20987 (b) if the context indicates that the phrase refers to both independent special districts  
20988 and dependent special districts, "local district under Title 17B, Limited Purpose Local  
20989 Government Entities - Local Districts, special service district under Title 17A, Chapter 2, Part  
20990 13, Utah Special Service District Act, and dependent district under Title 17A, Chapter 3,  
20991 Dependent Districts"; and

20992 (2) replace the phrase "independent special district," in both existing code and in new  
20993 language under bills enacted during the 2007 General Session, with "local district under Title  
20994 17B, Limited Purpose Local Government Entities - Local Districts, and special service district  
20995 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act".

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**H.B. 65 1st Sub. (Buff) - Special and Local Districts Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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