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**SPECIAL AND LOCAL DISTRICTS**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

Senate Sponsor: \_\_\_\_\_

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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;
- ▶ expands the entities that are authorized to designate assessment areas from counties 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;
- 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       ▶ modifies a provision relating to fire protection districts boards of trustees;
- 65       ▶ authorizes mosquito abatement districts to establish a reserve fund for extraordinary  
66 abatement measures;
- 67       ▶ authorizes local districts to allow another political subdivision to use surplus  
68 capacity or have an ownership interest in district facilities for monetary,  
69 nonmonetary, or no consideration;
- 70       ▶ authorizes local districts to allow another political subdivision or a public or private  
71 property owner to use the surface of land on which the district has a right-of-way,  
72 for monetary, nonmonetary, or no consideration;
- 73       ▶ modifies provisions relating to the board of trustees of a metropolitan water district;
- 74       ▶ modifies the area within which a mosquito abatement district may provide service;
- 75       ▶ eliminates a public transit district provision relating to labor dispute arbitration;
- 76       ▶ transforms a former regional service area into a service area and makes the former  
77 regional service area subject to provisions applicable to service area;
- 78       ▶ rewrites and consolidates provisions relating to different classes of water  
79 conservancy district assessments;
- 80       ▶ authorizes a local government entity to finance operation and maintenance costs of  
81 improvements through an assessment area;
- 82       ▶ authorizes a local government entity to add additional property to a designated  
83 assessment area under certain circumstances;
- 84       ▶ authorizes a local government entity to issue bond anticipation notes with respect to  
85 anticipated bonds secured by property in an assessment area;
- 86       ▶ authorizes the levy of assessments in an assessment area by zones;
- 87       ▶ modifies provisions related to a board of equalization with respect to assessments  
88 levied in an assessment area;
- 89       ▶ authorizes a local government entity to designate a trustee for purposes of

90 foreclosing a lien after a delinquency;

91       ▶ modifies provisions relating to a guaranty fund and reserve fund for paying  
92 obligations relating to an assessment area;

93       ▶ allows property owners to waive requirements applicable to the designation of an  
94 assessment area and the levying of an assessment in an assessment area; and

95       ▶ makes technical and conforming changes.

96 **Monies Appropriated in this Bill:**

97       None

98 **Other Special Clauses:**

99       None

100 **Utah Code Sections Affected:**

101 AMENDS:

102       **8-5-5**, as last amended by Chapter 123, Laws of Utah 2002

103       **10-1-117**, as last amended by Chapter 233, Laws of Utah 2005

104       **10-2-101**, as last amended by Chapter 3, Laws of Utah 1997, Second Special Session

105       **10-2-106**, as last amended by Chapter 105, Laws of Utah 1999

106       **10-2-401**, as last amended by Chapter 206, Laws of Utah 2001

107       **10-2-403**, as last amended by Chapter 259, Laws of Utah 2004

108       **10-2-406**, as last amended by Chapters 211 and 257, Laws of Utah 2003

109       **10-2-412**, as last amended by Chapter 206, Laws of Utah 2001

110       **10-2-413**, as last amended by Chapter 206, Laws of Utah 2001

111       **10-2-414**, as last amended by Chapter 211, Laws of Utah 2003

112       **10-2-418**, as last amended by Chapter 227, Laws of Utah 2003

113       **10-2-419**, as last amended by Chapter 233, Laws of Utah 2005

114       **10-2-425**, as last amended by Chapter 233, Laws of Utah 2005

115       **10-2-428**, as enacted by Chapter 227, Laws of Utah 2003

116       **10-5-119**, as last amended by Chapter 30, Laws of Utah 1992

117       **10-6-131**, as enacted by Chapter 26, Laws of Utah 1979

118       **10-7-14.2**, as last amended by Chapter 30, Laws of Utah 1992

119       **10-9a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah 2006

120       **10-9a-305**, as last amended by Chapter 364, Laws of Utah 2006

- 121            **11-2-1**, as last amended by Chapter 9, Laws of Utah 1980
- 122            **11-13-103**, as last amended by Chapter 21, Laws of Utah 2003
- 123            **11-14-102**, as last amended by Chapter 83, Laws of Utah 2006
- 124            **11-14a-1**, as enacted by Chapter 266, Laws of Utah 1995
- 125            **11-27-2**, as last amended by Chapter 359, Laws of Utah 2006
- 126            **11-30-2**, as enacted by Chapter 197, Laws of Utah 1987
- 127            **11-31-2**, as last amended by Chapter 12, Laws of Utah 2001
- 128            **11-34-1**, as enacted by Chapter 200, Laws of Utah 1987
- 129            **11-36-102**, as last amended by Chapter 257, Laws of Utah 2006
- 130            **11-36-201**, as last amended by Chapter 240, Laws of Utah 2006
- 131            **11-36-202**, as last amended by Chapters 240 and 257, Laws of Utah 2006
- 132            **11-36-501**, as last amended by Chapter 71, Laws of Utah 2005
- 133            **11-39-101**, as last amended by Chapter 94, Laws of Utah 2004
- 134            **11-39-107**, as last amended by Chapter 25, Laws of Utah 2005
- 135            **11-40-101**, as last amended by Chapter 90, Laws of Utah 2004
- 136            **14-1-18**, as last amended by Chapter 25, Laws of Utah 2005
- 137            **15-7-2**, as enacted by Chapter 62, Laws of Utah 1983
- 138            **17-23-17**, as last amended by Chapter 155, Laws of Utah 2004
- 139            **17-27a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah
- 140            2006
- 141            **17-27a-305**, as last amended by Chapter 364, Laws of Utah 2006
- 142            **17-35b-302**, as last amended by Chapter 133, Laws of Utah 2000
- 143            **17-35b-303**, as enacted by Chapter 369, Laws of Utah 1998
- 144            **17-36-9**, as last amended by Chapter 300, Laws of Utah 1999
- 145            **17-36-29**, as last amended by Chapter 212, Laws of Utah 1996
- 146            **17-41-101**, as last amended by Chapter 194, Laws of Utah 2006
- 147            **17-43-201**, as last amended by Chapters 2 and 71, Laws of Utah 2005
- 148            **17-43-301**, as last amended by Chapter 71, Laws of Utah 2005
- 149            **17-50-103**, as enacted by Chapter 185, Laws of Utah 2000
- 150            **17-52-403**, as last amended by Chapter 241, Laws of Utah 2001
- 151            **17A-2-1314**, as last amended by Chapter 259, Laws of Utah 2003

152           **17A-2-1315**, as last amended by Chapter 105, Laws of Utah 2005  
153           **17A-2-1326**, as last amended by Chapter 83, Laws of Utah 2006  
154           **17A-2-1330**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
155           **17C-1-102**, as last amended by Chapter 254 and renumbered and amended by Chapter  
156 359, Laws of Utah 2006  
157           **19-3-301**, as last amended by Chapter 148, Laws of Utah 2005  
158           **19-4-111**, as last amended by Chapter 185, Laws of Utah 2003  
159           **19-6-502**, as renumbered and amended by Chapter 112, Laws of Utah 1991  
160           **20A-1-102**, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006  
161           **20A-1-201.5**, as last amended by Chapter 355, Laws of Utah 2006  
162           **20A-1-202**, as last amended by Chapter 241, Laws of Utah 2000  
163           **20A-1-512**, as last amended by Chapter 108, Laws of Utah 1994  
164           **20A-2-101**, as last amended by Chapter 266, Laws of Utah 1998  
165           **20A-3-101**, as last amended by Chapter 177, Laws of Utah 2002  
166           **20A-3-102**, as enacted by Chapter 1, Laws of Utah 1993  
167           **20A-3-501**, as last amended by Chapter 127, Laws of Utah 2003  
168           **20A-4-301**, as last amended by Chapter 355, Laws of Utah 2006  
169           **20A-4-304**, as last amended by Chapters 326 and 355, Laws of Utah 2006  
170           **20A-4-305**, as last amended by Chapter 24, Laws of Utah 1997  
171           **20A-4-401**, as last amended by Chapter 105, Laws of Utah 2005  
172           **20A-5-101**, as last amended by Chapter 249, Laws of Utah 2003  
173           **20A-5-201**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session  
174           **20A-5-302**, as last amended by Chapter 5, Laws of Utah 2005, First Special Session  
175           **20A-5-400.5**, as last amended by Chapter 105, Laws of Utah 2005  
176           **20A-5-401**, as last amended by Chapters 264 and 326, Laws of Utah 2006  
177           **20A-5-403**, as last amended by Chapter 326, Laws of Utah 2006  
178           **20A-5-407**, as last amended by Chapter 21, Laws of Utah 1994  
179           **20A-5-602**, as last amended by Chapter 40, Laws of Utah 1998  
180           **20A-9-101**, as last amended by Chapter 24, Laws of Utah 1997  
181           **20A-9-503**, as last amended by Chapter 45, Laws of Utah 1999  
182           **20A-11-1202**, as last amended by Chapter 142, Laws of Utah 2004

183           **26-8a-405.1**, as last amended by Chapter 60, Laws of Utah 2006  
184           **32A-2-103**, as last amended by Chapter 152, Laws of Utah 2005  
185           **32A-3-106**, as last amended by Chapter 152, Laws of Utah 2005  
186           **32A-4-106**, as last amended by Chapter 268, Laws of Utah 2004  
187           **32A-4-307**, as last amended by Chapter 268, Laws of Utah 2004  
188           **32A-5-107**, as last amended by Chapter 268, Laws of Utah 2004  
189           **34-30-14**, as enacted by Chapter 72, Laws of Utah 1995  
190           **34-32-1.1**, as last amended by Chapter 220, Laws of Utah 2004  
191           **34-41-101**, as enacted by Chapter 18, Laws of Utah 1994  
192           **36-12-13**, as last amended by Chapter 55, Laws of Utah 1998  
193           **49-11-102**, as last amended by Chapter 116, Laws of Utah 2005  
194           **51-4-2**, as last amended by Chapters 10 and 215, Laws of Utah 1997  
195           **52-4-203**, as renumbered and amended by Chapter 14 and last amended by Chapters  
196 263 and 265, Laws of Utah 2006  
197           **53-3-207**, as last amended by Chapter 20, Laws of Utah 2005  
198           **53-7-104**, as last amended by Chapter 25, Laws of Utah 2001  
199           **53-10-605**, as last amended by Chapter 169, Laws of Utah 2005  
200           **53-13-103**, as last amended by Chapter 347, Laws of Utah 2006  
201           **53A-2-123**, as last amended by Chapter 169, Laws of Utah 2005  
202           **53B-16-104**, as enacted by Chapter 21, Laws of Utah 2000  
203           **54-3-28**, as last amended by Chapter 169, Laws of Utah 2005  
204           **54-8c-1**, as last amended by Chapter 30, Laws of Utah 1992  
205           **54-14-103**, as enacted by Chapter 197, Laws of Utah 1997  
206           **57-8-27**, as last amended by Chapter 265, Laws of Utah 2003  
207           **59-2-102**, as last amended by Chapters 223 and 249, Laws of Utah 2006  
208           **59-2-511**, as last amended by Chapter 254, Laws of Utah 2005  
209           **59-2-912**, as last amended by Chapter 227, Laws of Utah 1993  
210           **59-2-924**, as last amended by Chapters 26, 105 and 359, Laws of Utah 2006  
211           **59-2-1101**, as last amended by Chapter 19, Laws of Utah 2005  
212           **59-12-501**, as last amended by Chapter 253, Laws of Utah 2006  
213           **59-12-502**, as last amended by Chapters 253 and 329, Laws of Utah 2006

214 **59-12-1001**, as last amended by Chapter 253, Laws of Utah 2006  
215 **59-12-1502**, as enacted by Chapter 282, Laws of Utah 2003  
216 **59-12-1503**, as last amended by Chapter 253, Laws of Utah 2006  
217 **59-12-1703**, as enacted by Chapter 1, Laws of Utah 2006, Fourth Special Session  
218 **63-2-103**, as last amended by Chapters 2, 261 and 300, Laws of Utah 2006  
219 **63-6-1 (Effective 07/01/07)**, as last amended by Chapter 357, Laws of Utah 2006  
220 **63-30d-102**, as enacted by Chapter 267, Laws of Utah 2004  
221 **63-30d-401**, as enacted by Chapter 267, Laws of Utah 2004  
222 **63-38-3.3**, as last amended by Chapter 66, Laws of Utah 2005  
223 **63-38d-102**, as enacted by Chapter 16, Laws of Utah 2003  
224 **63-38d-601**, as enacted by Chapter 298, Laws of Utah 2005  
225 **63-38f-2002**, as enacted by Chapter 151, Laws of Utah 2005  
226 **63-51-2**, as last amended by Chapter 12, Laws of Utah 1994  
227 **63-56-102**, as renumbered and amended by Chapter 25, Laws of Utah 2005  
228 **63-56-201**, as renumbered and amended by Chapter 25, Laws of Utah 2005  
229 **63-90a-1**, as enacted by Chapter 91, Laws of Utah 1994  
230 **63-90b-102**, as enacted by Chapter 99, Laws of Utah 2005  
231 **63-91-102**, as last amended by Chapter 293, Laws of Utah 1996  
232 **63-93-102**, as enacted by Chapter 256, Laws of Utah 1997  
233 **63-96-102**, as enacted by Chapter 341, Laws of Utah 1998  
234 **63A-9-401**, as last amended by Chapter 34, Laws of Utah 2004  
235 **63C-7-103**, as enacted by Chapter 136, Laws of Utah 1997  
236 **63D-2-102**, as enacted by Chapter 175, Laws of Utah 2004  
237 **63E-1-102**, as last amended by Chapter 46, Laws of Utah 2006  
238 **63F-1-507**, as last amended by Chapter 359, Laws of Utah 2006  
239 **67-1a-6.5**, as last amended by Chapter 359, Laws of Utah 2006  
240 **67-3-1**, as last amended by Chapter 71, Laws of Utah 2005  
241 **67-11-2**, as last amended by Chapter 92, Laws of Utah 1987  
242 **67-21-2**, as last amended by Chapter 189, Laws of Utah 1989  
243 **71-8-1**, as last amended by Chapter 134, Laws of Utah 2000  
244 **71-10-1**, as last amended by Chapter 134, Laws of Utah 2000



- 245           **72-1-208**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 246           **72-1-303**, as last amended by Chapter 336, Laws of Utah 2004
- 247           **72-2-201**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 248           **72-10-601**, as enacted by Chapter 137, Laws of Utah 2006
- 249           **73-1-4**, as last amended by Chapter 99, Laws of Utah 2003
- 250           **73-2-1**, as last amended by Chapter 165, Laws of Utah 2005
- 251           **73-5-15**, as enacted by Chapter 193, Laws of Utah 2006
- 252           **73-10-1**, as last amended by Chapter 10, Laws of Utah 1997
- 253           **73-10-21**, as last amended by Chapter 30, Laws of Utah 1992
- 254           **73-10-32**, as last amended by Chapter 43, Laws of Utah 2004
- 255           **76-10-1503**, as last amended by Chapter 151, Laws of Utah 1998
- 256           **78-27-63**, as last amended by Chapter 304, Laws of Utah 2006

257 ENACTS:

- 258           **11-42-101**, Utah Code Annotated 1953
- 259           **11-42-102**, Utah Code Annotated 1953
- 260           **11-42-103**, Utah Code Annotated 1953
- 261           **11-42-104**, Utah Code Annotated 1953
- 262           **11-42-105**, Utah Code Annotated 1953
- 263           **11-42-106**, Utah Code Annotated 1953
- 264           **11-42-107**, Utah Code Annotated 1953
- 265           **11-42-108**, Utah Code Annotated 1953
- 266           **11-42-109**, Utah Code Annotated 1953
- 267           **11-42-201**, Utah Code Annotated 1953
- 268           **11-42-202**, Utah Code Annotated 1953
- 269           **11-42-203**, Utah Code Annotated 1953
- 270           **11-42-204**, Utah Code Annotated 1953
- 271           **11-42-205**, Utah Code Annotated 1953
- 272           **11-42-206**, Utah Code Annotated 1953
- 273           **11-42-301**, Utah Code Annotated 1953
- 274           **11-42-302**, Utah Code Annotated 1953
- 275           **11-42-401**, Utah Code Annotated 1953

276           **11-42-402**, Utah Code Annotated 1953  
277           **11-42-403**, Utah Code Annotated 1953  
278           **11-42-404**, Utah Code Annotated 1953  
279           **11-42-405**, Utah Code Annotated 1953  
280           **11-42-406**, Utah Code Annotated 1953  
281           **11-42-407**, Utah Code Annotated 1953  
282           **11-42-408**, Utah Code Annotated 1953  
283           **11-42-409**, Utah Code Annotated 1953  
284           **11-42-410**, Utah Code Annotated 1953  
285           **11-42-411**, Utah Code Annotated 1953  
286           **11-42-412**, Utah Code Annotated 1953  
287           **11-42-413**, Utah Code Annotated 1953  
288           **11-42-414**, Utah Code Annotated 1953  
289           **11-42-415**, Utah Code Annotated 1953  
290           **11-42-416**, Utah Code Annotated 1953  
291           **11-42-501**, Utah Code Annotated 1953  
292           **11-42-502**, Utah Code Annotated 1953  
293           **11-42-503**, Utah Code Annotated 1953  
294           **11-42-504**, Utah Code Annotated 1953  
295           **11-42-505**, Utah Code Annotated 1953  
296           **11-42-506**, Utah Code Annotated 1953  
297           **11-42-507**, Utah Code Annotated 1953  
298           **11-42-601**, Utah Code Annotated 1953  
299           **11-42-602**, Utah Code Annotated 1953  
300           **11-42-603**, Utah Code Annotated 1953  
301           **11-42-604**, Utah Code Annotated 1953  
302           **11-42-605**, Utah Code Annotated 1953  
303           **11-42-606**, Utah Code Annotated 1953  
304           **11-42-607**, Utah Code Annotated 1953  
305           **11-42-608**, Utah Code Annotated 1953  
306           **11-42-701**, Utah Code Annotated 1953

- 307            **11-42-702**, Utah Code Annotated 1953
- 308            **11-42-703**, Utah Code Annotated 1953
- 309            **11-42-704**, Utah Code Annotated 1953
- 310            **11-42-705**, Utah Code Annotated 1953
- 311            **11-42-706**, Utah Code Annotated 1953
- 312            **17B-1-101**, Utah Code Annotated 1953
- 313            **17B-1-103**, Utah Code Annotated 1953
- 314            **17B-1-112**, Utah Code Annotated 1953
- 315            **17B-1-114**, Utah Code Annotated 1953
- 316            **17B-1-115**, Utah Code Annotated 1953
- 317            **17B-1-116**, Utah Code Annotated 1953
- 318            **17B-1-117**, Utah Code Annotated 1953
- 319            **17B-1-308**, Utah Code Annotated 1953
- 320            **17B-1-313**, Utah Code Annotated 1953
- 321            **17B-1-501**, Utah Code Annotated 1953
- 322            **17B-1-623**, Utah Code Annotated 1953
- 323            **17B-1-901**, Utah Code Annotated 1953
- 324            **17B-1-1001**, Utah Code Annotated 1953
- 325            **17B-1-1002**, Utah Code Annotated 1953
- 326            **17B-1-1101**, Utah Code Annotated 1953
- 327            **17B-1-1102**, Utah Code Annotated 1953
- 328            **17B-1-1103**, Utah Code Annotated 1953
- 329            **17B-1-1104**, Utah Code Annotated 1953
- 330            **17B-1-1105**, Utah Code Annotated 1953
- 331            **17B-1-1106**, Utah Code Annotated 1953
- 332            **17B-1-1107**, Utah Code Annotated 1953
- 333            **17B-1-1201**, Utah Code Annotated 1953
- 334            **17B-1-1202**, Utah Code Annotated 1953
- 335            **17B-1-1203**, Utah Code Annotated 1953
- 336            **17B-1-1204**, Utah Code Annotated 1953
- 337            **17B-1-1205**, Utah Code Annotated 1953

- 338           **17B-1-1206**, Utah Code Annotated 1953
- 339           **17B-1-1207**, Utah Code Annotated 1953
- 340           **17B-1-1401**, Utah Code Annotated 1953
- 341           **17B-1-1402**, Utah Code Annotated 1953
- 342           **17B-2a-101**, Utah Code Annotated 1953
- 343           **17B-2a-102**, Utah Code Annotated 1953
- 344           **17B-2a-103**, Utah Code Annotated 1953
- 345           **17B-2a-104**, Utah Code Annotated 1953
- 346           **17B-2a-105**, Utah Code Annotated 1953
- 347           **17B-2a-106**, Utah Code Annotated 1953
- 348           **17B-2a-107**, Utah Code Annotated 1953
- 349           **17B-2a-201**, Utah Code Annotated 1953
- 350           **17B-2a-202**, Utah Code Annotated 1953
- 351           **17B-2a-203**, Utah Code Annotated 1953
- 352           **17B-2a-204**, Utah Code Annotated 1953
- 353           **17B-2a-205**, Utah Code Annotated 1953
- 354           **17B-2a-206**, Utah Code Annotated 1953
- 355           **17B-2a-207**, Utah Code Annotated 1953
- 356           **17B-2a-208**, Utah Code Annotated 1953
- 357           **17B-2a-209**, Utah Code Annotated 1953
- 358           **17B-2a-210**, Utah Code Annotated 1953
- 359           **17B-2a-211**, Utah Code Annotated 1953
- 360           **17B-2a-301**, Utah Code Annotated 1953
- 361           **17B-2a-302**, Utah Code Annotated 1953
- 362           **17B-2a-303**, Utah Code Annotated 1953
- 363           **17B-2a-304**, Utah Code Annotated 1953
- 364           **17B-2a-305**, Utah Code Annotated 1953
- 365           **17B-2a-306**, Utah Code Annotated 1953
- 366           **17B-2a-401**, Utah Code Annotated 1953
- 367           **17B-2a-402**, Utah Code Annotated 1953
- 368           **17B-2a-404**, Utah Code Annotated 1953

- 369            **17B-2a-405**, Utah Code Annotated 1953
- 370            **17B-2a-501**, Utah Code Annotated 1953
- 371            **17B-2a-502**, Utah Code Annotated 1953
- 372            **17B-2a-503**, Utah Code Annotated 1953
- 373            **17B-2a-504**, Utah Code Annotated 1953
- 374            **17B-2a-505**, Utah Code Annotated 1953
- 375            **17B-2a-506**, Utah Code Annotated 1953
- 376            **17B-2a-507**, Utah Code Annotated 1953
- 377            **17B-2a-508**, Utah Code Annotated 1953
- 378            **17B-2a-509**, Utah Code Annotated 1953
- 379            **17B-2a-510**, Utah Code Annotated 1953
- 380            **17B-2a-511**, Utah Code Annotated 1953
- 381            **17B-2a-512**, Utah Code Annotated 1953
- 382            **17B-2a-513**, Utah Code Annotated 1953
- 383            **17B-2a-514**, Utah Code Annotated 1953
- 384            **17B-2a-515**, Utah Code Annotated 1953
- 385            **17B-2a-516**, Utah Code Annotated 1953
- 386            **17B-2a-601**, Utah Code Annotated 1953
- 387            **17B-2a-602**, Utah Code Annotated 1953
- 388            **17B-2a-603**, Utah Code Annotated 1953
- 389            **17B-2a-604**, Utah Code Annotated 1953
- 390            **17B-2a-605**, Utah Code Annotated 1953
- 391            **17B-2a-606**, Utah Code Annotated 1953
- 392            **17B-2a-607**, Utah Code Annotated 1953
- 393            **17B-2a-701**, Utah Code Annotated 1953
- 394            **17B-2a-702**, Utah Code Annotated 1953
- 395            **17B-2a-703**, Utah Code Annotated 1953
- 396            **17B-2a-704**, Utah Code Annotated 1953
- 397            **17B-2a-801**, Utah Code Annotated 1953
- 398            **17B-2a-802**, Utah Code Annotated 1953
- 399            **17B-2a-803**, Utah Code Annotated 1953

- 400           **17B-2a-804**, Utah Code Annotated 1953
- 401           **17B-2a-805**, Utah Code Annotated 1953
- 402           **17B-2a-806**, Utah Code Annotated 1953
- 403           **17B-2a-808**, Utah Code Annotated 1953
- 404           **17B-2a-810**, Utah Code Annotated 1953
- 405           **17B-2a-811**, Utah Code Annotated 1953
- 406           **17B-2a-812**, Utah Code Annotated 1953
- 407           **17B-2a-813**, Utah Code Annotated 1953
- 408           **17B-2a-815**, Utah Code Annotated 1953
- 409           **17B-2a-816**, Utah Code Annotated 1953
- 410           **17B-2a-817**, Utah Code Annotated 1953
- 411           **17B-2a-818**, Utah Code Annotated 1953
- 412           **17B-2a-819**, Utah Code Annotated 1953
- 413           **17B-2a-820**, Utah Code Annotated 1953
- 414           **17B-2a-824**, Utah Code Annotated 1953
- 415           **17B-2a-901**, Utah Code Annotated 1953
- 416           **17B-2a-902**, Utah Code Annotated 1953
- 417           **17B-2a-903**, Utah Code Annotated 1953
- 418           **17B-2a-904**, Utah Code Annotated 1953
- 419           **17B-2a-905**, Utah Code Annotated 1953
- 420           **17B-2a-906**, Utah Code Annotated 1953
- 421           **17B-2a-1001**, Utah Code Annotated 1953
- 422           **17B-2a-1002**, Utah Code Annotated 1953
- 423           **17B-2a-1003**, Utah Code Annotated 1953
- 424           **17B-2a-1004**, Utah Code Annotated 1953
- 425           **17B-2a-1006**, Utah Code Annotated 1953
- 426           **17B-2a-1007**, Utah Code Annotated 1953
- 427           **17B-2a-1008**, Utah Code Annotated 1953

428 **RENUMBERS AND AMENDS:**

- 429           **17B-1-102**, (Renumbered from 17B-2-101, as last amended by Chapter 90, Laws of
- 430 Utah 2001)

- 431           **17B-1-104**, (Renumbered from 17B-2-102, as enacted by Chapter 90, Laws of Utah
- 432 2001)
- 433           **17B-1-105**, (Renumbered from 17A-1-204, as last amended by Chapter 183, Laws of
- 434 Utah 2001)
- 435           **17B-1-106**, (Renumbered from 17B-2-104, as last amended by Chapter 169, Laws of
- 436 Utah 2005)
- 437           **17B-1-107**, (Renumbered from 17A-1-701, as enacted by Chapter 44, Laws of Utah
- 438 1994)
- 439           **17B-1-108**, (Renumbered from 17A-1-802, as enacted by Chapter 21, Laws of Utah
- 440 2000)
- 441           **17B-1-109**, (Renumbered from 17A-1-202, as last amended by Chapter 200, Laws of
- 442 Utah 1995)
- 443           **17B-1-110**, (Renumbered from 17A-1-201, as enacted by Chapter 273, Laws of Utah
- 444 1991)
- 445           **17B-1-111**, (Renumbered from 17A-1-203, as enacted by Chapter 11, Laws of Utah
- 446 1995, First Special Session)
- 447           **17B-1-113**, (Renumbered from 17A-1-504, as enacted by Chapter 221, Laws of Utah
- 448 1998)
- 449           **17B-1-201**, (Renumbered from 17B-2-201, as last amended by Chapter 90, Laws of
- 450 Utah 2001)
- 451           **17B-1-202**, (Renumbered from 17B-2-202, as last amended by Chapter 257, Laws of
- 452 Utah 2003)
- 453           **17B-1-203**, (Renumbered from 17B-2-203, as last amended by Chapter 254, Laws of
- 454 Utah 2000)
- 455           **17B-1-204**, (Renumbered from 17B-2-204, as enacted by Chapter 368, Laws of Utah
- 456 1998)
- 457           **17B-1-205**, (Renumbered from 17B-2-205, as enacted by Chapter 368, Laws of Utah
- 458 1998)
- 459           **17B-1-206**, (Renumbered from 17B-2-206, as enacted by Chapter 368, Laws of Utah
- 460 1998)
- 461           **17B-1-207**, (Renumbered from 17B-2-207, as enacted by Chapter 368, Laws of Utah

462 1998)  
463           **17B-1-208**, (Renumbered from 17B-2-208, as last amended by Chapter 254, Laws of  
464 Utah 2000)  
465           **17B-1-209**, (Renumbered from 17B-2-209, as enacted by Chapter 368, Laws of Utah  
466 1998)  
467           **17B-1-210**, (Renumbered from 17B-2-210, as enacted by Chapter 368, Laws of Utah  
468 1998)  
469           **17B-1-211**, (Renumbered from 17B-2-211, as enacted by Chapter 368, Laws of Utah  
470 1998)  
471           **17B-1-212**, (Renumbered from 17B-2-212, as enacted by Chapter 368, Laws of Utah  
472 1998)  
473           **17B-1-213**, (Renumbered from 17B-2-213, as last amended by Chapter 257, Laws of  
474 Utah 2003)  
475           **17B-1-214**, (Renumbered from 17B-2-214, as last amended by Chapter 6, Laws of Utah  
476 2003, Second Special Session)  
477           **17B-1-215**, (Renumbered from 17B-2-215, as last amended by Chapter 233, Laws of  
478 Utah 2005)  
479           **17B-1-216**, (Renumbered from 17B-2-216, as last amended by Chapter 233, Laws of  
480 Utah 2005)  
481           **17B-1-217**, (Renumbered from 17A-2-103, as last amended by Chapter 83, Laws of  
482 Utah 2006)  
483           **17B-1-301**, (Renumbered from 17B-2-401, as enacted by Chapter 254, Laws of Utah  
484 2000)  
485           **17B-1-302**, (Renumbered from 17B-2-402, as enacted by Chapter 254, Laws of Utah  
486 2000)  
487           **17B-1-303**, (Renumbered from 17B-2-403, as enacted by Chapter 254, Laws of Utah  
488 2000)  
489           **17B-1-304**, (Renumbered from 17A-1-303, as last amended by Chapter 14, Laws of  
490 Utah 2006)  
491           **17B-1-305**, (Renumbered from 17A-1-304, as last amended by Chapter 241, Laws of  
492 Utah 2000)



- 493           **17B-1-306**, (Renumbered from 17A-1-305, as last amended by Chapters 81 and 241,  
494 Laws of Utah 2000)
- 495           **17B-1-307**, (Renumbered from 17B-2-404, as enacted by Chapter 254, Laws of Utah  
496 2000)
- 497           **17B-1-309**, (Renumbered from 17B-2-405, as enacted by Chapter 254, Laws of Utah  
498 2000)
- 499           **17B-1-310**, (Renumbered from 17B-2-406, as last amended by Chapter 14, Laws of  
500 Utah 2006)
- 501           **17B-1-311**, (Renumbered from 17A-1-306, as enacted by Chapter 273, Laws of Utah  
502 1991)
- 503           **17B-1-312**, (Renumbered from 17A-2-102, as enacted by Chapter 154, Laws of Utah  
504 1999)
- 505           **17B-1-401**, (Renumbered from 17B-2-501, as enacted by Chapter 90, Laws of Utah  
506 2001)
- 507           **17B-1-402**, (Renumbered from 17B-2-502, as last amended by Chapter 257, Laws of  
508 Utah 2003)
- 509           **17B-1-403**, (Renumbered from 17B-2-503, as last amended by Chapter 158, Laws of  
510 Utah 2004)
- 511           **17B-1-404**, (Renumbered from 17B-2-504, as enacted by Chapter 90, Laws of Utah  
512 2001)
- 513           **17B-1-405**, (Renumbered from 17B-2-505, as enacted by Chapter 90, Laws of Utah  
514 2001)
- 515           **17B-1-406**, (Renumbered from 17B-2-506, as enacted by Chapter 90, Laws of Utah  
516 2001)
- 517           **17B-1-407**, (Renumbered from 17B-2-507, as enacted by Chapter 90, Laws of Utah  
518 2001)
- 519           **17B-1-408**, (Renumbered from 17B-2-508, as enacted by Chapter 90, Laws of Utah  
520 2001)
- 521           **17B-1-409**, (Renumbered from 17B-2-509, as enacted by Chapter 90, Laws of Utah  
522 2001)
- 523           **17B-1-410**, (Renumbered from 17B-2-510, as last amended by Chapter 89, Laws of

524 Utah 2003)  
525           **17B-1-411**, (Renumbered from 17B-2-511, as enacted by Chapter 90, Laws of Utah  
526 2001)  
527           **17B-1-412**, (Renumbered from 17B-2-512, as last amended by Chapters 89 and 170,  
528 Laws of Utah 2003)  
529           **17B-1-413**, (Renumbered from 17B-2-513, as enacted by Chapter 90, Laws of Utah  
530 2001)  
531           **17B-1-414**, (Renumbered from 17B-2-514, as last amended by Chapter 233, Laws of  
532 Utah 2005)  
533           **17B-1-415**, (Renumbered from 17B-2-515, as last amended by Chapter 170, Laws of  
534 Utah 2003)  
535           **17B-1-416**, (Renumbered from 17B-2-515.5, as last amended by Chapters 71 and 233,  
536 Laws of Utah 2005)  
537           **17B-1-417**, (Renumbered from 17B-2-516, as last amended by Chapter 233, Laws of  
538 Utah 2005)  
539           **17B-1-418**, (Renumbered from 17B-2-517, as enacted by Chapter 90, Laws of Utah  
540 2001)  
541           **17B-1-502**, (Renumbered from 17B-2-601, as last amended by Chapters 36 and 233,  
542 Laws of Utah 2005)  
543           **17B-1-503**, (Renumbered from 17B-2-602, as enacted by Chapter 284, Laws of Utah  
544 2002)  
545           **17B-1-504**, (Renumbered from 17B-2-603, as last amended by Chapter 257, Laws of  
546 Utah 2003)  
547           **17B-1-505**, (Renumbered from 17B-2-603.5, as last amended by Chapter 233, Laws of  
548 Utah 2005)  
549           **17B-1-506**, (Renumbered from 17B-2-604, as last amended by Chapter 90, Laws of  
550 Utah 2004)  
551           **17B-1-507**, (Renumbered from 17B-2-605, as enacted by Chapter 284, Laws of Utah  
552 2002)  
553           **17B-1-508**, (Renumbered from 17B-2-606, as enacted by Chapter 284, Laws of Utah  
554 2002)

555           **17B-1-509**, (Renumbered from 17B-2-607, as enacted by Chapter 284, Laws of Utah  
556 2002)

557           **17B-1-510**, (Renumbered from 17B-2-608, as last amended by Chapter 105, Laws of  
558 Utah 2005)

559           **17B-1-511**, (Renumbered from 17B-2-609, as enacted by Chapter 284, Laws of Utah  
560 2002)

561           **17B-1-512**, (Renumbered from 17B-2-610, as last amended by Chapters 36 and 233,  
562 Laws of Utah 2005)

563           **17B-1-513**, (Renumbered from 17B-2-611, as enacted by Chapter 284, Laws of Utah  
564 2002)

565           **17B-1-601**, (Renumbered from 17A-1-404, as renumbered and amended by Chapter  
566 186, Laws of Utah 1990)

567           **17B-1-602**, (Renumbered from 17A-1-405, as renumbered and amended by Chapter  
568 186, Laws of Utah 1990)

569           **17B-1-603**, (Renumbered from 17A-1-406, as renumbered and amended by Chapter  
570 186, Laws of Utah 1990)

571           **17B-1-604**, (Renumbered from 17A-1-407, as renumbered and amended by Chapter  
572 186, Laws of Utah 1990)

573           **17B-1-605**, (Renumbered from 17A-1-408, as renumbered and amended by Chapter  
574 186, Laws of Utah 1990)

575           **17B-1-606**, (Renumbered from 17A-1-409, as renumbered and amended by Chapter  
576 186, Laws of Utah 1990)

577           **17B-1-607**, (Renumbered from 17A-1-410, as renumbered and amended by Chapter  
578 186, Laws of Utah 1990)

579           **17B-1-608**, (Renumbered from 17A-1-411, as last amended by Chapter 30, Laws of  
580 Utah 1992)

581           **17B-1-609**, (Renumbered from 17A-1-412, as last amended by Chapter 145, Laws of  
582 Utah 1997)

583           **17B-1-610**, (Renumbered from 17A-1-413, as renumbered and amended by Chapter  
584 186, Laws of Utah 1990)

585           **17B-1-611**, (Renumbered from 17A-1-414, as renumbered and amended by Chapter

586 186, Laws of Utah 1990)  
587           **17B-1-612**, (Renumbered from 17A-1-415, as last amended by Chapter 216, Laws of  
588 Utah 1995)  
589           **17B-1-613**, (Renumbered from 17A-1-416, as renumbered and amended by Chapter  
590 186, Laws of Utah 1990)  
591           **17B-1-614**, (Renumbered from 17A-1-417, as renumbered and amended by Chapter  
592 186, Laws of Utah 1990)  
593           **17B-1-615**, (Renumbered from 17A-1-418, as renumbered and amended by Chapter  
594 186, Laws of Utah 1990)  
595           **17B-1-616**, (Renumbered from 17A-1-419, as renumbered and amended by Chapter  
596 186, Laws of Utah 1990)  
597           **17B-1-617**, (Renumbered from 17A-1-420, as renumbered and amended by Chapter  
598 186, Laws of Utah 1990)  
599           **17B-1-618**, (Renumbered from 17A-1-421, as renumbered and amended by Chapter  
600 186, Laws of Utah 1990)  
601           **17B-1-619**, (Renumbered from 17A-1-422, as renumbered and amended by Chapter  
602 186, Laws of Utah 1990)  
603           **17B-1-620**, (Renumbered from 17A-1-423, as renumbered and amended by Chapter  
604 186, Laws of Utah 1990)  
605           **17B-1-621**, (Renumbered from 17A-1-424, as renumbered and amended by Chapter  
606 186, Laws of Utah 1990)  
607           **17B-1-622**, (Renumbered from 17A-1-425, as renumbered and amended by Chapter  
608 186, Laws of Utah 1990)  
609           **17B-1-624**, (Renumbered from 17A-1-427, as renumbered and amended by Chapter  
610 186, Laws of Utah 1990)  
611           **17B-1-625**, (Renumbered from 17A-1-428, as last amended by Chapter 30, Laws of  
612 Utah 1992)  
613           **17B-1-626**, (Renumbered from 17A-1-429, as renumbered and amended by Chapter  
614 186, Laws of Utah 1990)  
615           **17B-1-627**, (Renumbered from 17A-1-430, as renumbered and amended by Chapter  
616 186, Laws of Utah 1990)

617           **17B-1-628**, (Renumbered from 17A-1-431, as renumbered and amended by Chapter  
618 186, Laws of Utah 1990)  
619           **17B-1-629**, (Renumbered from 17A-1-432, as last amended by Chapter 178, Laws of  
620 Utah 2006)  
621           **17B-1-630**, (Renumbered from 17A-1-433, as renumbered and amended by Chapter  
622 186, Laws of Utah 1990)  
623           **17B-1-631**, (Renumbered from 17A-1-434, as renumbered and amended by Chapter  
624 186, Laws of Utah 1990)  
625           **17B-1-632**, (Renumbered from 17A-1-436, as last amended by Chapter 200, Laws of  
626 Utah 1995)  
627           **17B-1-633**, (Renumbered from 17A-1-437, as last amended by Chapter 1, Laws of Utah  
628 2000)  
629           **17B-1-634**, (Renumbered from 17A-1-438, as renumbered and amended by Chapter  
630 186, Laws of Utah 1990)  
631           **17B-1-635**, (Renumbered from 17A-1-439, as last amended by Chapter 145, Laws of  
632 Utah 1997)  
633           **17B-1-636**, (Renumbered from 17A-1-440, as renumbered and amended by Chapter  
634 186, Laws of Utah 1990)  
635           **17B-1-637**, (Renumbered from 17A-1-441, as renumbered and amended by Chapter  
636 186, Laws of Utah 1990)  
637           **17B-1-638**, (Renumbered from 17A-1-442, as renumbered and amended by Chapter  
638 186, Laws of Utah 1990)  
639           **17B-1-639**, (Renumbered from 17A-1-443, as last amended by Chapter 257, Laws of  
640 Utah 2006)  
641           **17B-1-640**, (Renumbered from 17A-1-444, as last amended by Chapter 71, Laws of  
642 Utah 2005)  
643           **17B-1-641**, (Renumbered from 17A-1-445, as renumbered and amended by Chapter  
644 186, Laws of Utah 1990)  
645           **17B-1-642**, (Renumbered from 17A-1-447, as last amended by Chapter 145, Laws of  
646 Utah 1997)  
647           **17B-1-643**, (Renumbered from 17A-1-448, as last amended by Chapter 14, Laws of

648 Utah 2006)  
649           **17B-1-644**, (Renumbered from 17A-2-105, as enacted by Chapter 29, Laws of Utah  
650 2005)  
651           **17B-1-701**, (Renumbered from 17A-1-501, as last amended by Chapter 71, Laws of  
652 Utah 2005)  
653           **17B-1-702**, (Renumbered from 17A-1-502, as last amended by Chapter 295, Laws of  
654 Utah 2004)  
655           **17B-1-703**, (Renumbered from 17A-1-503, as last amended by Chapter 295, Laws of  
656 Utah 2004)  
657           **17B-1-801**, (Renumbered from 17A-1-601, as last amended by Chapter 4, Laws of Utah  
658 1993)  
659           **17B-1-802**, (Renumbered from 17A-1-602, as enacted by Chapter 22, Laws of Utah  
660 1992)  
661           **17B-1-803**, (Renumbered from 17A-1-603, as enacted by Chapter 22, Laws of Utah  
662 1992)  
663           **17B-1-804**, (Renumbered from 17A-1-604, as enacted by Chapter 284, Laws of Utah  
664 2003)  
665           **17B-1-902**, (Renumbered from 17B-2-803, as enacted by Chapter 316, Laws of Utah  
666 2004)  
667           **17B-1-903**, (Renumbered from 17B-2-802, as enacted by Chapter 316, Laws of Utah  
668 2004)  
669           **17B-1-904**, (Renumbered from 17B-2-801, as enacted by Chapter 316, Laws of Utah  
670 2004)  
671           **17B-1-1301**, (Renumbered from 17B-2-701, as enacted by Chapter 90, Laws of Utah  
672 2001)  
673           **17B-1-1302**, (Renumbered from 17B-2-702, as enacted by Chapter 90, Laws of Utah  
674 2001)  
675           **17B-1-1303**, (Renumbered from 17B-2-703, as enacted by Chapter 90, Laws of Utah  
676 2001)  
677           **17B-1-1304**, (Renumbered from 17B-2-704, as enacted by Chapter 90, Laws of Utah  
678 2001)

- 679           **17B-1-1305**, (Renumbered from 17B-2-705, as enacted by Chapter 90, Laws of Utah
- 680 2001)
- 681           **17B-1-1306**, (Renumbered from 17B-2-706, as enacted by Chapter 90, Laws of Utah
- 682 2001)
- 683           **17B-1-1307**, (Renumbered from 17B-2-707, as enacted by Chapter 90, Laws of Utah
- 684 2001)
- 685           **17B-1-1308**, (Renumbered from 17B-2-708, as last amended by Chapter 233, Laws of
- 686 Utah 2005)
- 687           **17B-2a-403**, (Renumbered from 17A-2-301, as last amended by Chapter 284, Laws of
- 688 Utah 2002)
- 689           **17B-2a-406**, (Renumbered from 17A-2-302, as renumbered and amended by Chapter
- 690 186, Laws of Utah 1990)
- 691           **17B-2a-705**, (Renumbered from 17A-2-910, as last amended by Chapter 227, Laws of
- 692 Utah 1993)
- 693           **17B-2a-807**, (Renumbered from 17A-2-1038, as last amended by Chapters 295 and
- 694 336, Laws of Utah 2004)
- 695           **17B-2a-809**, (Renumbered from 17A-2-1060.1, as enacted by Chapter 295, Laws of
- 696 Utah 2004)
- 697           **17B-2a-814**, (Renumbered from 17A-2-1050, as last amended by Chapter 254, Laws of
- 698 Utah 2000)
- 699           **17B-2a-821**, (Renumbered from 17A-2-1061, as enacted by Chapter 151, Laws of Utah
- 700 1998)
- 701           **17B-2a-822**, (Renumbered from 17A-2-1062, as last amended by Chapter 347, Laws of
- 702 Utah 2006)
- 703           **17B-2a-823**, (Renumbered from 17A-2-1063, as last amended by Chapter 295, Laws of
- 704 Utah 2004)
- 705           **17B-2a-907**, (Renumbered from 17A-2-413, as last amended by Chapter 90, Laws of
- 706 Utah 2001)
- 707           **17B-2a-1005**, (Renumbered from 17A-2-1409, as last amended by Chapter 71, Laws of
- 708 Utah 2005)
- 709 REPEALS:

710           **17A-1-101**, as enacted by Chapter 273, Laws of Utah 1991  
711           **17A-1-102**, as last amended by Chapter 170, Laws of Utah 2003  
712           **17A-1-205**, as enacted by Chapter 316, Laws of Utah 2004  
713           **17A-1-301**, as last amended by Chapters 131 and 184, Laws of Utah 2003  
714           **17A-1-302**, as repealed and reenacted by Chapter 1, Laws of Utah 1993  
715           **17A-1-401**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
716           **17A-1-402**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
717           **17A-1-403**, as last amended by Chapter 359, Laws of Utah 2006  
718           **17A-1-426**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
719           **17A-1-446**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
720           **17A-1-801**, as last amended by Chapter 25, Laws of Utah 2005  
721           **17A-2-101**, as last amended by Chapter 90, Laws of Utah 2001  
722           **17A-2-101.3**, as last amended by Chapter 284, Laws of Utah 2002  
723           **17A-2-104**, as last amended by Chapter 169, Laws of Utah 2005  
724           **17A-2-201**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
725           **17A-2-208**, as last amended by Chapter 254, Laws of Utah 2000  
726           **17A-2-210**, as last amended by Chapter 254, Laws of Utah 2000  
727           **17A-2-216**, as last amended by Chapter 227, Laws of Utah 1993  
728           **17A-2-217**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
729           **17A-2-219**, as last amended by Chapters 1 and 254, Laws of Utah 2000  
730           **17A-2-221**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
731           **17A-2-222**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
732           **17A-2-223**, as last amended by Chapter 83, Laws of Utah 2006  
733           **17A-2-226**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
734           **17A-2-305**, as last amended by Chapter 254, Laws of Utah 2000  
735           **17A-2-306**, as last amended by Chapter 105, Laws of Utah 2005  
736           **17A-2-307**, as last amended by Chapter 105, Laws of Utah 2005  
737           **17A-2-308**, as last amended by Chapter 254, Laws of Utah 2000  
738           **17A-2-309**, as last amended by Chapter 105, Laws of Utah 2005  
739           **17A-2-310**, as last amended by Chapter 316, Laws of Utah 2004  
740           **17A-2-312**, as renumbered and amended by Chapter 186, Laws of Utah 1990



741           **17A-2-313**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
742           **17A-2-315**, as last amended by Chapter 83, Laws of Utah 2006  
743           **17A-2-317**, as last amended by Chapter 83, Laws of Utah 2006  
744           **17A-2-318**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
745           **17A-2-319**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
746           **17A-2-320**, as last amended by Chapter 273, Laws of Utah 1991  
747           **17A-2-322**, as last amended by Chapter 227, Laws of Utah 1993  
748           **17A-2-323**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
749           **17A-2-325**, as last amended by Chapter 71, Laws of Utah 2005  
750           **17A-2-327**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
751           **17A-2-328**, as last amended by Chapter 25, Laws of Utah 2005  
752           **17A-2-329**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
753           **17A-2-401**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
754           **17A-2-402**, as last amended by Chapter 368, Laws of Utah 1998  
755           **17A-2-405**, as last amended by Chapter 131, Laws of Utah 2003  
756           **17A-2-411**, as last amended by Chapter 257, Laws of Utah 2003  
757           **17A-2-412**, as last amended by Chapter 368, Laws of Utah 1998  
758           **17A-2-414**, as last amended by Chapter 13, Laws of Utah 2005, First Special Session  
759           **17A-2-415**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
760           **17A-2-416**, as last amended by Chapter 316, Laws of Utah 2004  
761           **17A-2-418**, as last amended by Chapter 284, Laws of Utah 2002  
762           **17A-2-419**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
763           **17A-2-423**, as last amended by Chapter 83, Laws of Utah 2006  
764           **17A-2-424**, as last amended by Chapter 83, Laws of Utah 2006  
765           **17A-2-425**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
766           **17A-2-426**, as last amended by Chapter 83, Laws of Utah 2006  
767           **17A-2-428**, as last amended by Chapter 83, Laws of Utah 2006  
768           **17A-2-429**, as repealed and reenacted by Chapter 83, Laws of Utah 2006  
769           **17A-2-431**, as last amended by Chapter 83, Laws of Utah 2006  
770           **17A-2-502**, as last amended by Chapter 368, Laws of Utah 1998  
771           **17A-2-506**, as last amended by Chapter 254, Laws of Utah 2000

772           **17A-2-509**, as last amended by Chapter 254, Laws of Utah 2000  
773           **17A-2-511**, as last amended by Chapter 254, Laws of Utah 2000  
774           **17A-2-512**, as last amended by Chapter 254, Laws of Utah 2000  
775           **17A-2-514**, as last amended by Chapter 254, Laws of Utah 2000  
776           **17A-2-522**, as last amended by Chapter 39, Laws of Utah 2005  
777           **17A-2-524**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
778           **17A-2-525**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
779           **17A-2-526**, as last amended by Chapter 10, Laws of Utah 1997  
780           **17A-2-527**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
781           **17A-2-534**, as last amended by Chapters 1 and 254, Laws of Utah 2000  
782           **17A-2-536**, as last amended by Chapter 254, Laws of Utah 2000  
783           **17A-2-537**, as last amended by Chapter 254, Laws of Utah 2000  
784           **17A-2-538**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
785           **17A-2-539**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
786           **17A-2-540**, as last amended by Chapter 254, Laws of Utah 2000  
787           **17A-2-542**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
788           **17A-2-543**, as last amended by Chapter 83, Laws of Utah 2006  
789           **17A-2-544**, as last amended by Chapters 1 and 254, Laws of Utah 2000  
790           **17A-2-545**, as last amended by Chapter 254, Laws of Utah 2000  
791           **17A-2-549**, as last amended by Chapter 254, Laws of Utah 2000  
792           **17A-2-550**, as last amended by Chapter 254, Laws of Utah 2000  
793           **17A-2-551**, as last amended by Chapter 254, Laws of Utah 2000  
794           **17A-2-552**, as last amended by Chapter 254, Laws of Utah 2000  
795           **17A-2-553**, as last amended by Chapters 1 and 254, Laws of Utah 2000  
796           **17A-2-554**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
797           **17A-2-555**, as last amended by Chapter 254, Laws of Utah 2000  
798           **17A-2-556**, as last amended by Chapter 9, Laws of Utah 2001  
799           **17A-2-557**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
800           **17A-2-559**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
801           **17A-2-560**, as last amended by Chapter 254, Laws of Utah 2000  
802           **17A-2-601**, as last amended by Chapter 368, Laws of Utah 1998

- 803           **17A-2-607**, as last amended by Chapter 368, Laws of Utah 1998
- 804           **17A-2-609**, as last amended by Chapter 254, Laws of Utah 2000
- 805           **17A-2-610**, as last amended by Chapter 254, Laws of Utah 2000
- 806           **17A-2-611**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 807           **17A-2-612**, as repealed and reenacted by Chapter 273, Laws of Utah 1991
- 808           **17A-2-613**, as last amended by Chapter 254, Laws of Utah 2000
- 809           **17A-2-615**, as last amended by Chapter 254, Laws of Utah 2000
- 810           **17A-2-616**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 811           **17A-2-617**, as last amended by Chapter 254, Laws of Utah 2000
- 812           **17A-2-618**, as last amended by Chapter 254, Laws of Utah 2000
- 813           **17A-2-619**, as last amended by Chapter 254, Laws of Utah 2000
- 814           **17A-2-620**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 815           **17A-2-621**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 816           **17A-2-622**, as last amended by Chapter 105, Laws of Utah 2005
- 817           **17A-2-623**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 818           **17A-2-701.1**, as enacted by Chapter 285, Laws of Utah 2002
- 819           **17A-2-701.2**, as enacted by Chapter 285, Laws of Utah 2002
- 820           **17A-2-701.5**, as enacted by Chapter 285, Laws of Utah 2002
- 821           **17A-2-706**, as last amended by Chapter 90, Laws of Utah 2001
- 822           **17A-2-707**, as last amended by Chapter 254, Laws of Utah 2000
- 823           **17A-2-711**, as last amended by Chapter 285, Laws of Utah 2002
- 824           **17A-2-712**, as last amended by Chapter 105, Laws of Utah 2005
- 825           **17A-2-713**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 826           **17A-2-717.5**, as enacted by Chapter 285, Laws of Utah 2002
- 827           **17A-2-718**, as last amended by Chapter 285, Laws of Utah 2002
- 828           **17A-2-719.5**, as enacted by Chapter 285, Laws of Utah 2002
- 829           **17A-2-721**, as last amended by Chapter 285, Laws of Utah 2002
- 830           **17A-2-722**, as last amended by Chapter 285, Laws of Utah 2002
- 831           **17A-2-724**, as last amended by Chapter 285, Laws of Utah 2002
- 832           **17A-2-726**, as last amended by Chapter 285, Laws of Utah 2002
- 833           **17A-2-728**, as last amended by Chapter 254, Laws of Utah 2000

- 834 **17A-2-729**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 835 **17A-2-730**, as last amended by Chapter 90, Laws of Utah 2001
- 836 **17A-2-738**, as last amended by Chapter 90, Laws of Utah 2001
- 837 **17A-2-739**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 838 **17A-2-749**, as last amended by Chapter 90, Laws of Utah 2001
- 839 **17A-2-750**, as last amended by Chapter 254, Laws of Utah 2000
- 840 **17A-2-751**, as last amended by Chapter 90, Laws of Utah 2001
- 841 **17A-2-752**, as last amended by Chapter 90, Laws of Utah 2001
- 842 **17A-2-753**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 843 **17A-2-754**, as last amended by Chapter 285, Laws of Utah 2002
- 844 **17A-2-755**, as last amended by Chapter 285, Laws of Utah 2002
- 845 **17A-2-756**, as last amended by Chapter 285, Laws of Utah 2002
- 846 **17A-2-757**, as last amended by Chapter 254, Laws of Utah 2000
- 847 **17A-2-758**, as last amended by Chapter 90, Laws of Utah 2001
- 848 **17A-2-759**, as last amended by Chapter 90, Laws of Utah 2001
- 849 **17A-2-760**, as last amended by Chapter 254, Laws of Utah 2000
- 850 **17A-2-761**, as last amended by Chapter 285, Laws of Utah 2002
- 851 **17A-2-762**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 852 **17A-2-763**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 853 **17A-2-764**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 854 **17A-2-765**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 855 **17A-2-766**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 856 **17A-2-767**, as last amended by Chapter 254, Laws of Utah 2000
- 857 **17A-2-801**, as last amended by Chapter 90, Laws of Utah 2001
- 858 **17A-2-802**, as last amended by Chapter 254, Laws of Utah 2000
- 859 **17A-2-803**, as last amended by Chapter 90, Laws of Utah 2001
- 860 **17A-2-810**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 861 **17A-2-818**, as last amended by Chapter 39, Laws of Utah 2005
- 862 **17A-2-819**, as last amended by Chapter 70, Laws of Utah 2001
- 863 **17A-2-820**, as last amended by Chapter 254, Laws of Utah 2000
- 864 **17A-2-821**, as last amended by Chapter 105, Laws of Utah 2005

- 865           **17A-2-823**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 866           **17A-2-824**, as last amended by Chapter 105, Laws of Utah 2005
- 867           **17A-2-826**, as last amended by Chapter 105, Laws of Utah 2005
- 868           **17A-2-827**, as last amended by Chapter 254, Laws of Utah 2000
- 869           **17A-2-828**, as last amended by Chapter 254, Laws of Utah 2000
- 870           **17A-2-829**, as last amended by Chapter 254, Laws of Utah 2000
- 871           **17A-2-830**, as last amended by Chapter 254, Laws of Utah 2000
- 872           **17A-2-831**, as last amended by Chapter 254, Laws of Utah 2000
- 873           **17A-2-833**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 874           **17A-2-834**, as last amended by Chapter 254, Laws of Utah 2000
- 875           **17A-2-835**, as last amended by Chapter 254, Laws of Utah 2000
- 876           **17A-2-836**, as last amended by Chapter 254, Laws of Utah 2000
- 877           **17A-2-837**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 878           **17A-2-838**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 879           **17A-2-839**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 880           **17A-2-840**, as last amended by Chapter 254, Laws of Utah 2000
- 881           **17A-2-843**, as last amended by Chapter 254, Laws of Utah 2000
- 882           **17A-2-845**, as last amended by Chapter 254, Laws of Utah 2000
- 883           **17A-2-846**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 884           **17A-2-847**, as last amended by Chapter 254, Laws of Utah 2000
- 885           **17A-2-848**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 886           **17A-2-849**, as last amended by Chapter 254, Laws of Utah 2000
- 887           **17A-2-850**, as last amended by Chapter 254, Laws of Utah 2000
- 888           **17A-2-851**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 889           **17A-2-901**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 890           **17A-2-906**, as last amended by Chapter 368, Laws of Utah 1998
- 891           **17A-2-907**, as last amended by Chapter 254, Laws of Utah 2000
- 892           **17A-2-908**, as last amended by Chapter 83, Laws of Utah 2006
- 893           **17A-2-909**, as last amended by Chapter 227, Laws of Utah 1993
- 894           **17A-2-911**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 895           **17A-2-914**, as renumbered and amended by Chapter 186, Laws of Utah 1990

896           **17A-2-1001**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
897           **17A-2-1002**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
898           **17A-2-1003**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
899           **17A-2-1004**, as last amended by Chapters 151 and 217, Laws of Utah 1998  
900           **17A-2-1016**, as last amended by Chapter 136, Laws of Utah 2005  
901           **17A-2-1017**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
902           **17A-2-1018**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
903           **17A-2-1019**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
904           **17A-2-1020**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
905           **17A-2-1021**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
906           **17A-2-1022**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
907           **17A-2-1023**, as last amended by Chapter 1, Laws of Utah 2000  
908           **17A-2-1024**, as last amended by Chapter 1, Laws of Utah 2000  
909           **17A-2-1025**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
910           **17A-2-1026**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
911           **17A-2-1027**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
912           **17A-2-1028**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
913           **17A-2-1029**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
914           **17A-2-1030**, as last amended by Chapter 1, Laws of Utah 2000  
915           **17A-2-1031**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
916           **17A-2-1032**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
917           **17A-2-1033**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
918           **17A-2-1034**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
919           **17A-2-1035**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
920           **17A-2-1036**, as last amended by Chapter 285, Laws of Utah 1992  
921           **17A-2-1037**, as last amended by Chapter 105, Laws of Utah 2005  
922           **17A-2-1039**, as last amended by Chapter 336, Laws of Utah 2004  
923           **17A-2-1040**, as last amended by Chapter 254, Laws of Utah 2000  
924           **17A-2-1041**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
925           **17A-2-1042**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
926           **17A-2-1043**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 927           **17A-2-1044**, as last amended by Chapter 254, Laws of Utah 2000
- 928           **17A-2-1045**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 929           **17A-2-1046**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 930           **17A-2-1047**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 931           **17A-2-1048**, as last amended by Chapter 90, Laws of Utah 2001
- 932           **17A-2-1051**, as last amended by Chapter 71, Laws of Utah 2005
- 933           **17A-2-1052**, as last amended by Chapter 254, Laws of Utah 2000
- 934           **17A-2-1053**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 935           **17A-2-1054**, as last amended by Chapter 254, Laws of Utah 2000
- 936           **17A-2-1055**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 937           **17A-2-1056**, as last amended by Chapter 102, Laws of Utah 2005
- 938           **17A-2-1057**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 939           **17A-2-1058**, as last amended by Chapter 105, Laws of Utah 2005
- 940           **17A-2-1059**, as last amended by Chapter 133, Laws of Utah 2000
- 941           **17A-2-1060**, as enacted by Chapter 131, Laws of Utah 1997
- 942           **17A-2-1401**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 943           **17A-2-1402**, as last amended by Chapter 254, Laws of Utah 2000
- 944           **17A-2-1412**, as last amended by Chapter 254, Laws of Utah 2000
- 945           **17A-2-1413**, as last amended by Chapter 9, Laws of Utah 2001
- 946           **17A-2-1414**, as last amended by Chapter 105, Laws of Utah 2005
- 947           **17A-2-1415**, as last amended by Chapter 234, Laws of Utah 1991
- 948           **17A-2-1416**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 949           **17A-2-1417**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 950           **17A-2-1418**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 951           **17A-2-1419**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 952           **17A-2-1420**, as last amended by Chapter 90, Laws of Utah 2001
- 953           **17A-2-1421**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 954           **17A-2-1434**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 955           **17A-2-1801**, as enacted by Chapter 216, Laws of Utah 1995
- 956           **17A-2-1802**, as last amended by Chapter 19, Laws of Utah 1998
- 957           **17A-2-1803**, as last amended by Chapter 1, Laws of Utah 2000

958           **17A-2-1804**, as enacted by Chapter 216, Laws of Utah 1995  
959           **17A-2-1805**, as last amended by Chapter 1, Laws of Utah 2000  
960           **17A-2-1806**, as enacted by Chapter 216, Laws of Utah 1995  
961           **17A-2-1807**, as enacted by Chapter 216, Laws of Utah 1995  
962           **17A-2-1808**, as last amended by Chapter 254, Laws of Utah 2000  
963           **17A-2-1821**, as last amended by Chapter 90, Laws of Utah 2001  
964           **17A-2-1822**, as enacted by Chapter 216, Laws of Utah 1995  
965           **17A-2-1823**, as last amended by Chapter 105, Laws of Utah 2005  
966           **17A-2-1824**, as enacted by Chapter 216, Laws of Utah 1995  
967           **17A-2-1826**, as enacted by Chapter 216, Laws of Utah 1995  
968           **17A-2-1828**, as last amended by Chapter 83, Laws of Utah 2006  
969           **17A-2-1829**, as enacted by Chapter 216, Laws of Utah 1995  
970           **17A-2-1830**, as last amended by Chapter 267, Laws of Utah 2004  
971           **17A-2-1831**, as enacted by Chapter 216, Laws of Utah 1995  
972           **17A-2-1832**, as enacted by Chapter 216, Laws of Utah 1995  
973           **17A-3-201**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
974           **17A-3-202**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
975           **17A-3-203**, as last amended by Chapter 227, Laws of Utah 1993  
976           **17A-3-204**, as last amended by Chapters 12 and 146, Laws of Utah 1994  
977           **17A-3-205**, as renumbered and amended by Chapter 186 and last amended by Chapter  
978 214, Laws of Utah 1990  
979           **17A-3-206**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
980           **17A-3-207**, as last amended by Chapter 181, Laws of Utah 1991  
981           **17A-3-208**, as last amended by Chapter 259, Laws of Utah 2003  
982           **17A-3-209**, as last amended by Chapter 1, Laws of Utah 2000  
983           **17A-3-210**, as last amended by Chapter 92, Laws of Utah 2002  
984           **17A-3-211**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
985           **17A-3-212**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
986           **17A-3-213**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
987           **17A-3-214**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
988           **17A-3-215**, as renumbered and amended by Chapter 186, Laws of Utah 1990



- 989           **17A-3-216**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 990           **17A-3-217**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 991           **17A-3-218**, as last amended by Chapter 133, Laws of Utah 2000
- 992           **17A-3-219**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 993           **17A-3-220**, as last amended by Chapter 92, Laws of Utah 2002
- 994           **17A-3-221**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 995           **17A-3-222**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 996 214, Laws of Utah 1990
- 997           **17A-3-223**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 998           **17A-3-224**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 999           **17A-3-225**, as last amended by Chapter 181, Laws of Utah 1995
- 1000          **17A-3-226**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1001          **17A-3-227**, as last amended by Chapter 92, Laws of Utah 2002
- 1002          **17A-3-228**, as last amended by Chapter 92, Laws of Utah 2002
- 1003          **17A-3-229**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1004          **17A-3-230**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1005 214, Laws of Utah 1990
- 1006          **17A-3-231**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1007          **17A-3-232**, as last amended by Chapter 285, Laws of Utah 1992
- 1008          **17A-3-233**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1009 214, Laws of Utah 1990
- 1010          **17A-3-234**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1011          **17A-3-235**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1012 214, Laws of Utah 1990
- 1013          **17A-3-236**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1014          **17A-3-237**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1015 214, Laws of Utah 1990
- 1016          **17A-3-238**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1017 214, Laws of Utah 1990
- 1018          **17A-3-239**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1019          **17A-3-240**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 1020           **17A-3-241**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1021           **17A-3-242**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1022           **17A-3-243**, as last amended by Chapter 30, Laws of Utah 1992
- 1023           **17A-3-244**, as renumbered and amended by Chapter 90, Laws of Utah 2001
- 1024           **17A-3-301**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1025           **17A-3-302**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1026           **17A-3-303**, as last amended by Chapter 1, Laws of Utah 2000
- 1027           **17A-3-304**, as last amended by Chapter 261, Laws of Utah 2003
- 1028           **17A-3-305**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1029 214, Laws of Utah 1990
- 1030           **17A-3-306**, as last amended by Chapter 292, Laws of Utah 2003
- 1031           **17A-3-307**, as last amended by Chapter 211, Laws of Utah 2003
- 1032           **17A-3-308**, as last amended by Chapter 86, Laws of Utah 2000
- 1033           **17A-3-309**, as last amended by Chapter 365, Laws of Utah 1999
- 1034           **17A-3-310**, as last amended by Chapter 92, Laws of Utah 2002
- 1035           **17A-3-311**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1036           **17A-3-312**, as last amended by Chapter 47, Laws of Utah 1991
- 1037           **17A-3-313**, as last amended by Chapter 47, Laws of Utah 1991
- 1038           **17A-3-314**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1039           **17A-3-315**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1040           **17A-3-316**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1041 214, Laws of Utah 1990
- 1042           **17A-3-317**, as last amended by Chapter 292, Laws of Utah 2003
- 1043           **17A-3-318**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1044 214, Laws of Utah 1990
- 1045           **17A-3-319**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1046           **17A-3-320**, as last amended by Chapter 92, Laws of Utah 2002
- 1047           **17A-3-321**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1048           **17A-3-322**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1049 214, Laws of Utah 1990
- 1050           **17A-3-323**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 1051            **17A-3-324**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1052            **17A-3-325**, as last amended by Chapter 181, Laws of Utah 1995
  - 1053            **17A-3-326**, as last amended by Chapter 285, Laws of Utah 1992
  - 1054            **17A-3-327**, as last amended by Chapter 285, Laws of Utah 1992
  - 1055            **17A-3-328**, as last amended by Chapter 92, Laws of Utah 2002
  - 1056            **17A-3-329**, as last amended by Chapter 92, Laws of Utah 2002
  - 1057            **17A-3-330**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1058            **17A-3-331**, as renumbered and amended by Chapter 186 and last amended by Chapter
  - 1059            214, Laws of Utah 1990
  - 1060            **17A-3-332**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1061            **17A-3-333**, as renumbered and amended by Chapter 186 and last amended by Chapter
  - 1062            214, Laws of Utah 1990
  - 1063            **17A-3-334**, as last amended by Chapter 285, Laws of Utah 1992
  - 1064            **17A-3-335**, as last amended by Chapter 285, Laws of Utah 1992
  - 1065            **17A-3-336**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1066            **17A-3-337**, as renumbered and amended by Chapter 186 and last amended by Chapter
  - 1067            214, Laws of Utah 1990
  - 1068            **17A-3-338**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1069            **17A-3-339**, as renumbered and amended by Chapter 186 and last amended by Chapter
  - 1070            214, Laws of Utah 1990
  - 1071            **17A-3-340**, as renumbered and amended by Chapter 186 and last amended by Chapter
  - 1072            214, Laws of Utah 1990
  - 1073            **17A-3-341**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1074            **17A-3-342**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1075            **17A-3-344**, as renumbered and amended by Chapter 186, Laws of Utah 1990
  - 1076            **17A-3-345**, as enacted by Chapter 214, Laws of Utah 1990
  - 1077            **17B-2-217**, as last amended by Chapter 44, Laws of Utah 2005
  - 1078            **17B-2-804**, as enacted by Chapter 316, Laws of Utah 2004
  - 1079            **17B-2-805**, as enacted by Chapter 316, Laws of Utah 2004
  - 1080            **54-3-25**, as enacted by Chapter 123, Laws of Utah 1990
  - 1081
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1082 *Be it enacted by the Legislature of the state of Utah:*

1083           Section 1. Section **8-5-5** is amended to read:

1084           **8-5-5. Proceeds of resale of lots.**

1085           The proceeds from the subsequent resale of any lot or parcel, title to which has been  
1086           revested in the municipality or cemetery maintenance district under Section 8-5-2 or 8-5-6, less  
1087           the costs and expenses incurred in the proceeding, shall become part of the permanent care and  
1088           improvement fund of the municipality or cemetery maintenance district, subject to subsequent  
1089           disposition under Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10,  
1090           Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or Title [~~17A~~] 17B, Chapter 1, Part  
1091           [~~4, Uniform~~] 6, Fiscal Procedures for [~~Special~~] Local Districts [~~Act~~].

1092           Section 2. Section **10-1-117** is amended to read:

1093           **10-1-117. Amending articles of incorporation -- Lieutenant governor certification**  
1094           **-- Effective date.**

1095           (1) A municipality may amend its articles of incorporation by filing amended articles  
1096           with the lieutenant governor.

1097           (2) The lieutenant governor may not certify amended articles of incorporation unless  
1098           they have been:

1099           (a) approved by the municipal legislative body; and

1100           (b) signed and verified by the mayor of the municipality.

1101           (3) (a) Within ten days after receiving amended articles of incorporation that comply  
1102           with Subsection (2), the lieutenant governor shall:

1103           (i) certify the amended articles; and

1104           (ii) deliver a copy of the certified articles to:

1105           (A) the legislative body of the municipality; and

1106           (B) the clerk of the county in which the municipality is located.

1107           (b) If the lieutenant governor receives amended articles of incorporation reflecting a  
1108           municipal annexation or boundary adjustment under Chapter 2, Part 4, Annexation, that also  
1109           causes an automatic annexation to a local district under Section [~~17B-2-515.5~~] 17B-1-416 or an  
1110           automatic withdrawal from a local district under Subsection [~~17B-2-601~~] 17B-1-502(2):

1111           (i) the lieutenant governor may not certify the municipality's amended articles or issue  
1112           to the local district a certificate of annexation or withdrawal relating to the automatic

1113 annexation or withdrawal until the lieutenant governor receives both the municipality's  
1114 amended articles of incorporation under Subsection 10-2-425(1)(b) and the local district's  
1115 notice of annexation under Subsection [~~17B-2-514~~] 17B-1-414(2)(b) or notice of withdrawal  
1116 under Subsection [~~17B-2-610~~] 17B-1-512(1)(b);

1117 (ii) within ten days after receiving both the municipality's amended articles of  
1118 incorporation and the local district's notice of annexation or withdrawal, the lieutenant  
1119 governor shall:

1120 (A) simultaneously:

1121 (I) certify the amended articles; and

1122 (II) issue a certificate of annexation or withdrawal, as the case may be;

1123 (B) send a copy of the certified amended articles to the legislative body of the  
1124 municipality;

1125 (C) send a certificate of annexation or withdrawal to the local district; and

1126 (D) send a copy of the certified amended articles and certificate of annexation or  
1127 withdrawal to:

1128 (I) the State Tax Commission;

1129 (II) the Automated Geographic Reference Center created under Section 63F-1-506;

1130 (III) the state auditor; and

1131 (IV) the attorney, auditor, surveyor, and recorder of each county in which any part of  
1132 the area included in the municipal annexation is located.

1133 (4) Upon certification by the lieutenant governor, the amended articles shall take effect.

1134 (5) The lieutenant governor:

1135 (a) shall furnish a certified copy of the amended articles of incorporation to any person  
1136 who requests a certified copy; and

1137 (b) may charge a reasonable fee for the certified copy.

1138 Section 3. Section **10-2-101** is amended to read:

1139 **10-2-101. Definitions.**

1140 (1) As used in this part:

1141 (a) "Commission" means a boundary commission established under Section 10-2-409  
1142 for the county in which the property that is proposed to be incorporated is located.

1143 (b) "Feasibility consultant" means a person or firm with expertise in the processes and

1144 economics of local government.

1145 (c) "Private," with respect to real property, means not owned by the United States or  
1146 any agency of the federal government, the state, a county, a municipality, a school district, a  
1147 ~~[special] local~~ district under Title ~~[17A, Special Districts,]~~ 17B, Limited Purpose Local  
1148 Government Entities - Local Districts, a special service district under Title 17A, Chapter 2,  
1149 Part 13, Utah Special Service District Act, or any other political subdivision or governmental  
1150 entity of the state.

1151 (2) For purposes of this part:

1152 (a) the owner of real property shall be the record title owner according to the records of  
1153 the county recorder on the date of the filing of the request or petition; and

1154 (b) the value of private real property shall be determined according to the last  
1155 assessment roll for county taxes before the filing of the request or petition.

1156 (3) For purposes of each provision of this part that requires the owners of private real  
1157 property covering a percentage or fraction of the total private land area within an area to sign a  
1158 request or petition:

1159 (a) a parcel of real property may not be included in the calculation of the required  
1160 percentage or fraction unless the request or petition is signed by:

1161 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
1162 ownership interest in that parcel; or

1163 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1164 of owners of that parcel;

1165 (b) the signature of a person signing a request or petition in a representative capacity on  
1166 behalf of an owner is invalid unless:

1167 (i) the person's representative capacity and the name of the owner the person represents  
1168 are indicated on the request or petition with the person's signature; and

1169 (ii) the person provides documentation accompanying the request or petition that  
1170 substantiates the person's representative capacity; and

1171 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1172 request or petition on behalf of a deceased owner.

1173 Section 4. Section **10-2-106** is amended to read:

1174 **10-2-106. Feasibility study -- Feasibility study consultant.**

1175 (1) Within 60 days of receipt of a certified request under Subsection 10-2-105(1)(b)(i),  
1176 the county legislative body shall engage the feasibility consultant chosen under Subsection (2)  
1177 to conduct a feasibility study.

1178 (2) The feasibility consultant shall be chosen by a majority vote of a selection  
1179 committee consisting of:

1180 (a) a person designated by the county legislative body;

1181 (b) a person designated by the sponsors of the request for a feasibility study; and

1182 (c) a person designated by the governor.

1183 (3) The county legislative body shall require the feasibility consultant to:

1184 (a) complete the feasibility study and submit the written results to the county legislative  
1185 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to  
1186 conduct the study;

1187 (b) submit with the full written results of the feasibility study a summary of the results  
1188 no longer than one page in length; and

1189 (c) attend the public hearings under Subsection 10-2-108(1) and present the feasibility  
1190 study results and respond to questions from the public at those hearings.

1191 (4) (a) The feasibility study shall consider:

1192 (i) the population and population density within the area proposed for incorporation  
1193 and the surrounding area;

1194 (ii) the history, geography, geology, and topography of and natural boundaries within  
1195 the area proposed to be incorporated and the surrounding area;

1196 (iii) whether the proposed boundaries eliminate or create an unincorporated island or  
1197 peninsula;

1198 (iv) whether the proposed incorporation will hinder or prevent a future and more  
1199 logical and beneficial incorporation or a future logical and beneficial annexation;

1200 (v) the fiscal impact on unincorporated areas, other municipalities, [~~special~~] local  
1201 districts, special service districts, and other governmental entities in the county;

1202 (vi) current and five-year projections of demographics and economic base in the  
1203 proposed city and surrounding area, including household size and income, commercial and  
1204 industrial development, and public facilities;

1205 (vii) projected growth in the proposed city and in adjacent areas during the next five

1206 years;

1207 (viii) subject to Subsection (4)(c), the present and five-year projections of the cost,  
1208 including overhead, of governmental services in the proposed city;

1209 (ix) the present and five-year projected revenue for the proposed city;

1210 (x) the projected impact the incorporation will have over the following five years on  
1211 the amount of taxes that property owners within the proposed city and in the remaining  
1212 unincorporated county will pay;

1213 (xi) past expansion in terms of population and construction in the proposed city and the  
1214 surrounding area;

1215 (xii) the extension of the boundaries of other nearby municipalities during the past ten  
1216 years, the willingness of those municipalities to annex the area proposed for incorporation, and  
1217 the probability that those municipalities would annex territory within the area proposed for  
1218 incorporation within the next five years except for the incorporation; and

1219 (xiii) whether the legislative body of the county in which the area proposed to be  
1220 incorporated favors the incorporation proposal.

1221 (b) For purposes of Subsection (4)(a)(ix), the feasibility consultant shall assume ad  
1222 valorem property tax rates on residential property within the proposed city at the same level at  
1223 which they would have been without the incorporation.

1224 (c) For purposes of Subsection (4)(a)(viii):

1225 (i) the feasibility consultant shall assume a level and quality of governmental services  
1226 to be provided to the proposed city in the future that fairly and reasonably approximate the  
1227 level and quality of governmental services being provided to the proposed city at the time of  
1228 the feasibility study;

1229 (ii) in determining the present cost of a governmental service, the feasibility consultant  
1230 shall consider:

1231 (A) the amount it would cost the proposed city itself to provide the service after  
1232 incorporation;

1233 (B) if the county is currently providing the service to the proposed city, the county's  
1234 cost of providing the service; and

1235 (C) if the county is not currently providing the service to the proposed city, the amount  
1236 the proposed city can reasonably expect to pay for the service under a contract for the service;



1237 and

1238 (iii) the five-year projected cost of a governmental service shall be based on the  
1239 amount calculated under Subsection (4)(c)(ii), taking into account inflation and anticipated  
1240 growth.

1241 (5) If the results of the feasibility study or revised feasibility study do not meet the  
1242 requirements of Subsection 10-2-109(3), the feasibility consultant shall, as part of the  
1243 feasibility study or revised feasibility study and if requested by the sponsors of the request,  
1244 make recommendations as to how the boundaries of the proposed city may be altered so that  
1245 the requirements of Subsection 10-2-109(3) may be met.

1246 (6) (a) For purposes of this Subsection (6), "pending" means that the process to  
1247 incorporate an unincorporated area has been initiated by the filing of a request for feasibility  
1248 study under Section 10-2-103 but that, as of the date this Subsection (6) becomes effective, a  
1249 petition under Section 10-2-109 has not yet been filed.

1250 (b) The amendments to Subsection (4) that become effective upon the effective date of  
1251 this Subsection (6):

1252 (i) apply to each pending proceeding proposing the incorporation of an unincorporated  
1253 area; and

1254 (ii) do not apply to a municipal incorporation proceeding under this part in which a  
1255 petition under Section 10-2-109 has been filed.

1256 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of the  
1257 effective date of this Subsection (6), already completed the feasibility study, the county  
1258 legislative body shall, within 20 days after the effective date of this Subsection (6) and except  
1259 as provided in Subsection (6)(c)(iii), engage the feasibility consultant to revise the feasibility  
1260 study to take into account the amendments to Subsection (4) that became effective on the  
1261 effective date of this Subsection (6).

1262 (ii) Except as provided in Subsection (6)(c)(iii), the county legislative body shall  
1263 require the feasibility consultant to complete the revised feasibility study under Subsection  
1264 (6)(c)(i) within 20 days after being engaged to do so.

1265 (iii) Notwithstanding Subsections (6)(c)(i) and (ii), a county legislative body is not  
1266 required to engage the feasibility consultant to revise the feasibility study if, within 15 days  
1267 after the effective date of this Subsection (6), the request sponsors file with the county clerk a

1268 written withdrawal of the request signed by all the request sponsors.

1269 (d) All provisions of this part that set forth the incorporation process following the  
1270 completion of a feasibility study shall apply with equal force following the completion of a  
1271 revised feasibility study under this Subsection (6), except that, if a petition under Section  
1272 10-2-109 has already been filed based on the feasibility study that is revised under this  
1273 Subsection (6):

1274 (i) the notice required by Section 10-2-108 for the revised feasibility study shall  
1275 include a statement informing signers of the petition of their right to withdraw their signatures  
1276 from the petition and of the process and deadline for withdrawing a signature from the petition;

1277 (ii) a signer of the petition may withdraw the signer's signature by filing with the  
1278 county clerk a written withdrawal within 30 days after the final notice under Subsection  
1279 10-2-108(2) has been given with respect to the revised feasibility study; and

1280 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the  
1281 signature requirements under Subsection 10-2-109(2)(a) for a petition based on the revised  
1282 feasibility study.

1283 Section 5. Section **10-2-401** is amended to read:

1284 **10-2-401. Definitions -- Property owner provisions.**

1285 (1) As used in this part:

1286 (a) "Affected entity" means:

1287 (i) a county in whose unincorporated area the area proposed for annexation is located;

1288 (ii) [~~an independent special~~] a local district under Title [~~17A, Chapter 2, Independent~~  
1289 ~~Special Districts~~] 17B, Limited Purpose Local Government Entities - Local Districts, whose  
1290 boundaries include any part of an area proposed for annexation;

1291 (iii) a school district whose boundaries include any part of an area proposed for  
1292 annexation; and

1293 (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for  
1294 annexation.

1295 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the  
1296 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the  
1297 municipality.

1298 (c) "Commission" means a boundary commission established under Section 10-2-409

1299 for the county in which the property that is proposed for annexation is located.

1300 (d) "Expansion area" means the unincorporated area that is identified in an annexation  
1301 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in  
1302 the future.

1303 (e) "Feasibility consultant" means a person or firm with expertise in the processes and  
1304 economics of local government.

1305 (f) "Municipal selection committee" means a committee in each county composed of  
1306 the mayor of each municipality within that county.

1307 (g) "Private," with respect to real property, means not owned by the United States or  
1308 any agency of the federal government, the state, a county, a municipality, a school district, a  
1309 ~~[special] local~~ district under Title ~~[17A, Special Districts,]~~ 17B, Limited Purpose Local  
1310 Government Entities - Local Districts, a special service district under Title 17A, Chapter 2,  
1311 Part 13, Utah Special Service District Act, or any other political subdivision or governmental  
1312 entity of the state.

1313 (h) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

1314 (i) "Urban development" means:

1315 (i) a housing development with more than 15 residential units and an average density  
1316 greater than one residential unit per acre; or

1317 (ii) a commercial or industrial development for which cost projections exceed  
1318 \$750,000 for all phases.

1319 (2) For purposes of this part:

1320 (a) the owner of real property shall be the record title owner according to the records of  
1321 the county recorder on the date of the filing of the petition or protest; and

1322 (b) the value of private real property shall be determined according to the last  
1323 assessment roll for county taxes before the filing of the petition or protest.

1324 (3) For purposes of each provision of this part that requires the owners of private real  
1325 property covering a percentage or majority of the total private land area within an area to sign a  
1326 petition or protest:

1327 (a) a parcel of real property may not be included in the calculation of the required  
1328 percentage or majority unless the petition or protest is signed by:

1329 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority

1330 ownership interest in that parcel; or  
1331 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
1332 of owners of that parcel;

1333 (b) the signature of a person signing a petition or protest in a representative capacity on  
1334 behalf of an owner is invalid unless:

1335 (i) the person's representative capacity and the name of the owner the person represents  
1336 are indicated on the petition or protest with the person's signature; and

1337 (ii) the person provides documentation accompanying the petition or protest that  
1338 substantiates the person's representative capacity; and

1339 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
1340 petition or protest on behalf of a deceased owner.

1341 Section 6. Section **10-2-403** is amended to read:

1342 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

1343 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated  
1344 area to a municipality is initiated by a petition as provided in this section.

1345 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed  
1346 annexation of an area located in a county of the first class, the person or persons intending to  
1347 file a petition shall:

1348 (A) file with the city recorder or town clerk of the proposed annexing municipality a  
1349 notice of intent to file a petition; and

1350 (B) send a copy of the notice of intent to each affected entity.

1351 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the  
1352 area that is proposed to be annexed.

1353 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be  
1354 annexed is located shall:

1355 (A) mail the notice described in Subsection (2)(b)(iii) to:

1356 (I) each owner of real property located within the area proposed to be annexed; and

1357 (II) each owner of real property located within 300 feet of the area proposed to be  
1358 annexed; and

1359 (B) send to the proposed annexing municipality a copy of the notice and a certificate  
1360 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

1361 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20  
1362 days after receiving from the person or persons who filed the notice of intent:

1363 (A) a written request to mail the required notice; and

1364 (B) payment of an amount equal to the county's expected actual cost of mailing the  
1365 notice.

1366 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

1367 (A) be in writing;

1368 (B) state, in bold and conspicuous terms, substantially the following:

1369 "Attention: Your property may be affected by a proposed annexation.

1370 Records show that you own property within an area that is intended to be included in a  
1371 proposed annexation to (state the name of the proposed annexing municipality) or that is within  
1372 300 feet of that area. If your property is within the area proposed for annexation, you may be  
1373 asked to sign a petition supporting the annexation. You may choose whether or not to sign the  
1374 petition. By signing the petition, you indicate your support of the proposed annexation. If you  
1375 sign the petition but later change your mind about supporting the annexation, you may  
1376 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
1377 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
1378 of the proposed annexing municipality) receives notice that the petition has been certified.

1379 There will be no public election on the proposed annexation because Utah law does not  
1380 provide for an annexation to be approved by voters at a public election. Signing or not signing  
1381 the annexation petition is the method under Utah law for the owners of property within the area  
1382 proposed for annexation to demonstrate their support of or opposition to the proposed  
1383 annexation.

1384 Under Utah law, the elected officials of (state the name of the proposed annexing  
1385 municipality) may have no choice but to grant the annexation petition if the county's property  
1386 tax rate for municipal services in the area proposed to be annexed is higher than the property  
1387 tax rate of (state the name of the proposed annexing municipality) and if other statutory  
1388 conditions are met.

1389 You may obtain more information on the proposed annexation by contacting (state the  
1390 name, mailing address, telephone number, and email address of the official or employee of the  
1391 proposed annexing municipality designated to respond to questions about the proposed

1392 annexation), (state the name, mailing address, telephone number, and email address of the  
1393 county official or employee designated to respond to questions about the proposed annexation),  
1394 or (state the name, mailing address, telephone number, and email address of the person who  
1395 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the  
1396 notice of intent, one of those persons). Once filed, the annexation petition will be available for  
1397 inspection and copying at the office of (state the name of the proposed annexing municipality)  
1398 located at (state the address of the municipal offices of the proposed annexing municipality).";  
1399 and

1400 (C) be accompanied by an accurate map identifying the area proposed for annexation.

1401 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any  
1402 other information or materials related or unrelated to the proposed annexation.

1403 (c) (i) After receiving the certificate from the county as provided in Subsection  
1404 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons  
1405 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for  
1406 the annexation proposed in the notice of intent.

1407 (ii) An annexation petition provided by the proposed annexing municipality may be  
1408 duplicated for circulation for signatures.

1409 (3) Each petition under Subsection (1) shall:

1410 (a) (i) be filed with the city recorder or town clerk, as the case may be, of the proposed  
1411 annexing municipality;

1412 (ii) when filed and if applicable, be accompanied by a written statement, signed by the  
1413 petition sponsors, certifying that signatures on a petition that does not comply with the  
1414 requirements of Subsection (3)(d) were gathered before the effective date of that Subsection;

1415 (b) contain the signatures of:

1416 (i) the owners of private real property that:

1417 (A) is located within the area proposed for annexation;

1418 (B) (I) subject to Subsection (3)(b)(i)(B)(II), covers a majority of the private land area  
1419 within the area proposed for annexation; and

1420 (II) covers 100% of the private land area within the area proposed for annexation, if the  
1421 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture  
1422 Protection Area; and

1423 (C) is equal in value to at least 1/3 of the value of all private real property within the  
1424 area proposed for annexation; or

1425 (ii) if all the real property within the area proposed for annexation is owned by a public  
1426 entity other than the federal government, the owner of all the publicly owned real property;

1427 (c) be accompanied by:

1428 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area  
1429 proposed for annexation; and

1430 (ii) a copy of the notice sent to affected entities as required under Subsection  
1431 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

1432 (d) if the area proposed to be annexed is located in a county of the first class, contain  
1433 on each signature page a notice in bold and conspicuous terms that states substantially the  
1434 following:

1435 "Notice:

1436 • Under Utah law, the elected officials of (state the name of the proposed annexing  
1437 municipality) may have no choice but to grant this annexation petition if the county's property  
1438 tax rate for municipal services in the area proposed to be annexed is higher than the property  
1439 tax rate of (state the name of the proposed annexing municipality) and if other statutory  
1440 conditions are met.

1441 • There will be no public election on the annexation proposed by this petition because  
1442 Utah law does not provide for an annexation to be approved by voters at a public election.

1443 • If you sign this petition and later decide that you do not support the petition, you may  
1444 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
1445 of (state the name of the proposed annexing municipality). If you choose to withdraw your  
1446 signature, you must do so no later than 30 days after (state the name of the proposed annexing  
1447 municipality) receives notice that the petition has been certified.";

1448 (e) if the petition proposes the annexation of an area located in a county that is not the  
1449 county in which the proposed annexing municipality is located, be accompanied by a copy of  
1450 the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in  
1451 which the area is located; and

1452 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be  
1453 designated as the contact sponsor, and indicate the mailing address of each sponsor.

1454 (4) A petition under Subsection (1) may not propose the annexation of all or part of an  
1455 area proposed for annexation to a municipality in a previously filed petition that has not been  
1456 denied, rejected, or granted.

1457 (5) A petition under Subsection (1) proposing the annexation of an area located in a  
1458 county of the first class may not propose the annexation of an area that includes some or all of  
1459 an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103  
1460 or a petition under Section 10-2-125 if:

1461 (a) the request or petition was filed before the filing of the annexation petition; and

1462 (b) the request, a petition under Section 10-2-109 based on that request, or a petition  
1463 under Section 10-2-125 is still pending on the date the annexation petition is filed.

1464 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall  
1465 be drawn:

1466 (a) along the boundaries of existing [~~special~~] local districts and special service districts  
1467 for sewer, water, and other services, along the boundaries of school districts whose boundaries  
1468 follow city boundaries or school districts adjacent to school districts whose boundaries follow  
1469 city boundaries, and along the boundaries of other taxing entities;

1470 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type  
1471 services;

1472 (c) to facilitate the consolidation of overlapping functions of local government;

1473 (d) to promote the efficient delivery of services; and

1474 (e) to encourage the equitable distribution of community resources and obligations.

1475 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the  
1476 petition to:

1477 (a) the clerk of the county in which the area proposed for annexation is located; and

1478 (b) the chair of the planning commission of each township in which any part of the area  
1479 proposed for annexation is located.

1480 (8) A property owner who signs an annexation petition proposing to annex an area  
1481 located in a county of the first class may withdraw the owner's signature by filing a written  
1482 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30  
1483 days after the municipal legislative body's receipt of the notice of certification under  
1484 Subsection 10-2-405(2)(c)(i).



1485 Section 7. Section **10-2-406** is amended to read:

1486 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

1487 (1) After receipt of the notice of certification from the city recorder or town clerk under  
1488 Subsection 10-2-405(2) (c)(i), the municipal legislative body shall:

1489 (a) (i) publish a notice at least once a week for three successive weeks, beginning no  
1490 later than ten days after receipt of the notice of certification, in a newspaper of general  
1491 circulation within:

1492 (A) the area proposed for annexation; and

1493 (B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

1494 (ii) if there is no newspaper of general circulation within those areas, post written  
1495 notices in conspicuous places within those areas that are most likely to give notice to residents  
1496 within those areas; and

1497 (b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)  
1498 (c)(i), mail written notice to each affected entity.

1499 (2) (a) The notice under Subsections (1)(a) and (b) shall:

1500 (i) state that a petition has been filed with the municipality proposing the annexation of  
1501 an area to the municipality;

1502 (ii) state the date of the municipal legislative body's receipt of the notice of certification  
1503 under Subsection 10-2-405(2) (c)(i);

1504 (iii) describe the area proposed for annexation in the annexation petition;

1505 (iv) state that the complete annexation petition is available for inspection and copying  
1506 at the office of the city recorder or town clerk;

1507 (v) state in conspicuous and plain terms that the municipality may grant the petition  
1508 and annex the area described in the petition unless, within the time required under Subsection  
1509 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission  
1510 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
1511 municipality;

1512 (vi) state the address of the commission or, if a commission has not yet been created in  
1513 the county, the county clerk, where a protest to the annexation petition may be filed;

1514 (vii) state that the area proposed for annexation to the municipality will also  
1515 automatically be annexed to a local district providing fire protection, paramedic, and

1516 emergency services, as provided in Section [~~17B-2-515.5~~] 17B-1-416, if:

1517 (A) the proposed annexing municipality is entirely within the boundaries of a local  
1518 district:

1519 (I) that provides fire protection, paramedic, and emergency services; and

1520 (II) in the creation of which an election was not required because of Subsection  
1521 [~~17B-2-214~~] 17B-1-214(3)(c); and

1522 (B) the area proposed to be annexed to the municipality is not already within the  
1523 boundaries of the local district; and

1524 (viii) state that the area proposed for annexation to the municipality will be  
1525 automatically withdrawn from a local district providing fire protection, paramedic, and  
1526 emergency services, as provided in Subsection [~~17B-2-601~~] 17B-1-502(2), if:

1527 (A) the petition proposes the annexation of an area that is within the boundaries of a  
1528 local district:

1529 (I) that provides fire protection, paramedic, and emergency services; and

1530 (II) in the creation of which an election was not required because of Subsection  
1531 [~~17B-2-214~~] 17B-1-214(3)(c); and

1532 (B) the proposed annexing municipality is not within the boundaries of the local  
1533 district.

1534 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a  
1535 written protest in terms of the actual date rather than by reference to the statutory citation.

1536 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection  
1537 (1)(a) for a proposed annexation of an area within a county of the first class shall include a  
1538 statement that a protest to the annexation petition may be filed with the commission by  
1539 property owners if it contains the signatures of the owners of private real property that:

1540 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
1541 annexation;

1542 (ii) covers at least 25% of the private land area located in the unincorporated area  
1543 within 1/2 mile of the area proposed for annexation; and

1544 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
1545 area within 1/2 mile of the area proposed for annexation.

1546 Section 8. Section **10-2-412** is amended to read:

1547 **10-2-412. Boundary commission authority -- Expenses -- Records.**

1548 (1) The boundary commission for each county shall hear and decide, according to the  
1549 provisions of this part, each protest filed under Section 10-2-407, with respect to an area that is  
1550 located within that county.

1551 (2) A boundary commission may:

1552 (a) adopt and enforce rules of procedure for the orderly and fair conduct of its  
1553 proceedings;

1554 (b) authorize a member of the commission to administer oaths if necessary in the  
1555 performance of the commission's duties;

1556 (c) employ staff personnel and professional or consulting services reasonably necessary  
1557 to enable the commission to carry out its duties; and

1558 (d) incur reasonable and necessary expenses to enable the commission to carry out its  
1559 duties.

1560 (3) The legislative body of each county shall, with respect to the boundary commission  
1561 in that county:

1562 (a) furnish the commission necessary quarters, equipment, and supplies;

1563 (b) pay necessary operating expenses incurred by the commission; and

1564 (c) reimburse the reasonable and necessary expenses incurred by each member  
1565 appointed under Subsection 10-2-409(2)(a)(iii) or (b)(iii), unless otherwise provided by  
1566 interlocal agreement.

1567 (4) Each county or municipal legislative body shall reimburse the reasonable and  
1568 necessary expenses incurred by a commission member who is an elected county or municipal  
1569 officer, respectively.

1570 (5) Records, information, and other relevant materials necessary to enable the  
1571 commission to carry out its duties shall, upon request by the commission, be furnished to the  
1572 boundary commission by the personnel, employees, and officers of:

1573 (a) for a proposed annexation of an area located in a county of the first class:

1574 (i) each county [~~and special~~], local district, and special service district whose  
1575 boundaries include an area that is the subject of a protest under the commission's consideration;  
1576 and

1577 (ii) each municipality whose boundaries may be affected by action of the boundary

1578 commission; or

1579 (b) for a proposed annexation of an area located in a specified county, each affected  
1580 entity:

1581 (i) whose boundaries include any part of the area proposed for annexation; or

1582 (ii) that may be affected by action of the boundary commission.

1583 Section 9. Section **10-2-413** is amended to read:

1584 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**  
1585 **study.**

1586 (1) (a) For a proposed annexation of an area located in a county of the first class, unless  
1587 a proposed annexing municipality denies an annexation petition under Subsection  
1588 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose  
1589 and engage a feasibility consultant within 45 days of:

1590 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had  
1591 been created before the filing of the protest; or

1592 (ii) the commission's creation, if the commission is created after the filing of a protest.

1593 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility  
1594 study with respect to a petition that proposes the annexation of an area that:

1595 (i) is undeveloped; and

1596 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private  
1597 real property within the municipality.

1598 (2) The commission shall require the feasibility consultant to:

1599 (a) complete a feasibility study on the proposed annexation and submit written results  
1600 of the study to the commission no later than 75 days after the feasibility consultant is engaged  
1601 to conduct the study;

1602 (b) submit with the full written results of the feasibility study a summary of the results  
1603 no longer than a page in length; and

1604 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility  
1605 study results and respond to questions at that hearing.

1606 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

1607 (i) the population and population density within the area proposed for annexation, the  
1608 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries

1609 within 1/2 mile of the area proposed for annexation, that municipality;

1610 (ii) the geography, geology, and topography of and natural boundaries within the area

1611 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a

1612 municipality with boundaries within 1/2 mile of the area proposed for annexation, that

1613 municipality;

1614 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated

1615 island or peninsula;

1616 (iv) whether the proposed annexation will hinder or prevent a future and more logical

1617 and beneficial annexation or a future logical and beneficial incorporation;

1618 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,

1619 other municipalities, ~~special~~ local districts, special service districts, school districts, and other

1620 governmental entities;

1621 (vi) current and five-year projections of demographics and economic base in the area

1622 proposed for annexation and surrounding unincorporated area, including household size and

1623 income, commercial and industrial development, and public facilities;

1624 (vii) projected growth in the area proposed for annexation and the surrounding

1625 unincorporated area during the next five years;

1626 (viii) the present and five-year projections of the cost of governmental services in the

1627 area proposed for annexation;

1628 (ix) the present and five-year projected revenue to the proposed annexing municipality

1629 from the area proposed for annexation;

1630 (x) the projected impact the annexation will have over the following five years on the

1631 amount of taxes that property owners within the area proposed for annexation, the proposed

1632 annexing municipality, and the remaining unincorporated county will pay;

1633 (xi) past expansion in terms of population and construction in the area proposed for

1634 annexation and the surrounding unincorporated area;

1635 (xii) the extension during the past ten years of the boundaries of each other

1636 municipality near the area proposed for annexation, the willingness of the other municipality to

1637 annex the area proposed for annexation, and the probability that another municipality would

1638 annex some or all of the area proposed for annexation during the next five years if the

1639 annexation did not occur;

1640 (xiii) the history, culture, and social aspects of the area proposed for annexation and  
1641 surrounding area;

1642 (xiv) the method of providing and the entity that has provided municipal-type services  
1643 in the past to the area proposed for incorporation and the feasibility of municipal-type services  
1644 being provided by the proposed annexing municipality; and

1645 (xv) the effect on each school district whose boundaries include part or all of the area  
1646 proposed for annexation or the proposed annexing municipality.

1647 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad  
1648 valorem property tax rates on residential property within the area proposed for annexation at  
1649 the same level that residential property within the proposed annexing municipality would be  
1650 without the annexation.

1651 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that  
1652 the level and quality of governmental services that will be provided to the area proposed for  
1653 annexation in the future is essentially comparable to the level and quality of governmental  
1654 services being provided within the proposed annexing municipality at the time of the feasibility  
1655 study.

1656 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth  
1657 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant  
1658 in conducting the feasibility study depending upon:

1659 (i) the size of the area proposed for annexation;

1660 (ii) the size of the proposed annexing municipality;

1661 (iii) the extent to which the area proposed for annexation is developed;

1662 (iv) the degree to which the area proposed for annexation is expected to develop and  
1663 the type of development expected; and

1664 (v) the number and type of protests filed against the proposed annexation.

1665 (b) Notwithstanding Subsection (4)(a), the commission may not modify the  
1666 requirement that the feasibility consultant provide a full and complete analysis of the items  
1667 listed in Subsections (3)(a)(viii), (ix), and (xv).

1668 (5) If the results of the feasibility study do not meet the requirements of Subsection  
1669 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make  
1670 recommendations as to how the boundaries of the area proposed for annexation may be altered

1671 so that the requirements of Subsection 10-2-416(3) may be met.

1672 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and  
1673 expenses shall be shared equally by the proposed annexing municipality and each entity or  
1674 group under Subsection 10-2-407(1) that files a protest.

1675 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property  
1676 owners under Subsection 10-2-407(1)(a)(ii), the county in which the area proposed for  
1677 annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

1678 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners  
1679 file a protest, the county and the proposed annexing municipality shall equally share the  
1680 property owners' share of the feasibility consultant's fees and expenses.

1681 Section 10. Section **10-2-414** is amended to read:

1682 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

1683 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of  
1684 an area located in a county of the first class do not meet the requirements of Subsection  
1685 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility  
1686 consultant's submission of the results of the study, file with the city recorder or town clerk of  
1687 the proposed annexing municipality a modified annexation petition altering the boundaries of  
1688 the proposed annexation.

1689 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the  
1690 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation  
1691 petition to the clerk of the county in which the area proposed for annexation is located.

1692 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the  
1693 requirements of Subsections 10-2-403(2), (3), and (4).

1694 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified  
1695 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same  
1696 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and  
1697 (3)(a) for an original annexation petition.

1698 (b) If the city recorder or town clerk certifies the modified annexation petition under  
1699 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send  
1700 written notice of the certification to:

1701 (i) the commission;

1702 (ii) each entity that filed a protest to the annexation petition; and  
 1703 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.  
 1704 (c) (i) If the modified annexation petition proposes the annexation of an area that  
 1705 includes part or all of a ~~[special]~~ local district, special service district, or school district that  
 1706 was not included in the area proposed for annexation in the original petition, the city recorder  
 1707 or town clerk, as the case may be, shall also send notice of the certification of the modified  
 1708 annexation petition to the board of the ~~[special]~~ local district, special service district, or school  
 1709 district.

1710 (ii) If the area proposed for annexation in the modified annexation petition is within  
 1711 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the  
 1712 area proposed for annexation in the original annexation petition, the city recorder or town  
 1713 clerk, as the case may be, shall also send notice of the certification of the modified annexation  
 1714 petition to the legislative body of that municipality.

1715 (3) Within ten days of the commission's receipt of the notice under Subsection (2)(b),  
 1716 the commission shall engage the feasibility consultant that conducted the feasibility study to  
 1717 supplement the feasibility study to take into account the information in the modified  
 1718 annexation petition that was not included in the original annexation petition.

1719 (4) The commission shall require the feasibility consultant to complete the  
 1720 supplemental feasibility study and to submit written results of the supplemental study to the  
 1721 commission no later than 30 days after the feasibility consultant is engaged to conduct the  
 1722 supplemental feasibility study.

1723 Section 11. Section **10-2-418** is amended to read:

1724 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
 1725 **Hearing.**

1726 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
 1727 unincorporated area under this section without an annexation petition if:

1728 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
 1729 unincorporated peninsulas contiguous to the municipality;

1730 (B) the majority of each island or peninsula consists of residential or commercial  
 1731 development;

1732 (C) the area proposed for annexation requires the delivery of municipal-type services;



1733 and

1734 (D) the municipality has provided most or all of the municipal-type services to the area  
1735 for more than one year; or

1736 (ii) (A) the area to be annexed consists of one or more unincorporated islands within  
1737 the municipality, each of which has fewer than 500 residents; and

1738 (B) the municipality has provided one or more municipal-type services to the area for  
1739 at least one year.

1740 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
1741 portion of an island or peninsula under this section, leaving unincorporated the remainder of  
1742 the unincorporated island or peninsula, if:

1743 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body  
1744 determines that not annexing the entire unincorporated island or peninsula is in the  
1745 municipality's best interest; and

1746 (ii) for an annexation of one or more unincorporated islands under Subsection  
1747 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1748 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1749 (2) (a) The legislative body of each municipality intending to annex an area under this  
1750 section shall:

1751 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1752 area, describing the area proposed to be annexed;

1753 (ii) (A) publish notice at least once a week for three successive weeks in a newspaper  
1754 of general circulation within the municipality and the area proposed for annexation; or

1755 (B) if there is no newspaper of general circulation in the areas described in Subsection  
1756 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are  
1757 most likely to give notice to the residents of those areas;

1758 (iii) send written notice to the board of each [~~special~~] local district and special service  
1759 district whose boundaries contain some or all of the area proposed for annexation and to the  
1760 legislative body of the county in which the area proposed for annexation is located; and

1761 (iv) hold a public hearing on the proposed annexation no earlier than 60 days after the  
1762 adoption of the resolution under Subsection (2)(a)(i).

1763 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1764 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1765 to annex the area proposed for annexation;

1766 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1767 (iii) describe the area proposed for annexation; and

1768 (iv) state in conspicuous and plain terms that the municipal legislative body will annex  
1769 the area unless, at or before the public hearing under Subsection (2)(a)(iv), written protests to  
1770 the annexation are filed by the owners of private real property that:

1771 (A) is located within the area proposed for annexation;

1772 (B) covers a majority of the total private land area within the entire area proposed for  
1773 annexation; and

1774 (C) is equal in value to at least 1/2 the value of all private real property within the  
1775 entire area proposed for annexation.

1776 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be  
1777 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1778 (2)(a)(i).

1779 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv) and subject  
1780 to Subsection (3)(b), the municipal legislative body may adopt an ordinance annexing the area  
1781 proposed for annexation under this section unless, at or before the hearing, written protests to  
1782 the annexation have been filed with the city recorder or town clerk, as the case may be, by the  
1783 owners of private real property that:

1784 (i) is located within the area proposed for annexation;

1785 (ii) covers:

1786 (A) for a proposed annexation under Subsection (1)(a)(i), a majority of the total private  
1787 land area within the entire area proposed for annexation; or

1788 (B) for a proposed annexation under Subsection (1)(a)(ii), 10% of the total private land  
1789 area within the island of unincorporated area that is proposed for annexation; and

1790 (iii) is equal in value to at least:

1791 (A) for a proposed annexation under Subsection (1)(a)(i), 1/2 the value of all private  
1792 real property within the entire area proposed for annexation; or

1793 (B) for a proposed annexation under Subsection (1)(a)(ii), 10% of the value of all  
1794 private real property within the island of unincorporated area that is proposed for annexation.

1795 (b) A municipal legislative body may not adopt an ordinance annexing an area  
1796 proposed for annexation under Subsection (1)(a)(ii) unless the legislative body of the county in  
1797 which the area proposed for annexation has previously adopted a resolution approving the  
1798 annexation.

1799 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal  
1800 legislative body may not adopt an ordinance annexing the area proposed for annexation, and  
1801 the annexation proceedings under this section shall be considered terminated.

1802 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body  
1803 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an  
1804 unincorporated island regarding which protests have been filed and proceeding under  
1805 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

1806 Section 12. Section **10-2-419** is amended to read:

1807 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

1808 (1) The legislative bodies of two or more municipalities having common boundaries  
1809 may adjust their common boundaries as provided in this section.

1810 (2) (a) The legislative body of each municipality intending to adjust a boundary that is  
1811 common with another municipality shall:

1812 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a  
1813 common boundary;

1814 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the  
1815 adoption of the resolution under Subsection (2)(a)(i); and

1816 (iii) (A) publish notice at least once a week for three successive weeks in a newspaper  
1817 of general circulation within the municipality; or

1818 (B) if there is no newspaper of general circulation within the municipality, post at least  
1819 one notice per 1,000 population in places within the municipality that are most likely to give  
1820 notice to residents of the municipality.

1821 (b) The notice required under Subsection (2)(a)(iii) shall:

1822 (i) state that the municipal legislative body has adopted a resolution indicating the  
1823 municipal legislative body's intent to adjust a boundary that the municipality has in common  
1824 with another municipality;

1825 (ii) describe the area proposed to be adjusted;

1826 (iii) state the date, time, and place of the public hearing required under Subsection  
1827 (2)(a)(ii);

1828 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust  
1829 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written  
1830 protests to the adjustment are filed by the owners of private real property that:

1831 (A) is located within the area proposed for adjustment;

1832 (B) covers at least 25% of the total private land area within the area proposed for  
1833 adjustment; and

1834 (C) is equal in value to at least 15% of the value of all private real property within the  
1835 area proposed for adjustment; and

1836 (v) state that the area that is the subject of the boundary adjustment will, because of the  
1837 boundary adjustment, be automatically annexed to a local district providing fire protection,  
1838 paramedic, and emergency services, as provided in Section [~~17B-2-515.5~~] 17B-1-416, if:

1839 (A) the municipality to which the area is being added because of the boundary  
1840 adjustment is entirely within the boundaries of a local district:

1841 (I) that provides fire protection, paramedic, and emergency services; and

1842 (II) in the creation of which an election was not required because of Subsection  
1843 [~~17B-2-214~~] 17B-1-214(3)(c); and

1844 (B) the municipality from which the area is being taken because of the boundary  
1845 adjustment is not within the boundaries of the local district; and

1846 (vi) state that the area proposed for annexation to the municipality will be  
1847 automatically withdrawn from a local district providing fire protection, paramedic, and  
1848 emergency services, as provided in Subsection [~~17B-2-601~~] 17B-1-502(2), if:

1849 (A) the municipality to which the area is being added because of the boundary  
1850 adjustment is not within the boundaries of a local district:

1851 (I) that provides fire protection, paramedic, and emergency services; and

1852 (II) in the creation of which an election was not required because of Subsection  
1853 [~~17B-2-214~~] 17B-1-214(3)(c); and

1854 (B) the municipality from which the area is being taken because of the boundary  
1855 adjustment is entirely within the boundaries of the local district.

1856 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be

1857 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1858 (2)(a)(i).

1859 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal  
1860 legislative body may adopt an ordinance adjusting the common boundary unless, at or before  
1861 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with  
1862 the city recorder or town clerk, as the case may be, by the owners of private real property that:

1863 (a) is located within the area proposed for adjustment;

1864 (b) covers at least 25% of the total private land area within the area proposed for  
1865 adjustment; and

1866 (c) is equal in value to at least 15% of the value of all private real property within the  
1867 area proposed for adjustment.

1868 (4) The municipal legislative body shall comply with the requirements of Section  
1869 10-2-425 as if the boundary change were an annexation.

1870 (5) An ordinance adopted under Subsection (3) becomes effective when each  
1871 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
1872 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an  
1873 annexation.

1874 Section 13. Section **10-2-425** is amended to read:

1875 **10-2-425. Filing of plat or map and amended articles -- Notice requirements --**  
1876 **Effective date of annexation.**

1877 (1) Within 30 days after enacting an ordinance annexing an unincorporated area or  
1878 adjusting a boundary under this part, the municipal legislative body shall:

1879 (a) send notice of the enactment to each affected entity;

1880 (b) file with the lieutenant governor:

1881 (i) a certified copy of the ordinance approving the annexation or boundary adjustment,  
1882 together with a plat or map prepared by a licensed surveyor, approved by the municipal  
1883 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,  
1884 showing the new boundaries of the affected area; and

1885 (ii) (A) if the municipality has articles of incorporation, amended articles of  
1886 incorporation reflecting the annexation or boundary adjustment, as provided in Section  
1887 10-1-117; or

1888 (B) if the municipality does not have articles of incorporation, written notice of the  
1889 adoption of an annexation ordinance, accompanied by a copy of the ordinance; and

1890 (c) in accordance with Section 26-8a-414, file the documents described in Subsection  
1891 (1)(b)(i) with the Department of Health.

1892 (2) If an annexation or boundary adjustment under this part also causes an automatic  
1893 annexation to a local district under Section [~~17B-2-515.5~~] 17B-1-416 or an automatic  
1894 withdrawal from a local district under Subsection [~~17B-2-601~~] 17B-1-502(2), the municipal  
1895 legislative body shall, as soon as practicable after enacting an ordinance annexing an  
1896 unincorporated area or adjusting a boundary, send notice of the annexation or boundary  
1897 adjustment to the local district to which the annexed area is automatically annexed or from  
1898 which the annexed area is automatically withdrawn.

1899 (3) The municipal legislative body shall comply with the notice requirements of  
1900 Section 10-1-116.

1901 (4) Each notice required under Subsections (1) and (3) relating to an annexation shall  
1902 state the effective date of the annexation, as determined under Subsection (5).

1903 (5) An annexation under this part is completed and takes effect:

1904 (a) for the annexation of an area located in a county of the first class:

1905 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

1906 (A) the ordinance is adopted during the preceding November 1 through April 30; and

1907 (B) the requirements of Subsection (1) are met before that July 1; or

1908 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

1909 (A) the ordinance is adopted during the preceding May 1 through October 31; and

1910 (B) the requirements of Subsection (1) are met before that January 1; and

1911 (b) for all other annexations, the date of the lieutenant governor's issuance of:

1912 (i) a certification of amended articles under Subsection 10-1-117(3), for an annexation  
1913 by a municipality that has articles of incorporation and filed with the lieutenant governor

1914 amended articles of incorporation under Subsection (1)(a)(iii)(A); or

1915 (ii) a certificate of annexation under Subsection (1)(b), for an annexation by a  
1916 municipality that does not have articles of incorporation and filed with the lieutenant governor  
1917 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

1918 Section 14. Section **10-2-428** is amended to read:

1919           **10-2-428. Neither annexation nor boundary adjustment has an effect on the**  
 1920 **boundaries of most local districts.**

1921           Except as provided in Section [~~17B-2-515.5~~] 17B-1-416 and Subsection [~~17B-2-601~~]  
 1922 17B-1-502(2), the annexation of an unincorporated area by a municipality or the adjustment of  
 1923 a boundary shared by municipalities does not affect the boundaries of [~~an independent special~~  
 1924 ~~district under Title 17A, Chapter 2, Independent Special Districts, or~~] a local district under  
 1925 Title 17B, [~~Chapter 2,~~] Limited Purpose Local Government Entities - Local Districts, or a  
 1926 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

1927           Section 15. Section **10-5-119** is amended to read:

1928           **10-5-119. Special fund balance -- Disposition when fund no longer required.**

1929           Whenever the necessity for maintaining any special fund of a town has ceased to exist  
 1930 and a balance remains in the fund, the governing body shall authorize the transfer of the  
 1931 balance to the fund balance account in the general fund of the town, subject to the following:

1932           (1) Any balance remaining in a special assessment fund and any unrequired balance in  
 1933 its special improvements guaranty fund shall be treated in the manner provided in Sections  
 1934 [~~17A-3-332 and 17A-3-334~~] 11-42-413 and 11-42-701;

1935           (2) Any balance remaining in a capital improvements or capital projects fund shall be  
 1936 transferred to the appropriate debt service fund or other fund as the bond ordinance may require  
 1937 and otherwise to the fund balance account in the general fund;

1938           (3) Whenever any balance held in a trust fund for a specific purpose, other than a  
 1939 cemetery perpetual care trust fund, is to be transferred because its original purpose or  
 1940 restriction has ceased to exist, a public hearing shall be held in the manner provided in Sections  
 1941 10-5-108 and 10-5-109. The published notice shall invite those persons who contributed to the  
 1942 fund to appear at the hearing. If the council determines the fund balance amounts are  
 1943 refundable to the original contributors, a 30-day period following the hearing shall be allowed  
 1944 for persons having an interest in the fund to file with the council a verified claim only for the  
 1945 amount of each claimant's contributions. Any claim not filed in accordance with this section  
 1946 shall be invalid. Any balance remaining, after refunds to eligible contributors, shall be  
 1947 transferred to the fund balance account in the general fund of the town; and

1948           (4) Whenever the council decides, in conformity with applicable laws and ordinances,  
 1949 that the need for continued maintenance of its cemetery perpetual care trust fund no longer

1950 exists, it may transfer the balance in such fund to the capital improvements fund for  
1951 expenditure for land, buildings, and major improvements to be used exclusively for cemetery  
1952 purposes.

1953 Section 16. Section **10-6-131** is amended to read:

1954 **10-6-131. Transfer of balances in special funds.**

1955 Whenever the necessity for maintaining any special fund of a city has ceased to exist  
1956 and a balance remains in the fund, the governing body shall authorize the transfer of the  
1957 balance to the fund balance account in the general fund of the city, except that:

1958 (1) Any balance remaining in a special assessment fund and any unrequired balance in  
1959 its special improvements guaranty fund shall be treated in the manner provided in Sections  
1960 [~~17A-3-332 and 17A-3-334~~] 11-42-413 and 11-42-701;

1961 (2) Any balance remaining in a capital improvements or capital projects fund shall be  
1962 transferred to the appropriate debt service fund or other fund as the bond ordinance may require  
1963 and otherwise to the fund balance account in the general fund;

1964 (3) Whenever any balance held in a trust fund for a specific purpose, other than a  
1965 cemetery perpetual care trust fund, is to be transferred because its original purpose or  
1966 restriction has ceased to exist, a public hearing shall be held in the manner provided in Sections  
1967 10-6-113 and 10-6-114. The published notice shall invite those persons who contributed to the  
1968 fund to appear at the hearing. If the governing body determines the fund balance amounts are  
1969 refundable to the original contributors, a 30 day period following the hearing shall be allowed  
1970 for persons having an interest in the fund to file with the governing body a verified claim only  
1971 for the amount of each claimant's contributions. Any claim not so filed shall be forever barred.  
1972 Any balance remaining, after refunds to eligible contributors, shall be transferred to the fund  
1973 balance account in the general fund of the city; and

1974 (4) Whenever the governing body decides, in conformity with applicable laws and  
1975 ordinances, that the need for continued maintenance of its cemetery perpetual care trust fund no  
1976 longer exists, it may transfer the balance in such fund to the capital improvements fund for  
1977 expenditure for land, buildings and major improvements to be used exclusively for cemetery  
1978 purposes.

1979 Section 17. Section **10-7-14.2** is amended to read:

1980 **10-7-14.2. Special tax -- Grant of power to levy.**



1981           There is granted to the municipalities of the state not in an improvement district created  
1982 for the purpose of establishing and maintaining a sewage collection, treatment, or disposal  
1983 system or a system for the supply, treatment, or distribution of water pursuant to the provisions  
1984 of Title ~~[17A]~~ 17B, Chapter 2, Part ~~[3,]~~ 4, Improvement District Act, in addition to all other  
1985 rights of assessment, the right to levy a tax annually not to exceed .0008 per dollar of taxable  
1986 value of taxable property in the municipality. The money raised by the levy shall be placed in a  
1987 special fund and used only for the purpose of financing the construction of facilities to purify  
1988 the drinking water of the municipality and the construction of facilities for the treatment and  
1989 disposal of the sewage of the municipality, or to pay principal and interest on bonds issued for  
1990 the construction of facilities if construction has actually commenced subsequent to the  
1991 enactment of this statute. The municipality may accumulate from year to year and reserve in  
1992 the special fund the money raised for this purpose. The levy shall be made and collected in the  
1993 same manner as other property taxes are levied and collected by municipalities.

1994           Section 18. Section **10-9a-103** is amended to read:

1995           **10-9a-103. Definitions.**

1996           As used in this chapter:

1997           (1) "Affected entity" means a county, municipality, ~~[independent special district under~~  
1998 ~~Title 17A, Chapter 2, Independent Special Districts,]~~ local district ~~[under Title 17B, Chapter 2,~~  
1999 ~~Local Districts]~~, special service district under Title 17A, Chapter 2, Part 13, Utah Special  
2000 Service District Act, school district, interlocal cooperation entity established under Title 11,  
2001 Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property  
2002 owners association, or the Utah Department of Transportation, if:

2003           (a) the entity's services or facilities are likely to require expansion or significant  
2004 modification because of an intended use of land;

2005           (b) the entity has filed with the municipality a copy of the entity's general or long-range  
2006 plan; or

2007           (c) the entity has filed with the municipality a request for notice during the same  
2008 calendar year and before the municipality provides notice to an affected entity in compliance  
2009 with a requirement imposed under this chapter.

2010           (2) "Appeal authority" means the person, board, commission, agency, or other body  
2011 designated by ordinance to decide an appeal of a decision of a land use application or a

2012 variance.

2013 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
2014 residential property if the sign is designed or intended to direct attention to a business, product,  
2015 or service that is not sold, offered, or existing on the property where the sign is located.

2016 (4) "Charter school" includes:

2017 (a) an operating charter school;

2018 (b) a charter school applicant that has its application approved by a chartering entity in  
2019 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

2020 (c) an entity who is working on behalf of a charter school or approved charter applicant  
2021 to develop or construct a charter school building.

2022 (5) "Chief executive officer" means the:

2023 (a) mayor in municipalities operating under all forms of municipal government except  
2024 the council-manager form; or

2025 (b) city manager in municipalities operating under the council-manager form of  
2026 municipal government.

2027 (6) "Conditional use" means a land use that, because of its unique characteristics or  
2028 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be  
2029 compatible in some areas or may be compatible only if certain conditions are required that  
2030 mitigate or eliminate the detrimental impacts.

2031 (7) "Constitutional taking" means a governmental action that results in a taking of  
2032 private property so that compensation to the owner of the property is required by the:

2033 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

2034 (b) Utah Constitution Article I, Section 22.

2035 (8) "Culinary water authority" means the department, agency, or public entity with  
2036 responsibility to review and approve the feasibility of the culinary water system and sources for  
2037 the subject property.

2038 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
2039 or more of a person's major life activities, including a person having a record of such an  
2040 impairment or being regarded as having such an impairment.

2041 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
2042 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.

2043 802.

2044 (10) "Elderly person" means a person who is 60 years old or older, who desires or  
2045 needs to live with other elderly persons in a group setting, but who is capable of living  
2046 independently.

2047 (11) "General plan" means a document that a municipality adopts that sets forth general  
2048 guidelines for proposed future development of the land within the municipality.

2049 (12) "Identical plans" means building plans submitted to a municipality that are  
2050 substantially identical to building plans that were previously submitted to and reviewed and  
2051 approved by the municipality and describe a building that is:

2052 (a) located on land zoned the same as the land on which the building described in the  
2053 previously approved plans is located; and

2054 (b) subject to the same geological and meteorological conditions and the same law as  
2055 the building described in the previously approved plans.

2056 (13) "Land use application" means an application required by a municipality's land use  
2057 ordinance.

2058 (14) "Land use authority" means a person, board, commission, agency, or other body  
2059 designated by the local legislative body to act upon a land use application.

2060 (15) "Land use ordinance" means a planning, zoning, development, or subdivision  
2061 ordinance of the municipality, but does not include the general plan.

2062 (16) "Land use permit" means a permit issued by a land use authority.

2063 (17) "Legislative body" means the municipal council.

2064 (18) "Local district" means an entity established under the authority of Title 17B,  
2065 Limited Purpose Local Government Entities - Local Districts, and any other governmental or  
2066 quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

2067 [~~(18)~~] (19) "Lot line adjustment" means the relocation of the property boundary line in  
2068 a subdivision between two adjoining lots with the consent of the owners of record.

2069 [~~(19)~~] (20) "Moderate income housing" means housing occupied or reserved for  
2070 occupancy by households with a gross household income equal to or less than 80% of the  
2071 median gross income for households of the same size in the county in which the city is located.

2072 [~~(20)~~] (21) "Nominal fee" means a fee that reasonably reimburses a municipality only  
2073 for time spent and expenses incurred in:

2074 (a) verifying that building plans are identical plans; and  
2075 (b) reviewing and approving those minor aspects of identical plans that differ from the  
2076 previously reviewed and approved building plans.

2077 [~~(21)~~] (22) "Noncomplying structure" means a structure that:

2078 (a) legally existed before its current land use designation; and  
2079 (b) because of one or more subsequent land use ordinance changes, does not conform  
2080 to the setback, height restrictions, or other regulations, excluding those regulations, which  
2081 govern the use of land.

2082 [~~(22)~~] (23) "Nonconforming use" means a use of land that:

2083 (a) legally existed before its current land use designation;  
2084 (b) has been maintained continuously since the time the land use ordinance governing  
2085 the land changed; and  
2086 (c) because of one or more subsequent land use ordinance changes, does not conform  
2087 to the regulations that now govern the use of the land.

2088 [~~(23)~~] (24) "Official map" means a map drawn by municipal authorities and recorded in  
2089 a county recorder's office that:

2090 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
2091 highways and other transportation facilities;  
2092 (b) provides a basis for restricting development in designated rights-of-way or between  
2093 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
2094 the land; and  
2095 (c) has been adopted as an element of the municipality's general plan.

2096 [~~(24)~~] (25) "Person" means an individual, corporation, partnership, organization,  
2097 association, trust, governmental agency, or any other legal entity.

2098 [~~(25)~~] (26) "Plan for moderate income housing" means a written document adopted by  
2099 a city legislative body that includes:

2100 (a) an estimate of the existing supply of moderate income housing located within the  
2101 city;  
2102 (b) an estimate of the need for moderate income housing in the city for the next five  
2103 years as revised biennially;  
2104 (c) a survey of total residential land use;

2105 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
2106 income housing; and

2107 (e) a description of the city's program to encourage an adequate supply of moderate  
2108 income housing.

2109 ~~[(26)]~~ (27) "Plat" means a map or other graphical representation of lands being laid out  
2110 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

2111 ~~[(27)]~~ (28) "Public hearing" means a hearing at which members of the public are  
2112 provided a reasonable opportunity to comment on the subject of the hearing.

2113 ~~[(28)]~~ (29) "Public meeting" means a meeting that is required to be open to the public  
2114 under Title 52, Chapter 4, Open and Public Meetings Act.

2115 ~~[(29)]~~ (30) "Record of survey map" means a map of a survey of land prepared in  
2116 accordance with Section 17-23-17.

2117 ~~[(30)]~~ (31) "Residential facility for elderly persons" means a single-family or  
2118 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not  
2119 include a health care facility as defined by Section 26-21-2.

2120 ~~[(31)]~~ (32) "Residential facility for persons with a disability" means a residence:

2121 (a) in which more than one person with a disability resides; and

2122 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
2123 Chapter 2, Licensure of Programs and Facilities; or

2124 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
2125 Health Care Facility Licensing and Inspection Act.

2126 ~~[(32)]~~ (33) "Sanitary sewer authority" means the department, agency, or public entity  
2127 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
2128 wastewater systems.

2129 ~~[(33)] "Special district" means an entity established under the authority of Title 17A,~~  
2130 ~~Special Districts, and any other governmental or quasi-governmental entity that is not a county,~~  
2131 ~~municipality, school district, or unit of the state.]~~

2132 (34) "Specified public utility" means an electrical corporation, gas corporation, or  
2133 telephone corporation, as those terms are defined in Section 54-2-1.

2134 (35) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
2135 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other

2136 way.

2137 (36) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be  
2138 divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
2139 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
2140 installment plan or upon any and all other plans, terms, and conditions.

2141 (b) "Subdivision" includes:

2142 (i) the division or development of land whether by deed, metes and bounds description,  
2143 devise and testacy, map, plat, or other recorded instrument; and

2144 (ii) except as provided in Subsection (36)(c), divisions of land for residential and  
2145 nonresidential uses, including land used or to be used for commercial, agricultural, and  
2146 industrial purposes.

2147 (c) "Subdivision" does not include:

2148 (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
2149 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
2150 neither the resulting combined parcel nor the parcel remaining from the division or partition  
2151 violates an applicable land use ordinance;

2152 (ii) a recorded agreement between owners of adjoining unsubdivided properties  
2153 adjusting their mutual boundary if:

2154 (A) no new lot is created; and

2155 (B) the adjustment does not violate applicable land use ordinances;

2156 (iii) a recorded document, executed by the owner of record:

2157 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
2158 property into one legal description encompassing all such parcels of property; or

2159 (B) joining a subdivided parcel of property to another parcel of property that has not  
2160 been subdivided, if the joinder does not violate applicable land use ordinances; or

2161 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting  
2162 their mutual boundary if:

2163 (A) no new dwelling lot or housing unit will result from the adjustment; and

2164 (B) the adjustment will not violate any applicable land use ordinance.

2165 (d) The joining of a subdivided parcel of property to another parcel of property that has  
2166 not been subdivided does not constitute a subdivision under this Subsection (36) as to the

2167 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
2168 subdivision ordinance.

2169 (37) "Unincorporated" means the area outside of the incorporated area of a city or  
2170 town.

2171 (38) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
2172 land use zones, overlays, or districts.

2173 Section 19. Section **10-9a-305** is amended to read:

2174 **10-9a-305. Other entities required to conform to municipality's land use**  
2175 **ordinances -- Exceptions -- School districts and charter schools.**

2176 (1) (a) Each county, municipality, school district, charter school, [~~special~~] local district,  
2177 special service district, and political subdivision of the state shall conform to any applicable  
2178 land use ordinance of any municipality when installing, constructing, operating, or otherwise  
2179 using any area, land, or building situated within that municipality.

2180 (b) In addition to any other remedies provided by law, when a municipality's land use  
2181 ordinances is violated or about to be violated by another political subdivision, that municipality  
2182 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
2183 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

2184 (2) (a) Except as provided in Subsection (3), a school district or charter school is  
2185 subject to a municipality's land use ordinances.

2186 (b) (i) Notwithstanding Subsection (3), a municipality may subject a charter school to  
2187 standards within each zone pertaining to setback, height, bulk and massing regulations, off-site  
2188 parking, curb cut, traffic circulation, and construction staging.

2189 (ii) The standards to which a municipality may subject a charter school under  
2190 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

2191 (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality  
2192 may deny or withhold approval of a charter school's land use application is the charter school's  
2193 failure to comply with a standard imposed under Subsection (2)(b)(i).

2194 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an  
2195 obligation to comply with a requirement of an applicable building or safety code to which it is  
2196 otherwise obligated to comply.

2197 (3) A municipality may not:

2198 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
2199 construction methods or materials, building codes, building use for educational purposes, or the  
2200 placement or use of temporary classroom facilities on school property;

2201 (b) except as otherwise provided in this section, require a school district or charter  
2202 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
2203 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
2204 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
2205 required to connect an otherwise isolated school site to an existing roadway;

2206 (c) require a district or charter school to pay fees not authorized by this section;

2207 (d) provide for inspection of school construction or assess a fee or other charges for  
2208 inspection, unless the school district or charter school is unable to provide for inspection by an  
2209 inspector, other than the project architect or contractor, who is qualified under criteria  
2210 established by the state superintendent;

2211 (e) require a school district or charter school to pay any impact fee for an improvement  
2212 project that is not reasonably related to the impact of the project upon the need that the  
2213 improvement is to address; or

2214 (f) impose regulations upon the location of a project except as necessary to avoid  
2215 unreasonable risks to health or safety.

2216 (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate  
2217 the siting of a new school with the municipality in which the school is to be located, to:

2218 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
2219 the impacts between the new school and future highways; and

2220 (b) to maximize school, student, and site safety.

2221 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

2222 (a) provide a walk-through of school construction at no cost and at a time convenient to  
2223 the district or charter school; and

2224 (b) provide recommendations based upon the walk-through.

2225 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

2226 (i) a municipal building inspector;

2227 (ii) a school district building inspector; or

2228 (iii) an independent, certified building inspector who is:



- 2229 (A) not an employee of the contractor;
- 2230 (B) approved by a municipal building inspector or a school district building inspector;
- 2231 and
- 2232 (C) licensed to perform the inspection that the inspector is requested to perform.
- 2233 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.
- 2234 (c) If a school district or charter school uses an independent building inspector under
- 2235 Subsection (6)(a)(iii), the school district or charter school shall submit to the state
- 2236 superintendent of public instruction, on a monthly basis during construction of the school
- 2237 building, a copy of each inspection certificate regarding the school building.
- 2238 (7) (a) A charter school shall be considered a permitted use in all zoning districts
- 2239 within a municipality.
- 2240 (b) Each land use application for any approval required for a charter school, including
- 2241 an application for a building permit, shall be processed on a first priority basis.
- 2242 (c) Parking requirements for a charter school may not exceed the minimum parking
- 2243 requirements for schools or other institutional public uses throughout the municipality.
- 2244 (d) If a municipality has designated zones for a sexually oriented business, or a
- 2245 business which sells alcohol, a charter school may be prohibited from a location which would
- 2246 otherwise defeat the purpose for the zone unless the charter school provides a waiver.
- 2247 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
- 2248 occupancy of a school building from:
  - 2249 (A) the state superintendent of public instruction, as provided in Subsection
  - 2250 53A-20-104(3), if the school district or charter school used an independent building inspector
  - 2251 for inspection of the school building; or
  - 2252 (B) a municipal official with authority to issue the certificate, if the school district or
  - 2253 charter school used a municipal building inspector for inspection of the school building.
- 2254 (ii) A school district may issue its own certificate authorizing permanent occupancy of
- 2255 a school building if it used its own building inspector for inspection of the school building,
- 2256 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).
- 2257 (iii) A charter school may seek a certificate authorizing permanent occupancy of a
- 2258 school building from a school district official with authority to issue the certificate, if the
- 2259 charter school used a school district building inspector for inspection of the school building.

2260 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
2261 of public instruction under Subsection 53A-20-104(3) or a school district official with authority  
2262 to issue the certificate shall be considered to satisfy any municipal requirement for an  
2263 inspection or a certificate of occupancy.

2264 Section 20. Section **11-2-1** is amended to read:

2265 **11-2-1. Local authorities may designate and acquire property for playgrounds**  
2266 **and recreational facilities.**

2267 The governing body of any city, town, school district, [~~special~~] local district, special  
2268 service district, or county may designate and set apart for use as playgrounds, athletic fields,  
2269 gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television  
2270 transmission and relay facilities, or other recreational facilities, any lands, buildings or personal  
2271 property owned by such cities, towns, counties, [~~special~~] local districts, special service districts,  
2272 or school districts that may be suitable for such purposes; and may, in such manner as may be  
2273 authorized and provided by law for the acquisition of lands or buildings for public purposes in  
2274 such cities, towns, counties, [~~special~~] local districts, special service districts, and school  
2275 districts, acquire lands, buildings, and personal property therein for such use; and may equip,  
2276 maintain, operate and supervise the same, employing such play leaders, recreation directors,  
2277 supervisors and other employees as it may deem proper. Such acquisition of lands, buildings  
2278 and personal property and the equipping, maintaining, operating and supervision of the same  
2279 shall be deemed to be for public, governmental and municipal purposes.

2280 Section 21. Section **11-13-103** is amended to read:

2281 **11-13-103. Definitions.**

2282 As used in this chapter:

2283 (1) "Additional project capacity" means electric generating capacity provided by a  
2284 generating unit that first produces electricity on or after May 6, 2002 and that is constructed or  
2285 installed at or adjacent to the site of a project that first produced electricity before May 6, 2002,  
2286 regardless of whether:

2287 (a) the owners of the new generating unit are the same as or different from the owner of  
2288 the project; and

2289 (b) the purchasers of electricity from the new generating unit are the same as or  
2290 different from the purchasers of electricity from the project.

2291 (2) "Board" means the Permanent Community Impact Fund Board created by Section  
2292 9-4-304, and its successors.

2293 (3) "Candidate" means one or more of:

2294 (a) the state;

2295 (b) a county, municipality, school district, [~~special~~] local district, special service  
2296 district, or other political subdivision of the state; and

2297 (c) a prosecution district.

2298 (4) "Commercial project entity" means a project entity, defined in Subsection (12),

2299 that:

2300 (a) has no taxing authority; and

2301 (b) is not supported in whole or in part by and does not expend or disburse tax  
2302 revenues.

2303 (5) "Direct impacts" means an increase in the need for public facilities or services that  
2304 is attributable to the project or facilities providing additional project capacity, except impacts  
2305 resulting from the construction or operation of a facility that is:

2306 (a) owned by an owner other than the owner of the project or of the facilities providing  
2307 additional project capacity; and

2308 (b) used to furnish fuel, construction, or operation materials for use in the project.

2309 (6) "Electric interlocal entity" means an interlocal entity described in Subsection  
2310 11-13-203(3).

2311 (7) "Energy services interlocal entity" means an interlocal entity that is described in  
2312 Subsection 11-13-203(4).

2313 (8) (a) "Estimated electric requirements," when used with respect to a qualified energy  
2314 services interlocal entity, includes any of the following that meets the requirements of  
2315 Subsection (8)(b):

2316 (i) generation capacity;

2317 (ii) generation output; or

2318 (iii) an electric energy production facility.

2319 (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements"  
2320 if it is needed by the qualified energy services interlocal entity to perform the qualified energy  
2321 services interlocal entity's contractual or legal obligations to any of its members.

- 2322 (9) "Interlocal entity" means:
- 2323 (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal
- 2324 entity; or
- 2325 (b) a separate legal or administrative entity created under Section 11-13-205.
- 2326 (10) "Out-of-state public agency" means a public agency as defined in Subsection
- 2327 (13)(c), (d), or (e).
- 2328 (11) (a) "Project":
- 2329 (i) means an electric generation and transmission facility owned by a Utah interlocal
- 2330 entity or an electric interlocal entity; and
- 2331 (ii) includes fuel or fuel transportation facilities and water facilities owned by that Utah
- 2332 interlocal entity or electric interlocal entity and required for the generation and transmission
- 2333 facility.
- 2334 (b) "Project" includes a project entity's ownership interest in:
- 2335 (i) facilities that provide additional project capacity; and
- 2336 (ii) additional generating, transmission, fuel, fuel transportation, water, or other
- 2337 facilities added to a project.
- 2338 (12) "Project entity" means a Utah interlocal entity or an electric interlocal entity that
- 2339 owns a project.
- 2340 (13) "Public agency" means:
- 2341 (a) a city, town, county, school district, ~~[special]~~ local district, special service district,
- 2342 or other political subdivision of the state;
- 2343 (b) the state or any department, division, or agency of the state;
- 2344 (c) any agency of the United States;
- 2345 (d) any political subdivision or agency of another state or the District of Columbia
- 2346 including any interlocal cooperation or joint powers agency formed under the authority of the
- 2347 law of the other state or the District of Columbia; and
- 2348 (e) any Indian tribe, band, nation, or other organized group or community which is
- 2349 recognized as eligible for the special programs and services provided by the United States to
- 2350 Indians because of their status as Indians.
- 2351 (14) "Qualified energy services interlocal entity" means an energy services interlocal
- 2352 entity that at the time that the energy services interlocal entity acquires its interest in facilities

2353 providing additional project capacity has at least five members that are Utah public agencies.

2354 (15) "Utah interlocal entity":

2355 (a) means an interlocal entity described in Subsection 11-13-203(2); and

2356 (b) includes a separate legal or administrative entity created under Chapter 47, Laws of

2357 Utah 1977, Section 3, as amended.

2358 (16) "Utah public agency" means a public agency under Subsection (13)(a) or (b).

2359 Section 22. Section **11-14-102** is amended to read:

2360 **11-14-102. Definitions.**

2361 For the purpose of this chapter:

2362 (1) "Bond" means any bond authorized to be issued under this chapter, including

2363 municipal bonds.

2364 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

2365 (3) "Governing body" means:

2366 (a) for a county, city, or town, the legislative body of the county, city, or town;

2367 (b) for ~~[an independent special district or]~~ a local district, the board of trustees of the

2368 ~~[independent special district or]~~ local district;

2369 (c) for a school district, the local board of education; or

2370 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special

2371 Service District Act:

2372 (i) the governing body of the county or municipality that created the special service  
2373 district, if no administrative control board has been established under Section 17A-2-1326; or

2374 (ii) the administrative control board, if one has been established under Section  
2375 17A-2-1326 and the power to issue bonds not payable from taxes has been delegated to the  
2376 administrative control board.

2377 ~~[(4) "Independent special district" means a district operating under Title 17A, Chapter  
2378 2, Independent Special Districts.]~~

2379 ~~[(5)]~~ (4) "Local district" means a district operating under Title 17B, ~~[Chapter 2,]~~

2380 Limited Purpose Local Government Entities - Local Districts.

2381 ~~[(6)]~~ (5) (a) "Local political subdivision" means a county, city, town, school district,  
2382 ~~[independent special district, or]~~ local district, or special service district.

2383 (b) "Local political subdivision" does not include the state and its institutions.

2384 Section 23. Section **11-14a-1** is amended to read:

2385 **11-14a-1. Notice of debt issuance.**

2386 (1) For purposes of this chapter:

2387 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,  
2388 and contracts with municipal building authorities.

2389 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2390 (b) (i) "Local government entity" means a county, city, town, school district, ~~or~~  
2391 ~~special~~ local district, or special service district.

2392 (ii) "Local government entity" does not mean an entity created by an interlocal  
2393 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over  
2394 \$10,000,000.

2395 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly  
2396 or partially to fund a rejected project.

2397 (d) "Rejected Project" means a project for which a local government entity sought  
2398 voter approval for general obligation bond financing and failed to receive that approval.

2399 (2) Unless a local government entity complies with the requirements of this section, it  
2400 may not adopt a new debt resolution.

2401 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2402 (i) advertise its intent to issue debt in a newspaper of general circulation; or

2403 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least  
2404 95% of the residents of the local government entity.

2405 (b) (i) The local government entity shall ensure that the advertisement is published at  
2406 least once each week for the two weeks before the meeting at which the resolution will be  
2407 considered on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller  
2408 than 18 point and surrounded by a 1/4 inch border.

2409 (ii) The local government entity shall ensure that the notice:

2410 (A) is at least as large as the bill or other mailing that it accompanies;

2411 (B) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2412 (C) contains the information required by Subsection (c).

2413 (c) The local government entity shall ensure that the advertisement or notice:

2414 (i) identifies the local government entity;

2415 (ii) states that the entity will meet on a day, time, and place identified in the  
2416 advertisement or notice to hear public comments regarding a resolution authorizing the  
2417 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2418 (iii) contains:

2419 (A) the name of the entity that will issue the debt;

2420 (B) the purpose of the debt; and

2421 (C) that type of debt and the maximum principal amount that may be issued;

2422 (iv) invites all concerned citizens to attend the public hearing; and

2423 (v) states that some or all of the proposed debt would fund a project whose general  
2424 obligation bond financing was rejected by the voters.

2425 (4) (a) The resolution considered at the hearing shall identify:

2426 (i) the type of debt proposed to be issued;

2427 (ii) the maximum principal amount that might be issued;

2428 (iii) the interest rate;

2429 (iv) the term of the debt; and

2430 (v) how the debt will be repaid.

2431 (b) (i) Except as provided in Subsection (ii), the resolution considered at the hearing  
2432 need not be in final form and need not be adopted or rejected at the meeting at which the public  
2433 hearing is held.

2434 (ii) The local government entity may not, in the final resolution, increase the maximum  
2435 principal amount of debt contained in the notice and discussed at the hearing.

2436 (c) The local government entity may adopt, amend and adopt, or reject the resolution at  
2437 a later meeting without recomplying with the published notice requirements of this section.

2438 Section 24. Section **11-27-2** is amended to read:

2439 **11-27-2. Definitions.**

2440 As used in this chapter:

2441 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of  
2442 refunding outstanding bonds in advance of their maturity.

2443 (2) "Assessments" means a special tax levied against property within a special  
2444 improvement district to pay all or a portion of the costs of making improvements in the district.

2445 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,

2446 special improvement bond, or refunding bond.

2447 (4) "General obligation bond" means any bond, note, warrant, certificate of  
2448 indebtedness, or other obligation of a public body payable in whole or in part from revenues  
2449 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any  
2450 applicable constitutional or statutory debt limitation.

2451 (5) "Governing body" means the council, commission, county legislative body, board  
2452 of directors, board of trustees, board of education, board of regents, or other legislative body of  
2453 a public body designated in this chapter that is vested with the legislative powers of the public  
2454 body, and, with respect to the state, the State Bonding Commission created by Section  
2455 63B-1-201.

2456 (6) "Government obligations" means:

2457 (a) direct obligations of the United States of America, or other securities, the principal  
2458 of and interest on which are unconditionally guaranteed by the United States of America; or

2459 (b) obligations of any state, territory, or possession of the United States, or of any of  
2460 the political subdivisions of any state, territory, or possession of the United States, or of the  
2461 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

2462 (7) "Issuer" means the public body issuing any bond or bonds.

2463 (8) "Public body" means the state or any agency, authority, instrumentality, or  
2464 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,  
2465 agency, school district, ~~special~~ local district, special service district, or other governmental  
2466 entity now or hereafter existing under the laws of the state.

2467 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the  
2468 purpose of refunding outstanding bonds.

2469 (10) "Resolution" means a resolution of the governing body of a public body taking  
2470 formal action under this chapter.

2471 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or  
2472 other obligation for the payment of money issued by a public body or any predecessor of any  
2473 public body and that is payable from designated revenues not derived from ad valorem taxes or  
2474 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all  
2475 of the following:

2476 (a) any obligation constituting an indebtedness within the meaning of any applicable



2477 constitutional or statutory debt limitation;

2478 (b) any obligation issued in anticipation of the collection of taxes, where the entire  
2479 issue matures not later than one year from the date of the issue; and

2480 (c) any special improvement bond.

2481 (12) "Special improvement bond" means any bond, note, warrant, certificate of  
2482 indebtedness, or other obligation of a public body or any predecessor of any public body that is  
2483 payable from assessments levied on benefitted property and from any special improvement  
2484 guaranty fund.

2485 (13) "Special improvement guaranty fund" means any special improvement guaranty  
2486 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;  
2487 Title 17A, Chapter 3, Part 2, County Improvement Districts Act; or any predecessor or similar  
2488 statute.

2489 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,  
2490 or other obligation of a public body issued under authority of [~~Title 17A, Chapter 2, Part 16,~~  
2491 ~~Great Salt Lake Development Authority, or any similar statutes, including~~] Title 17C, Limited  
2492 Purpose Local Government Entities - Community Development and Renewal Agencies.

2493 Section 25. Section **11-30-2** is amended to read:

2494 **11-30-2. Definitions.**

2495 As used in this chapter:

2496 (1) "Attorney general" means the attorney general of the state or one of his assistants.

2497 (2) "Bonds" means any evidence or contract of indebtedness that is issued or  
2498 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2499 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2500 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2501 obligations of the issuing public body or are payable solely from a specified source, including,  
2502 but not limited to, annual appropriations by the public body.

2503 (3) "County attorney" means the county attorney of a county or one of his assistants.

2504 (4) "Lease" means any lease agreement, lease purchase agreement, and installment  
2505 purchase agreement, and any certificate of interest or participation in any of the foregoing.  
2506 Reference in this chapter to issuance of bonds includes execution and delivery of leases.

2507 (5) "Person" means any person, association, corporation, or other entity.

2508 (6) "Public body" means the state or any agency, authority, instrumentality, or  
2509 institution of the state, or any county, municipality, quasi-municipal corporation, school  
2510 district, ~~special~~ local district, special service district, political subdivision, or other  
2511 governmental entity existing under the laws of the state, whether or not possessed of any taxing  
2512 power. With respect to leases, public body, as used in this chapter, refers to the public body  
2513 which is the lessee, or is otherwise the obligor with respect to payment under any such leases.

2514 (7) "Refunding bonds" means any bonds that are issued to refund outstanding bonds,  
2515 including both refunding bonds and advance refunding bonds.

2516 (8) "State" means the state of Utah.

2517 (9) "Validity" means any matter relating to the legality and validity of the bonds and  
2518 the security therefor, including, without limitation, the legality and validity of:

2519 (a) a public body's authority to issue and deliver the bonds;

2520 (b) any ordinance, resolution, or statute granting the public body authority to issue and  
2521 deliver the bonds;

2522 (c) all proceedings, elections, if any, and any other actions taken or to be taken in  
2523 connection with the issuance, sale, or delivery of the bonds;

2524 (d) the purpose, location, or manner of the expenditure of funds;

2525 (e) the organization or boundaries of the public body;

2526 (f) any assessments, taxes, rates, rentals, fees, charges, or tolls levied or that may be  
2527 levied in connection with the bonds;

2528 (g) any lien, proceeding, or other remedy for the collection of those assessments, taxes,  
2529 rates, rentals, fees, charges, or tolls;

2530 (h) any contract or lease executed or to be executed in connection with the bonds;

2531 (i) the pledge of any taxes, revenues, receipts, rentals, or property, or encumbrance  
2532 thereon or security interest therein to secure the bonds; and

2533 (j) any covenants or provisions contained in or to be contained in the bonds. If any  
2534 deed, will, statute, resolution, ordinance, lease, indenture, contract, franchise, or other  
2535 instrument may have an effect on any of the aforementioned, validity also means a declaration  
2536 of the validity and legality thereof and of rights, status, or other legal relations arising  
2537 therefrom.

2538 Section 26. Section **11-31-2** is amended to read:

2539 **11-31-2. Definitions.**

2540 As used in this chapter:

2541 (1) "Bonds" means any evidence or contract of indebtedness that is issued or  
2542 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2543 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2544 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2545 obligations of the issuing public body or are payable solely from a specified source, including,  
2546 but not limited to, annual appropriations by the public body.

2547 (2) "Legislative body" means, with respect to any action to be taken by a public body  
2548 with respect to bonds, the board, commission, council, agency, or other similar body authorized  
2549 by law to take legislative action on behalf of the public body, and in the case of the state, the  
2550 Legislature, the state treasurer, the commission created under Section 63B-1-201, and any other  
2551 entities the Legislature designates.

2552 (3) "Public body" means the state and any public department, public agency, or other  
2553 public entity existing under the laws of the state, including, without limitation, any agency,  
2554 authority, instrumentality, or institution of the state, and any county, city, town, municipal  
2555 corporation, quasi-municipal corporation, state university or college, school district, special  
2556 service district [~~or other special~~], local district, [~~improvement district, water conservancy~~  
2557 ~~district, metropolitan water district, drainage district, irrigation district, fire protection district,~~]  
2558 separate legal or administrative entity created under the Interlocal Cooperation Act or other  
2559 joint agreement entity, [~~redevelopment~~] community development and renewal agency, and any  
2560 other political subdivision, public authority, public agency, or public trust existing under the  
2561 laws of the state.

2562 Section 27. Section **11-34-1** is amended to read:2563 **11-34-1. Definitions.**

2564 As used in this chapter:

2565 (1) "Bonds" means any evidence or contract of indebtedness that is issued or  
2566 authorized by a public body, including, without limitation, bonds, refunding bonds, advance  
2567 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of  
2568 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general  
2569 obligations of the issuing public body or are payable solely from a specified source, including,

2570 but not limited to, annual appropriations by the public body.

2571 (2) "Public body" means the state and any public department, public agency, or other  
2572 public entity existing under the laws of the state, including, without limitation, any agency,  
2573 authority, instrumentality, or institution of the state, and any county, city, town, municipal  
2574 corporation, quasi-municipal corporation, state university or college, school district, special  
2575 service district [~~or other special~~], local district, [~~improvement district, water conservancy~~  
2576 ~~district, metropolitan water district, drainage district, irrigation district, fire protection district,~~]  
2577 separate legal or administrative entity created under the Interlocal Cooperation Act or other  
2578 joint agreement entity, [~~redevelopment~~] community development and renewal agency, and any  
2579 other political subdivision, public authority, public agency, or public trust existing under the  
2580 laws of this state.

2581 Section 28. Section **11-36-102** is amended to read:

2582 **11-36-102. Definitions.**

2583 As used in this chapter:

2584 (1) "Building permit fee" means the fees charged to enforce the uniform codes adopted  
2585 pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not greater  
2586 than the fees indicated in the appendix to the International Building Code.

2587 (2) "Capital facilities plan" means the plan required by Section 11-36-201.

2588 (3) "Development activity" means any construction or expansion of a building,  
2589 structure, or use, any change in use of a building or structure, or any changes in the use of land  
2590 that creates additional demand and need for public facilities.

2591 (4) "Development approval" means any written authorization from a local political  
2592 subdivision that authorizes the commencement of development activity.

2593 (5) "Enactment" means:

2594 (a) a municipal ordinance, for municipalities;

2595 (b) a county ordinance, for counties; and

2596 (c) a governing board resolution, for [~~special~~] local districts or special service districts.

2597 (6) "Hookup fees" means reasonable fees, not in excess of the approximate average  
2598 costs to the political subdivision, for services provided for and directly attributable to the  
2599 connection to utility services, including gas, water, sewer, power, or other municipal, county,  
2600 [~~or independent special~~] local district, or special service district utility services.

2601 (7) (a) "Impact fee" means a payment of money imposed upon development activity as  
2602 a condition of development approval.

2603 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a  
2604 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

2605 (8) (a) "Local political subdivision" means a county, a municipality, ~~[or a special]~~ a  
2606 local district created under Title ~~[17A, Special Districts]~~ 17B, Limited Purpose Local  
2607 Government Entities - Local Districts, or a special service district under Title 17A, Chapter 2,  
2608 Part 13, Utah Special Service District Act.

2609 (b) "Local political subdivision" does not mean school districts, whose impact fee  
2610 activity is governed by Section 53A-20-100.5.

2611 (9) "Private entity" means an entity with private ownership that provides culinary water  
2612 that is required to be used as a condition of development.

2613 (10) (a) "Project improvements" means site improvements and facilities that are:

2614 (i) planned and designed to provide service for development resulting from a  
2615 development activity; and

2616 (ii) necessary for the use and convenience of the occupants or users of development  
2617 resulting from a development activity.

2618 (b) "Project improvements" does not mean system improvements.

2619 (11) "Proportionate share" means the cost of public facility improvements that are  
2620 roughly proportionate and reasonably related to the service demands and needs of any  
2621 development activity.

2622 (12) "Public facilities" means only the following capital facilities that have a life  
2623 expectancy of ten or more years and are owned or operated by or on behalf of a local political  
2624 subdivision or private entity:

2625 (a) water rights and water supply, treatment, and distribution facilities;

2626 (b) wastewater collection and treatment facilities;

2627 (c) storm water, drainage, and flood control facilities;

2628 (d) municipal power facilities;

2629 (e) roadway facilities;

2630 (f) parks, recreation facilities, open space, and trails; and

2631 (g) public safety facilities.

2632 (13) (a) "Public safety facility" means:

2633 (i) a building constructed or leased to house police, fire, or other public safety entities;

2634 or

2635 (ii) a fire suppression vehicle with a ladder reach of at least 75 feet, costing in excess of  
2636 \$1,250,000, that is necessary for fire suppression in commercial areas with one or more  
2637 buildings at least five stories high.

2638 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary  
2639 incarceration.

2640 (14) (a) "Roadway facilities" means streets or roads that have been designated on an  
2641 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,  
2642 together with all necessary appurtenances.

2643 (b) "Roadway facilities" includes associated improvements to federal or state roadways  
2644 only when the associated improvements:

2645 (i) are necessitated by the new development; and

2646 (ii) are not funded by the state or federal government.

2647 (c) "Roadway facilities" does not mean federal or state roadways.

2648 (15) (a) "Service area" means a geographic area designated by a local political  
2649 subdivision on the basis of sound planning or engineering principles in which a defined set of  
2650 public facilities provide service within the area.

2651 (b) "Service area" may include the entire local political subdivision.

2652 (16) (a) "System improvements" means:

2653 (i) existing public facilities that are designed to provide services to service areas within  
2654 the community at large; and

2655 (ii) future public facilities identified in a capital facilities plan that are intended to  
2656 provide services to service areas within the community at large.

2657 (b) "System improvements" does not mean project improvements.

2658 Section 29. Section **11-36-201** is amended to read:

2659 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**  
2660 **Summary -- Exemptions.**

2661 (1) (a) Each local political subdivision and private entity shall comply with the  
2662 requirements of this chapter before establishing or modifying any impact fee.

- 2663 (b) A local political subdivision may not:
- 2664 (i) establish any new impact fees that are not authorized by this chapter; or
- 2665 (ii) impose or charge any other fees as a condition of development approval unless
- 2666 those fees are a reasonable charge for the service provided.
- 2667 (c) Notwithstanding any other requirements of this chapter, each local political
- 2668 subdivision shall ensure that each existing impact fee that is charged for any public facility not
- 2669 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.
- 2670 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)
- 2671 that are charged by local political subdivisions need not comply with the requirements of this
- 2672 chapter until July 1, 1997.
- 2673 (ii) By July 1, 1997, each local political subdivision shall:
- 2674 (A) review any impact fees in existence as of the effective date of this act, and prepare
- 2675 and approve the analysis required by this section for each of those impact fees; and
- 2676 (B) ensure that the impact fees comply with the requirements of this chapter.
- 2677 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a
- 2678 capital facilities plan.
- 2679 (b) (i) As used in this Subsection (2)(b):
- 2680 (A) (I) "Affected entity" means each county, municipality, [~~independent special district~~
- 2681 ~~under Title 17A, Chapter 2, Independent Special Districts;~~] local district under Title 17B,
- 2682 [~~Chapter 2;~~] Limited Purpose Local Government Entities - Local Districts, special service
- 2683 district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, school district,
- 2684 interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and
- 2685 specified public utility:
- 2686 (Aa) whose services or facilities are likely to require expansion or significant
- 2687 modification because of the facilities proposed in the proposed capital facilities plan; or
- 2688 (Bb) that has filed with the local political subdivision or private entity a copy of the
- 2689 general or long-range plan of the county, municipality, [~~independent special district;~~] local
- 2690 district, special service district, school district, interlocal cooperation entity, or specified public
- 2691 utility.
- 2692 (II) "Affected entity" does not include the local political subdivision or private entity
- 2693 that is required under this Subsection (2) to provide notice.

2694 (B) "Specified public utility" means an electrical corporation, gas corporation, or  
2695 telephone corporation, as those terms are defined in Section 54-2-1.

2696 (ii) Before preparing a capital facilities plan for facilities proposed on land located  
2697 within a county of the first or second class, each local political subdivision and each private  
2698 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare  
2699 a capital facilities plan.

2700 (iii) Each notice under Subsection (2)(b)(ii) shall:

2701 (A) indicate that the local political subdivision or private entity intends to prepare a  
2702 capital facilities plan;

2703 (B) describe or provide a map of the geographic area where the proposed capital  
2704 facilities will be located;

2705 (C) be sent to:

2706 (I) each county in whose unincorporated area and each municipality in whose  
2707 boundaries is located the land on which the proposed facilities will be located;

2708 (II) each affected entity;

2709 (III) the Automated Geographic Reference Center created in Section 63F-1-506;

2710 (IV) the association of governments, established pursuant to an interlocal agreement  
2711 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to  
2712 be located; and

2713 (V) the state planning coordinator appointed under Section 63-38d-202; and

2714 (D) with respect to the notice to affected entities, invite the affected entities to provide  
2715 information for the local political subdivision or private entity to consider in the process of  
2716 preparing, adopting, and implementing a capital facilities plan concerning:

2717 (I) impacts that the facilities proposed in the capital facilities plan may have on the  
2718 affected entity; and

2719 (II) facilities or uses of land that the affected entity is planning or considering that may  
2720 conflict with the facilities proposed in the capital facilities plan.

2721 (c) The plan shall identify:

2722 (i) demands placed upon existing public facilities by new development activity; and

2723 (ii) the proposed means by which the local political subdivision will meet those  
2724 demands.



2725 (d) Municipalities and counties need not prepare a separate capital facilities plan if the  
2726 general plan required by Sections 10-9a-401 and 17-27a-401 contains the elements required by  
2727 Subsection (2)(c).

2728 (e) (i) If a local political subdivision prepares an independent capital facilities plan  
2729 rather than including a capital facilities element in the general plan, the local political  
2730 subdivision shall, before adopting the capital facilities plan:

2731 (A) give public notice of the plan according to this Subsection (2)(e);

2732 (B) at least 14 days before the date of the public hearing:

2733 (I) make a copy of the plan, together with a summary designed to be understood by a  
2734 lay person, available to the public; and

2735 (II) place a copy of the plan and summary in each public library within the local  
2736 political subdivision; and

2737 (C) hold a public hearing to hear public comment on the plan.

2738 (ii) Municipalities shall comply with the notice and hearing requirements of, and,  
2739 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections  
2740 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2).

2741 (iii) Counties shall comply with the notice and hearing requirements of, and, except as  
2742 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and  
2743 17-27a-801 and Subsection 17-27a-502(2).

2744 (iv) [~~Special~~] Local districts, special service districts, and private entities shall comply  
2745 with the notice and hearing requirements of, and receive the protections of, Section  
2746 [~~17A-1-203~~] 17B-1-111.

2747 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in  
2748 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning  
2749 commission in the capital facilities planning process.

2750 (f) (i) Local political subdivisions with a population or serving a population of less  
2751 than 5,000 as of the last federal census need not comply with the capital facilities plan  
2752 requirements of this part, but shall ensure that the impact fees imposed by them are based upon  
2753 a reasonable plan.

2754 (ii) Subsection (2)(f)(i) does not apply to private entities.

2755 (3) In preparing the plan, each local political subdivision shall generally consider all

2756 revenue sources, including impact fees, to finance the impacts on system improvements.

2757 (4) A local political subdivision may only impose impact fees on development  
2758 activities when its plan for financing system improvements establishes that impact fees are  
2759 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the  
2760 future, in comparison to the benefits already received and yet to be received.

2761 (5) (a) Each local political subdivision imposing impact fees shall prepare a written  
2762 analysis of each impact fee that:

2763 (i) identifies the impact on system improvements required by the development activity;

2764 (ii) demonstrates how those impacts on system improvements are reasonably related to  
2765 the development activity;

2766 (iii) estimates the proportionate share of the costs of impacts on system improvements  
2767 that are reasonably related to the new development activity; and

2768 (iv) based upon those factors and the requirements of this chapter, identifies how the  
2769 impact fee was calculated.

2770 (b) In analyzing whether or not the proportionate share of the costs of public facilities  
2771 are reasonably related to the new development activity, the local political subdivision shall  
2772 identify, if applicable:

2773 (i) the cost of existing public facilities;

2774 (ii) the manner of financing existing public facilities, such as user charges, special  
2775 assessments, bonded indebtedness, general taxes, or federal grants;

2776 (iii) the relative extent to which the newly developed properties and the other  
2777 properties in the municipality have already contributed to the cost of existing public facilities,  
2778 by such means as user charges, special assessments, or payment from the proceeds of general  
2779 taxes;

2780 (iv) the relative extent to which the newly developed properties and the other  
2781 properties in the municipality will contribute to the cost of existing public facilities in the  
2782 future;

2783 (v) the extent to which the newly developed properties are entitled to a credit because  
2784 the municipality is requiring their developers or owners, by contractual arrangement or  
2785 otherwise, to provide common facilities, inside or outside the proposed development, that have  
2786 been provided by the municipality and financed through general taxation or other means, apart

2787 from user charges, in other parts of the municipality;

2788 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

2789 (vii) the time-price differential inherent in fair comparisons of amounts paid at  
2790 different times.

2791 (c) Each local political subdivision that prepares a written analysis under this  
2792 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,  
2793 designed to be understood by a lay person.

2794 (6) Each local political subdivision that adopts an impact fee enactment under Section  
2795 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit  
2796 to each public library within the local political subdivision:

2797 (a) a copy of the written analysis required by Subsection (5)(a); and

2798 (b) a copy of the summary required by Subsection (5)(c).

2799 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any  
2800 impact fee in effect on the effective date of this chapter that is pledged as a source of revenues  
2801 to pay bonded indebtedness that was incurred before the effective date of this chapter.

2802 Section 30. Section **11-36-202** is amended to read:

2803 **11-36-202. Impact fees -- Enactment -- Required provisions.**

2804 (1) (a) Each local political subdivision wishing to impose impact fees shall pass an  
2805 impact fee enactment.

2806 (b) The impact fee imposed by that enactment may not exceed the highest fee justified  
2807 by the impact fee analysis performed pursuant to Section 11-36-201.

2808 (c) In calculating the impact fee, each local political subdivision may include:

2809 (i) the construction contract price;

2810 (ii) the cost of acquiring land, improvements, materials, and fixtures;

2811 (iii) the cost for planning, surveying, and engineering fees for services provided for and  
2812 directly related to the construction of the system improvements; and

2813 (iv) debt service charges, if the political subdivision might use impact fees as a revenue  
2814 stream to pay the principal and interest on bonds, notes, or other obligations issued to finance  
2815 the costs of the system improvements.

2816 (d) In calculating an impact fee, a local political subdivision may not include an  
2817 expense for overhead unless the expense is calculated pursuant to a methodology that is

2818 consistent with:

2819 (i) generally accepted cost accounting practices; and

2820 (ii) the methodological standards set forth by the federal Office of Management and  
2821 Budget for federal grant reimbursement.

2822 (e) In calculating an impact fee, each local political subdivision shall base amounts  
2823 calculated under Subsection (1)(c) on realistic estimates, and the assumptions underlying those  
2824 estimates shall be disclosed in the impact fee analysis.

2825 (f) In enacting an impact fee enactment:

2826 (i) municipalities shall:

2827 (A) make a copy of the impact fee enactment available to the public at least 14 days  
2828 before the date of the public hearing; and

2829 (B) comply with the notice and hearing requirements of, and, except as provided in  
2830 Subsection 11-36-401(4)(f), receive the protections of Sections 10-9a-205 and 10-9a-801;

2831 (ii) counties shall:

2832 (A) make a copy of the impact fee enactment available to the public at least 14 days  
2833 before the date of the public hearing; and

2834 (B) comply with the notice and hearing requirements of, and, except as provided in  
2835 Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and 17-27a-801;

2836 and

2837 (iii) ~~[special]~~ local districts and special service districts, shall:

2838 (A) make a copy of the impact fee enactment available to the public at least 14 days  
2839 before the date of the public hearing; and

2840 (B) comply with the notice and hearing requirements of, and receive the protections of,  
2841 Section ~~[17A-1-203]~~ 17B-1-111.

2842 (g) Nothing contained in Subsection (1)(f) or in the subsections referenced in  
2843 Subsections (1)(f)(i)(B) and (ii)(B) may be construed to require involvement by a planning  
2844 commission in the impact fee enactment process.

2845 (2) The local political subdivision shall ensure that the impact fee enactment contains:

2846 (a) a provision establishing one or more service areas within which it shall calculate  
2847 and impose impact fees for various land use categories;

2848 (b) either:

- 2849 (i) a schedule of impact fees for each type of development activity that specifies the  
2850 amount of the impact fee to be imposed for each type of system improvement; or  
2851 (ii) the formula that the local political subdivision will use to calculate each impact fee;  
2852 (c) a provision authorizing the local political subdivision to adjust the standard impact  
2853 fee at the time the fee is charged to:
- 2854 (i) respond to unusual circumstances in specific cases; and  
2855 (ii) ensure that the impact fees are imposed fairly; and  
2856 (d) a provision governing calculation of the amount of the impact fee to be imposed on  
2857 a particular development that permits adjustment of the amount of the fee based upon studies  
2858 and data submitted by the developer.
- 2859 (3) The local political subdivision may include a provision in the impact fee enactment  
2860 that:
- 2861 (a) exempts low income housing and other development activities with broad public  
2862 purposes from impact fees and establishes one or more sources of funds other than impact fees  
2863 to pay for that development activity;
- 2864 (b) imposes an impact fee for public facility costs previously incurred by a local  
2865 political subdivision to the extent that new growth and development will be served by the  
2866 previously constructed improvement; and
- 2867 (c) allows a credit against impact fees for any dedication of land for, improvement to,  
2868 or new construction of, any system improvements provided by the developer if the facilities:
- 2869 (i) are identified in the capital facilities plan; and  
2870 (ii) are required by the local political subdivision as a condition of approving the  
2871 development activity.
- 2872 (4) Except as provided in Subsection (3)(b), the local political subdivision may not  
2873 impose an impact fee to cure deficiencies in public facilities serving existing development.
- 2874 (5) Notwithstanding the requirements and prohibitions of this chapter, a local political  
2875 subdivision may impose and assess an impact fee for environmental mitigation when:
- 2876 (a) the local political subdivision has formally agreed to fund a Habitat Conservation  
2877 Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec 1531, et seq.  
2878 or other state or federal environmental law or regulation;
- 2879 (b) the impact fee bears a reasonable relationship to the environmental mitigation

2880 required by the Habitat Conservation Plan; and

2881 (c) the legislative body of the local political subdivision adopts an ordinance or  
2882 resolution:

2883 (i) declaring that an impact fee is required to finance the Habitat Conservation Plan;

2884 (ii) establishing periodic sunset dates for the impact fee; and

2885 (iii) requiring the legislative body to:

2886 (A) review the impact fee on those sunset dates;

2887 (B) determine whether or not the impact fee is still required to finance the Habitat

2888 Conservation Plan; and

2889 (C) affirmatively reauthorize the impact fee if the legislative body finds that the impact  
2890 fee must remain in effect.

2891 (6) Each political subdivision shall ensure that any existing impact fee for  
2892 environmental mitigation meets the requirements of Subsection (5) by July 1, 1995.

2893 (7) Notwithstanding any other provision of this chapter:

2894 (a) a municipality imposing impact fees to fund fire trucks as of the effective date of  
2895 this act may impose impact fees for fire trucks until July 1, 1997; and

2896 (b) an impact fee to pay for a public safety facility that is a fire suppression vehicle  
2897 may not be imposed with respect to land that has a zoning designation other than commercial.

2898 (8) Notwithstanding any other provision of this chapter, a local political subdivision  
2899 may impose and collect impact fees on behalf of a school district if authorized by Section  
2900 53A-20-100.5.

2901 Section 31. Section **11-36-501** is amended to read:

2902 **11-36-501. Private entity assessment of impact fees -- Notice and hearing -- Audit.**

2903 (1) A private entity may only impose a charge for public facilities as a condition of  
2904 development approval by imposing an impact fee. A private entity shall comply with the  
2905 requirements of this chapter before imposing an impact fee.

2906 (2) Except as otherwise specified in this chapter, a private entity is subject to the same  
2907 requirements of this chapter as a local political subdivision.

2908 (3) Where notice and hearing requirements are specified, a private entity shall comply  
2909 with the notice and hearing requirements for ~~special~~ local districts.

2910 (4) A private entity that assesses an impact fee under this chapter is subject to the audit

2911 requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,  
2912 Interlocal Organizations, and Other Local Entities Act.

2913 Section 32. Section **11-39-101** is amended to read:

2914 **11-39-101. Definitions.**

2915 As used in this chapter:

2916 (1) "Bid limit" means:

2917 (a) for a building improvement:

2918 (i) for the year 2003, \$40,000; and

2919 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an  
2920 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
2921 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
2922 year; and

2923 (b) for a public works project:

2924 (i) for the year 2003, \$125,000; and

2925 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an  
2926 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser  
2927 of 3% or the actual percent change in the Consumer Price Index during the previous calendar  
2928 year.

2929 (2) "Building improvement":

2930 (a) means the construction or repair of a public building or structure; and

2931 (b) does not include construction or repair at an international airport.

2932 (3) "Consumer Price Index" means the Consumer Price Index for All Urban

2933 Consumers as published by the Bureau of Labor Statistics of the United States Department of  
2934 Labor.

2935 (4) "Design-build project":

2936 (a) means a building improvement or public works project costing over \$250,000 with  
2937 respect to which both the design and construction are provided for in a single contract with a  
2938 contractor or combination of contractors capable of providing design-build services; and

2939 (b) does not include a building improvement or public works project:

2940 (i) that is undertaken by a local entity under contract with a construction manager that  
2941 guarantees the contract price and is at risk for any amount over the contract price; and

2942 (ii) each component of which is competitively bid.

2943 (5) "Design-build services" means the engineering, architectural, and other services  
2944 necessary to formulate and implement a design-build project, including its actual construction.

2945 (6) "Emergency repairs" means a building improvement or public works project  
2946 undertaken on an expedited basis to:

2947 (a) eliminate an imminent risk of damage to or loss of public or private property;

2948 (b) remedy a condition that poses an immediate physical danger; or

2949 (c) reduce a substantial, imminent risk of interruption of an essential public service.

2950 ~~[(7) "Independent special district" means an independent special district under Title~~  
2951 ~~17A, Chapter 2, Independent Special Districts, excluding a special service district under Title~~  
2952 ~~17A, Chapter 2, Part 13, Utah Special Service District Act.]~~

2953 ~~[(8)]~~ (7) "Local district" has the same meaning as defined in Section ~~[17B-2-101]~~  
2954 17B-1-102.

2955 ~~[(9)]~~ (8) "Local entity" means a county, city, town, special district, or local district.

2956 ~~[(10)]~~ (9) "Lowest responsive responsible bidder" means a prime contractor who:

2957 (a) has submitted a bid in compliance with the invitation to bid and within the  
2958 requirements of the plans and specifications for the building improvement or public works  
2959 project;

2960 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial  
2961 strength, past performance, integrity, reliability, and other factors that the local entity uses to  
2962 assess the ability of a bidder to perform fully and in good faith the contract requirements;

2963 (c) has furnished a bid bond or equivalent in money as a condition to the award of a  
2964 prime contract; and

2965 (d) furnishes a payment and performance bond as required by law.

2966 ~~[(11)]~~ (10) "Procurement code" means the provisions of Title 63, Chapter 56, Utah  
2967 Procurement Code.

2968 ~~[(12)]~~ (11) "Public works project":

2969 (a) means the construction of:

2970 (i) a park or recreational facility; or

2971 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or  
2972 flood control; and



- 2973 (b) does not include:
- 2974 (i) the replacement or repair of existing infrastructure on private property;
- 2975 (ii) construction commenced before June 1, 2003; and
- 2976 (iii) construction or repair at an international airport.
- 2977 [~~(13) "Special district" has the same meaning as defined in Section 17A-1-101.~~]
- 2978 (12) "Special service district means a special service district under Title 17A, Chapter
- 2979 2, Part 13, Utah Special Service District Act.

2980 Section 33. Section **11-39-107** is amended to read:

2981 **11-39-107. Procurement code.**

2982 (1) This chapter may not be construed to:

- 2983 (a) prohibit a county legislative body from adopting the procedures of the procurement
- 2984 code; or
- 2985 (b) limit the application of the procurement code to a [~~special district or~~] local district
- 2986 or special service district.

2987 (2) (a) In seeking bids and awarding a contract for a building improvement or public  
2988 works project, a county legislative body may elect to follow the provisions of the procurement  
2989 code, as the county legislative body considers appropriate under the circumstances, for  
2990 specification preparation, source selection, or contract formation.

2991 (b) A county legislative body's election to adopt the procedures of the procurement  
2992 code may not excuse the county from complying with the requirements to award a contract for  
2993 work in excess of the bid limit and to publish notice of the intent to award.

2994 (c) An election under Subsection (2)(a) may be made on a case-by-case basis, unless  
2995 the county has previously adopted the procurement code as permitted by Subsection  
2996 63-56-102(3)(e).

2997 (d) The county legislative body shall:

- 2998 (i) make each election under Subsection (2)(a) in an open meeting; and
- 2999 (ii) specify in its action the portions of the procurement code to be followed.

3000 (3) If the estimated cost of the building improvement or public works project proposed  
3001 by a [~~special district or~~] local district or special service district exceeds the bid limit, the  
3002 [~~legislative body~~] board of trustees of the [~~special district or~~] local district or special service  
3003 district may, if it determines to proceed with the building improvement or public works project,

3004 use the competitive procurement procedures of the procurement code in place of the  
3005 comparable provisions of this chapter.

3006 Section 34. Section **11-40-101** is amended to read:

3007 **11-40-101. Definitions.**

3008 As used in this chapter:

3009 (1) "Applicant" means a person who seeks employment with a public water utility,  
3010 either as an employee or as an independent contractor, and who, after employment, would, in  
3011 the judgment of the public water utility, be in a position to affect the safety or security of the  
3012 publicly owned treatment works or public water system or to affect the safety or well-being of  
3013 patrons of the public water utility.

3014 (2) "Division" means the Criminal Investigation and Technical Services Division of the  
3015 Department of Public Safety, established in Section 53-10-103.

3016 (3) "Independent contractor":

3017 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,  
3018 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or  
3019 equipment, or related control or security facilities or equipment, to the public water utility; and

3020 (b) includes the employees and agents of the engineer, contractor, consultant, or  
3021 supplier.

3022 (4) "Person seeking access" means a person who seeks access to a public water utility's  
3023 public water system or publicly owned treatment works and who, after obtaining access, would,  
3024 in the judgment of the public water utility, be in a position to affect the safety or security of the  
3025 publicly owned treatment works or public water system or to affect the safety or well-being of  
3026 patrons of the public water utility.

3027 (5) " Publicly owned treatment works" has the same meaning as defined in Section  
3028 19-5-102.

3029 (6) "Public water system" has the same meaning as defined in Section 19-4-102.

3030 (7) "Public water utility" means a county, city, town, [~~independent special district~~  
3031 ~~under Title 17A, Chapter 2, Independent Special Districts,]~~ local district under Title 17B,  
3032 Chapter [2,] 1, Provisions Applicable to All Local Districts, special service district under Title  
3033 17A, Chapter 2, Part 13, Utah Special Service District Act, or other political subdivision of the  
3034 state that operates publicly owned treatment works or a public water system.

3035 Section 35. Section 11-42-101 is enacted to read:

3036 **CHAPTER 42. ASSESSMENT AREA ACT**

3037 **Part 1. General Provisions**

3038 **11-42-101. Title.**

3039 This chapter is known as the "Assessment Area Act."

3040 Section 36. Section 11-42-102 is enacted to read:

3041 **11-42-102. Definitions.**

3042 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203  
3043 that represent at least 50% of the frontage, area, taxable value, lots, number of connections, or  
3044 equivalent residential units of the property proposed to be assessed, according to the same  
3045 assessment method by which the assessment is proposed to be levied, after eliminating:

3046 (a) protests relating to:

3047 (i) property that has been deleted from a proposed assessment area; or

3048 (ii) an improvement that has been deleted from the proposed improvements to be  
3049 provided to property within the proposed assessment area; and

3050 (b) protests that have been withdrawn under Subsection 11-42-203(3).

3051 (2) "Assessment area" means an area, or, if more than one contiguous area is  
3052 designated, the aggregate of all areas, that:

3053 (a) consists of some but not all of the property within a local entity's jurisdictional  
3054 boundaries; and

3055 (b) is designated by a local entity under Part 2, Designating an Assessment Area, for  
3056 the purpose of financing improvements, operation and maintenance costs, or economic  
3057 promotion activities within the area.

3058 (3) "Assessment bonds" means bonds that are:

3059 (a) issued under Section 11-42-501; and

3060 (b) payable in part or in whole from assessments levied in an assessment area,  
3061 improvement revenues, and a guaranty fund or reserve fund.

3062 (4) "Assessment fund" means a special fund that a local entity establishes under  
3063 Section 11-42-412.

3064 (5) "Assessment lien" means a lien on property within an assessment area that arises  
3065 from the levy of an assessment, as provided in Section 11-42-411.

3066 (6) "Assessment method" means the method by which an assessment is levied against  
3067 property, whether by frontage, area, taxable value, lot, number of connections, equivalent  
3068 residential unit, or any combination of these methods.

3069 (7) "Assessment ordinance" means an ordinance adopted by a local entity under  
3070 Section 11-42-405 that levies an assessment on benefitted property within an assessment area.

3071 (8) "Assessment resolution" means a resolution adopted by a local entity under Section  
3072 11-42-405 that levies an assessment on benefitted property within an assessment area.

3073 (9) "Benefitted property" means property within an assessment area that benefits from  
3074 improvements in the assessment area.

3075 (10) "Bond anticipation notes" means notes issued under Section 11-42-606 in  
3076 anticipation of the issuance of assessment bonds.

3077 (11) "Bonds" means assessment bonds and refunding assessment bonds.

3078 (12) "Commercial activities" means the interchange of goods or commodities.

3079 (13) "Connection fee" means a fee charged by a local entity to pay for the costs of  
3080 connecting property to a publicly owned sewer, water, gas, telecommunications, or electrical  
3081 system, whether or not improvements are installed on the property.

3082 (14) "Contract price" means:

3083 (a) the cost of acquiring an improvement, if the improvement is acquired; or

3084 (b) the amount payable to one or more contractors for the design, engineering,  
3085 inspection, and construction of an improvement.

3086 (15) "Designation ordinance" means an ordinance adopted by a local entity under  
3087 Section 11-42-205 designating an assessment area.

3088 (16) "Designation resolution" means a resolution adopted by a local entity under  
3089 Section 11-42-205 designating an assessment area.

3090 (17) "Downtown area" means an area in which at least 75% of the property is devoted  
3091 to commercial activities.

3092 (18) "Economic promotion activities" means activities that promote economic growth  
3093 in a downtown area of a local entity, including:

3094 (a) sponsoring festivals and markets;

3095 (b) promoting business investment;

3096 (c) helping to coordinate public and private actions; and

3097 (d) developing and issuing publications designed to improve the economic well-being  
3098 of the downtown area.

3099 (19) "Equivalent residential unit" means a dwelling, unit, or development that is equal  
3100 to a single-family residence in terms of the nature of its use or impact on an improvement to be  
3101 provided in the assessment area.

3102 (20) "Governing body" means:

3103 (a) for a county, city, or town, the legislative body of the county, city, or town;

3104 (b) for a local district, the board of trustees of the local district; and

3105 (c) for a special service district:

3106 (i) the legislative body of the county, city, or town that established the special service  
3107 district, if no administrative control board has been appointed under Section 17A-2-1326; or

3108 (ii) the administrative control board of the special service district, if an administrative  
3109 control board has been appointed under Section 17A-2-1326.

3110 (21) "Guaranty fund" means the fund established by a local entity under Section  
3111 11-42-701.

3112 (22) "Improved property" means property proposed to be assessed within an  
3113 assessment area upon which a residential, commercial, or other building has been built.

3114 (23) "Improvement" means any publicly owned infrastructure, system, or other facility  
3115 that:

3116 (a) a local entity is authorized to provide; or

3117 (b) the governing body of a local entity determines is necessary or convenient to enable  
3118 the local entity to provide a service that the local entity is authorized to provide.

3119 (24) "Improvement revenues" means:

3120 (a) charges, fees, impact fees, or other revenues that a local entity receives from  
3121 improvements; and

3122 (b) does not include revenue from assessments.

3123 (25) "Incidental refunding costs" means any costs of issuing refunding assessment  
3124 bonds and calling, retiring, or paying prior bonds, including:

3125 (a) legal and accounting fees;

3126 (b) charges of fiscal agents, escrow agents, and trustees;

3127 (c) underwriting discount costs, printing costs, the costs of giving notice;

- 3128           (d) any premium necessary in the calling or retiring of prior bonds;
- 3129           (e) fees to be paid to the local entity to issue the refunding assessment bonds and to
- 3130 refund the outstanding prior bonds;
- 3131           (f) any other costs that the governing body determines are necessary or desirable to
- 3132 incur in connection with the issuance of refunding assessment bonds; and
- 3133           (g) any interest on the prior bonds that is required to be paid in connection with the
- 3134 issuance of the refunding assessment bonds.
- 3135           (26) "Installment payment date" means the date on which an installment payment of an
- 3136 assessment is payable.
- 3137           (27) "Interim warrant" means a warrant issued by a local entity under Section
- 3138 11-42-605.
- 3139           (28) "Jurisdictional boundaries" means:
- 3140           (a) for a county, the boundaries of the unincorporated area of the county; and
- 3141           (b) for each other local entity, the boundaries of the local entity.
- 3142           (29) "Local district" means a local district under Title 17B, Limited Purpose Local
- 3143 Government Entities - Local Districts.
- 3144           (30) "Local entity" means a county, city, town, special service district, or local district.
- 3145           (31) "Local entity obligations" means assessment bonds, refunding assessment bonds,
- 3146 interim warrants, and bond anticipation notes issued by a local entity.
- 3147           (31) "Mailing address" means:
- 3148           (a) a property owner's last-known address using the name and address appearing on the
- 3149 last completed real property assessment roll of the county in which the property is located; or
- 3150           (b) if the property is improved property:
- 3151           (i) the property's street number; or
- 3152           (ii) the post office box, rural route number, or other mailing address of the property, if
- 3153 a street number has not been assigned.
- 3154           (32) "Net improvement revenues" means all improvement revenues that a local entity
- 3155 has received since the last installment payment date, less all amounts payable by the local entity
- 3156 from those improvement revenues for operation and maintenance costs.
- 3157           (33) "Operation and maintenance costs" means the costs that a local entity incurs in
- 3158 operating and maintaining improvements in an assessment area, including service charges.

3159 administrative costs, ongoing maintenance charges, and tariffs or other charges for electrical,  
3160 water, gas, or other utility usage.

3161 (34) "Optional facilities":

3162 (a) means facilities in an assessment area that:

3163 (i) can be conveniently installed at the same time as improvements in the assessment  
3164 area; and

3165 (ii) are requested by a property owner on whose property or for whose benefit the  
3166 improvements are being installed; and

3167 (b) includes private driveways, irrigation ditches, and water turnouts.

3168 (35) "Overhead costs" means the actual costs incurred or the estimated costs to be  
3169 incurred by a local entity in connection with an assessment area for appraisals, legal fees, filing  
3170 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and paying  
3171 agent fees, publishing and mailing costs, costs of levying an assessment, recording costs, and  
3172 all other incidental costs.

3173 (36) "Prior bonds" means the assessment bonds that are refunded in part or in whole by  
3174 refunding assessment bonds.

3175 (37) "Prior assessment ordinance" means the ordinance levying the assessments from  
3176 which the prior bonds are payable.

3177 (38) "Prior assessment resolution" means the resolution levying the assessments from  
3178 which the prior bonds are payable.

3179 (39) "Project engineer" means the surveyor or engineer employed by or private  
3180 consulting engineer engaged by a local entity to perform the necessary engineering services for  
3181 and to supervise the construction or installation of the improvements.

3182 (40) "Property" includes real property and any interest in real property, including water  
3183 rights, leasehold rights, and personal property related to the property.

3184 (41) "Property price" means the price at which a local entity purchases or acquires by  
3185 eminent domain property to make improvements in an assessment area.

3186 (42) "Provide" or "providing," with reference to an improvement, includes the  
3187 acquisition, construction, reconstruction, maintenance, repair, operation, and expansion of an  
3188 improvement.

3189 (43) "Public agency" means:

3190 (a) the state or any agency, department, or division of the state; and

3191 (b) a political subdivision of the state.

3192 (44) "Reduced payment obligation" means the full obligation of an owner of property  
3193 within an assessment area to pay an assessment levied on the property after the assessment has  
3194 been reduced because of the issuance of refunding assessment bonds, as provided in Section  
3195 11-42-603.

3196 (45) "Refunding assessment bonds" means assessment bonds that a local entity issues  
3197 under Section 11-42-603 to refund, in part or in whole, assessment bonds.

3198 (46) "Reserve fund" means a fund established by a local entity under Section  
3199 11-42-702.

3200 (47) "Service" means water, sewer, garbage collection, library, recreation, or electric  
3201 service, economic promotion activities, or any other service that a local entity is required or  
3202 authorized to provide.

3203 (48) "Special service district" means a special service district under Title 17A, Chapter  
3204 2, Part 13, Utah Special Service District Act.

3205 (49) "Unimproved property" means property upon which no residential, commercial, or  
3206 other building has been built.

3207 (50) "Voluntary assessment area" means an assessment area that contains only property  
3208 whose owners have voluntarily consented to an assessment.

3209 Section 37. Section **11-42-103** is enacted to read:

3210 **11-42-103. Limit on effect of this chapter.**

3211 Nothing in this chapter may be construed to authorize a local entity to provide an  
3212 improvement or service that the local entity is not otherwise authorized to provide.

3213 Section 38. Section **11-42-104** is enacted to read:

3214 **11-42-104. Waiver by land owners -- Requirements.**

3215 (1) The owners of property to be assessed within an assessment area may waive:

3216 (a) the prepayment period under Subsection 11-42-411(6);

3217 (b) a procedure that a local entity is required to follow to:

3218 (i) designate an assessment area; or

3219 (ii) levy an assessment; or

3220 (c) a period to contest a local entity action.



- 3221 (2) Each waiver under this section shall:
- 3222 (a) be in writing;
- 3223 (b) be signed by all the owners of property to be assessed within the assessment area;
- 3224 (c) describe the prepayment period, procedure, or contest period being waived;
- 3225 (d) state that the owners waive the prepayment period, procedure, or contest period;
- 3226 and
- 3227 (e) state that the owners consent to the local entity taking the required action to waive
- 3228 the prepayment period, procedure, or contest period.

3229 Section 39. Section **11-42-105** is enacted to read:

3230 **11-42-105. This chapter does not limit other local entity powers -- Resolution of a**  
3231 **conflict with other statutory provisions.**

3232 (1) This chapter may not be construed to limit a power that a local entity has under  
3233 other applicable law to:

- 3234 (a) make an improvement or provide a service;
- 3235 (b) create a district;
- 3236 (c) levy an assessment or tax; or
- 3237 (d) issue bonds or refunding bonds.

3238 (2) If there is a conflict between a provision of this chapter and any other statutory  
3239 provision, the provision of this chapter governs.

3240 Section 40. Section **11-42-106** is enacted to read:

3241 **11-42-106. Action to contest assessment or proceeding -- Requirements --**  
3242 **Exclusive remedy -- Bond incontestable.**

3243 (1) A person who contests an assessment or any proceeding to designate an assessment  
3244 area or levy an assessment may commence a civil action against the local entity to set aside a  
3245 proceeding or enjoin the levy or collection of an assessment.

3246 (2) (a) Each action under Subsection (1) shall be commenced in the district court with  
3247 jurisdiction in the county in which the assessment area is located.

3248 (b) An action under Subsection (1) may not be commenced against and a summons  
3249 relating to the action may not be served on the local entity more than 30 days after the effective  
3250 date of the assessment resolution or ordinance or, in the case of an amendment, the amended  
3251 resolution or ordinance.

3252 (3) (a) An action under this section is the exclusive remedy of a person who claims an  
3253 error or irregularity in an assessment or in any proceeding to designate an assessment area or  
3254 levy an assessment.

3255 (b) A court may not hear any complaint that a person was authorized to make but did  
3256 not make in a protest under Section 11-42-203 or at a hearing under Section 11-42-204.

3257 (4) An assessment or a proceeding to designate an assessment area or to levy an  
3258 assessment may not be declared invalid or set aside in part or in whole because of an error or  
3259 irregularity that does not go to the equity or justice of the assessment or proceeding.

3260 (5) After the expiration of the 30-day period referred to in Subsection (2)(b):

3261 (a) assessment bonds and refunding assessment bonds issued or to be issued with  
3262 respect to an assessment area and assessments levied on property in the assessment area  
3263 become at that time incontestable against all persons who have not commenced an action and  
3264 served a summons as provided in this section; and

3265 (b) a suit to enjoin the issuance or payment of assessment bonds or refunding  
3266 assessment bonds, the levy, collection, or enforcement of an assessment, or to attack or  
3267 question in any way the legality of assessment bonds, refunding assessment bonds, or an  
3268 assessment may not be commenced, and a court may not inquire into those matters.

3269 Section 41. Section **11-42-107** is enacted to read:

3270 **11-42-107. Accepting donation or contribution.**

3271 A local entity may accept any donation or contribution from any source for the payment  
3272 or the making of an improvement in an assessment area.

3273 Section 42. Section **11-42-108** is enacted to read:

3274 **11-42-108. Utility connections before paving or repaving is done -- Failure to**  
3275 **make connection.**

3276 (1) The governing body may require:

3277 (a) that before paving or repaving is done within an assessment area, all water, gas,  
3278 sewer, and underground electric and telecommunications connections be made under the  
3279 regulations and at the distances from the street mains to the line of the property abutting on the  
3280 street to be paved or repaved that the local entity prescribes by resolution or ordinance; and

3281 (b) the water company owning the water pipe main, the gas company owning the gas  
3282 pipe main, and the electric or telecommunications company owning the underground electric or

3283 telecommunications facilities to make the connections.

3284 (2) Upon the failure of a water company, gas company, or electric or  
3285 telecommunications company to make a required connection:

3286 (a) the local entity may cause the connection to be made; and

3287 (b) (i) the cost that the local entity incurs in making the connection shall be deducted  
3288 from the amount of any debt the local entity owes to the company; and

3289 (ii) the local entity may not pay a bill from the company until all the cost has been  
3290 offset as provided in Subsection (2)(b)(i).

3291 Section 43. Section **11-42-109** is enacted to read:

3292 **11-42-109. Severability.**

3293 A court's invalidation of any provision of this chapter may not be considered to affect  
3294 the validity of any other provision of this chapter.

3295 Section 44. Section **11-42-201** is enacted to read:

3296 **Part 2. Designating an Assessment Area**

3297 **11-42-201. Resolution or ordinance designating an assessment area -- Zones**  
3298 **within an assessment area -- Preconditions to adoption of a resolution or ordinance.**

3299 (1) (a) Subject to the requirements of this part, a local entity intending to levy an  
3300 assessment on property to pay some or all of the cost of providing improvements benefitting  
3301 the property may adopt a resolution or ordinance designating an assessment area.

3302 (b) A designation resolution or ordinance may divide the assessment area into zones to  
3303 allow the governing body to levy a different level of assessment in each zone to reflect more  
3304 fairly the benefits that property within the different zones is expected to receive because of the  
3305 proposed improvement.

3306 (c) The boundaries of a proposed assessment area may include property that is not  
3307 intended to be assessed.

3308 (2) Before adopting a designation resolution or ordinance, the governing body of the  
3309 local entity shall:

3310 (a) give notice as provided in Section 11-42-202;

3311 (b) receive and consider all protests filed under Section 11-42-203; and

3312 (c) hold a public hearing as provided in Section 11-42-204.

3313 Section 45. Section **11-42-202** is enacted to read:

3314 **11-42-202. Notice of a proposed assessment area designation.**  
3315 (1) Each notice required under Subsection 11-42-201(2)(a) shall:  
3316 (a) state that the local entity proposes to:  
3317 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
3318 assessment area;  
3319 (ii) provide an improvement to property within the proposed assessment area; and  
3320 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
3321 property within the assessment area;  
3322 (b) describe the proposed assessment area by any reasonable method that allows an  
3323 owner of property in the proposed assessment area to determine that the owner's property is  
3324 within the proposed assessment area;  
3325 (c) describe, in a general way, the improvements to be provided to the assessment area,  
3326 including:  
3327 (i) the general nature of the improvements; and  
3328 (ii) the general location of the improvements, by reference to streets or portions or  
3329 extensions of streets or by any other means that the governing body chooses that reasonably  
3330 describes the general location of the improvements;  
3331 (d) a statement of the estimated cost of the improvements as determined by a project  
3332 engineer;  
3333 (e) a statement that the local entity proposes to levy an assessment on benefitted  
3334 property within the assessment area to pay some or all of the cost of the improvements  
3335 according to the estimated direct and indirect benefits to the property from the improvements;  
3336 (f) a statement of the assessment method by which the assessment is proposed to be  
3337 levied;  
3338 (g) a statement of the time within which and the location at which protests against  
3339 designation of the proposed assessment area or of the proposed improvements are required to  
3340 be filed and the method by which the number of protests required to defeat the designation of  
3341 the proposed assessment area or acquisition or construction of the proposed improvements are  
3342 to be determined;  
3343 (h) state the date, time, and place of the public hearing under Section 11-42-204;  
3344 (i) if the governing body elects to create and fund a reserve fund under Section

3345 11-42-702, a description of how the reserve fund will be funded and replenished and how  
3346 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;  
3347 (j) if the governing body intends to designate a voluntary assessment area, a property  
3348 owner consent form that:  
3349 (i) estimates the total assessment to be levied against the particular parcel of property;  
3350 (ii) describes any additional benefits that the governing body expects the assessed  
3351 property to receive from the improvements; and  
3352 (iii) designates the date and time by which the fully executed consent form is required  
3353 to be submitted to the governing body;  
3354 (k) if the local entity intends to levy an assessment to pay operation and maintenance  
3355 costs or for economic promotion activities:  
3356 (i) a description of the operation and maintenance costs or economic promotion  
3357 activities to be paid by assessments and the initial estimated annual assessment to be levied;  
3358 (ii) a description of how the estimated assessment will be determined;  
3359 (iii) a description of how and when the governing body will adjust the assessment to  
3360 reflect current operation and maintenance costs or the costs of current economic promotion  
3361 activities;  
3362 (iv) a description of the method of assessment if different from the method of  
3363 assessment to be used for financing any improvement; and  
3364 (v) a statement of the maximum number of years over which the assessment for  
3365 operation and maintenance or economic promotion activities will be levied; and  
3366 (l) if the governing body intends to divide the proposed assessment area into zones  
3367 under Subsection 11-42-201(1)(b), a description of the proposed zones.  
3368 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information  
3369 that the governing body considers to be appropriate, including:  
3370 (a) the amount or proportion of the cost of the improvement to be paid by the local  
3371 entity or from sources other than an assessment;  
3372 (b) the estimated amount of each type of assessment for the various improvements to  
3373 be financed according to the method of assessment that the governing body chooses; and  
3374 (c) provisions for any optional improvements.  
3375 (3) Each notice required under Subsection 11-42-201(2)(a) shall:

3376 (a) (i) be published in a newspaper of general circulation within the local entity's  
3377 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at  
3378 least five but not more than 20 days before the deadline under Section 11-42-203 for filing  
3379 protests; or

3380 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional  
3381 boundaries, be posted in at least three public places within the local entity's jurisdictional  
3382 boundaries at least 20 but not more than 35 days before the deadline under Section 11-42-203  
3383 for filing protests; and

3384 (b) be mailed, postage prepaid, within ten days after the first publication or posting of  
3385 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed  
3386 assessment area at the property owner's mailing address.

3387 Section 46. Section **11-42-203** is enacted to read:

3388 **11-42-203. Protests.**

3389 (1) An owner of property that is proposed to be included within an assessment area  
3390 may, within the time specified in the notice under Section 11-42-202, file a written protest  
3391 against:

3392 (a) the designation of the assessment area;

3393 (b) the inclusion of the owner's property in the proposed assessment area;

3394 (c) the proposed improvements to be acquired or constructed; or

3395 (d) any other aspect of the proposed designation of an assessment area.

3396 (2) Each protest under Subsection (1)(a) shall describe or otherwise identify the  
3397 property owned by the person filing the protest.

3398 (3) An owner may withdraw a protest at any time before the conclusion of the hearing  
3399 under Section 11-42-204 by filing a written withdrawal with the governing body.

3400 (4) If the governing body intends to assess property within the proposed assessment  
3401 area by type of improvement or by zone, the governing body shall, in determining whether  
3402 adequate protests have been filed, aggregate the protests by the type of improvement or by  
3403 zone.

3404 (5) The failure of an owner of property within the proposed assessment area to file a  
3405 timely written protest constitutes a waiver of any objection to:

3406 (a) the designation of the assessment area;

3407 (b) any improvement to be provided to property within the assessment area; and  
3408 (c) the inclusion of the owner's property within the assessment area.

3409 Section 47. Section **11-42-204** is enacted to read:

3410 **11-42-204. Hearing.**

3411 (1) On the date and at the time and place specified in the notice under Section  
3412 11-42-202, the governing body shall hold a public hearing.

3413 (2) The governing body may continue the public hearing from time to time to a fixed  
3414 future date and time.

3415 (3) At the public hearing, the governing body shall:

3416 (a) hear all objections to the designation of the proposed assessment area or the  
3417 improvements proposed to be provided in the assessment area;

3418 (b) hear all persons desiring to be heard; and

3419 (c) consider all protests filed under Section 11-42-203.

3420 (4) The governing body may make changes in:

3421 (a) improvements proposed to be provided to the proposed assessment area; or

3422 (b) the area or areas proposed to be included within the proposed assessment area.

3423 Section 48. Section **11-42-205** is enacted to read:

3424 **11-42-205. Adoption of a resolution or ordinance regarding a proposed**  
3425 **assessment area -- Designation of an assessment area may not occur if adequate protests**  
3426 **filed -- Recording of resolution or ordinance and notice of proposed assessment.**

3427 (1) After holding a public hearing under Section 11-42-204 and considering protests  
3428 filed under Section 11-42-203, and subject to Subsection (3), the governing body shall adopt a  
3429 resolution or ordinance:

3430 (a) abandoning the proposal to designate an assessment area; or

3431 (b) designating an assessment area as described in the notice under Section 11-42-202  
3432 or with the changes made as authorized under Subsection 11-42-204(4).

3433 (2) If the notice under Section 11-42-202 indicates that the proposed assessment area is  
3434 a voluntary assessment area, the governing body shall:

3435 (a) delete from the proposed assessment area all property whose owners have not  
3436 submitted an executed consent form consenting to inclusion of the owner's property in the  
3437 proposed assessment area; and

3438 (b) determine whether to designate a voluntary assessment area, after considering:

3439 (i) the amount of the proposed assessment to be levied on the property within the  
3440 voluntary assessment area; and

3441 (ii) the benefits that property within the voluntary assessment area will receive from  
3442 improvements proposed to be financed by assessments on the property.

3443 (3) If adequate protests have been filed, the governing body may not designate an  
3444 assessment area as described in the notice under Section 11-42-202.

3445 (4) (a) If the governing body adopts a designation resolution or ordinance designating  
3446 an assessment area, the governing body shall, within 15 days after adopting the designation  
3447 resolution or ordinance:

3448 (i) record the original or certified copy of the designation resolution or ordinance in the  
3449 office of the recorder of the county in which property within the assessment area is located; and

3450 (ii) file with the recorder of the county in which property within the assessment area is  
3451 located a notice of proposed assessment that:

3452 (A) states that the local entity has designated an assessment area; and

3453 (B) lists, by legal description and tax identification number, the property proposed to  
3454 be assessed.

3455 (b) A governing body's failure to comply with the requirements of Subsection (4)(a)  
3456 does not invalidate the designation of an assessment area.

3457 (5) After the adoption of a designation resolution or ordinance under Subsection (1)(b),  
3458 the local entity may begin providing the specified improvements.

3459 Section 49. Section **11-42-206** is enacted to read:

3460 **11-42-206. Adding property to an assessment area.**

3461 (1) A local entity may add to a designated assessment area property to be benefitted  
3462 and assessed if:

3463 (a) construction of the improvements in the assessment area has not been completed;  
3464 and

3465 (b) the governing body:

3466 (i) finds that the inclusion of the property will not adversely affect the owners of  
3467 property already in the assessment area;

3468 (ii) obtains from each owner of property to be added and benefitted a written consent



3469 that contains:

3470 (A) the owner's consent to:

3471 (I) the owner's property being added to the assessment area; and

3472 (II) the making of the proposed improvements with respect to the owner's property;

3473 (B) the legal description and tax identification number of the property to be added; and

3474 (C) the owner's waiver of any right to protest the creation of the assessment area;

3475 (iii) amends the designation resolution or ordinance to include the added property; and

3476 (iv) within 15 days after amending the designation resolution or ordinance:

3477 (A) records in the office of the recorder of the county in which the added property is

3478 located the original or certified copy of the amended designation resolution or ordinance

3479 containing the legal description and tax identification number of each additional parcel of

3480 property added to the assessment area and proposed to be assessed; and

3481 (B) gives written notice to the property owner of the inclusion of the owner's property

3482 in the assessment area.

3483 (2) The failure of a local entity's governing body to comply with the requirement of

3484 Subsection (1)(b)(iv) does not affect the validity of the amended designation resolution or

3485 ordinance.

3486 (3) Except as provided in this section, a local entity may not add to an assessment area

3487 land not included in a notice under Section 11-42-202, or provide for making improvements

3488 that are not stated in the notice, unless the local entity gives notice as provided in Section

3489 11-42-202 and holds a hearing as required under Section 11-42-203 as to the added land or

3490 additional improvements.

3491 Section 50. Section **11-42-301** is enacted to read:

3492 **Part 3. Contracts for Improvements**

3493 **11-42-301. Improvements made only under contract let to lowest responsible**

3494 **bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to contract**

3495 **requirement.**

3496 (1) Except as otherwise provided in this section, a local entity may make improvements

3497 in an assessment area only under contract let to the lowest responsible bidder for the kind of

3498 service, material, or form of construction that the local entity's governing body determines in

3499 compliance with any applicable local entity ordinances.

- 3500           (2) A local entity may:
- 3501           (a) divide improvements into parts;
- 3502           (b) (i) let separate contracts for each part; or
- 3503           (ii) combine multiple parts into the same contract; and
- 3504           (c) let a contract on a unit basis.
- 3505           (3) (a) A local entity may not let a contract until after publishing notice as provided in
- 3506 Subsection (3)(b) at least one time in a newspaper of general circulation within the boundaries
- 3507 of the local entity at least 15 days before the date specified for receipt of bids.
- 3508           (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
- 3509 receive sealed bids at a specified time and place for the construction of the improvements.
- 3510           (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
- 3511 publish the notice or to publish the notice within 15 days before the date specified for receipt of
- 3512 bids, the local entity's governing body may proceed to let a contract for the improvements if the
- 3513 local entity receives at least three sealed and bona fide bids from contractors by the time
- 3514 specified for the receipt of bids.
- 3515           (d) A local entity may publish a notice required under this Subsection (3) at the same
- 3516 time as a notice under Section 11-42-202.
- 3517           (4) (a) A local entity may accept as a sealed bid a bid that is:
- 3518           (i) manually sealed and submitted; or
- 3519           (ii) electronically sealed and submitted.
- 3520           (b) The local entity's governing body or project engineer shall, at the time specified in
- 3521 the notice under Subsection (3), open and examine the bids.
- 3522           (c) In open session, the governing body:
- 3523           (i) shall publicly declare the bids; and
- 3524           (ii) may reject any or all bids if the governing body considers the rejection to be for the
- 3525 public good.
- 3526           (d) The local entity may award the contract to the lowest and best responsible bidder
- 3527 even if the price bid by that bidder exceeds the estimated costs as determined by the local
- 3528 entity's project engineer.
- 3529           (e) A local entity may in any case:
- 3530           (i) refuse to award a contract and obtain new bids after giving a new notice under

3531 Subsection (3); or  
3532 (ii) determine to abandon the assessment area or not make some of the improvements  
3533 proposed to be made.  
3534 (5) (a) A local entity is not required to let a contract as provided in this section for:  
3535 (i) an improvement or part of an improvement the cost of which or the making of  
3536 which is donated or contributed;  
3537 (ii) an improvement that consists of furnishing utility service or maintaining  
3538 improvements;  
3539 (iii) labor, materials, or equipment supplied by the local entity;  
3540 (iv) the local entity's acquisition of completed or partially completed improvements in  
3541 an assessment area;  
3542 (v) design, engineering, and inspection costs incurred with respect to the construction  
3543 of improvements in an assessment area; or  
3544 (vi) additional work performed in accordance with the terms of a contract duly let to  
3545 the lowest responsible bidder.  
3546 (b) A local entity may not acquire completed or partially completed improvements.  
3547 (6) The provisions of Title 11, Chapter 39, Building Improvements and Public Works  
3548 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an  
3549 assessment area.  
3550 Section 51. Section **11-42-302** is enacted to read:  
3551 **11-42-302. Contracts for work in an assessment area -- Sources of payment --**  
3552 **Payments as work progresses.**  
3553 (1) A contract for work in an assessment area or for the purchase of property required  
3554 to make an improvement in an assessment area may require the contract obligation to be paid  
3555 from proceeds from the sale of assessment bonds, interim warrants, or bond anticipation notes.  
3556 (2) (a) To the extent that a contract is not paid from the sources stated in Subsection  
3557 (1), the local entity shall advance funds to pay the contract obligation from other legally  
3558 available money, according to the requirements of the contract.  
3559 (b) A local entity may reimburse itself for an amount paid from its general fund or  
3560 other funds under Subsection (2)(a) from:  
3561 (i) the proceeds from the sale of assessment bonds, interim warrants, or bond

3562 anticipation notes; or

3563 (ii) assessments or improvement revenues that are not pledged for the payment of  
3564 assessment bonds, interim warrants, or bond anticipation notes.

3565 (c) A local entity may not reimburse itself for costs of making an improvement that are  
3566 properly chargeable to the local entity or for which an assessment may not be levied.

3567 (3) (a) A contract for work in an assessment area may provide for payments to the  
3568 contractor as the work progresses.

3569 (b) If a contract provides for periodic payments:

3570 (i) periodic payments may not exceed 90% of the value of the work done to the date of  
3571 the payment, as determined by estimates of the local entity's project engineer; and

3572 (ii) a final payment may be made only after the contractor has completed the work and  
3573 the local entity has accepted the work.

3574 (c) If a local entity retains money payable to a contractor as the work progresses, the  
3575 local entity shall retain or withhold and release the money as provided in Section 13-8-5.

3576 Section 52. Section **11-42-401** is enacted to read:

3577 **Part 4. Assessments**

3578 **11-42-401. Levying an assessment.**

3579 (1) A local entity may levy an assessment against property within an assessment area as  
3580 provided in this part.

3581 (2) Before a governing body may adopt a resolution or ordinance levying an  
3582 assessment against property within an assessment area:

3583 (a) the governing body shall:

3584 (i) subject to Subsection (3), prepare an assessment list designating:

3585 (A) each parcel of property proposed to be assessed; and

3586 (B) the amount of the assessment to be levied against the property;

3587 (ii) appoint a board of equalization as provided in Section 11-42-404; and

3588 (iii) give notice as provided in Section 11-42-403; and

3589 (b) the board of equalization, appointed under Section 11-42-404, shall hold hearings,  
3590 make any corrections to assessments it considers appropriate, and report its findings to the  
3591 governing body as provided in Section 11-42-404.

3592 (3) An assessment list under Subsection (2)(a)(i) may be prepared at any time after:

- 3593           (a) the estimated or actual operation and maintenance costs have been determined, if  
3594 the assessment is to pay operation and maintenance costs;
- 3595           (b) the light service has commenced, if the assessment is to pay for light service;
- 3596           (c) the park maintenance has commenced, if the assessment is to pay for park  
3597 maintenance;
- 3598           (d) adoption of a resolution or ordinance under Section 11-42-205, if the assessment is  
3599 to pay for economic promotion activities; or
- 3600           (e) for any other assessment, the governing body has determined:
- 3601           (i) the estimated or actual acquisition and construction costs of all proposed  
3602 improvements within the assessment area, including overhead costs and authorized  
3603 contingencies;
- 3604           (ii) the estimated or actual property price for all property to be acquired to provide the  
3605 proposed improvements; and
- 3606           (iii) the reasonable cost of any work to be done by the local entity.
- 3607           (4) A local entity may levy an assessment for some or all of the cost of improvements  
3608 within an assessment area, including payment of:
- 3609           (a) operation and maintenance costs of improvements constructed within the  
3610 assessment area;
- 3611           (b) the actual cost that the local entity pays for utility services furnished or for  
3612 maintenance of improvements provided by another or, if the local entity itself furnishes utility  
3613 service or maintains improvements, for the reasonable cost of supplying the service or  
3614 maintenance;
- 3615           (c) the reasonable cost of supplying labor, materials, or equipment in connection with  
3616 improvements; and
- 3617           (d) the reasonable cost of connection fees or the cost of any sewer, water, gas, electric,  
3618 or telecommunications connections if the local entity owns or supplies these services, to the  
3619 depth that the local entity's governing body considers just and equitable.
- 3620           (5) A local entity may not levy an assessment for an amount donated or contributed for  
3621 an improvement or part of an improvement.
- 3622           (6) The validity of an otherwise valid assessment is not affected because the actual cost  
3623 of improvements exceeds the estimated cost.

3624 Section 53. Section **11-42-402** is enacted to read:

3625 **11-42-402. Unimproved property.**

3626 (1) A local entity may not levy an assessment on property within an assessment area  
3627 over 50% of which consists of unimproved property unless the local entity:

3628 (a) has obtained an appraisal of the unimproved property from an appraiser who is a  
3629 member of the Appraisal Institute, verifying that the market value of the property, after  
3630 completion of the proposed improvements, is at least three times the amount of the assessment  
3631 proposed to be levied against the unimproved property;

3632 (b) has obtained from each owner of unimproved property:

3633 (i) financial information acceptable to the governing body demonstrating the owner's  
3634 ability to pay the proposed assessment; or

3635 (ii) a financial institution's commitment securing, to the governing body's satisfaction,  
3636 the owner's obligation to pay the proposed assessment; and

3637 (c) has prepared a development plan, approved by a qualified, independent third party,  
3638 describing the plan of development and the financial feasibility of the plan, taking into account  
3639 growth trends, absorption studies, and other demographic information applicable to the  
3640 unimproved property.

3641 (2) Information that an owner provides to a local entity under Subsection (1)(b)(i) is  
3642 not a record for purposes of Title 63, Chapter 2, Government Records Access and Management  
3643 Act.

3644 Section 54. Section **11-42-403** is enacted to read:

3645 **11-42-403. Notice of assessment and board of equalization hearing.**

3646 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

3647 (1) state:

3648 (a) that an assessment list is completed and available for examination at the offices of  
3649 the local entity;

3650 (b) the total estimated or actual cost of the improvements;

3651 (c) the amount of the total estimated or actual cost of the proposed improvements to be  
3652 paid by the local entity;

3653 (d) the amount of the assessment to be levied against benefitted property within the  
3654 assessment area;

- 3655 (e) the assessment method used to calculate the proposed assessment;  
3656 (f) the unit cost used to calculate the assessments shown on the assessment list, based  
3657 on the assessment method used to calculate the proposed assessment; and  
3658 (g) the dates, times, and place of the board of equalization hearings under Subsection  
3659 11-42-401(2)(b);
- 3660 (2) beginning at least 20 but not more than 35 days before the first hearing of the board  
3661 of equalization:
- 3662 (a) be published at least once in a newspaper of general circulation within the local  
3663 entity's jurisdictional boundaries; or
- 3664 (b) if there is no newspaper of general circulation within the local entity's jurisdictional  
3665 boundaries, be posted in at least three public places within the local entity's jurisdictional  
3666 boundaries; and
- 3667 (3) be mailed, postage prepaid, within ten days after the first publication or posting of  
3668 the notice under Subsection (2) to each owner of property to be assessed within the proposed  
3669 assessment area at the property owner's mailing address.
- 3670 Section 55. Section **11-42-404** is enacted to read:
- 3671 **11-42-404. Board of equalization.**
- 3672 (1) After preparing an assessment list under Subsection 11-42-401(2)(a)(i), the  
3673 governing body shall appoint a board of equalization.
- 3674 (2) Each board of equalization under this section shall, at the option of the governing  
3675 body, consist of:
- 3676 (a) three or more members of the governing body;
- 3677 (b) (i) two members of the governing body; and
- 3678 (ii) (A) a representative of the treasurer's office of the local entity; or  
3679 (B) a representative of the office of the local entity's engineer or, in the case of a  
3680 special service district or local district, project engineer; or
- 3681 (c) (i) one member of the governing body;
- 3682 (ii) a representative of the treasurer's office of the local entity; and
- 3683 (iii) a representative of the office of the local entity's engineer or, in the case of a  
3684 special service district or local district, project engineer.
- 3685 (3) (a) The board of equalization shall hold hearings on at least three consecutive days

3686 for at least one hour per day between 9 a.m. and 9 p.m., as specified in the notice under Section  
3687 11-42-403.

3688 (b) The board of equalization may continue a hearing from time to time to a specific  
3689 place and a specific hour and day until the board's work is completed.

3690 (c) At each hearing, the board of equalization shall hear arguments from any person  
3691 who claims to be aggrieved, including arguments relating to:

3692 (i) the direct or indirect benefits accruing to a tract, block, lot, or parcel of property in  
3693 the assessment area; or

3694 (ii) the amount of the proposed assessment against the tract, block, lot, or parcel.

3695 (4) (a) After the hearings under Subsection (3) are completed, the board of equalization  
3696 shall:

3697 (i) consider all facts and arguments presented at the hearings; and

3698 (ii) make any corrections in the proposed assessment that the board considers just and  
3699 equitable.

3700 (b) A correction under Subsection (4)(a)(ii) may:

3701 (i) eliminate one or more pieces of property from the assessment list; or

3702 (ii) increase or decrease the amount of the assessment proposed to be levied against a  
3703 parcel of property.

3704 (c) (i) If the board of equalization makes a correction under Subsection (4)(a)(ii) that  
3705 results in an increase of a proposed assessment, the board shall, before approving a corrected  
3706 assessment list:

3707 (A) give notice as provided in Subsection (4)(c)(ii);

3708 (B) hold a hearing at which the owner whose assessment is proposed to be increased  
3709 may appear and object to the proposed increase; and

3710 (C) after holding a hearing, make any further corrections that the board considers just  
3711 and equitable with respect to the proposed increased assessment.

3712 (ii) Each notice required under Subsection (4)(c)(i)(A) shall:

3713 (A) state:

3714 (I) that the property owner's assessment is proposed to be increased;

3715 (II) the amount of the proposed increased assessment;

3716 (III) that a hearing will be held at which the owner may appear and object to the



3717 increase; and  
3718 (IV) the date, time, and place of the hearing; and  
3719 (B) be mailed, at least 15 days before the date of the hearing, to each owner of property  
3720 as to which the assessment is proposed to be increased at the property owner's mailing address.  
3721 (5) (a) After the board of equalization has held all hearings required by this section and  
3722 has made all corrections the board considers just and equitable, the board shall report to the  
3723 governing body its findings that:  
3724 (i) each parcel of property within the assessment area will be directly or indirectly  
3725 benefitted in an amount not less than the assessment to be levied against the property; and  
3726 (ii) except as provided in Subsection 11-42-409(6), no parcel of property on the  
3727 assessment list will bear more than its proportionate share of the cost of the improvements  
3728 benefitting the property.  
3729 (b) The board of equalization shall mail a copy of the board's final report to each  
3730 property owner who objected at the board hearings to the assessment proposed to be levied  
3731 against the property owner's property at the property owner's mailing address.  
3732 (6) (a) If a board of equalization includes members other than the governing body of  
3733 the local entity, a property owner may appeal a decision of the board to the governing body by  
3734 filing with the governing body a written notice of appeal within 15 days after the board's final  
3735 report is mailed to property owners under Subsection (5)(b).  
3736 (b) Except as provided in Subsection (6)(a), no appeal may be taken from the findings  
3737 of a board of equalization.  
3738 (7) The findings of a board of equalization are final:  
3739 (a) when approved by the governing body, if no appeal is allowed under Subsection  
3740 (6); or  
3741 (b) after the time for appeal under Subsection (6) is passed, if an appeal is allowed  
3742 under that Subsection.  
3743 (8) (a) If a governing body has levied an assessment to pay operation and maintenance  
3744 costs within an assessment area, the governing body may periodically appoint a new board of  
3745 equalization to review assessments for operation and maintenance costs.  
3746 (b) Each board of equalization appointed under Subsection (8)(a) shall comply with the  
3747 requirements of Subsections (3) through (6).

3748 (9) The failure of an owner of property within the assessment area to appear before the  
3749 board of equalization to object to the levy of the assessment constitutes a waiver of all  
3750 objections to the levy, except an objection that the governing body failed to obtain jurisdiction  
3751 to order that the improvements which the assessment is intended to pay be provided to the  
3752 assessment area.

3753 Section 56. Section **11-42-405** is enacted to read:

3754 **11-42-405. Adoption of a resolution or ordinance levying an assessment -- Notice**  
3755 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**  
3756 **interest.**

3757 (1) (a) After receiving a final report from a board of equalization under Subsection  
3758 11-42-404(5) or, if applicable, after the time for filing an appeal under Subsection  
3759 11-42-404(6) has passed, the governing body may adopt a resolution or ordinance levying an  
3760 assessment against benefitted property within the assessment area.

3761 (b) Each local entity that levies an assessment under this chapter shall levy the  
3762 assessment at one time only, unless the assessment is to pay operation and maintenance costs  
3763 or the costs of economic promotion activities.

3764 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):

3765 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to  
3766 be assessed;

3767 (ii) need not include the legal description or tax identification number of the parcels of  
3768 property assessed in the assessment area; and

3769 (iii) is adequate for purposes of identifying the property to be assessed within the  
3770 assessment area if the assessment resolution or ordinance incorporates by reference the  
3771 corrected assessment list that describes the property assessed by legal description and tax  
3772 identification number.

3773 (2) (a) Each local entity that adopts an assessment resolution or ordinance shall give  
3774 notice of the adoption by:

3775 (i) publishing a copy of the resolution or ordinance once in a newspaper of general  
3776 circulation within the local entity's jurisdictional boundaries; or

3777 (ii) if there is no newspaper of general circulation with the local entity's jurisdictional  
3778 boundaries, posting a copy of the resolution or ordinance in at least three public places within

3779 the local entity's jurisdictional boundaries for at least 21 days.  
3780 (b) No other publication or posting of the resolution or ordinance is required.  
3781 (3) Notwithstanding any other statutory provision regarding the effective date of a  
3782 resolution or ordinance, each assessment resolution or ordinance takes effect:  
3783 (a) on the date of publication or posting of the notice under Subsection (2); or  
3784 (b) at a later date provided in the resolution or ordinance.  
3785 (4) (a) The governing body of each local entity that has adopted an assessment  
3786 resolution or ordinance under Subsection (1) shall, within five days after the 25-day  
3787 prepayment period under Subsection 11-42-411(5) has passed, file a notice of assessment  
3788 interest with the recorder of the county in which the assessed property is located.  
3789 (b) Each notice of assessment interest under Subsection (4)(a) shall:  
3790 (i) state that the local entity has an assessment interest in the assessed property;  
3791 (ii) if the assessment is to pay operation and maintenance costs or for economic  
3792 promotion activities, state the maximum number of years over which an assessment will be  
3793 payable; and  
3794 (iii) describe the property assessed by legal description and tax identification number.  
3795 (c) A local entity's failure to file a notice of assessment interest under this Subsection  
3796 (4) has no affect on the validity of an assessment levied under an assessment resolution or  
3797 ordinance adopted under Subsection (1).  
3798 Section 57. Section **11-42-406** is enacted to read:  
3799 **11-42-406. Limit on amount of assessment -- Costs required to be paid by the local**  
3800 **entity.**  
3801 (1) An assessment levied within an assessment area may not, in the aggregate, exceed  
3802 the sum of:  
3803 (a) the contract price or estimated contract price;  
3804 (b) the acquisition price of improvements;  
3805 (c) the reasonable cost of:  
3806 (i) (A) utility services, maintenance, and operation, to the extent permitted by  
3807 Subsection 11-42-401(4); and  
3808 (B) labor, materials, or equipment supplied by the local entity; or  
3809 (ii) economic promotion activities;

- 3810 (d) the price or estimated price of purchasing property;
  - 3811 (e) any connection fees;
  - 3812 (f) estimated interest on interim warrants and bond anticipation notes issued with
  - 3813 respect to an assessment area;
  - 3814 (g) overhead costs not to exceed 15% of the sum of Subsections (1)(a), (b), (c), and (e);
  - 3815 (h) an amount for contingencies of not more than 10% of the sum of Subsections (1)(a)
  - 3816 and (c), if the assessment is levied before construction of the improvements in the assessment
  - 3817 area is completed;
  - 3818 (i) an amount sufficient to fund a reserve fund, if the governing body creates and funds
  - 3819 a reserve fund as provided in Section 11-42-702;
  - 3820 (j) operation and maintenance costs; and
  - 3821 (k) 1/2 the cost of grading changes as provided in Section 11-42-407.
  - 3822 (2) Each local entity providing an improvement in an assessment area shall pay, from
  - 3823 improvement revenues not pledged to the payment of bonds and any other legally available
  - 3824 money:
  - 3825 (a) overhead costs for which an assessment cannot be levied;
  - 3826 (b) the costs of providing an improvement for which an assessment was not levied, if
  - 3827 the assessment is levied before construction of the improvement in the assessment area is
  - 3828 completed; and
  - 3829 (c) the acquisition and constructions costs of an improvement for the benefit of
  - 3830 property against which an assessment may not be levied.
- 3831 Section 58. Section **11-42-407** is enacted to read:
- 3832 **11-42-407. Improvements that change the grade of an existing street, alley, or**
- 3833 **sidewalk -- Improvements that improve an intersection or spaces opposite an alley.**
- 3834 (1) If an improvement in an assessment area involves changing the grade of an existing
- 3835 street, alley, or sidewalk, the local entity shall pay half of the cost of bringing the street, alley,
- 3836 or sidewalk to the established grade.
- 3837 (2) If an improvement in an assessment area improves an intersection of streets or
- 3838 spaces opposite an alley, the local entity may levy an assessment against other properties in the
- 3839 improvement district for the cost of the improvement.

3840 Section 59. Section **11-42-408** is enacted to read:

3841 **11-42-408. Assessment against government land prohibited -- Exception.**

3842 (1) (a) Except as provided in Subsection (2), a local entity may not levy an assessment  
3843 against property owned by the federal government or a public agency, even if the property  
3844 benefits from the improvement.

3845 (b) Notwithstanding Subsection (1)(a), a public agency may contract with a local  
3846 entity:

3847 (i) for the local entity to provide an improvement to property owned by the public  
3848 agency; and

3849 (ii) to pay for the improvement provided by the local entity.

3850 (c) Nothing in this section may be construed to prevent a local entity from imposing on  
3851 and collecting from a public agency, or a public agency from paying, a reasonable charge for a  
3852 service rendered or material supplied by the local entity to the public agency, including a  
3853 charge for water, sewer, or lighting service.

3854 (2) Notwithstanding Subsection (1):

3855 (a) a local entity may continue to levy and enforce an assessment against property  
3856 acquired by a public agency within an assessment area if the acquisition occurred after the  
3857 assessment area was designated; and

3858 (b) property that is subject to an assessment lien at the time it is acquired by a public  
3859 agency continues to be subject to the lien and to enforcement of the lien if the assessment and  
3860 interest on the assessment are not paid when due.

3861 Section 60. Section **11-42-409** is enacted to read:

3862 **11-42-409. Assessment requirements.**

3863 (1) (a) Each local entity that levies an assessment under this chapter shall levy the  
3864 assessment on each block, lot, tract, or parcel of property that borders, is adjacent to, or  
3865 benefits from an improvement:

3866 (i) to the extent that the improvement directly or indirectly benefits the property; and

3867 (ii) to whatever depth on the parcel of property that the governing body determines,  
3868 including the full depth.

3869 (b) The validity of an otherwise valid assessment is not affected by the fact that the  
3870 benefit to the property from the improvement:

3871 (i) is only indirect; or

3872 (ii) does not increase the fair market value of the property.

3873 (2) The assessment method a governing body uses to calculate an assessment may be  
3874 according to frontage, area, taxable value, lot, number of connections, equivalent residential  
3875 unit, or any combination of these methods, as the governing body considers fair and equitable.

3876 (3) In calculating assessments, a governing body may:

3877 (a) use different methods for different improvements in an assessment area; and

3878 (b) assess different amounts in different zones, even when using the same method, if  
3879 acquisition or construction costs differ from zone to zone.

3880 (4) (a) Each local entity shall make an allowance for each corner lot receiving the same  
3881 improvement on both sides so that the property is not assessed at the full rate on both sides.

3882 (b) A local entity may allocate a corner lot allowance under Subsection (4)(a) to all  
3883 other benefitted property within the assessment area by increasing the assessment levied  
3884 against the other property.

3885 (5) (a) Assessments shall be uniform and equal according to the benefit to the  
3886 benefitted property from the improvement.

3887 (b) To comply with Subsection (5)(a), a local entity may levy assessments within  
3888 zones.

3889 (6) A local entity may levy an assessment that would otherwise violate a provision of  
3890 this chapter if the owners of all property to be assessed enter into a written agreement with the  
3891 local entity consenting to the assessment.

3892 Section 61. Section **11-42-410** is enacted to read:

3893 **11-42-410. Amending an assessment resolution or ordinance.**

3894 (1) A governing body may adopt a resolution or ordinance amending the original  
3895 assessment resolution or ordinance adopted under Section 11-42-405 to:

3896 (a) correct a deficiency, omission, error, or mistake:

3897 (i) with respect to:

3898 (A) the total cost of an improvement;

3899 (B) operation and maintenance costs; or

3900 (C) the cost of economic promotion activities; or

3901 (ii) that results in a tract, lot, block, or parcel not being fully assessed or assessed in an  
3902 incorrect amount;

3903 (b) reallocate or adjust assessments under the original assessment resolution or  
3904 ordinance for operation and maintenance costs or the costs of economic promotion activities;

3905 (c) reallocate or adjust assessments under the original assessment resolution or  
3906 ordinance; or

3907 (d) reduce an assessment as a result of the issuance of refunding bonds.

3908 (2) If an amendment under Subsection (1)(a) results in an increase in an assessment,  
3909 the governing body shall comply with the notice requirements of Section 11-42-403.

3910 Section 62. Section **11-42-411** is enacted to read:

3911 **11-42-411. Providing for assessments to be paid in installments.**

3912 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to  
3913 Subsection (1)(b), provide that some or all of the assessment be paid in installments over a  
3914 period not to exceed 20 years from the effective date of the resolution or ordinance.

3915 (b) If an assessment resolution or ordinance provides that some or all of the assessment  
3916 be paid in installments for a period exceeding ten years from the effective date of the resolution  
3917 or ordinance, the governing body:

3918 (i) shall make a determination that:

3919 (A) the improvement for which the assessment is made has a reasonable useful life for  
3920 the full period during which installments are to be paid; or

3921 (B) it would be in the best interests of the local entity and the property owners for  
3922 installments to be paid for more than ten years; and

3923 (ii) may provide in the resolution or ordinance that no assessment is payable during  
3924 some or all of the period ending three years after the effective date of the resolution or  
3925 ordinance.

3926 (2) An assessment resolution or ordinance that provides for the assessment to be paid  
3927 in installments may provide that the unpaid balance be paid over the period of time that  
3928 installments are payable:

3929 (a) in substantially equal installments of principal; or

3930 (b) in substantially equal installments of principal and interest.

3931 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be  
3932 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance  
3933 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and

3934 variable rates, as determined by the governing body, from the effective date of the resolution or  
3935 ordinance or another date specified in the resolution or ordinance.

3936 (b) If the assessment is for operation and maintenance costs or for the costs of  
3937 economic promotion activities:

3938 (i) a local entity may charge interest only from the date each installment is due; and

3939 (ii) the first installment of an assessment shall be due 15 days after the effective date of  
3940 the assessment resolution or ordinance.

3941 (c) If an assessment resolution or ordinance provides for the unpaid balance of the  
3942 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall  
3943 specify:

3944 (i) the basis upon which the rate is to be determined from time to time;

3945 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

3946 (iii) a maximum rate that the assessment may bear.

3947 (4) Interest payable on assessments may include:

3948 (a) interest on assessment bonds;

3949 (b) ongoing local entity costs incurred for administration of the assessment area;

3950 (c) any costs incurred with respect to:

3951 (i) securing a letter of credit or other instrument to secure payment or repurchase of  
3952 bonds; or

3953 (ii) retaining a marketing agent or an indexing agent.

3954 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition  
3955 to the amount of each installment annually or at more frequent intervals as provided in the  
3956 assessment resolution or ordinance.

3957 (6) (a) A property owner may pay an assessment payable in installments before the due  
3958 date of any installment only as provided in this Subsection (6).

3959 (b) The property owner may pay the entire assessment without interest if the entire  
3960 assessment is paid within 25 days after the assessment resolution or ordinance takes effect.

3961 (c) After the 25-day period stated in Subsection (6)(b), a property owner may pay an  
3962 unpaid installment, in whole or in part, before the date on which it becomes due if the  
3963 assessment resolution or ordinance so provides.

3964 Section 63. Section **11-42-412** is enacted to read:



3965 11-42-412. Assessment fund -- Uses of money in the fund -- Treasurer's duties  
3966 with respect to the fund.

3967 (1) The governing body of each local entity that levies an assessment under this part on  
3968 benefitted property within an assessment area shall establish an assessment fund.

3969 (2) The governing body shall:

3970 (a) deposit into the assessment fund all money paid to the local entity from assessments  
3971 and interest on assessments; and

3972 (b) deposit into a separate account in the assessment fund all money paid to the local  
3973 entity from improvement revenues.

3974 (3) Money in an assessment fund may be expended only for paying:

3975 (a) the local entity's costs and expenses of making, operating, and maintaining  
3976 improvements to the extent permitted under Section 11-42-415;

3977 (b) local entity obligations; and

3978 (c) costs that the local entity incurs with respect to:

3979 (i) administration of the assessment area; or

3980 (ii) obtaining a letter of credit or other instrument or fund to secure the payment of  
3981 assessment bonds.

3982 (4) The treasurer of the local entity :

3983 (a) shall:

3984 (i) subject to Subsection (4)(b)(i), be the custodian of the assessment fund;

3985 (ii) keep the assessment fund intact and separate from all other local entity funds and  
3986 money;

3987 (iii) invest money in an assessment fund by following the procedures and requirements  
3988 of Title 51, Chapter 7, State Money Management Act; and

3989 (iv) keep on deposit in the assessment fund any interest received from the investment  
3990 of money in the assessment fund and use the interest exclusively for the purposes for which the  
3991 assessment fund was established; and

3992 (b) may:

3993 (i) arrange for the assessment fund to be held by a trustee bank on behalf of the local  
3994 entity; and

3995 (ii) pay money out of the assessment fund only for the purposes listed in Subsection

3996 (3).

3997 (5) When all local entity obligations have been paid or legally considered paid in full,  
3998 the treasurer of the local entity shall transfer all money remaining in the assessment fund as  
3999 provided in Section 11-42-414.

4000 Section 64. Section **11-42-413** is enacted to read:

4001 **11-42-413. Surplus assessments -- Payment of bonds -- Rebate of assessment if**  
4002 **improvements abandoned.**

4003 (1) As used in this section:

4004 (a) "Current owner" means the owner of property at the time a rebate under this section  
4005 is paid.

4006 (b) "Last-known address" means the last address of an owner of property within an  
4007 assessment area according to the last completed real property assessment roll of the county in  
4008 which the property is located.

4009 (c) "Net assessment" means the amount of an assessment after subtracting:

4010 (i) the amount required to pay for any improvements that have been made prior to their  
4011 being abandoned; and

4012 (ii) any damages or costs related to an abandonment of improvements.

4013 (2) (a) If the total cost of completed and accepted improvements is less than the total  
4014 amount of assessments levied for those improvements, the local entity shall place the surplus in  
4015 the assessment fund.

4016 (b) If a local entity issues assessment bonds before a surplus under Subsection (2)(a) is  
4017 determined, the local entity shall hold the surplus in the assessment fund and use the surplus  
4018 for the payment of the bonds, interest, and any penalties and costs.

4019 (3) If a local entity abandons improvements in an assessment area before the  
4020 improvements have been started or, if started, before they have been completed and accepted  
4021 but after an assessment has been levied, the local entity shall rebate the net assessment to the  
4022 current owner.

4023 Section 65. Section **11-42-414** is enacted to read:

4024 **11-42-414. Remaining interest and other money in assessment fund to be**  
4025 **transferred to the guaranty fund or the local entity's general fund.**

4026 The treasurer of each local entity that collects interest from the investment of an

4027 assessment fund or that receives penalties, costs, and other amounts for the benefit and credit  
4028 of an assessment that remain after all local entity obligations are paid in full and cancelled shall  
4029 transfer the remaining amount to the guaranty fund or the local entity's general fund.

4030 Section 66. Section **11-42-415** is enacted to read:

4031 **11-42-415. Improvement revenues.**

4032 (1) A local entity may, by resolution adopted by the governing body, provide for the  
4033 pledge and use of any improvement revenues to pay:

4034 (a) some or all of the costs and expenses of making, operating, and maintaining  
4035 improvements, to the extent permitted under this chapter; and

4036 (b) some or all of the principal of and interest on assessment bonds, interim warrants,  
4037 and bond anticipation notes issued against the assessment area to make improvements within  
4038 the assessment area.

4039 (2) (a) If the governing body adopts a resolution under Subsection (1), the local entity:  
4040 (i) may:

4041 (A) provide for assessments to be levied in the full amount of the estimated cost of the  
4042 improvements, as determined by a project engineer;

4043 (B) agree to use installment payments from assessments to pay the costs of the  
4044 improvements and to pay principal of and interest on any assessment bonds, interim warrants,  
4045 and bond anticipation notes when due; and

4046 (C) reduce installment payments, as provided in Subsection (2)(a)(ii), if the local entity  
4047 receives net improvement revenues and pledges them to pay operation and maintenance costs  
4048 of the improvements and to pay principal of and interest on assessment bonds, interim  
4049 warrants, or bond anticipation notes; and

4050 (ii) shall authorize a local entity official to:

4051 (A) determine on each installment payment date the amount of net improvement  
4052 revenues that the local entity has received since the last installment payment date; and

4053 (B) reduce the amount of the installment payment due on the next succeeding  
4054 installment payment date by an amount that is no greater than the amount of the net  
4055 improvement revenues described in Subsection (2)(a)(ii)(A).

4056 (b) A local entity may not reduce installment payments under Subsection (2)(a)(ii) if:

4057 (i) the reduction exceeds the amount of net improvement revenues that have been

4058 pledged to pay:

4059 (A) operation and maintenance costs of the improvements; and

4060 (B) principal of and interest on assessment bonds, interim warrants, and bond

4061 anticipation notes; or

4062 (ii) after the reduction, the sum of the assessment installment payments and the net  
4063 improvement revenues are insufficient to pay:

4064 (A) operation and maintenance costs of the improvements; and

4065 (B) principal of and interest on assessment bonds, interim warrants, and bond

4066 anticipation notes.

4067 (c) The local entity shall require that each reduction of installment payments be made  
4068 so that the assessments levied against each assessed property receive a proportionate share of  
4069 the reduction.

4070 (d) A reduction under Subsection (2)(a)(ii) does not apply to an assessment or interest  
4071 on an assessment that has been paid.

4072 (3) (a) Not more than 14 days after making a determination under Subsection (2)(a)(ii)  
4073 to reduce an installment payment, the local entity's governing body shall mail notice of the  
4074 reduction to each owner of property within the assessment area at the property owner's mailing  
4075 address.

4076 (b) The governing body may include the notice required under Subsection (3)(a) with  
4077 or in any other notice regarding the payment of assessments and interest on assessments that  
4078 the governing body sends to owners.

4079 (4) (a) If an owner of assessed property pays more than the amount of the reduced  
4080 installment payment on the installment payment date after a notice under Subsection (3) is  
4081 mailed, the local entity may, by following the procedure under Subsection (3), provide  
4082 additional notice to the owner that:

4083 (i) the owner has overpaid the assessment installment payment; and

4084 (ii) the local entity will:

4085 (A) credit the amount of the overpayment against the next installment payment due; or

4086 (B) if no further installment payment is due, refund the amount of the overpayment  
4087 upon receipt of a written refund request from the owner.

4088 (b) If a local entity receives an overpayment of an installment payment, it shall:

4089 (i) credit the amount of the overpayment against the next installment payment due; or

4090 (ii) refund the amount of the overpayment to the owner if:

4091 (A) no further installment payment is due; and

4092 (B) the owner submits a written request for a refund.

4093 (c) A local entity is not required to pay interest on an overpayment that it holds.

4094 Section 67. Section **11-42-416** is enacted to read:

4095 **11-42-416. Validation of prior assessment proceedings.**

4096 (1) Subject to Subsection (2), all proceedings taken before April 30, 2007 related to the  
4097 levy of assessments are validated, ratified, and confirmed, and the assessments are declared to  
4098 be legal and valid assessments.

4099 (2) Nothing in this section may be construed to affect the validity of an assessment  
4100 whose legality is being contested on April 30, 2007.

4101 (3) (a) This chapter applies to all assessments levied after April 30, 2007, even though  
4102 proceedings were taken before that date under provisions of the law then in effect but repealed  
4103 or modified on or after that date.

4104 (b) Proceedings taken as described in Subsection (3)(a) under the law in effect before  
4105 April 30, 2007 are validated, ratified, and confirmed, subject to question only as provided in  
4106 Section 11-42-106.

4107 Section 68. Section **11-42-501** is enacted to read:

4108 **Part 5. Assessment Liens**

4109 **11-42-501. Assessment constitutes a lien -- Characteristics of an assessment lien.**

4110 (1) Each assessment on land under this chapter, including any installment of an  
4111 assessment, interest, and any penalties, constitutes a lien against the land assessed as of the  
4112 effective date of the assessment resolution or ordinance.

4113 (2) A lien under this section:

4114 (a) is superior to the lien of a trust deed, mortgage, mechanic's or materialman's lien, or  
4115 other encumbrances;

4116 (b) is equal to and on a parity with a lien for general property taxes;

4117 (c) applies without interruption, change in priority, or alteration in any manner to any  
4118 reduced payment obligations; and

4119 (d) continues until the assessments, reduced payment obligations, and any interest,

4120 penalties, and costs are paid, despite a sale of the land for or on account of a delinquent general  
4121 property tax, special tax, or other assessment or the issuance of a tax deed, an assignment of  
4122 interest by the county, or a sheriff's certificate of sale or deed.

4123 Section 69. Section **11-42-502** is enacted to read:

4124 **11-42-502. Enforcement of an assessment lien -- Methods of enforcing lien --**  
4125 **Redemption of property -- Remedies are cumulative to other remedies.**

4126 (1) If an assessment or an installment of an assessment is not paid when due, the local  
4127 entity may sell the land on which the assessment has been levied for the amount due plus  
4128 interest, penalties, and costs, in the manner provided:

4129 (a) by ordinance of the local entity;

4130 (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for  
4131 delinquent general property taxes; or

4132 (c) in Title 57, Chapter 1, Conveyances, as though the land were the subject of a trust  
4133 deed in favor of the local entity.

4134 (2) Each tax sale under Subsection (1)(b) shall be governed by Title 59, Chapter 2, Part  
4135 13, Collection of Taxes, except as modified by this chapter.

4136 (3) (a) In a foreclosure under Subsection (1)(c):

4137 (i) the local entity may bid at the sale;

4138 (ii) the local entity's governing body shall designate a trustee satisfying the  
4139 requirements of Section 57-1-21;

4140 (iii) each trustee designated under Subsection (3)(a)(ii) has a power of sale with respect  
4141 to the property that is the subject of the delinquent assessment lien;

4142 (iv) the property that is the subject of the delinquent assessment lien is considered to  
4143 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to  
4144 exercise the trustee's power of sale under Subsection (3)(a)(iii);

4145 (v) if no one bids at the sale and pays the local entity the amount due on the  
4146 assessment, plus interest and costs, the property is considered sold to the local entity for those  
4147 amounts; and

4148 (vi) the local entity's chief financial officer may substitute and appoint one or more  
4149 successor trustees, as provided in Section 57-1-22.

4150 (b) The designation of a trustee under Subsection (3)(a)(ii) shall be disclosed in the

4151 notice of default that the trustee gives to commence the foreclosure, and need not be stated in a  
4152 separate instrument.

4153 (4) (a) The redemption of property that is the subject of a tax sale under Subsection  
4154 (1)(b) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

4155 (b) The redemption of property that is the subject of a foreclosure proceeding under  
4156 Subsection (1)(c) is governed by Title 57, Chapter 1, Conveyances.

4157 (5) (a) The remedies provided for in this part for the collection of an assessment and  
4158 the enforcement of an assessment lien are cumulative.

4159 (b) The use of one or more of the remedies provided for in this part may not be  
4160 considered to deprive the local entity of any other remedy or means of collecting the  
4161 assessment or enforcing the assessment lien.

4162 Section 70. Section **11-42-503** is enacted to read:

4163 **11-42-503. Local entity payments to avoid a default in local entity obligations --**  
4164 **Reimbursement of payments when property sold at tax or foreclosure sale.**

4165 (1) In order to avoid a default in the payment of outstanding local entity obligations, a  
4166 local entity may pay:

4167 (a) the delinquent amount due, plus interest, penalties, and costs;

4168 (b) the amounts described in Subsection (1)(a) and the full balance of an assessment, if  
4169 accelerated; or

4170 (c) any part of an assessment or an installment of an assessment that becomes due  
4171 during the redemption period.

4172 (2) A local entity may:

4173 (a) pay the amounts under Subsection (1) from a guaranty fund or a reserve fund, or  
4174 from any funds legally available to the local entity; and

4175 (b) charge the amounts paid against the delinquent property.

4176 (3) (a) Upon the tax sale or foreclosure of the property charged as provided in  
4177 Subsection (2):

4178 (i) all amounts that the local entity paid shall be included in the sale price of the  
4179 property recovered in the sale; and

4180 (ii) the local entity's guaranty fund or reserve fund shall be reimbursed for those  
4181 amounts.

4182 (b) If the property charged as provided in Subsection (2) is sold to the local entity at the  
4183 tax sale or foreclosure and additional assessment installments become due, the local entity:

4184 (i) may pay the additional installments from the guaranty fund or reserve fund, or from  
4185 any legally available money;

4186 (ii) shall recover, in a sale of the property, the amount of the installments paid; and

4187 (iii) shall reimburse the guaranty fund or reserve fund when the property is sold.

4188 Section 71. Section **11-42-504** is enacted to read:

4189 **11-42-504. Assessments on land that the local entity acquires at tax sale or**  
4190 **foreclosure -- Transferring title of land in lieu of paying assessments -- Reimbursement.**

4191 (1) (a) Each local entity that purchases land at a tax sale or foreclosure under this part  
4192 shall pay into the assessment fund all applicable annual installments of assessments and  
4193 interest for as long as the local entity owns the land.

4194 (b) A local entity may make payments required under this Subsection (1) from the  
4195 guaranty fund or reserve fund.

4196 (2) (a) In lieu of making payments under Subsection (1), a local entity may elect to  
4197 transfer title of the land to an owner of an outstanding assessment bond, refunding assessment  
4198 bond, interim warrant, or bond anticipation note as payment in full for all delinquent amounts  
4199 owing with respect to the land.

4200 (b) If a local entity transfers title to land as provided in Subsection (2)(a) or sells land it  
4201 has received from a tax sale or foreclosure, the selling price may not be less than the amount  
4202 sufficient to reimburse the guaranty fund or reserve fund for all amounts paid for delinquent  
4203 assessments or installments of assessments relating to the land, plus interest, penalties, and  
4204 costs.

4205 (c) Each local entity that sells land it has received from a tax sale or foreclosure shall  
4206 place the money it receives from the sale into the guaranty fund or reserve fund to the extent of  
4207 full reimbursement as required in this section.

4208 Section 72. Section **11-42-505** is enacted to read:

4209 **11-42-505. Default in the payment of an installment of an assessment -- Interest**  
4210 **and costs -- Restoring the land owner to the right to pay installments.**

4211 (1) If an assessment is payable in installments and a default occurs in the payment of an  
4212 installment when due, the governing body may:



4213 (a) declare the delinquent amount to be immediately due and subject to collection as  
 4214 provided in this chapter;

4215 (b) accelerate payment of the total unpaid balance of the assessment and declare the  
 4216 whole of the unpaid principal and the interest then due to be immediately due and payable; and

4217 (c) charge and collect all costs of collection, including attorney fees.

4218 (2) Interest shall accrue from the date of delinquency on all applicable amounts under  
 4219 Subsections (1)(a) and (b) until paid in full.

4220 (3) Any interest assessed for or collection costs charged under this section shall be:

4221 (a) the same as apply to delinquent real property taxes for the year in which the balance  
 4222 of the fee or charge becomes delinquent; or

4223 (b) as the governing body determines.

4224 (4) Notwithstanding Subsection (1), a land owner shall be restored to the right to pay  
 4225 an assessment in installments in the same manner as if no default had occurred if the owner  
 4226 pays the amount of all unpaid installments that are past due, with interest, collection and  
 4227 foreclosure costs, and administrative, redemption, and other fees, including attorney fees,  
 4228 before:

4229 (a) the final date that payment may be legally made under a final sale or foreclosure of  
 4230 property to collect delinquent assessment installments, if collection is enforced under Title 59,  
 4231 Chapter 2, Part 13, Collection of Taxes; or

4232 (b) the end of the three-month reinstatement period provided by Section 57-1-31, if  
 4233 collection is enforced through the method of foreclosing trust deeds.

4234 Section 73. Section **11-42-506** is enacted to read:

4235 **11-42-506. Release of lien when land deleted from assessment area.**

4236 If, after adoption of an assessment resolution or ordinance under Section 11-42-405, a  
 4237 local entity deletes land from the assessment area, the local entity shall record a release and  
 4238 discharge of the lien that was created under Section 11-42-501 in a form that includes the legal  
 4239 description and tax identification number of the land and otherwise complies with applicable  
 4240 recording statutes.

4241 Section 74. Section **11-42-507** is enacted to read:

4242 **11-42-507. Release of assessment lien and notice of proposed assessment.**

4243 (1) (a) Upon an assessment on a parcel of land having been paid in full, the local entity

4244 shall file, in the office of the recorder of the county in which the land is located, a release and  
4245 discharge of the assessment lien on that land.

4246 (b) Each release and discharge under Subsection (1)(a) shall:

4247 (i) include a legal description of the affected land; and

4248 (ii) comply with other applicable requirements for recording a document.

4249 (2) (a) Upon all assessments levied within an assessment area having been paid in full,

4250 or upon payment in full having been provided for, the local entity shall file, in the office of the

4251 recorder of the county in which the land within the assessment area is located, a release of the

4252 notice of proposed assessment filed under Subsection 11-42-205(4)(a)(ii).

4253 (b) Each release under Subsection (2)(a) shall:

4254 (i) include a legal description of the land within the improvement district; and

4255 (ii) comply with all other applicable requirements for recording a document.

4256 Section 75. Section **11-42-601** is enacted to read:

**Part 6. Interim Warrants, Bond Anticipation Notes, Assessment Bonds, and Refunding**

**Assessment Bonds**

**11-42-601. Interim warrants.**

(1) A local entity may issue interim warrants against an assessment area.

(2) An interim warrant may be in any amount up to:

4262 (a) as portions of the work on improvements in an assessment area are completed, 90%  
4263 of the value of the completed work, as estimated by the local entity's project engineer.;

4264 (b) 100% of the value of the work completed, after completion of the work and  
4265 acceptance of the work by the local entity's project engineer; and

4266 (c) the price of property, the acquisition of which is required for an improvement.

4267 (3) The governing body may:

4268 (a) issue interim warrants at not less than par value in a manner the governing body  
4269 determines; and

4270 (b) use the proceeds from the issuance of interim warrants to pay:

4271 (i) the contract price;

4272 (ii) the price of property acquired for an improvement in an assessment area; and

4273 (iii) related costs, including overhead costs.

4274 (4) (a) Interim warrants shall bear interest from the date of their issuance until paid.

4275 (b) (i) The local entity's governing body shall:

4276 (A) approve the interest rate applicable to interim warrants; and

4277 (B) fix a maturity date for each interim warrant.

4278 (ii) The interest rate applicable to interim warrants may be fixed or variable or a

4279 combination of fixed and variable.

4280 (iii) If interim warrants carry a variable interest rate, the local entity's governing body

4281 shall specify the basis upon which the rate is to be determined, the manner in which the rate is

4282 to be adjusted, and a maximum interest rate.

4283 (iv) If an interim warrant matures before the local entity has available sources of

4284 payment under Section 11-42-603, the local entity may authorize the issuance of a new interim

4285 warrant to pay the principal and interest on the maturing warrant.

4286 (c) The local entity shall include interest accruing on interim warrants in the cost of

4287 improvements in the assessment area.

4288 (5) A local entity may purchase some or all of the interim warrants it has issued using

4289 the local entity's general fund money.

4290 Section 76. Section **11-42-602** is enacted to read:

4291 **11-42-602. Bond anticipation notes.**

4292 (1) A local entity may by resolution authorize the issuance of bond anticipation notes.

4293 (2) A local entity may use the proceeds from the issuance of bond anticipation notes to

4294 pay:

4295 (a) the contract price;

4296 (b) the price of property acquired for an improvement in an assessment area; and

4297 (c) related costs, including overhead costs.

4298 (3) Each resolution authorizing the issuance of bond anticipation notes shall:

4299 (a) describe the bonds in anticipation of which the bond anticipation notes are to be

4300 issued;

4301 (b) specify the principal amount and maturity dates of the notes; and

4302 (c) specify the interest rate applicable to the notes.

4303 (4) (a) The interest rate on bond anticipation notes issued under this section may be

4304 fixed, variable, or a combination of fixed and variable, as determined by the local entity's

4305 governing body.

4306 (b) If bond anticipation notes carry a variable interest rate, the local entity's governing  
4307 body shall specify the basis upon which the rate is to be determined, the manner in which the  
4308 rate is to be adjusted, and a maximum interest rate.

4309 (c) A local entity may provide for interest on bond anticipation notes to be paid  
4310 semiannually, annually, or at maturity.

4311 (5) A local entity may:

4312 (a) issue and sell bond anticipation notes in a manner and at a price, either at, below, or  
4313 above face value, as the governing body determines by resolution; and

4314 (b) make bond anticipation notes redeemable prior to maturity, at the governing body's  
4315 option and in the manner and upon the terms fixed by the resolution authorizing their issuance.

4316 (6) Bond anticipation notes shall be executed, be in a form, and have details and terms  
4317 as provided in the resolution authorizing their issuance.

4318 (7) A local entity may issue bond anticipation notes to refund bond anticipation notes  
4319 previously issued by the local entity.

4320 Section 77. Section **11-42-603** is enacted to read:

4321 **11-42-603. Sources of payment for interim warrants and bond anticipation notes.**

4322 Each local entity that has issued interim warrants or bond anticipation notes shall pay  
4323 the warrants or notes from:

4324 (1) proceeds from the sale of assessment bonds;

4325 (2) cash the local entity receives from the payment for improvements;

4326 (3) improvement revenues that are not pledged to the payment of assessment bonds;

4327 (4) proceeds from the sale of interim warrants or bond anticipation notes; or

4328 (5) if applicable, the local entity's guaranty fund.

4329 Section 78. Section **11-42-604** is enacted to read:

4330 **11-42-604. Local entity may authorize the issuance of assessment bonds -- Limit**  
4331 **on amount of bonds -- Features of assessment bonds.**

4332 (1) After the 25-day prepayment period under Subsection 11-42-411(5) has passed, a  
4333 local entity may authorize the issuance of bonds to pay the costs of improvements in an  
4334 assessment area, and other related costs, against the funds that the local entity will receive  
4335 because of an assessment in an assessment area.

4336 (2) The aggregate principal amount of bonds authorized under Subsection (1) may not

- 4337 exceed the unpaid balance of assessments at the end of the 25-day prepayment period under  
4338 Subsection 11-42-411(5).
- 4339 (3) Assessment bonds issued under this section:
- 4340 (a) are fully negotiable for all purposes;
- 4341 (b) may not mature at a time that exceeds the period that installments of assessments in  
4342 the assessment area are due and payable, plus one year;
- 4343 (c) shall bear interest at the lowest rate or rates reasonably obtainable;
- 4344 (d) may not be dated earlier than the effective date of the assessment ordinance;
- 4345 (e) shall be payable at the place, shall be in the form, and shall be sold in the manner  
4346 and with the details that are provided in the resolution authorizing the issuance of the bonds;
- 4347 (f) shall be issued, as the governing body determines:
- 4348 (i) in bearer form, with or without interest coupons attached; or
- 4349 (ii) in registered form as provided in Title 15, Chapter 7, Registered Public Obligations  
4350 Act; and
- 4351 (g) provide that interest be paid semiannually, annually, or at another interval as  
4352 specified by the governing body.
- 4353 (4) (a) A local entity may:
- 4354 (i) (A) provide that assessment bonds be callable for redemption before maturity; and  
4355 (B) fix the terms and conditions of redemption, including the notice to be given and  
4356 any premium to be paid;
- 4357 (ii) subject to Subsection (4)(b), require assessment bonds to bear interest at a fixed or  
4358 variable rate, or a combination of fixed and variable rates;
- 4359 (iii) specify terms and conditions under which:
- 4360 (A) assessment bonds bearing interest at a variable interest rate may be converted to  
4361 bear interest at a fixed interest rate; and
- 4362 (B) the local entity agrees to repurchase the bonds; and
- 4363 (iv) include all costs associated with assessment bonds, including any costs resulting  
4364 from any of the actions the local entity is authorized to take under this section, in an assessment  
4365 levied under Section 11-42-401.
- 4366 (b) If assessment bonds carry a variable interest rate, the local entity shall specify:
- 4367 (i) the basis upon which the variable rate is to be determined over the life of the bonds;

4368 (ii) the manner in which and schedule upon which the rate is to be adjusted; and  
4369 (iii) a maximum rate that the bonds may carry.

4370 (5) (a) Nothing in this part may be construed to authorize the issuance of assessment  
4371 bonds to pay for the cost of ordinary repairs to pavement, sewers, drains, curbing, gutters, or  
4372 sidewalks.

4373 (b) Notwithstanding Subsection (5)(a), a local entity may issue assessment bonds to  
4374 pay for extraordinary repairs to pavement, sewers, drains, curbing, gutters, or sidewalk.

4375 (c) A local entity's governing body may define by resolution or ordinance what  
4376 constitutes ordinary repairs and extraordinary repairs for purposes of this Subsection (5).

4377 (d) Nothing in this Subsection (5) may be construed to limit a local entity from levying  
4378 an assessment within an assessment area to pay operation and maintenance costs as described  
4379 in a notice under Section 11-42-403.

4380 (6) If a local entity has issued bond anticipation notes under Section 11-42-606 in  
4381 anticipation of assessment bonds that the local entity issues under this part, the local entity  
4382 shall provide for the retirement of the bond anticipation notes contemporaneously with the  
4383 issuance of the assessment bonds.

4384 Section 79. Section **11-42-605** is enacted to read:

4385 **11-42-605. Assessment bonds are not a local entity's general obligation -- Liability**  
4386 **and responsibility of a local entity that issues assessment bonds.**

4387 (1) Assessment bonds are not a general obligation of the local entity that issues them.

4388 (2) A local entity that issues assessment bonds:

4389 (a) may not be held liable for payment of the bonds except to the extent of:

4390 (i) funds created and received from assessments against which the bonds are issued;

4391 (ii) improvement revenues; and

4392 (iii) the local entity's guaranty fund under Section 11-42-701 or, if applicable, reserve  
4393 fund under Section 11-42-702; and

4394 (b) is responsible for:

4395 (i) the lawful levy of all assessments;

4396 (ii) the collection and application of improvement revenues, as provided in this  
4397 chapter;

4398 (iii) the creation and maintenance of a guaranty fund or, if applicable, a reserve fund;

4399 and  
4400 (iv) the faithful accounting, collection, settlement, and payment of:  
4401 (A) assessments and improvement revenues; and  
4402 (B) money in a guaranty fund or, if applicable, a reserve fund.  
4403 (3) If a local entity illegally assesses land or assessed land that is exempt from  
4404 assessment, the local entity:  
4405 (a) is liable to the holders of assessment bonds for the funds created by the assessment;  
4406 and  
4407 (b) shall pay the amount for which it is liable under Subsection (3)(a) from the local  
4408 entity's general fund.  
4409 Section 80. Section **11-42-606** is enacted to read:  
4410 **11-42-606. Refunding assessment bonds.**  
4411 (1) A local entity may, by a resolution adopted by the governing body, authorize the  
4412 issuance of refunding assessment bonds as provided in this section, whether at or before the  
4413 maturity of the prior bonds, at stated maturity, upon redemption, or declaration of maturity.  
4414 (2) (a) Subject to Subsection (2)(b), the issuance of refunding assessment bonds is  
4415 governed by Title 11, Chapter 27, Utah Refunding Bond Act.  
4416 (b) If there is a conflict between a provision of Title 11, Chapter 27, Utah Refunding  
4417 Bond Act, and a provision of this part, the provision of this part governs.  
4418 (3) In issuing refunding assessment bonds, the local entity shall require the refunding  
4419 assessment bonds and interest on the bonds to be payable from and secured, to the extent the  
4420 prior bonds were payable from and secured, by:  
4421 (a) (i) the same assessments and interest on assessments; or  
4422 (ii) the reduced assessments and interest on assessments adopted by the local entity's  
4423 governing body under Section 11-42-604;  
4424 (b) the guaranty fund or, if applicable, reserve fund; and  
4425 (c) improvement revenues.  
4426 (4) Refunding assessment bonds:  
4427 (a) shall be payable solely from the sources described in Subsection (3);  
4428 (b) shall mature no later than the date of final maturity of the prior bonds;  
4429 (c) may not mature at a time or bear interest at a rate that will cause the local entity to

4430 be unable to pay the bonds when due;

4431 (d) shall bear interest as the governing body determines, subject to the provisions of

4432 Section 11-42-601 relating to interest;

4433 (e) may be issued to pay one or more issues of the local entity's prior bonds; and

4434 (f) if issued to refund two or more issues of prior bonds, may be issued in one or more  
4435 series.

4436 (5) A local entity may provide for the payment of incidental costs associated with  
4437 refunding assessment bonds:

4438 (a) by advancing funds from the local entity's general fund or other fund, if the local  
4439 entity's governing body:

4440 (i) determines that the advance is in the best interests of the local entity and its citizens,  
4441 including the owners of land within the assessment area; and

4442 (ii) provides that the assessments, interest on assessments, and improvement revenue  
4443 from which the prior bonds are payable not be reduced during the period necessary to provide  
4444 funds from those sources to reimburse the local entity with interest at the same rate that applies  
4445 to the assessments;

4446 (b) from premiums that the local entity receives from the sale of refunding assessment  
4447 bonds;

4448 (c) from earnings on the investment of refunding assessment bonds pending their use to  
4449 refund prior bonds;

4450 (d) from any other sources legally available to the local entity for this purpose; or

4451 (e) from any combination of Subsections (5)(a) through (d).

4452 Section 81. Section **11-42-607** is enacted to read:

4453 **11-42-607. Reducing assessments after issuance of refunding assessment bonds.**

4454 (1) Each local entity that issues refunding assessment bonds shall adopt a resolution or  
4455 ordinance amending the assessment resolution or assessment ordinance previously adopted.

4456 (2) Each amending resolution or ordinance under Subsection (1) shall:

4457 (a) reduce, as determined by the local entity's governing body:

4458 (i) the assessments levied under the previous resolution or ordinance;

4459 (ii) the interest payable on the assessments levied under the previous resolution or  
4460 ordinance; or



- 4461 (iii) both the assessments levied under the previous resolution or ordinance and the  
4462 interest payable on those assessments;
- 4463 (b) allocate the reductions under Subsection (2)(a) so that the then unpaid assessments  
4464 levied against land within the assessment area and the unpaid interest on those assessments  
4465 receive a proportionate share of the reductions;
- 4466 (c) (i) state the amounts of the reduced payment obligation for each property assessed  
4467 in the prior resolution or ordinance; or
- 4468 (ii) incorporate by reference a revised assessment list approved by the governing body  
4469 containing the reduced payment obligations; and
- 4470 (d) state the effective date of any reduction in the assessment levied in the prior  
4471 resolution or order and interest on the assessment.
- 4472 (3) A resolution or ordinance under Subsection (2) is not required to describe each  
4473 block, lot, part of block or lot, tract, or parcel of property assessed.
- 4474 (4) Each reduction under Subsection (2)(a) shall be the amount by which the principal  
4475 or interest or both payable on the refunding assessment bonds, after accounting for incidental  
4476 costs associated with the refunding assessment bonds, is less than the amount of principal or  
4477 interest or both payable on the prior bonds.
- 4478 (5) A reduction under Subsection (2)(a) does not apply to an assessment or interest  
4479 paid before the reduction.
- 4480 (6) A resolution or ordinance under Subsection (2) may not become effective before  
4481 the date when all principal, interest, any redemption premium on the prior bonds, and any  
4482 advances made under Subsection 11-42-603(5)(a) are fully paid or legally terminated.
- 4483 (7) (a) At least 21 days before the first payment of a reduced assessment becomes due,  
4484 each local entity shall provide notice of the reduced payment obligations resulting from  
4485 adoption of a resolution or ordinance under Subsection (2) by mailing, postage prepaid, a  
4486 notice to each owner of property within the assessment area at the owner's mailing address.
- 4487 (b) Each notice under Subsection (7)(a) shall:
- 4488 (i) identify the land subject to the assessment; and
- 4489 (ii) state the amount of the reduced payment obligations that will be payable after the  
4490 applicable date stated in the resolution or ordinance under Subsection (1).
- 4491 (c) A notice under Subsection (7)(a) may:

4492 (i) contain other information that the governing body considers appropriate; and  
4493 (ii) be included with any other notice regarding the payment of an assessment and  
4494 interest that the local entity sends to land owners in the assessment area within the time and  
4495 addressed as required under Subsection (7)(a).

4496 (d) The validity of a resolution or ordinance under Subsection (1) is not affected by:  
4497 (i) a local entity's failure to provide notice as required under this Subsection (7); or  
4498 (ii) a defect in the content of the notice or the manner or time in which the notice was  
4499 provided.

4500 (e) Whether or not notice under this Subsection (7) is properly given, no other notice is  
4501 required to be given to owners of land within an assessment area in connection with the  
4502 issuance of refunding assessment bonds.

4503 (8) Except for the amount of reduction to a prior assessment or interest on a prior  
4504 assessment, neither the issuance of refunding assessment bonds nor the adoption of a resolution  
4505 or ordinance under Subsection (1) affects:

4506 (a) the validity or continued enforceability of a prior assessment or interest on the  
4507 assessment; or

4508 (b) the validity, enforceability, or priority of an assessment lien.

4509 (9) Each reduction of a prior assessment and the interest on the assessment shall  
4510 continue to exist in favor of the refunding assessment bonds.

4511 (10) Even after payment in full of assessment bonds that are refunded by refunding  
4512 assessment bonds, an assessment lien continues to exist to secure payment of the reduced  
4513 payment obligations, the penalties and costs of collection of those obligations, and the  
4514 refunding assessment bonds in the same manner, to the same extent, and with the same priority  
4515 as the assessment lien.

4516 (11) A lien securing a reduced payment obligation from which refunding assessment  
4517 bonds are payable and by which the bonds are secured is subordinate to an assessment lien  
4518 securing the original or prior assessment and prior bonds until the prior bonds are paid in full  
4519 or legally terminated.

4520 (12) Unless prior bonds are paid in full simultaneously with the issuance of refunding  
4521 assessment bonds, the local entity shall:

4522 (a) irrevocably set aside the proceeds of the refunding assessment bonds in an escrow

4523 or other separate account; and

4524 (b) pledge that account as security for the payment of the prior bonds and refunding  
4525 assessment bonds.

4526 (13) This part applies to all refunding assessment bonds:

4527 (a) whether already issued or yet to be issued; and

4528 (b) even though the prior bonds they refunded were issued under prior law, whether or  
4529 not that law is currently in effect.

4530 Section 82. Section **11-42-608** is enacted to read:

4531 **11-42-608. Validation of previously issued obligations.**

4532 (1) Subject to Subsection (2):

4533 (a) all assessment bonds, refunding assessment bonds, interim warrants, and bond  
4534 anticipation notes issued by a local entity before April 30, 2007 are:

4535 (i) validated, ratified, and confirmed; and

4536 (ii) declared to constitute legally binding obligations in accordance with their terms;

4537 and

4538 (b) all proceedings before April 30, 2007 related to the authorization and issuance of  
4539 assessment bonds, refunding assessment bonds, interim warrants, and bond anticipation notes  
4540 are validated, ratified, and confirmed.

4541 (2) Nothing in this section may be construed to affect the validity of an assessment  
4542 bond, refunding assessment bond, interim warrant, bond anticipation note, assessment,  
4543 guaranty fund, or reserve fund whose legality is being contested on April 30, 2007.

4544 (3) (a) This chapter applies to all assessment bonds, refunding assessment bonds,  
4545 interim warrants, and bond anticipation notes issued after April 30, 2007, even though  
4546 proceedings were taken before that date under provisions of the law then in effect but repealed  
4547 or modified on or after that date.

4548 (b) Proceedings taken as described in Subsection (3)(a) under the law in effect before  
4549 April 30, 2007 are validated, ratified, and confirmed, subject to question only as provided in  
4550 Section 11-42-106.

4551 (4) The validity of an assessment bond, refunding assessment bond, interim warrant, or  
4552 bond anticipation note issued before April 30, 2007 is not affected by changes to the law under  
4553 which they were issued that become effective on or after April 30, 2007.

4554 Section 83. Section **11-42-701** is enacted to read:

4555 **Part 7. Guaranty and Reserve Funds**

4556 **11-42-701. Guaranty fund.**

4557 (1) Except as provided in Section 11-42-702, each local entity that issues assessment  
4558 bonds shall:

4559 (a) create a guaranty fund, as provided in this section, to guaranty, to the extent of the  
4560 money in the fund, local entity obligations; and

4561 (b) fund the guaranty fund by:

4562 (i) appropriations from the local entity's general fund;

4563 (ii) levying a property tax not to exceed .0002 per dollar of taxable value of taxable  
4564 property within the local entity;

4565 (iii) issuing general obligation bonds; or

4566 (iv) appropriations from other sources as determined by the local entity's governing  
4567 body.

4568 (2) A tax levied by a local entity under Subsection (1)(b)(ii) to fund a guaranty fund is  
4569 not included for purposes of calculating the maximum levy limitation applicable to the local  
4570 entity.

4571 (3) A local entity may covenant for the benefit of the holders of local entity obligations  
4572 that, as long as the local entity obligations are outstanding and unpaid, the local entity will:

4573 (a) create a guaranty fund as provided in this section;

4574 (b) (i) to the extent legally permissible and by any of the methods described in  
4575 Subsection (1)(b), transfer each year to the guaranty fund an amount of money up to the  
4576 amount the local entity would collect by levying a tax of .0002 per dollar of taxable value of  
4577 taxable property within the local entity until the balance in the guaranty fund equals 10% of the  
4578 amount of all outstanding local entity obligations; and

4579 (ii) in subsequent years transfer to the guaranty fund the amount necessary to replenish  
4580 or maintain the guaranty fund at 10% of the amount of all outstanding local entity obligations;  
4581 and

4582 (c) invest the funds on deposit in the guaranty fund as provided in Title 51, Chapter 7,  
4583 State Money Management Act.

4584 (4) A local entity may create subaccounts within a guaranty fund for each issue of

4585 outstanding assessment bonds and refunding assessment bonds in a manner that the local  
4586 entity's governing body considers appropriate to allocate among the bond issues the securities  
4587 held in and interest earnings on the guaranty fund for purposes of complying with federal law.

4588 (5) A local entity may transfer to its general fund any money in its guaranty fund that  
4589 exceeds 10% of the average amount of all of the local entity's outstanding assessment bonds  
4590 and refunding assessment bonds that are secured by the guaranty fund.

4591 (6) For purposes of Subsections (3)(b) and (5), refunding assessment bonds may not be  
4592 considered outstanding until the principal of and interest and any redemption premiums on the  
4593 prior bonds that are refunded by the refunding assessment bonds are fully paid or legally  
4594 terminated.

4595 Section 84. Section **11-42-702** is enacted to read:

4596 **11-42-702. Reserve fund.**

4597 (1) In lieu of creating and funding a guaranty fund under Section 11-42-701 for an  
4598 issue of assessment bonds or refunding assessment bonds, a local entity may establish a reserve  
4599 fund to secure the issue.

4600 (2) If a local entity establishes a reserve fund under this section:

4601 (a) local entity obligations secured by the reserve fund are not secured by a guaranty  
4602 fund under Section 11-42-701;

4603 (b) the local entity is not required to fund a guaranty fund under Section 11-42-701 for  
4604 those local entity obligations; and

4605 (c) unless otherwise provided in this part or in the proceedings authorizing the issuance  
4606 of bonds, the provisions of this part regarding a guaranty fund have no application to the bonds  
4607 that are secured by the reserve fund.

4608 (3) Each local entity that establishes a reserve fund shall:

4609 (a) fund and replenish the reserve fund in the amounts and manner provided in the  
4610 proceedings authorizing the issuance of the bonds that are secured by the reserve fund; and

4611 (b) invest the funds on deposit in the reserve fund as provided in Title 51, Chapter 7,  
4612 State Money Management Act.

4613 (4) (a) Subject to Subsection (4)(b), a local entity may replenish a reserve fund under  
4614 this section by any of the methods described in Subsection 11-42-701(1)(b).

4615 (b) The proceedings authorizing the issuance of assessment bonds or refunding bonds

4616 shall provide that if a local entity uses any of the methods described in Subsection  
4617 11-42-701(1)(b) to replenish a reserve fund, the local entity shall be reimbursed, with interest  
4618 at a rate that the local entity determines, with money that the local entity receives from  
4619 foreclosing on delinquent property.

4620 (5) Upon the retirement of assessment bonds or refunding assessments bonds secured  
4621 by a reserve fund, the local entity shall:

4622 (a) terminate the reserve fund; and

4623 (b) disburse all remaining money in the fund as provided in the proceedings

4624 authorizing the issuance of the bonds.

4625 Section 85. Section **11-42-703** is enacted to read:

4626 **11-42-703. Payment from guaranty fund or reserve fund if insufficient funds**  
4627 **available in the assessment fund -- Payment by warrant from guaranty fund or reserve**  
4628 **fund -- Subrogation.**

4629 (1) If an assessment bond, refunding assessment bond, interim warrant, or bond  
4630 anticipation note is presented to the local entity for payment at a time when there is insufficient  
4631 money in the assessment fund to pay the amount due, the local entity shall pay the amount due  
4632 from the guaranty fund or, if applicable, reserve fund.

4633 (2) If there is insufficient money in the guaranty fund or, if applicable, the reserve fund  
4634 to pay the amount due under Subsection (1), the local entity may pay by a warrant drawn  
4635 against the guaranty fund or, if applicable, reserve fund.

4636 (3) If a local entity pays from its guaranty fund or reserve fund any principal or interest  
4637 owing under an assessment bond, refunding assessment bond, interim warrant, or bond  
4638 anticipation note:

4639 (a) the local entity is subrogated to the rights of the holders of the assessment bond,  
4640 refunding assessment bond, interim warrant, or bond anticipation note; and

4641 (b) the proceeds from the assessment bond, refunding assessment bond, interim  
4642 warrant, or bond anticipation note shall become part of the guaranty fund or reserve fund, as  
4643 the case may be.

4644 Section 86. Section **11-42-704** is enacted to read:

4645 **11-42-704. Transfers from local entity funds to replenish guaranty fund or**  
4646 **reserve fund.**

4647 If the guaranty fund or, if applicable, the reserve fund has insufficient money for the  
4648 local entity to purchase property on which it bids at a sale under Part 5, Assessment Liens, for  
4649 delinquent assessments, the local entity may transfer or appropriate money from its general  
4650 fund or other available sources, as the governing body determines, to replenish the guaranty  
4651 fund or reserve fund.

4652 Section 87. Section **11-42-705** is enacted to read:

4653 **11-42-705. Warrants to meet guaranty fund and reserve fund liabilities -- Levy to**  
4654 **pay warrants authorized -- Limit on the levy.**

4655 (1) A local entity may issue warrants, drawing interest at a rate determined by the  
4656 governing body, against a guaranty fund or reserve fund to meet any financial liabilities  
4657 accruing against the fund.

4658 (2) (a) If a local entity issues warrants under Subsection (1), the local entity shall,  
4659 subject to Subsection (2)(b), include in its next annual tax levy an amount sufficient, with other  
4660 guaranty fund or reserve fund resources, to pay all issued and outstanding warrants under  
4661 Subsection (1) for all assessment areas within the local entity.

4662 (b) A levy under Subsection (2)(a):

4663 (i) may not exceed .0002 per dollar of taxable value of taxable property in the local  
4664 entity; and

4665 (ii) is exempt from the statutory limit applicable to the local entity's property tax levy.

4666 Section 88. Section **11-42-706** is enacted to read:

4667 **11-42-706. Validation of prior guaranty fund or reserve fund proceedings.**

4668 (1) Subject to Subsection (2), all proceedings before April 30, 2007 related to the  
4669 creation, maintenance, and use of a guaranty fund or reserve fund are validated, ratified, and  
4670 confirmed.

4671 (2) Nothing in this section may be construed to affect the validity of a guaranty fund or  
4672 reserve fund whose legality is being contested on April 30, 2007.

4673 Section 89. Section **14-1-18** is amended to read:

4674 **14-1-18. Definitions -- Application of Procurement Code to payment and**  
4675 **performance bonds.**

4676 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,  
4677 town, school district, [~~public transit district, special~~] local district, [~~redevelopment~~] special

4678 service district, community development and renewal agency, public corporation, institution of  
4679 higher education of the state, public agency of any political subdivision, and, to the extent  
4680 provided by law, any other entity which expends public funds for construction.

4681 (b) For purposes of applying Section 63-56-504 to a political subdivision, "state"  
4682 includes "political subdivision."

4683 (2) Section 63-56-504 applies to all contracts for the construction, alteration, or repair  
4684 of any public building or public work of the state or a political subdivision of the state.

4685 Section 90. Section **15-7-2** is amended to read:

4686 **15-7-2. Definitions.**

4687 As used in this chapter:

4688 (1) "Authorized officer" means any individual required or permitted by any law or by  
4689 the issuing public entity to execute on behalf of the public entity, a certificated registered  
4690 public obligation or a writing relating to an uncertificated registered public obligation.

4691 (2) "Certificated registered public obligation" means a registered public obligation  
4692 which is represented by an instrument.

4693 (3) "Code" means the Internal Revenue Code of 1954.

4694 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or  
4695 other means of the seal of the issuer, official, or official body.

4696 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,  
4697 or other means of a manual signature.

4698 (6) "Financial intermediary" means a bank, broker, clearing corporation or other  
4699 person, or the nominee of any of them, which in the ordinary course of its business maintains  
4700 registered public obligation accounts for its customers.

4701 (7) "Issuer" means a public entity which issues an obligation.

4702 (8) "Obligation" means an agreement by a public entity to pay principal and any  
4703 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,  
4704 an installment purchase agreement, or otherwise, and includes a share, participation, or other  
4705 interest in any such agreement.

4706 (9) "Official actions" means the actions by statute, order, ordinance, resolution,  
4707 contract, or other authorized means by which the issuer provides for issuance of a registered  
4708 public obligation.



4709 (10) "Official" or "official body" means the person or group of persons that is  
4710 empowered to provide for the original issuance of an obligation of the issuer, by defining the  
4711 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a  
4712 registered public obligation and any successor of such person or group of persons.

4713 (11) "Public entity" means any entity, department, or agency which is empowered  
4714 under the laws of one or more states, territories, possessions of the United States or the District  
4715 of Columbia, including this state, to issue obligations any interest with respect to which may,  
4716 under any provision of law, be provided an exemption from the income tax referred to in the  
4717 Code. The term "public entity" includes, without limitation, this state, an entity deriving  
4718 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a  
4719 municipal corporation, a quasi-municipal corporation, a state university or college, a school  
4720 district, a special service district [~~or other special~~], a local district, [~~an improvement district, a~~  
4721 ~~water conservancy district, a metropolitan water district, a drainage district, an irrigation~~  
4722 ~~district, a fire protection district,~~] a separate legal or administrative entity created under the  
4723 Interlocal Cooperation Act or other joint agreement entity, a [~~redevelopment~~] community  
4724 development and renewal agency, any other political subdivision, a public authority or public  
4725 agency, a public trust, a nonprofit corporation, or other organizations.

4726 (12) "Registered public obligation" means an obligation issued by a public entity which  
4727 is issued pursuant to a system of registration.

4728 (13) "System of registration" and its variants means a plan that provides:

4729 (a) With respect to a certificated registered public obligation that (i) the certificated  
4730 registered public obligation specifies a person entitled to the registered public obligation and  
4731 the rights it represents, and that (ii) transfer of the certificated registered public obligation and  
4732 the rights it represents may be registered upon books maintained for that purpose by or on  
4733 behalf of the issuer; and

4734 (b) With respect to an uncertificated registered public obligation, that (i) books  
4735 maintained by or on behalf of the issuer for the purpose of registration of the transfer of a  
4736 registered public obligation specify a person entitled to the registered public obligation and the  
4737 rights evidenced by it and that (ii) transfer of the uncertificated registered public obligation and  
4738 the rights evidenced by it be registered upon such books.

4739 (14) "Uncertificated registered public obligation" means a registered public obligation

4740 which is not represented by an instrument.

4741 Section 91. Section **17-23-17** is amended to read:

4742 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
4743 **of monuments -- Record of corner changes -- Penalties.**

4744 (1) As used in this section, "land surveyor" means a surveyor who is licensed to  
4745 practice land surveying in this state in accordance with Title 58, Chapter 22, Professional  
4746 Engineers and Professional Land Surveyors Licensing Act.

4747 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to  
4748 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing  
4749 a boundary line shall file a map of the survey that meets the requirements of this section with  
4750 the county surveyor or designated office within 90 days of the establishment or reestablishment  
4751 of a boundary.

4752 (ii) A land surveyor who fails to file a map of the survey as required by Subsection  
4753 (2)(a)(i) is guilty of a class C misdemeanor.

4754 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a  
4755 separate violation.

4756 (b) The county surveyor or designated office shall file and index the map of the survey.

4757 (c) The map shall be a public record in the office of the county surveyor or designated  
4758 office.

4759 (3) This type of map shall show:

4760 (a) the location of survey by quarter section and township and range;

4761 (b) the date of survey;

4762 (c) the scale of drawing and north point;

4763 (d) the distance and course of all lines traced or established, giving the basis of bearing  
4764 and the distance and course to two or more section corners or quarter corners, including  
4765 township and range, or to identified monuments within a recorded subdivision;

4766 (e) all measured bearings, angles, and distances separately indicated from those of  
4767 record;

4768 (f) a written boundary description of property surveyed;

4769 (g) all monuments set and their relation to older monuments found;

4770 (h) a detailed description of monuments found and monuments set, indicated

4771 separately;

4772 (i) the surveyor's seal or stamp; and

4773 (j) the surveyor's business name and address.

4774 (4) (a) The map shall contain a written narrative that explains and identifies:

4775 (i) the purpose of the survey;

4776 (ii) the basis on which the lines were established; and

4777 (iii) the found monuments and deed elements that controlled the established or  
4778 reestablished lines.

4779 (b) If the narrative is a separate document, it shall contain:

4780 (i) the location of the survey by quarter section and by township and range;

4781 (ii) the date of the survey;

4782 (iii) the surveyor's stamp or seal; and

4783 (iv) the surveyor's business name and address.

4784 (c) The map and narrative shall be referenced to each other if they are separate  
4785 documents.

4786 (5) The map and narrative shall be created on material of a permanent nature on stable  
4787 base reproducible material in the sizes required by the county surveyor.

4788 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference  
4789 a point on a property or land line shall be durably and visibly marked or tagged with the  
4790 registered business name or the letters "L.S." followed by the registration number of the  
4791 surveyor in charge.

4792 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall  
4793 be marked with the official title of the office.

4794 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the  
4795 section corner or quarter-section corner, or their accessories, the surveyor shall complete and  
4796 submit to the county surveyor or designated office a record of the changes made.

4797 (b) The record shall be submitted within 45 days of the corner visits and shall include  
4798 the surveyor's seal, business name, and address.

4799 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the  
4800 license of any land surveyor who fails to comply with the requirements of this section,  
4801 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and

4802 Professional Licensing Act.

4803 (9) Each federal or state agency, board, or commission, [~~special~~] local district, special  
4804 service district, or municipal corporation that makes a boundary survey of lands within this  
4805 state shall comply with this section.

4806 Section 92. Section **17-27a-103** is amended to read:

4807 **17-27a-103. Definitions.**

4808 As used in this chapter:

4809 (1) "Affected entity" means a county, municipality, [~~independent special district under~~  
4810 ~~Title 17A, Chapter 2, Independent Special Districts;~~] local district [~~under Title 17B, Chapter 2,~~  
4811 ~~Local Districts~~], special service district under Title 17A, Chapter 2, Part 13, Utah Special  
4812 Service District Act, school district, interlocal cooperation entity established under Title 11,  
4813 Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association,  
4814 public utility, or the Utah Department of Transportation, if:

4815 (a) the entity's services or facilities are likely to require expansion or significant  
4816 modification because of an intended use of land;

4817 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
4818 or

4819 (c) the entity has filed with the county a request for notice during the same calendar  
4820 year and before the county provides notice to an affected entity in compliance with a  
4821 requirement imposed under this chapter.

4822 (2) "Appeal authority" means the person, board, commission, agency, or other body  
4823 designated by ordinance to decide an appeal of a decision of a land use application or a  
4824 variance.

4825 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
4826 residential property if the sign is designed or intended to direct attention to a business, product,  
4827 or service that is not sold, offered, or existing on the property where the sign is located.

4828 (4) "Charter school" includes:

4829 (a) an operating charter school;

4830 (b) a charter school applicant that has its application approved by a chartering entity in  
4831 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

4832 (c) an entity who is working on behalf of a charter school or approved charter applicant

4833 to develop or construct a charter school building.

4834 (5) "Chief executive officer" means the person or body that exercises the executive  
4835 powers of the county.

4836 (6) "Conditional use" means a land use that, because of its unique characteristics or  
4837 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
4838 compatible in some areas or may be compatible only if certain conditions are required that  
4839 mitigate or eliminate the detrimental impacts.

4840 (7) "Constitutional taking" means a governmental action that results in a taking of  
4841 private property so that compensation to the owner of the property is required by the:

4842 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

4843 (b) Utah Constitution Article I, Section 22.

4844 (8) "Culinary water authority" means the department, agency, or public entity with  
4845 responsibility to review and approve the feasibility of the culinary water system and sources for  
4846 the subject property.

4847 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
4848 or more of a person's major life activities, including a person having a record of such an  
4849 impairment or being regarded as having such an impairment.

4850 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
4851 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
4852 802.

4853 (10) "Elderly person" means a person who is 60 years old or older, who desires or  
4854 needs to live with other elderly persons in a group setting, but who is capable of living  
4855 independently.

4856 (11) "Gas corporation" has the same meaning as defined in Section 54-2-1.

4857 (12) "General plan" means a document that a county adopts that sets forth general  
4858 guidelines for proposed future development of the unincorporated land within the county.

4859 (13) "Identical plans" means building plans submitted to a county that are substantially  
4860 identical building plans that were previously submitted to and reviewed and approved by the  
4861 county and describe a building that is:

4862 (a) located on land zoned the same as the land on which the building described in the  
4863 previously approved plans is located; and

4864 (b) subject to the same geological and meteorological conditions and the same law as  
4865 the building described in the previously approved plans.

4866 (14) "Interstate pipeline company" means a person or entity engaged in natural gas  
4867 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
4868 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

4869 (15) "Intrastate pipeline company" means a person or entity engaged in natural gas  
4870 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
4871 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

4872 (16) "Land use application" means an application required by a county's land use  
4873 ordinance.

4874 (17) "Land use authority" means a person, board, commission, agency, or other body  
4875 designated by the local legislative body to act upon a land use application.

4876 (18) "Land use ordinance" means a planning, zoning, development, or subdivision  
4877 ordinance of the county, but does not include the general plan.

4878 (19) "Land use permit" means a permit issued by a land use authority.

4879 (20) "Legislative body" means the county legislative body, or for a county that has  
4880 adopted an alternative form of government, the body exercising legislative powers.

4881 (21) "Local district" means any entity established under the authority of Title 17B,  
4882 Limited Purpose Local Government Entities - Local Districts, and any other governmental or  
4883 quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

4884 [~~(21)~~] (22) "Lot line adjustment" means the relocation of the property boundary line in  
4885 a subdivision between two adjoining lots with the consent of the owners of record.

4886 [~~(22)~~] (23) "Moderate income housing" means housing occupied or reserved for  
4887 occupancy by households with a gross household income equal to or less than 80% of the  
4888 median gross income for households of the same size in the county in which the housing is  
4889 located.

4890 [~~(23)~~] (24) "Nominal fee" means a fee that reasonably reimburses a county only for  
4891 time spent and expenses incurred in:

4892 (a) verifying that building plans are identical plans; and

4893 (b) reviewing and approving those minor aspects of identical plans that differ from the  
4894 previously reviewed and approved building plans.

4895 [~~(24)~~] (25) "Noncomplying structure" means a structure that:

4896 (a) legally existed before its current land use designation; and

4897 (b) because of one or more subsequent land use ordinance changes, does not conform  
4898 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
4899 the use of land.

4900 [~~(25)~~] (26) "Nonconforming use" means a use of land that:

4901 (a) legally existed before its current land use designation;

4902 (b) has been maintained continuously since the time the land use ordinance regulation  
4903 governing the land changed; and

4904 (c) because of one or more subsequent land use ordinance changes, does not conform  
4905 to the regulations that now govern the use of the land.

4906 [~~(26)~~] (27) "Official map" means a map drawn by county authorities and recorded in  
4907 the county recorder's office that:

4908 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
4909 highways and other transportation facilities;

4910 (b) provides a basis for restricting development in designated rights-of-way or between  
4911 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
4912 the land; and

4913 (c) has been adopted as an element of the county's general plan.

4914 [~~(27)~~] (28) "Person" means an individual, corporation, partnership, organization,  
4915 association, trust, governmental agency, or any other legal entity.

4916 [~~(28)~~] (29) "Plan for moderate income housing" means a written document adopted by  
4917 a county legislative body that includes:

4918 (a) an estimate of the existing supply of moderate income housing located within the  
4919 county;

4920 (b) an estimate of the need for moderate income housing in the county for the next five  
4921 years as revised biennially;

4922 (c) a survey of total residential land use;

4923 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
4924 income housing; and

4925 (e) a description of the county's program to encourage an adequate supply of moderate

4926 income housing.

4927           ~~[(29)]~~ (30) "Plat" means a map or other graphical representation of lands being laid out  
4928 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

4929           ~~[(30)]~~ (31) "Public hearing" means a hearing at which members of the public are  
4930 provided a reasonable opportunity to comment on the subject of the hearing.

4931           ~~[(31)]~~ (32) "Public meeting" means a meeting that is required to be open to the public  
4932 under Title 52, Chapter 4, Open and Public Meetings Act.

4933           ~~[(32)]~~ (33) "Record of survey map" means a map of a survey of land prepared in  
4934 accordance with Section 17-23-17.

4935           ~~[(33)]~~ (34) "Residential facility for elderly persons" means a single-family or  
4936 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not  
4937 include a health care facility as defined by Section 26-21-2.

4938           ~~[(34)]~~ (35) "Residential facility for persons with a disability" means a residence:

4939           (a) in which more than one person with a disability resides; and

4940           (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
4941 Chapter 2, Licensure of Programs and Facilities; or

4942           (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
4943 Health Care Facility Licensing and Inspection Act.

4944           ~~[(35)]~~ (36) "Sanitary sewer authority" means the department, agency, or public entity  
4945 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
4946 wastewater systems.

4947           ~~[(36)] "Special district" means any entity established under the authority of Title 17A,~~  
4948 ~~Special Districts, and any other governmental or quasi-governmental entity that is not a county,~~  
4949 ~~municipality, school district, or unit of the state.]~~

4950           (37) "Specified public utility" means an electrical corporation, gas corporation, or  
4951 telephone corporation, as those terms are defined in Section 54-2-1.

4952           (38) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
4953 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
4954 way.

4955           (39) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be  
4956 divided into two or more lots, parcels, sites, units, plots, or other division of land for the



4957 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
4958 installment plan or upon any and all other plans, terms, and conditions.

4959 (b) "Subdivision" includes:

4960 (i) the division or development of land whether by deed, metes and bounds description,  
4961 devise and testacy, map, plat, or other recorded instrument; and

4962 (ii) except as provided in Subsection (39)(c), divisions of land for residential and  
4963 nonresidential uses, including land used or to be used for commercial, agricultural, and  
4964 industrial purposes.

4965 (c) "Subdivision" does not include:

4966 (i) a bona fide division or partition of agricultural land for agricultural purposes;

4967 (ii) a recorded agreement between owners of adjoining properties adjusting their  
4968 mutual boundary if:

4969 (A) no new lot is created; and

4970 (B) the adjustment does not violate applicable land use ordinances;

4971 (iii) a recorded document, executed by the owner of record:

4972 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
4973 property into one legal description encompassing all such parcels of property; or

4974 (B) joining a subdivided parcel of property to another parcel of property that has not  
4975 been subdivided, if the joinder does not violate applicable land use ordinances;

4976 (iv) a bona fide division or partition of land in a county other than a first class county  
4977 for the purpose of siting, on one or more of the resulting separate parcels:

4978 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas  
4979 corporation, interstate pipeline company, or intrastate pipeline company; or

4980 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
4981 utility service regeneration, transformation, retransmission, or amplification facility; or

4982 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
4983 their mutual boundary if:

4984 (A) no new dwelling lot or housing unit will result from the adjustment; and

4985 (B) the adjustment will not violate any applicable land use ordinance.

4986 (d) The joining of a subdivided parcel of property to another parcel of property that has  
4987 not been subdivided does not constitute a subdivision under this Subsection (39) as to the

4988 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision  
4989 ordinance.

4990 (40) "Township" means a contiguous, geographically defined portion of the  
4991 unincorporated area of a county, established under this part or reconstituted or reinstated under  
4992 Section 17-27a-306, with planning and zoning functions as exercised through the township  
4993 planning commission, as provided in this chapter, but with no legal or political identity  
4994 separate from the county and no taxing authority, except that "township" means a former  
4995 township under Chapter 308, Laws of Utah 1996 where the context so indicates.

4996 (41) "Unincorporated" means the area outside of the incorporated area of a  
4997 municipality.

4998 (42) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
4999 land use zones, overlays, or districts.

5000 Section 93. Section **17-27a-305** is amended to read:

5001 **17-27a-305. Other entities required to conform to county's land use ordinances --**  
5002 **Exceptions -- School districts and charter schools.**

5003 (1) (a) Each county, municipality, school district, charter school, [~~special~~] local district,  
5004 special service district, and political subdivision of the state shall conform to any applicable  
5005 land use ordinance of any county when installing, constructing, operating, or otherwise using  
5006 any area, land, or building situated within the unincorporated portion of the county.

5007 (b) In addition to any other remedies provided by law, when a county's land use  
5008 ordinance is violated or about to be violated by another political subdivision, that county may  
5009 institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
5010 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

5011 (2) (a) Except as provided in Subsection (3), a school district or charter school is  
5012 subject to a county's land use ordinances.

5013 (b) (i) Notwithstanding Subsection (3), a county may subject a charter school to  
5014 standards within each zone pertaining to setback, height, bulk and massing regulations, off-site  
5015 parking, curb cut, traffic circulation, and construction staging.

5016 (ii) The standards to which a county may subject a charter school under Subsection  
5017 (2)(b)(i) shall be objective standards only and may not be subjective.

5018 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may

5019 deny or withhold approval of a charter school's land use application is the charter school's  
5020 failure to comply with a standard imposed under Subsection (2)(b)(i).

5021 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an  
5022 obligation to comply with a requirement of an applicable building or safety code to which it is  
5023 otherwise obligated to comply.

5024 (3) A county may not:

5025 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
5026 construction methods or materials, building codes, building use for educational purposes, or the  
5027 placement or use of temporary classroom facilities on school property;

5028 (b) except as otherwise provided in this section, require a school district or charter  
5029 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
5030 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
5031 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
5032 required to connect an otherwise isolated school site to an existing roadway;

5033 (c) require a district or charter school to pay fees not authorized by this section;

5034 (d) provide for inspection of school construction or assess a fee or other charges for  
5035 inspection, unless the school district or charter school is unable to provide for inspection by an  
5036 inspector, other than the project architect or contractor, who is qualified under criteria  
5037 established by the state superintendent;

5038 (e) require a school district or charter school to pay any impact fee for an improvement  
5039 project that is not reasonably related to the impact of the project upon the need that the  
5040 improvement is to address; or

5041 (f) impose regulations upon the location of a project except as necessary to avoid  
5042 unreasonable risks to health or safety.

5043 (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate  
5044 the siting of a new school with the county in which the school is to be located, to:

5045 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
5046 the impacts between the new school and future highways; and

5047 (b) to maximize school, student, and site safety.

5048 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:

5049 (a) provide a walk-through of school construction at no cost and at a time convenient to

5050 the district or charter school; and

5051 (b) provide recommendations based upon the walk-through.

5052 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

5053 (i) a county building inspector;

5054 (ii) a school district building inspector; or

5055 (iii) an independent, certified building inspector who is:

5056 (A) not an employee of the contractor;

5057 (B) approved by a county building inspector or a school district building inspector; and

5058 (C) licensed to perform the inspection that the inspector is requested to perform.

5059 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

5060 (c) If a school district or charter school uses an independent building inspector under

5061 Subsection (6)(a)(iii), the school district or charter school shall submit to the state

5062 superintendent of public instruction, on a monthly basis during construction of the school

5063 building, a copy of each inspection certificate regarding the school building.

5064 (7) (a) A charter school shall be considered a permitted use in all zoning districts

5065 within a county.

5066 (b) Each land use application for any approval required for a charter school, including  
5067 an application for a building permit, shall be processed on a first priority basis.

5068 (c) Parking requirements for a charter school may not exceed the minimum parking  
5069 requirements for schools or other institutional public uses throughout the county.

5070 (d) If a county has designated zones for a sexually oriented business, or a business  
5071 which sells alcohol, a charter school may be prohibited from a location which would otherwise  
5072 defeat the purpose for the zone unless the charter school provides a waiver.

5073 (e) (i) A school district or a charter school may seek a certificate authorizing permanent  
5074 occupancy of a school building from:

5075 (A) the state superintendent of public instruction, as provided in Subsection  
5076 53A-20-104(3), if the school district or charter school used an independent building inspector  
5077 for inspection of the school building; or

5078 (B) a county official with authority to issue the certificate, if the school district or  
5079 charter school used a county building inspector for inspection of the school building.

5080 (ii) A school district may issue its own certificate authorizing permanent occupancy of

5081 a school building if it used its own building inspector for inspection of the school building,  
5082 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

5083 (iii) A charter school may seek a certificate authorizing permanent occupancy of a  
5084 school building from a school district official with authority to issue the certificate, if the  
5085 charter school used a school district building inspector for inspection of the school building.

5086 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
5087 of public instruction under Subsection 53A-20-104(3) or a school district official with authority  
5088 to issue the certificate shall be considered to satisfy any county requirement for an inspection or  
5089 a certificate of occupancy.

5090 Section 94. Section **17-35b-302** is amended to read:

5091 **17-35b-302. Urban county structural form of county government.**

5092 (1) The structural form of county government known as the "urban county" form  
5093 retains, without change or modification, except to the extent that changes or modifications may  
5094 be effectuated under other proceedings authorized by law, all existing incorporated cities and  
5095 towns, special taxing districts, public authorities, county service areas, and other local public  
5096 entities functioning within the boundaries of the county. Under this form of government, the  
5097 county remains vested with all powers and duties vested in counties by general law, but in  
5098 addition is vested with and empowered to exercise within the unincorporated territory of the  
5099 county all powers and duties which, by general law, are conferred upon cities whose population  
5100 is equal to that of the unincorporated territory of such county.

5101 (2) The urban county is empowered to enter into contractual arrangements for the joint  
5102 exercise of powers or for performance of services and, for that purpose, may employ and be  
5103 subject to the provisions of Title 11, Chapter 13, Interlocal Cooperation Act. By contract, the  
5104 urban county may perform for any city, town, special taxing district, public authority, county  
5105 service area, or other local public entity within the county any governmental service or function  
5106 which such entity is lawfully empowered to perform for itself within its own territory, or which  
5107 the county is lawfully empowered to perform anywhere within the county boundaries. No  
5108 contract service or function shall be performed by the county except for a consideration which  
5109 is at least substantially equal to the cost of performing it.

5110 (3) The plan for an urban county form of county government may provide for  
5111 organization of the unincorporated territory of the county into one or more county service areas

5112 and, for this purpose, may provide for special organizing or implementing procedures which  
 5113 differ from those provided in Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a, Part ~~[4, County]~~ 9, Service  
 5114 ~~[Areas]~~ Area Act. Except to the extent that the plan provides to the contrary, all noncontract  
 5115 services and functions lawfully performed by the county solely within unincorporated territory  
 5116 and not on a countywide basis shall, after the effective date of the plan, be considered  
 5117 performed and extended solely as services of, and financed by and through, the county service  
 5118 area. The plan may provide for, limit, or condition the services and functions which the urban  
 5119 county is authorized to perform and extend within the territory of incorporated cities and towns  
 5120 within the county and may provide procedures by which such provisions, limits, or conditions  
 5121 may be established and changed from time to time.

5122 (4) The plan for the urban county shall provide for the election of a county council,  
 5123 composed of not less than three members. The council shall be the county legislative body and  
 5124 shall exercise all legislative powers authorized by law. The plan shall specify:

5125 (a) whether the members of the council are to be elected from districts, at large, or by a  
 5126 combination of district and at-large constituencies;

5127 (b) their qualifications and terms of office, and whether such terms are concurrent or  
 5128 overlapping;

5129 (c) grounds for and methods for removal of council members from office;

5130 (d) procedures for filling vacancies on the council, provided that the procedures shall  
 5131 conform with Section 20A-1-508; and

5132 (e) the compensation, if any, of council members together with procedures for  
 5133 prescribing and changing such compensation from time to time.

5134 Section 95. Section **17-35b-303** is amended to read:

5135 **17-35b-303. Community council form of county government.**

5136 (1) The structural form of county government known as the "community council" form  
 5137 unites in a single consolidated city and county government the powers, duties, and functions  
 5138 which, immediately prior to its effective date, are vested in the county, the largest city in the  
 5139 county, such other cities and towns as elect to merge in it, and all special taxing districts, public  
 5140 authorities, county service areas, and other local public entities functioning within the  
 5141 boundaries of the county, except school districts. The consolidated government shall have  
 5142 power to extend on a countywide basis any governmental service or function which is

5143 authorized by law or which the previous county, cities, and other local public agencies included  
5144 therein were empowered to provide for their residents, but no such service shall be provided  
5145 within an incorporated municipality which continues to provide that service for its own  
5146 inhabitants, except upon a contract basis for the municipality, and no taxes, assessments, fees,  
5147 or other charges shall be extended or collected within the municipality for the purpose of  
5148 financing any service which is not provided by the consolidated government within the  
5149 municipality. "Largest city," as used in this section, means a city or cities the population of  
5150 which, as shown by the most recent decennial or special census, exceeds 35% of the total  
5151 county population.

5152 (2) The incorporated cities and towns, other than the largest city, in the county shall  
5153 retain independent corporate existence and shall continue to provide local services to their  
5154 inhabitants of the type and to the extent provided in the plan, but any such city or town, by  
5155 majority vote of its qualified voters, cast either concurrently with the election at which the plan  
5156 is approved or subsequently to it, as provided by the governing body of the city or town, may  
5157 cause the city or town to be dissolved and its powers, duties, and functions vested in the  
5158 countywide government.

5159 (3) The county legislative body of the countywide government shall be a council  
5160 composed of not less than five persons as specified in the plan, elected respectively from  
5161 communities, which collectively include all of the territory within the county, having  
5162 boundaries described in the plan embracing substantially equal populations. In addition to  
5163 other powers vested in the countywide government by law or pursuant to this act, the county  
5164 council shall have all of the legislative and policymaking powers which it is possible for the  
5165 governing body of a county or a city to possess and which are not expressly denied by the  
5166 constitution, by a general law applicable to all cities or all counties, or by a specific restriction  
5167 in the plan itself.

5168 (4) The voters of each community shall elect a community council composed of the  
5169 community's elected member of the county council, who shall be chairman of the community  
5170 council, and not less than two nor more than four additional members elected either from  
5171 districts of substantially equal population within the community, or at large therein, as may be  
5172 provided in the plan. A community council shall have the power and duty, in conformity with  
5173 guidelines prescribed by the county council, to adopt policies and formulate specific programs

5174 relating to and defining the kinds and levels of local governmental services necessary to satisfy  
5175 the needs and desires of the citizens within the community, but a community council shall have  
5176 no power to engage personnel or to acquire facilities, property, or equipment for the  
5177 administration or performance of such services. Authorized programs for local governmental  
5178 services which have been approved by a community council shall be submitted to the county  
5179 council for implementation and shall be carried into effect by the county council and county  
5180 executive unless, by a vote of not less than 3/4 of its entire membership, the county council  
5181 determines that a particular program, in whole or in part, should be rejected as contrary to the  
5182 general welfare of the county. A community council program for local governmental services  
5183 within a community:

- 5184 (a) shall include a method or methods for financing such services;
- 5185 (b) may provide for supplying of such services by contract or by joint or cooperative  
5186 action pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, in which case the  
5187 community council shall be considered a "public agency" within the meaning of said act; and
- 5188 (c) may provide for supplying of such services through the creation of [county] service  
5189 areas pursuant to Title [17A] 17B, Chapter [2] 2a, Part [4, County] 9, Service Area Act.

5190 (5) Notwithstanding Subsection (4) [~~of this section~~], in any community which includes,  
5191 in whole or in part, the territory of a city or town, no community council program for local  
5192 government services above the minimum level of area-wide services provided countywide may  
5193 be submitted to the county council for implementation unless it first is submitted to the  
5194 governing body of each such city or town for review. Within 30 days after such submission, the  
5195 governing body of the city or town:

- 5196 (a) may file with the community council a written statement of its comments,  
5197 suggestions, and recommendations relating to the program, and the community council shall  
5198 give due consideration thereto; or
- 5199 (b) may, by resolution or ordinance, provide that any designated part of the community  
5200 council program relating to a service to be provided within the city or town shall be submitted  
5201 to the voters thereof at a general or special election to be held therein within 60 days after the  
5202 date of the resolution or ordinance. Any part of the program submitted to the voters of a city or  
5203 town under this Subsection (5) shall not be included in the program as submitted to the county  
5204 council unless it receives an approving vote at such election by majority of all votes cast on the



5205 question.

5206 (6) Except as provided herein, the qualifications, mode of election, term of office,  
5207 method of removal, procedure to fill vacancies, compensation, and other appropriate provisions  
5208 relating to membership on the county council or community councils shall be provided in the  
5209 plan.

5210 (7) Upon the effective date of the plan and as provided in it, all properties and assets,  
5211 whether tangible or intangible, and all obligations, debts, and liabilities, of those governmental  
5212 entities which are merged into the new countywide government shall become vested and  
5213 transferred by operation of law in and to the new countywide government. The properties,  
5214 assets, obligations, debts, and liabilities of any city or town not merged into the new  
5215 countywide government, so far as allocated, used, or incurred primarily to discharge a function  
5216 which under the plan will no longer be a responsibility of the city or town, shall likewise be  
5217 vested in and transferred to the new countywide government. All transfers under this  
5218 Subsection (7) shall be subject to equitable adjustments, conditions, and limitations provided in  
5219 the plan and determined by procedures specified in the plan, but the contractual rights of any  
5220 bondholder or creditor shall not be impaired.

5221 (8) Upon the effective date of the plan and as provided in it, nonelective officers and  
5222 employees of governmental entities which are merged into the new countywide government  
5223 and such officers and employees of nonmerged cities or towns whose qualifications and duties  
5224 relate primarily to functions which under the plan will no longer be a responsibility of those  
5225 cities or towns, shall be blanketed in and transferred to the new countywide government as  
5226 officers and employees of it. Standards and procedures relating to such personnel transfers, and  
5227 for resolving disputes or grievances relating thereto, shall be provided in the plan.

5228 Section 96. Section **17-36-9** is amended to read:

5229 **17-36-9. Budget -- Financial plan -- Contents -- Municipal services and capital**  
5230 **projects funds.**

5231 (1) (a) The budget for each fund shall provide a complete financial plan for the budget  
5232 period and shall contain in tabular form classified by the account titles as required by the  
5233 uniform system of budgeting, accounting, and reporting:

- 5234 (i) estimates of all anticipated revenues;  
5235 (ii) all appropriations for expenditures; and

5236 (iii) any additional data required by Section 17-36-10 or by the uniform system of  
5237 budgeting, accounting, and reporting.

5238 (b) The total of appropriated expenditures shall be equal to the total of anticipated  
5239 revenues.

5240 (2) (a) Each first-, second-, and third-class county that provides municipal-type  
5241 services under Section 17-34-1 shall:

5242 (i) establish a special revenue fund, "Municipal Services Fund," and a capital projects  
5243 fund, "Municipal Capital Projects Fund," or establish a [~~special~~] local district or special service  
5244 district to provide municipal services; and

5245 (ii) budget appropriations for municipal services and municipal capital projects from  
5246 these funds.

5247 (b) The Municipal Services Fund is subject to the same budgetary requirements as the  
5248 county's general fund.

5249 (c) (i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue  
5250 derived from any taxes otherwise authorized by law, income derived from the investment of  
5251 money contained within the municipal services fund and the municipal capital projects fund,  
5252 the appropriate portion of federal money, and fees collected into a municipal services fund and  
5253 a municipal capital projects fund.

5254 (ii) The county may not deposit revenue derived from a fee, tax, or other source based  
5255 upon a countywide assessment or from a countywide service or function into a municipal  
5256 services fund or a municipal capital projects fund.

5257 (d) The maximum accumulated unappropriated surplus in the municipal services fund,  
5258 as determined prior to adoption of the tentative budget, may not exceed an amount equal to the  
5259 total estimated revenues of the current fiscal period.

5260 Section 97. Section **17-36-29** is amended to read:

5261 **17-36-29. Special fund ceases -- Transfer.**

5262 If the necessity to maintain any special fund ceases and there is a balance in such fund,  
5263 the governing body shall authorize the transfer of the balance to the fund balance account in the  
5264 General Fund. Any balance which remains in a special assessment fund and any unrequired  
5265 balance in a special improvement guaranty fund shall be treated as provided in [~~Section~~  
5266 ~~17A-3-341~~] Subsection 11-42-701(5). Any balance which remains in a capital projects fund

5267 shall be transferred to the appropriate debt service fund or such other fund as the bond  
5268 ordinance requires or to the general fund balance account.

5269 Section 98. Section **17-41-101** is amended to read:

5270 **17-41-101. Definitions.**

5271 As used in this chapter:

5272 (1) "Advisory board" means:

5273 (a) for an agriculture protection area, the agriculture protection area advisory board  
5274 created as provided in Section 17-41-201; and

5275 (b) for an industrial protection area, the industrial protection area advisory board  
5276 created as provided in Section 17-41-201.

5277 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
5278 livestock, and livestock products.

5279 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
5280 livestock, and livestock products when more than 50% of the processed or merchandised  
5281 products are produced by the farm operator.

5282 (3) "Agriculture protection area" means a geographic area created under the authority  
5283 of this chapter that is granted the specific legal protections contained in this chapter.

5284 (4) "Applicable legislative body" means:

5285 (a) with respect to a proposed agriculture protection area or industrial protection area:

5286 (i) the legislative body of the county in which the land proposed to be included in an  
5287 agriculture protection area or industrial protection area is located, if the land is within the  
5288 unincorporated part of the county; or

5289 (ii) the legislative body of the city or town in which the land proposed to be included in  
5290 an agriculture protection area or industrial protection area is located; and

5291 (b) with respect to an existing agriculture protection area or industrial protection area:

5292 (i) the legislative body of the county in which the agriculture protection area or  
5293 industrial protection area is located, if the agriculture protection area or industrial protection  
5294 area is within the unincorporated part of the county; or

5295 (ii) the legislative body of the city or town in which the agriculture protection area or  
5296 industrial protection area is located.

5297 (5) "Crops, livestock, and livestock products" includes:

- 5298 (a) land devoted to the raising of useful plants and animals with a reasonable  
5299 expectation of profit, including:
- 5300 (i) forages and sod crops;
  - 5301 (ii) grains and feed crops;
  - 5302 (iii) livestock as defined in Subsection 59-2-102[~~(26)~~] (27)(d);
  - 5303 (iv) trees and fruits; or
  - 5304 (v) vegetables, nursery, floral, and ornamental stock; or
- 5305 (b) land devoted to and meeting the requirements and qualifications for payments or  
5306 other compensation under a crop-land retirement program with an agency of the state or federal  
5307 government.
- 5308 (6) "Industrial protection area" means a geographic area created under the authority of  
5309 this chapter that is granted the specific legal protections contained in this chapter.
- 5310 (7) (a) "Municipal" means of or relating to a city or town.
- 5311 (b) "Municipality" means a city or town.
- 5312 (8) "Planning commission" means:
- 5313 (a) a countywide planning commission if the land proposed to be included in the  
5314 agriculture protection area or industrial protection area is within the unincorporated part of the  
5315 county and not within a township;
  - 5316 (b) a township planning commission if the land proposed to be included in the  
5317 agriculture protection area or industrial protection area is within a township; or
  - 5318 (c) a planning commission of a city or town if the land proposed to be included in the  
5319 agriculture protection area or industrial protection area is within a city or town.
- 5320 (9) "Political subdivision" means a county, city, town, school district, ~~or special~~ local  
5321 district, or special service district.
- 5322 (10) "Proposal sponsors" means the owners of land in agricultural production or  
5323 industrial use who are sponsoring the proposal for creating an agriculture protection area or  
5324 industrial protection area, respectively.
- 5325 (11) "State agency" means each department, commission, board, council, agency,  
5326 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
5327 unit, bureau, panel, or other administrative unit of the state.
- 5328 (12) "Unincorporated" means not within a city or town.

5329 Section 99. Section **17-43-201** is amended to read:

5330 **17-43-201. Local substance abuse authorities -- Responsibilities.**

5331 (1) (a) (i) In each county operating under a county executive-council form of  
5332 government under Section 17-52-504, the county legislative body is the local substance abuse  
5333 authority, provided however that any contract for plan services shall be administered by the  
5334 county executive.

5335 (ii) In each county operating under a council-manager form of government under  
5336 Section 17-52-505, the county manager is the local substance abuse authority.

5337 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
5338 county legislative body is the local substance abuse authority.

5339 (b) Within legislative appropriations and county matching funds required by this  
5340 section, and under the policy direction of the board and the administrative direction of the  
5341 division, each local substance abuse authority shall:

5342 (i) develop substance abuse prevention and treatment services plans; and

5343 (ii) provide substance abuse services to residents of the county.

5344 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
5345 Cooperation Act, two or more counties may join to provide substance abuse prevention and  
5346 treatment services.

5347 (b) The legislative bodies of counties joining to provide services may establish  
5348 acceptable ways of apportioning the cost of substance abuse services.

5349 (c) Each agreement for joint substance abuse services shall:

5350 (i) (A) designate the treasurer of one of the participating counties or another person as  
5351 the treasurer for the combined substance abuse authorities and as the custodian of moneys  
5352 available for the joint services; and

5353 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
5354 treasurer, may make payments from the moneys for the joint services upon audit of the  
5355 appropriate auditing officer or officers representing the participating counties;

5356 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
5357 the participating counties as the designated auditing officer for the combined substance abuse  
5358 authorities;

5359 (iii) (A) provide for the appointment of the county or district attorney of one of the

5360 participating counties as the designated legal officer for the combined substance abuse  
5361 authorities; and

5362 (B) authorize the designated legal officer to request and receive the assistance of the  
5363 county or district attorneys of the other participating counties in defending or prosecuting  
5364 actions within their counties relating to the combined substance abuse authorities; and

5365 (iv) provide for the adoption of management, clinical, financial, procurement,  
5366 personnel, and administrative policies as already established by one of the participating  
5367 counties or as approved by the legislative body of each participating county or interlocal board.

5368 (d) An agreement for joint substance abuse services may provide for joint operation of  
5369 services and facilities or for operation of services and facilities under contract by one  
5370 participating local substance abuse authority for other participating local substance abuse  
5371 authorities.

5372 (3) (a) Each local substance abuse authority is accountable to the department, the  
5373 Department of Health, and the state with regard to the use of state and federal funds received  
5374 from those departments for substance abuse services, regardless of whether the services are  
5375 provided by a private contract provider.

5376 (b) Each local substance abuse authority shall comply, and require compliance by its  
5377 contract provider, with all directives issued by the department and the Department of Health  
5378 regarding the use and expenditure of state and federal funds received from those departments  
5379 for the purpose of providing substance abuse programs and services. The department and  
5380 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
5381 shall consult and coordinate with local substance abuse authorities with regard to programs and  
5382 services.

5383 (4) Each local substance abuse authority shall:

5384 (a) review and evaluate substance abuse prevention and treatment needs and services,  
5385 including substance abuse needs and services for individuals incarcerated in a county jail or  
5386 other county correctional facility;

5387 (b) annually prepare and submit to the division a plan approved by the county  
5388 legislative body for funding and service delivery that includes:

5389 (i) provisions for services, either directly by the substance abuse authority or by  
5390 contract, for adults, youth, and children, including those incarcerated in a county jail or other

- 5391 county correctional facility; and
- 5392 (ii) primary prevention, targeted prevention, early intervention, and treatment services;
- 5393 (c) establish and maintain, either directly or by contract, programs licensed under Title
- 5394 62A, Chapter 2, Licensure of Programs and Facilities;
- 5395 (d) appoint directly or by contract a full or part time director for substance abuse
- 5396 programs, and prescribe the director's duties;
- 5397 (e) provide input and comment on new and revised policies established by the board;
- 5398 (f) establish and require contract providers to establish administrative, clinical,
- 5399 procurement, personnel, financial, and management policies regarding substance abuse services
- 5400 and facilities, in accordance with the policies of the board, and state and federal law;
- 5401 (g) establish mechanisms allowing for direct citizen input;
- 5402 (h) annually contract with the division to provide substance abuse programs and
- 5403 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
- 5404 Mental Health Act;
- 5405 (i) comply with all applicable state and federal statutes, policies, audit requirements,
- 5406 contract requirements, and any directives resulting from those audits and contract requirements;
- 5407 (j) promote or establish programs for the prevention of substance abuse within the
- 5408 community setting through community-based prevention programs;
- 5409 (k) provide funding equal to at least 20% of the state funds that it receives to fund
- 5410 services described in the plan;
- 5411 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
- 5412 Cooperation Act, Title ~~[17A]~~ 17B, Chapter 1, Part ~~[4, Uniform]~~ 6, Fiscal Procedures for
- 5413 ~~[Special]~~ Local Districts ~~[Act]~~, and Title 51, Chapter 2a, Accounting Reports from Political
- 5414 Subdivisions, Interlocal Organizations, and Other Local Entities Act;
- 5415 (m) for persons convicted of driving under the influence in violation of Section
- 5416 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:
- 5417 (i) a screening;
- 5418 (ii) an assessment;
- 5419 (iii) an educational series; and
- 5420 (iv) substance abuse treatment; and
- 5421 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to

5422 supplement the cost of providing the services described in Subsection (4)(m).

5423 (5) Before disbursing any public funds, each local substance abuse authority shall  
5424 require that each entity that receives any public funds from the local substance abuse authority  
5425 agrees in writing that:

5426 (a) the entity's financial records and other records relevant to the entity's performance  
5427 of the services provided to the local substance abuse authority shall be subject to examination  
5428 by:

5429 (i) the division;

5430 (ii) the local substance abuse authority director;

5431 (iii) (A) the county treasurer and county or district attorney; or

5432 (B) if two or more counties jointly provide substance abuse services under an  
5433 agreement under Subsection (2), the designated treasurer and the designated legal officer;

5434 (iv) the county legislative body; and

5435 (v) in a county with a county executive that is separate from the county legislative  
5436 body, the county executive;

5437 (b) the county auditor may examine and audit the entity's financial and other records  
5438 relevant to the entity's performance of the services provided to the local substance abuse  
5439 authority; and

5440 (c) the entity will comply with the provisions of Subsection (3)(b).

5441 (6) A local substance abuse authority may receive property, grants, gifts, supplies,  
5442 materials, contributions, and any benefit derived therefrom, for substance abuse services. If  
5443 those gifts are conditioned upon their use for a specified service or program, they shall be so  
5444 used.

5445 (7) (a) As used in this section, "public funds" means the same as that term is defined in  
5446 Section 17-43-203.

5447 (b) Public funds received for the provision of services pursuant to the local substance  
5448 abuse plan may not be used for any other purpose except those authorized in the contract  
5449 between the local substance abuse authority and the provider for the provision of plan services.

5450 Section 100. Section **17-43-301** is amended to read:

5451 **17-43-301. Local mental health authorities -- Responsibilities.**

5452 (1) (a) (i) In each county operating under a county executive-council form of



5453 government under Section 17-52-504, the county legislative body is the local mental health  
5454 authority, provided however that any contract for plan services shall be administered by the  
5455 county executive.

5456 (ii) In each county operating under a council-manager form of government under  
5457 Section 17-52-505, the county manager is the local mental health authority.

5458 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
5459 county legislative body is the local mental health authority.

5460 (b) Within legislative appropriations and county matching funds required by this  
5461 section, under the policy direction of the board and the administrative direction of the division,  
5462 each local mental health authority shall provide mental health services to persons within the  
5463 county.

5464 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
5465 Cooperation Act, two or more counties may join to provide mental health prevention and  
5466 treatment services.

5467 (b) The legislative bodies of counties joining to provide services may establish  
5468 acceptable ways of apportioning the cost of mental health services.

5469 (c) Each agreement for joint mental health services shall:

5470 (i) (A) designate the treasurer of one of the participating counties or another person as  
5471 the treasurer for the combined mental health authorities and as the custodian of moneys  
5472 available for the joint services; and

5473 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
5474 treasurer, may make payments from the moneys available for the joint services upon audit of  
5475 the appropriate auditing officer or officers representing the participating counties;

5476 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
5477 the participating counties as the designated auditing officer for the combined mental health  
5478 authorities;

5479 (iii) (A) provide for the appointment of the county or district attorney of one of the  
5480 participating counties as the designated legal officer for the combined mental health  
5481 authorities; and

5482 (B) authorize the designated legal officer to request and receive the assistance of the  
5483 county or district attorneys of the other participating counties in defending or prosecuting

5484 actions within their counties relating to the combined mental health authorities; and  
5485 (iv) provide for the adoption of management, clinical, financial, procurement,  
5486 personnel, and administrative policies as already established by one of the participating  
5487 counties or as approved by the legislative body of each participating county or interlocal board.

5488 (d) An agreement for joint mental health services may provide for:

5489 (i) joint operation of services and facilities or for operation of services and facilities  
5490 under contract by one participating local mental health authority for other participating local  
5491 mental health authorities; and

5492 (ii) allocation of appointments of members of the mental health advisory council  
5493 between or among participating counties.

5494 (3) (a) Each local mental health authority is accountable to the department, the  
5495 Department of Health, and the state with regard to the use of state and federal funds received  
5496 from those departments for mental health services, regardless of whether the services are  
5497 provided by a private contract provider.

5498 (b) Each local mental health authority shall comply, and require compliance by its  
5499 contract provider, with all directives issued by the department and the Department of Health  
5500 regarding the use and expenditure of state and federal funds received from those departments  
5501 for the purpose of providing mental health programs and services. The department and  
5502 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
5503 shall consult and coordinate with local mental health authorities with regard to programs and  
5504 services.

5505 (4) (a) Each local mental health authority shall:

5506 (i) review and evaluate mental health needs and services, including mental health needs  
5507 and services for persons incarcerated in a county jail or other county correctional facility;

5508 (ii) as provided in Subsection (4)(b), annually prepare and submit to the division a  
5509 plan approved by the county legislative body for mental health funding and service delivery,  
5510 either directly by the local mental health authority or by contract;

5511 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
5512 62A, Chapter 2, Licensure of Programs and Facilities;

5513 (iv) appoint, directly or by contract, a full-time or part-time director for mental health  
5514 programs and prescribe the director's duties;

- 5515 (v) provide input and comment on new and revised policies established by the board;
- 5516 (vi) establish and require contract providers to establish administrative, clinical,
- 5517 personnel, financial, procurement, and management policies regarding mental health services
- 5518 and facilities, in accordance with the policies of the board and state and federal law;
- 5519 (vii) establish mechanisms allowing for direct citizen input;
- 5520 (viii) annually contract with the division to provide mental health programs and
- 5521 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
- 5522 Mental Health Act;
- 5523 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
- 5524 contract requirements, and any directives resulting from those audits and contract requirements;
- 5525 (x) provide funding equal to at least 20% of the state funds that it receives to fund
- 5526 services described in the plan;
- 5527 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
- 5528 Cooperation Act, Title ~~[17A]~~ 17B, Chapter 1, Part ~~[4, Uniform]~~ 6, Fiscal Procedures for
- 5529 ~~[Special]~~ Local Districts ~~[Act]~~, and Title 51, Chapter 2a, Accounting Reports from Political
- 5530 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 5531 (xii) take and retain physical custody of minors committed to the physical custody of
- 5532 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
- 5533 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.
- 5534 (b) Each plan under Subsection (4)(a)(ii) shall include services for adults, youth, and
- 5535 children, which shall include:
- 5536 (i) inpatient care and services;
- 5537 (ii) residential care and services;
- 5538 (iii) outpatient care and services;
- 5539 (iv) 24-hour crisis care and services;
- 5540 (v) psychotropic medication management;
- 5541 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 5542 (vii) case management;
- 5543 (viii) community supports, including in-home services, housing, family support
- 5544 services, and respite services;
- 5545 (ix) consultation and education services, including case consultation, collaboration

5546 with other county service agencies, public education, and public information; and  
5547 (x) services to persons incarcerated in a county jail or other county correctional facility.  
5548 (5) Before disbursing any public funds, each local mental health authority shall require  
5549 that each entity that receives any public funds from a local mental health authority agrees in  
5550 writing that:

- 5551 (a) the entity's financial records and other records relevant to the entity's performance  
5552 of the services provided to the mental health authority shall be subject to examination by:
  - 5553 (i) the division;
  - 5554 (ii) the local mental health authority director;
  - 5555 (iii) (A) the county treasurer and county or district attorney; or  
5556 (B) if two or more counties jointly provide mental health services under an agreement  
5557 under Subsection (2), the designated treasurer and the designated legal officer;
  - 5558 (iv) the county legislative body; and
  - 5559 (v) in a county with a county executive that is separate from the county legislative  
5560 body, the county executive;
- 5561 (b) the county auditor may examine and audit the entity's financial and other records  
5562 relevant to the entity's performance of the services provided to the local mental health  
5563 authority; and
- 5564 (c) the entity will comply with the provisions of Subsection (3)(b).
- 5565 (6) A local mental health authority may receive property, grants, gifts, supplies,  
5566 materials, contributions, and any benefit derived therefrom, for mental health services. If those  
5567 gifts are conditioned upon their use for a specified service or program, they shall be so used.
- 5568 (7) (a) As used in this section, "public funds" means the same as that term is defined in  
5569 Section 17-43-303.
- 5570 (b) Public funds received for the provision of services pursuant to the local mental  
5571 health plan may not be used for any other purpose except those authorized in the contract  
5572 between the local mental health authority and the provider for the provision of plan services.  
5573 Section 101. Section **17-50-103** is amended to read:  
5574 **17-50-103. Use of "county" prohibited -- Legal action to compel compliance.**  
5575 (1) For purposes of this section:  
5576 [~~(b)~~] (a) (i) "Existing local entity" means a [~~special district,~~] local district, special

5577 service district, or other political subdivision of the state created before May 1, 2000.

5578 (ii) "Existing local entity" does not include a county, city, town, or school district.

5579 ~~[(c)]~~ (b) (i) ~~["Special"]~~ "Local district" means a ~~[special]~~ local district under Title ~~[17A,~~  
5580 ~~Special Districts,]~~ 17B, Limited Purpose Local Government Entities - Local Districts, that:

5581 (A) by statute is a political and corporate entity separate from the county that created it;  
5582 and

5583 (B) by statute is not subject to the direction and control of the county that created it.

5584 (ii) The county legislative body's statutory authority to appoint members to the  
5585 governing body of a ~~[special]~~ local district does not alone make the ~~[special]~~ local district  
5586 subject to the direction and control of that county.

5587 ~~[(a)]~~ ~~(c)~~ (i) "New local entity" means a city, town, school district, ~~[special district,]~~  
5588 local district ~~[under Title 17B, Chapter 2, Local Districts,]~~ special service district, or other  
5589 political subdivision of the state created on or after May 1, 2000.

5590 (ii) "New local entity" does not include a county.

5591 (2) (a) A new local entity may not use the word "county" in its name.

5592 (b) After January 1, 2005, an existing local entity may not use the word "county" in its  
5593 name unless the county whose name is used by the existing local entity gives its written  
5594 consent.

5595 (3) A county with a name similar to the name of a new local entity or existing local  
5596 entity in violation of this section may bring legal action in district court to compel compliance  
5597 with this section.

5598 Section 102. Section **17-52-403** is amended to read:

5599 **17-52-403. Adoption of optional plan -- Effect of adoption.**

5600 (1) If a proposed optional plan is approved at an election held under Section  
5601 17-52-206:

5602 (a) the proposed optional plan becomes effective according to its terms and, subject to  
5603 Subsection 17-52-401(1)(c), at the time specified in it, is public record open to inspection by  
5604 the public, and is judicially noticeable by all courts;

5605 (b) the county clerk shall, within ten days of the canvass of the election, file with the  
5606 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct  
5607 copy;

5608 (c) all public officers and employees shall cooperate fully in making the transition  
5609 between forms of county government; and

5610 (d) the county legislative body may enact and enforce necessary ordinances to bring  
5611 about an orderly transition to the new form of government, including any transfer of power,  
5612 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with  
5613 the approved optional plan and necessary or convenient to place it into full effect.

5614 (2) Adoption of an optional plan changing only the form of county government without  
5615 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County  
5616 Government, does not alter or affect the boundaries, organization, powers, duties, or functions  
5617 of any:

5618 (a) school district;

5619 (b) justice court;

5620 (c) ~~[independent special]~~ local district established under Title ~~[17A, Chapter 2,~~  
5621 ~~Independent Special Districts]~~ 17B, Limited Purpose Local Government Entities - Local  
5622 Districts;

5623 (d) special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
5624 District Act;

5625 ~~[(d)]~~ (e) city or town; or

5626 ~~[(e)]~~ (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
5627 Cooperation Act.

5628 (3) After the adoption of an optional plan, the county remains vested with all powers  
5629 and duties vested generally in counties by statute.

5630 Section 103. Section **17A-2-1314** is amended to read:

5631 **17A-2-1314. Rights, powers, and authority of special service district.**

5632 (1) In addition to all other rights, powers, and authority granted by law or by other  
5633 provisions of this part, a service district has the following rights, powers and authority:

5634 (a) The right to sue and be sued.

5635 (b) The power to exercise all powers of eminent domain possessed by the county or  
5636 municipality which established the service district.

5637 (c) The power to enter into contracts considered desirable by the governing authority of  
5638 the service district to carry out the functions of the service district, including, without

5639 limitation, the power to enter into contracts with the government of the United States or any of  
5640 its agencies, the State of Utah, counties, municipalities, school districts, and other public  
5641 corporations, districts, or political subdivisions including institutions of higher education.  
5642 These contracts may include, without limitation, provisions concerning the use, operation, and  
5643 maintenance of any facilities of the service district and the collection of fees or charges with  
5644 respect to commodities, services, or facilities provided by the service district.

5645 (d) The power to acquire or construct facilities, to purchase, take, receive, lease, take  
5646 by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and  
5647 otherwise deal in and with real and personal property, or any interest in them, wherever  
5648 situated, either within or outside of the service district, including water and water rights, and  
5649 including the power to acquire other than by condemnation property or interests in property  
5650 owned or held by institutions of higher education.

5651 (e) The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and  
5652 otherwise dispose of or contract with respect to the use, operation, and maintenance of, all or  
5653 any part of its property and assets, including water and water rights.

5654 (f) The power to accept governmental grants, loans, or funds and to comply with the  
5655 conditions of them.

5656 (g) The right to utilize any officers, employees, property, equipment, offices, or  
5657 facilities of the county or municipality which established the service district, and for which the  
5658 governing authority of the service district shall reimburse the county or municipality from  
5659 service district funds, a reasonable amount for the services so rendered or for the property,  
5660 equipment, offices, or facilities so used.

5661 (h) The right to employ officers, employees, and agents for the service district,  
5662 including engineers, accountants, attorneys, and financial consultants, and to fix their  
5663 compensation.

5664 (i) The right to adopt an official seal for the service district.

5665 (2) The county legislative body shall by ordinance establish those classes of contracts  
5666 of a service district which shall be subject to the requirements of Title 11, Chapter 39, Building  
5667 Improvements and Public Works Projects, or of any law hereafter enacted for the same  
5668 purpose.

5669 (3) The governing authority of a municipality shall by ordinance establish those classes

5670 of contracts of a service district which shall be subject to the requirements of Title 11, Chapter  
5671 39, Building Improvements and Public Works Projects, or of any law hereafter enacted for the  
5672 same purpose.

5673 (4) A special service district is, to the same extent as if it were a local district, subject  
5674 to and governed by Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

5675 Section 104. Section **17A-2-1315** is amended to read:

5676 **17A-2-1315. Powers of improvement districts within special districts.**

5677 (1) In addition to all other rights, powers, and authority granted by law or by other  
5678 provisions of this part, a special service district established by a county under this part may  
5679 ~~[organize an improvement district under Chapter 3, Part 2]~~ designate an assessment area and  
5680 levy an assessment as provided in Title 11, Chapter 42, Assessment Area Act. [This  
5681 improvement district has all the rights, powers, and authority of an improvement district  
5682 otherwise organized under Chapter 3, Part 3, except:]

5683 ~~[(a) notwithstanding Subsection 17A-3-228(4), any bonds issued under Chapter 3, Part~~  
5684 ~~2, need comply only with the requirements of Section 11-14-304 with regard to the use of~~  
5685 ~~manual and facsimile signatures;]~~

5686 ~~[(b) the governing authority of the service district may act in the same capacity as the~~  
5687 ~~governing body of a county with respect to all actions required to be taken in the creation or~~  
5688 ~~administration of an improvement district under Chapter 3, Part 2; and]~~

5689 ~~[(c) notwithstanding Subsection 17A-3-204(1), an improvement district created by a~~  
5690 ~~service district may be organized to include any incorporated or unincorporated area of the~~  
5691 ~~county and may cause improvements to be made within any incorporated or unincorporated~~  
5692 ~~area of the county, and the consent of the governing body of the municipality in which an~~  
5693 ~~incorporated area lies is not required prior to the establishment of an improvement district that~~  
5694 ~~includes all or part of that incorporated area.]~~

5695 (2) In addition to all other rights, powers, and authority granted by law or by other  
5696 provisions of this part, a service district established by a municipality under this part may  
5697 ~~[organize an improvement district under Chapter 3, Part 3. This improvement district has all~~  
5698 ~~the rights, powers, and authority of an improvement district otherwise organized under Chapter~~  
5699 ~~3, Part 3, except that:]~~ designate an assessment area and levy an assessment as provided in Title  
5700 11, Chapter 42, Assessment Area Act.



5701 ~~[(a) notwithstanding Section 17A-3-328, any bonds issued under Chapter 3, Part 3,~~  
5702 ~~need comply only with the requirements of Section 11-14-304, with regard to the use of manual~~  
5703 ~~and facsimile signatures;]~~

5704 ~~[(b) the governing authority of the service district may act in the same capacity as the~~  
5705 ~~governing body of a municipality with respect to all actions required to be taken in the creation~~  
5706 ~~or administration of an improvement district under Chapter 3, Part 3, and]~~

5707 ~~[(c) notwithstanding Subsection 17A-3-313(1), assessments for improvements in an~~  
5708 ~~improvement district organized under Chapter 3, Part 3, may include assessments for all~~  
5709 ~~interest on any bonds issued.]~~

5710 Section 105. Section **17A-2-1326** is amended to read:

5711 **17A-2-1326. Administrative control board -- Powers -- Compensation.**

5712 (1) (a) The legislative body of a municipality or county that has established a special  
5713 service district may, by resolution adopted at the time of the establishment or at any time  
5714 afterwards, create an administrative control board for the special service district.

5715 (b) (i) Except as provided in Subsection (1)(f), each administrative control board shall  
5716 consist of at least three and no more than seven persons.

5717 (ii) (A) If a county establishes a service district that includes all or part of one or more  
5718 municipalities or one or more improvement districts organized under Title 17A, Chapter 2, Part  
5719 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, to  
5720 provide the same service as the service district, the municipality or improvement district may  
5721 appoint one member to represent it on any administrative control board created.

5722 (B) A member appointed under Subsection (1)(b)(ii)(A) may, but need not, be a  
5723 qualified elector of the service district.

5724 (c) (i) If a service district is providing commodities, services, or facilities to an  
5725 institution of higher education, that institution may appoint the number of members necessary  
5726 to assure that it has at least 1/3 of the total of the board members to represent it on the board.

5727 (ii) Members appointed under Subsection (1)(c)(i) may, but need not, be qualified  
5728 electors of the service district.

5729 (d) The number of members of the administrative control board shall be increased by  
5730 the number of improvement district, municipal, or institution of higher education members  
5731 appointed.

5732 (e) (i) Except as provided in Subsections (1)(b)(ii)(B), (c)(ii), and (e)(ii), each member  
5733 of an administrative control board shall be a qualified elector of the service district.

5734 (ii) A member of an administrative control board may be other than a qualified elector  
5735 of the service district if at least 90% of the owners of property located within the service  
5736 district are not qualified electors of the service district.

5737 (f) Notwithstanding Subsection (1)(b), each administrative control board of a special  
5738 service district that provides jail services as provided in Subsection 17A-2-1304(1)(a)(x) shall  
5739 consist of nine members, three of whom shall be selected from a list of at least six  
5740 recommendations from the county sheriff, three of whom shall be selected from a list of at least  
5741 six recommendations from the municipalities within the county, and three of whom shall be  
5742 selected from a list of at least six recommendations from the county executive.

5743 (2) Members of the administrative control board other than improvement district,  
5744 municipal, or institution of higher education members shall be either appointed or elected as  
5745 provided in Title 17A, Chapter 1, Part 3, Special District Board Selection Procedures.

5746 (3) (a) If a service district was established to provide either water or sewerage service  
5747 or both, the governing authority may by resolution adopted at or after the time of establishment,  
5748 or if the service district was established before March 29, 1983, or within 90 days after that  
5749 date, create an administrative control board according to Subsection (1).

5750 (b) A resolution creating a service district for water or sewerage purposes adopted  
5751 under Section 17A-2-1305 after March 29, 1983, shall identify all existing water and sewerage  
5752 districts within the area of the proposed service district.

5753 (4) (a) One-half of the members initially elected or appointed shall serve two-year  
5754 terms and 1/2 shall serve four year terms.

5755 (b) The initial terms shall be determined by lot.

5756 (5) (a) The legislative body of the municipality or county that established the service  
5757 district may, by resolution, delegate any of its powers to the administrative control board,  
5758 including the power to act as the governing authority of the service district and to exercise all  
5759 or any of the powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and  
5760 17A-2-1321.

5761 (b) Notwithstanding anything to the contrary in this part, the legislative body of the  
5762 municipality or county may not delegate the power to:

5763 (i) levy a tax on the taxable property of the service district;  
 5764 (ii) issue bonds payable from taxes;  
 5765 (iii) call or hold an election for the authorization of the tax or bonds;  
 5766 (iv) levy assessments;  
 5767 (v) issue interim warrants or bonds payable from those assessments; or  
 5768 (vi) appoint a board of equalization under Section [~~17A-3-217~~ or Section ~~17A-3-317~~]  
 5769 11-42-404.

5770 (6) The county or municipal legislative body that created the district may revoke in  
 5771 whole or in part any power or authority delegated to an administrative control board or other  
 5772 officers or employees.

5773 (7) Administrative control board members may receive compensation and  
 5774 reimbursement of expenses as provided in Section [~~17B-2-404~~] 17B-1-307 to the same extent  
 5775 as if they were members of a board of trustees of a local district.

5776 (8) If a county legislative body establishes an administrative control board under this  
 5777 section for a special service district that provides jail service as provided in Subsection  
 5778 17A-2-1304(1)(a)(x), the administrative control board may review and approve any amount  
 5779 charged to the special service district as reimbursement to the county for services provided  
 5780 under Subsection 17A-2-1314(1)(g) before the amount is included in the special service district  
 5781 budget.

5782 Section 106. Section **17A-2-1330** is amended to read:

5783 **17A-2-1330. Other districts not affected -- Election by other districts to become**  
 5784 **service districts.**

5785 (1) The adoption of this part shall not affect the existence or operation of any  
 5786 improvement district operating under authority of Title 17B, Chapter [~~2~~] 2a, Part [~~3~~] 4,  
 5787 metropolitan water district, water conservancy district, county service area, drainage district,  
 5788 fire protection district, or other district in existence on July 1, 1975; and, except as otherwise  
 5789 provided in Sections [~~17A-2-502~~] 17B-2a-204 and [~~17A-2-601~~] 17B-2a-302, such districts  
 5790 may continue to be established pursuant to existing laws authorizing the same. Any such  
 5791 district existing on July 1, 1975, or established afterwards which provides services of the type  
 5792 permitted by this part for service districts may elect to become a service district and be  
 5793 governed by the provisions of this part upon:

5794 (a) adoption of a resolution or ordinance by the governing authority of the district so  
5795 electing; and

5796 (b) establishment of a new service district to supply the same services as the former  
5797 district to the same area as the former district after compliance with the procedures for the  
5798 establishment of service districts provided for in this part.

5799 (2) Any outstanding bonds, notes or other obligations of any former district described  
5800 in Subsection (1) shall become the bonds, notes, and obligations of the new service district  
5801 with like effect as if issued by the service district; and any election authorizing the issuance of  
5802 bonds of the former district shall have like effect as a bond election held under this part. Taxes  
5803 in the amount and at the rate levied by the former district in the tax year preceding the change  
5804 to the service district may continue to be levied by the service district without authorization at  
5805 an election in the service district. No increase in the rate of these taxes shall be made unless an  
5806 election authorizing the increase is held as provided for in this part; except that if any  
5807 outstanding bonds are payable from taxes, the service district may levy such taxes as are  
5808 necessary to pay the principal of and interest on these bonds without limit as to rate or amount  
5809 and without an election.

5810 Section 107. Section **17B-1-101** is enacted to read:

5811 **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT**

5812 **ENTITIES - LOCAL DISTRICTS**

5813 **CHAPTER 1. PROVISIONS APPLICABLE TO ALL LOCAL DISTRICTS**

5814 **Part 1. General Provisions**

5815 **17B-1-101. Title.**

5816 This title is known as "Limited Purpose Local Government Entities - Local Districts."

5817 Section 108. Section **17B-1-102**, which is renumbered from Section 17B-2-101 is  
5818 renumbered and amended to read:

5819 ~~[17B-2-101].~~ **17B-1-102. Definitions.**

5820 As used in this [chapter] title:

5821 (1) "Appointing authority" means the person or body authorized to make an  
5822 appointment to the board of trustees.

5823 (2) "Basic local district":

5824 (a) means a local district that is not a cemetery maintenance district, drainage district,

5825 fire protection district, improvement district, irrigation district, metropolitan water district,  
5826 mosquito abatement district, public transit district, service area, or water conservancy district;  
5827 and

5828 (b) includes an entity that was, under the law in effect before April 30, 2007, created  
5829 and operated as a local district, as defined under the law in effect before April 30, 2007.

5830 (3) "Bond" means:

5831 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
5832 warrant, certificate of indebtedness, or otherwise; and

5833 (b) a lease agreement, installment purchase agreement, or other agreement that:

5834 (i) includes an obligation by the district to pay money; and

5835 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
5836 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
5837 Act.

5838 (4) "Cemetery maintenance district" means a local district that operates under and is  
5839 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District  
5840 Act, including an entity that was created and operated as a cemetery maintenance district under  
5841 the law in effect before April 30, 2007.

5842 (5) "Drainage district" means a local district that operates under and is subject to the  
5843 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that  
5844 was created and operated as a drainage district under the law in effect before April 30, 2007.

5845 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
5846 water, or other real or personal property required to provide a service that a local district is  
5847 authorized to provide, including any related or appurtenant easement or right-of-way,  
5848 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

5849 (7) "Fire protection district" means a local district that operates under and is subject to  
5850 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an  
5851 entity that was created and operated as a fire protection district under the law in effect before  
5852 April 30, 2007.

5853 (8) "General obligation bond":

5854 (a) means a bond that is directly payable from and secured by ad valorem property  
5855 taxes that are:

5856 (i) levied by the district that issues the bond; and  
5857 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

5858 and

5859 (b) does not include:

5860 (i) a short-term bond;

5861 (ii) a tax and revenue anticipation bond; or

5862 (iii) a special assessment bond.

5863 (9) "Improvement district" means a local district that operates under and is subject to  
5864 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
5865 entity that was created and operated as a county improvement district under the law in effect  
5866 before April 30, 2007.

5867 (10) "Irrigation district" means a local district that operates under and is subject to the  
5868 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that  
5869 was created and operated as an irrigation district under the law in effect before April 30, 2007.

5870 (11) "Local district" means a limited purpose local government entity, as described in  
5871 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

5872 (a) this chapter; or

5873 (b) (i) this chapter; and

5874 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

5875 (B) Chapter 2a, Part 2, Drainage District Act;

5876 (C) Chapter 2a, Part 3, Fire Protection District Act;

5877 (D) Chapter 2a, Part 4, Improvement District Act;

5878 (E) Chapter 2a, Part 5, Irrigation District Act;

5879 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

5880 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

5881 (H) Chapter 2a, Part 8, Public Transit District Act;

5882 (I) Chapter 2a, Part 9, Service Area Act; or

5883 (J) Chapter 2a, Part 10, Water Conservancy District Act.

5884 (12) "Metropolitan water district" means a local district that operates under and is  
5885 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District  
5886 Act, including an entity that was created and operated as a metropolitan water district under the

5887 law in effect before April 30, 2007.

5888 (13) "Mosquito abatement district" means a local district that operates under and is  
5889 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District  
5890 Act, including an entity that was created and operated as a mosquito abatement district under  
5891 the law in effect before April 30, 2007.

5892 [~~(1) "Local district" means a local government entity, created according to the~~  
5893 ~~provisions of Part 2, Creation of Local Districts, that is not a general purpose government~~  
5894 ~~entity but is a separate legal and corporate entity and a political subdivision of the state,~~  
5895 ~~authorized to provide limited services in a defined geographic area, as provided in Part 2,~~  
5896 ~~Creation of Local Districts.]~~

5897 [~~(2)~~] (14) "Municipal" means of or relating to a municipality.

5898 [~~(3)~~] (15) "Municipality" means a city or town.

5899 (16) "Person" has the same meaning as defined in Section 68-3-12.

5900 [~~(4)~~] (17) "Political subdivision" means a county, city, town, local district under this  
5901 [chapter, independent special district under Title 17A, Chapter 2, Independent Special  
5902 Districts,] title, an entity created by interlocal cooperation agreement under Title 11, Chapter  
5903 13, Interlocal Cooperation Act, or any other governmental entity designated in statute as a  
5904 political subdivision of the state.

5905 [~~(5)~~] (18) "Private," with respect to real property, means not owned by the United  
5906 States or any agency of the federal government, the state, a county, [a municipality, a school  
5907 district, an independent special district under Title 17A, Chapter 2, Independent Special  
5908 Districts, a local district, or any other] or a political subdivision [of the state].

5909 (19) "Public entity" means:

5910 (a) the United States or an agency of the United States;

5911 (b) the state or an agency of the state;

5912 (c) a political subdivision of the state or an agency of a political subdivision of the  
5913 state;

5914 (d) another state or an agency of that state; or

5915 (e) a political subdivision of another state or an agency of that political subdivision.

5916 (20) "Public transit district" means a local district that operates under and is subject to  
5917 the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an

5918 entity that was created and operated as a public transit district under the law in effect before  
5919 April 30, 2007.

5920 (21) "Revenue bond":

5921 (a) means a bond payable from designated taxes or other revenues other than the local  
5922 district's ad valorem property taxes; and

5923 (b) does not include:

5924 (i) an obligation constituting an indebtedness within the meaning of an applicable  
5925 constitutional or statutory debt limit;

5926 (ii) a tax and revenue anticipation bond; or

5927 (iii) a special assessment bond.

5928 (22) "Service area" means a local district that operates under and is subject to the  
5929 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was  
5930 created and operated as a county service area or a regional service area under the law in effect  
5931 before April 30, 2007.

5932 (23) "Short-term bond" means a bond that is required to be repaid during the fiscal year  
5933 in which the bond is issued.

5934 (24) "Special assessment" means an assessment levied against property to pay all or a  
5935 portion of the costs of making improvements that benefit the property.

5936 (25) "Special assessment bond" means a bond payable from special assessments.

5937 (26) "Taxable value" means the taxable value of property as computed from the most  
5938 recent equalized assessment roll for county purposes.

5939 (27) "Tax and revenue anticipation bond" means a bond:

5940 (a) issued in anticipation of the collection of taxes or other revenues or a combination  
5941 of taxes and other revenues; and

5942 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
5943 issued.

5944 ~~{6}~~ (28) "Unincorporated" means not included within a municipality.

5945 (29) "Water conservancy district" means a local district that operates under and is  
5946 subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District  
5947 Act, including an entity that was created and operated as a water conservancy district under the  
5948 law in effect before April 30, 2007.



5949 (30) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,  
5950 power plant, and any facility, improvement, or property necessary or convenient for supplying  
5951 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a local  
5952 district.

5953 Section 109. Section **17B-1-103** is enacted to read:

5954 **17B-1-103. Local district status and powers.**

5955 (1) A local district:

5956 (a) is:

5957 (i) a body corporate and politic with perpetual succession;

5958 (ii) a quasi-municipal corporation; and

5959 (iii) a political subdivision of the state; and

5960 (b) may sue and be sued.

5961 (2) A local district may:

5962 (a) acquire, by any lawful means, or lease any real or personal property necessary or  
5963 convenient to the full exercise of the district's powers;

5964 (b) acquire, by any lawful means, any interest in real or personal property necessary or  
5965 convenient to the full exercise of the district's powers;

5966 (c) transfer an interest in or dispose of any property or interest described in Subsections  
5967 (2)(a) and (b);

5968 (d) acquire or construct works, facilities, and improvements necessary or convenient to  
5969 the full exercise of the district's powers, and operate, control, maintain, and use those works,  
5970 facilities, and improvements;

5971 (e) borrow money and incur indebtedness for any lawful district purpose;

5972 (f) issue bonds, including refunding bonds:

5973 (i) for any lawful district purpose; and

5974 (ii) as provided in and subject to Part 10, Local District Bonds.

5975 (g) levy and collect property taxes:

5976 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting  
5977 from tax delinquencies in a preceding year; and

5978 (ii) as provided in and subject to Part 10, Local District Property Tax Levy;

5979 (h) as provided in Title 78, Chapter 34, Eminent Domain, acquire by eminent domain

5980 property necessary to the exercise of the district's powers:  
5981 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;  
5982 (j) (i) impose fees or other charges for commodities, services, or facilities provided by  
5983 the district, to pay some or all of the district's costs of providing the commodities, services, and  
5984 facilities, including the costs of:  
5985 (A) maintaining and operating the district;  
5986 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;  
5987 (C) issuing bonds and paying debt service on district bonds; and  
5988 (D) providing a reserve established by the board of trustees; and  
5989 (ii) take action the board of trustees considers appropriate and adopt regulations to  
5990 assure the collection of all fees and charges that the district imposes;  
5991 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's  
5992 property to district facilities in order for the district to provide service to the property;  
5993 (l) enter into a contract that the local district board of trustees considers necessary,  
5994 convenient, or desirable to carry out the district's purposes, including a contract:  
5995 (i) with the United States or any department or agency of the United States;  
5996 (ii) to indemnify and save harmless; or  
5997 (iii) to do any act to exercise district powers;  
5998 (m) purchase supplies, equipment, and materials;  
5999 (n) encumber district property upon terms and conditions that the board of trustees  
6000 considers appropriate;  
6001 (o) exercise other powers and perform other functions that are provided by law;  
6002 (p) construct and maintain works and establish and maintain facilities, including works  
6003 or facilities:  
6004 (i) across or along any public street or highway, subject to Subsection (3) and if the  
6005 district:  
6006 (A) promptly restores the street or highway, as much as practicable, to its former state  
6007 of usefulness; and  
6008 (B) does not use the street or highway in a manner that completely or unnecessarily  
6009 impairs the usefulness of it;  
6010 (ii) in, upon, or over any vacant public lands that are or become the property of the

6011 state, including school and institutional trust lands, as defined in Section 53C-1-103, if the  
6012 director of the School and Institutional Trust Lands Administration, acting under Sections  
6013 53C-1-102 and 53C-1-303, consents; or

6014 (iii) across any stream of water or watercourse, subject to Section 73-3-29;  
6015 (q) perform any act or exercise any power reasonably necessary for the efficient  
6016 operation of the local district in carrying out its purposes;

6017 (r) designate an assessment area and levy an assessment on land within the assessment  
6018 area, as provided in Title 11, Chapter 42, Assessment Area Act;

6019 (s) contract with another political subdivision of the state to allow the other political  
6020 subdivision to use the surplus capacity of or have an ownership interest in the district's works  
6021 or facilities, upon the terms and for the consideration, whether monetary or nonmonetary  
6022 consideration or no consideration, that the district's board of trustees considers to be in the best  
6023 interests of the district and the public; and

6024 (t) contract with another political subdivision of the state or with a public or private  
6025 owner of property on which the district has a right-of-way to allow the political subdivision or  
6026 owner to use the surface of the land on which the district has a right-of-way, upon the terms  
6027 and for the consideration, whether monetary or nonmonetary consideration or no consideration,  
6028 that the district's board of trustees considers to be in the best interests of the district and the  
6029 public.

6030 (3) With respect to a local district's use of a street or highway, as provided in  
6031 Subsection (2)(q)(i):

6032 (a) the district shall comply with the reasonable rules and regulations of the  
6033 governmental entity, whether state, county, or municipal, with jurisdiction over the street or  
6034 highway, concerning:

6035 (i) an excavation and the refilling of an excavation;  
6036 (ii) the relaying of pavement; and  
6037 (iii) the protection of the public during a construction period; and

6038 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over  
6039 the street or highway:

6040 (i) may not require the district to pay a license or permit fee or file a bond; and  
6041 (ii) may require the district to pay a reasonable inspection fee.

6042           (4) (a) A local district may:  
6043           (i) acquire, lease, or construct and operate electrical generation, transmission, and  
6044 distribution facilities, if:  
6045           (A) the purpose of the facilities is to harness energy that results inherently from the  
6046 district's:  
6047           (I) operation of a project or facilities that the district is authorized to operate; or  
6048           (II) providing a service that the district is authorized to provide;  
6049           (B) the generation of electricity from the facilities is incidental to the primary  
6050 operations of the district; and  
6051           (C) operation of the facilities will not hinder or interfere with the primary operations of  
6052 the district.  
6053           (ii) (A) use electricity generated by the facilities; or  
6054           (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric  
6055 utility or municipality with an existing system for distributing electricity.  
6056           (b) A district may not act as a retail distributor or seller of electricity.  
6057           (c) Revenue that a district receives from the sale of electricity from electrical  
6058 generation facilities it owns or operates under this section may be used for any lawful district  
6059 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or  
6060 constructing the facilities.  
6061           (5) A local district may adopt and, after adoption, alter a corporate seal.  
6062           Section 110. Section **17B-1-104**, which is renumbered from Section 17B-2-102 is  
6063 renumbered and amended to read:  
6064           ~~[17B-2-102].~~           **17B-1-104. Property owner provisions.**  
6065           (1) For purposes of this [chapter] title:  
6066           (a) the owner of real property shall be the fee title owner according to the records of the  
6067 county recorder on the date of the filing of the request or petition; and  
6068           (b) the value of private real property shall be determined according to the last  
6069 assessment before the filing of the request or petition, as determined by:  
6070           (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property  
6071 subject to assessment by the county;  
6072           (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of

6073 Property, for property subject to assessment by the State Tax Commission; or

6074 (iii) the county, for all other property.

6075 (2) For purposes of each provision of this ~~[chapter]~~ title that requires the owners of  
6076 private real property covering a percentage of the total private land area within the proposed  
6077 local district to sign a request, petition, or protest:

6078 (a) a parcel of real property may not be included in the calculation of the required  
6079 percentage unless the request or petition is signed by:

6080 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority  
6081 ownership interest in that parcel; or

6082 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
6083 of owners of that parcel;

6084 (b) the signature of a person signing a request or petition in a representative capacity on  
6085 behalf of an owner is invalid unless:

6086 (i) the person's representative capacity and the name of the owner the person represents  
6087 are indicated on the request or petition with the person's signature; and

6088 (ii) the person provides documentation accompanying the request or petition that  
6089 reasonably substantiates the person's representative capacity; and

6090 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a  
6091 request or petition on behalf of a deceased owner.

6092 Section 111. Section **17B-1-105**, which is renumbered from Section 17A-1-204 is  
6093 renumbered and amended to read:

6094 ~~[17A-1-204].~~ **17B-1-105. Name of local district -- Name change.**

6095 (1) (a) The name of each ~~[special]~~ local district created on or after May 1, 2000 shall  
6096 comply with Subsection 17-50-103(2)(a).

6097 ~~[(2)]~~ (b) The board of each ~~[special]~~ local district affected by Subsection  
6098 17-50-103(2)(b) shall ensure that after January 1, 2005 the ~~[special]~~ local district name  
6099 complies with the requirements of that Subsection.

6100 (2) The name of a local district created after April 30, 2007 may not include the name  
6101 of a county or municipality.

6102 (3) The name of a local district may include words descriptive of the type of service  
6103 that the district provides.

6104            [(3)] (4) (a) A ~~[special]~~ local district board may change the name of that ~~[special]~~ local  
6105 district by:

- 6106            (i) holding a public hearing on the proposed name change;
- 6107            (ii) adopting a resolution approving the name change; and
- 6108            (iii) giving written notice of the name change to the lieutenant governor, the State Tax  
6109 Commission, the state auditor, and the clerk, recorder, and assessor of each county in which  
6110 any part of the ~~[special]~~ local district is located.

6111            (b) A name change under Subsection [(3)] (4)(a) becomes effective upon the board's  
6112 giving the notice required under Subsection [(3)] (4)(a)(iii).

6113            Section 112. Section **17B-1-106**, which is renumbered from Section 17B-2-104 is  
6114 renumbered and amended to read:

6115            ~~[17B-2-104].~~            **17B-1-106. Notice before preparing or amending a**  
6116 **long-range plan or acquiring certain property.**

6117            (1) As used in this section:

6118            (a) (i) "Affected entity" means each county, municipality, ~~[independent special district~~  
6119 ~~under Title 17A, Chapter 2, Independent Special Districts,]~~ local district under this ~~[chapter]~~  
6120 title, special service district, school district, interlocal cooperation entity established under Title  
6121 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

6122            (A) whose services or facilities are likely to require expansion or significant  
6123 modification because of an intended use of land; or

6124            (B) that has filed with the local district a copy of the general or long-range plan of the  
6125 county, municipality, ~~[independent special district,]~~ local district, school district, interlocal  
6126 cooperation entity, or specified public utility.

6127            (ii) "Affected entity" does not include the local district that is required under this  
6128 section to provide notice.

6129            (b) "Specified public utility" means an electrical corporation, gas corporation, or  
6130 telephone corporation, as those terms are defined in Section 54-2-1.

6131            (2) (a) If a local district under this ~~[chapter]~~ title located in a county of the first or  
6132 second class prepares a long-range plan regarding its facilities proposed for the future or  
6133 amends an already existing long-range plan, the local district shall, before preparing a  
6134 long-range plan or amendments to an existing long-range plan, provide written notice, as

6135 provided in this section, of its intent to prepare a long-range plan or to amend an existing  
6136 long-range plan.

6137 (b) Each notice under Subsection (2)(a) shall:

6138 (i) indicate that the local district intends to prepare a long-range plan or to amend a  
6139 long-range plan, as the case may be;

6140 (ii) describe or provide a map of the geographic area that will be affected by the  
6141 long-range plan or amendments to a long-range plan;

6142 (iii) be sent to:

6143 (A) each county in whose unincorporated area and each municipality in whose  
6144 boundaries is located the land on which the proposed long-range plan or amendments to a  
6145 long-range plan are expected to indicate that the proposed facilities will be located;

6146 (B) each affected entity;

6147 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

6148 (D) each association of governments, established pursuant to an interlocal agreement  
6149 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
6150 described in Subsection (2)(b)(iii)(A) is a member; and

6151 (E) the state planning coordinator appointed under Section 63-38d-202;

6152 (iv) with respect to the notice to counties and municipalities described in Subsection  
6153 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to  
6154 consider in the process of preparing, adopting, and implementing the long-range plan or  
6155 amendments to a long-range plan concerning:

6156 (A) impacts that the use of land proposed in the proposed long-range plan or  
6157 amendments to a long-range plan may have on the county, municipality, or affected entity; and

6158 (B) uses of land that the county, municipality, or affected entity is planning or  
6159 considering that may conflict with the proposed long-range plan or amendments to a long-range  
6160 plan; and

6161 (v) include the address of an Internet website, if the local district has one, and the name  
6162 and telephone number of a person where more information can be obtained concerning the  
6163 local district's proposed long-range plan or amendments to a long-range plan.

6164 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire  
6165 real property in a county of the first or second class for the purpose of expanding the district's

6166 infrastructure or other facilities used for providing the services that the district is authorized to  
6167 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire  
6168 the property if the intended use of the property is contrary to:

6169 (i) the anticipated use of the property under the county or municipality's general plan;

6170 or

6171 (ii) the property's current zoning designation.

6172 (b) Each notice under Subsection (3)(a) shall:

6173 (i) indicate that the local district intends to acquire real property;

6174 (ii) identify the real property; and

6175 (iii) be sent to:

6176 (A) each county in whose unincorporated area and each municipality in whose  
6177 boundaries the property is located; and

6178 (B) each affected entity.

6179 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
6180 63-2-304(7).

6181 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district  
6182 previously provided notice under Subsection (2) identifying the general location within the  
6183 municipality or unincorporated part of the county where the property to be acquired is located.

6184 (ii) If a local district is not required to comply with the notice requirement of  
6185 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide  
6186 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real  
6187 property.

6188 Section 113. Section **17B-1-107**, which is renumbered from Section 17A-1-701 is  
6189 renumbered and amended to read:

6190 ~~[17A-1-701].~~ **17B-1-107. Recording a release of lien.**

6191 If a ~~[special]~~ local district records a lien upon real property for an unpaid assessment by  
6192 the owner and the owner then pays the assessment in full, including any interest and penalties.  
6193 the ~~[special]~~ local district recording the lien shall record the release of the lien.

6194 Section 114. Section **17B-1-108**, which is renumbered from Section 17A-1-802 is  
6195 renumbered and amended to read:

6196 ~~[17A-1-802].~~ **17B-1-108. Restrictions on local district procurement of**



6197 **architect-engineer services.**

6198 (1) As used in this section~~[-,"architect-engineer"]:~~

6199 (a) "Architect-engineer services" means those professional services within the scope of  
6200 the practice of architecture as defined in Section 58-3a-102~~[, or]~~.

6201 (b) "Engineer services" means those professional services within the scope of the  
6202 practice of professional engineering as defined in Section 58-22-102.

6203 (2) When a ~~[special]~~ local district elects to obtain architect services or engineering  
6204 services by using a competitive procurement process and has provided public notice of its  
6205 competitive procurement process:

6206 (a) a higher education entity, or any part of one, may not submit a proposal in response  
6207 to the ~~[special]~~ local district's competitive procurement process; and

6208 (b) the ~~[special]~~ local district may not award a contract to perform the architect services  
6209 or engineering services solicited in the competitive procurement process to a higher education  
6210 entity or any part of one.

6211 (3) Notwithstanding Subsection 63-56-102(3)(d), each local district board that engages  
6212 the services of a professional architect, engineer, or surveyor and considers more than one such  
6213 professional for the engagement:

6214 (a) shall consider, as a minimum, in the selection process:

6215 (i) the qualifications, experience, and background of each firm submitting a proposal;

6216 (ii) the specific individuals assigned to the project and the time commitments of each  
6217 to the project; and

6218 (iii) the project schedule and the approach to the project that the firm will take; and

6219 (b) may engage the services of a professional architect, engineer, or surveyor based on  
6220 the criteria under Subsection (3)(a) rather than solely on lowest cost.

6221 Section 115. Section **17B-1-109**, which is renumbered from Section 17A-1-202 is  
6222 renumbered and amended to read:

6223 ~~[17A-1-202].~~ **17B-1-109. Procurement -- Use of recycled goods.**

6224 The procurement officer or other person responsible for purchasing supplies for each  
6225 ~~[special]~~ local district shall give recycled items consideration when inviting bids and  
6226 purchasing supplies, in compliance with Section 11-37-101.

6227 Section 116. Section **17B-1-110**, which is renumbered from Section 17A-1-201 is

6228 renumbered and amended to read:

6229 ~~[17A-1-201].~~ **17B-1-110. Compliance with nepotism requirements.**

6230 Each ~~[special]~~ local district shall comply with Title 52, Chapter 3, Prohibiting  
6231 Employment of Relatives.

6232 Section 117. Section **17B-1-111**, which is renumbered from Section 17A-1-203 is  
6233 renumbered and amended to read:

6234 ~~[17A-1-203].~~ **17B-1-111. Impact fee resolution -- Notice and hearing**  
6235 **requirements.**

6236 (1) (a) ~~[When any special]~~ If a local district wishes to impose impact fees, the  
6237 ~~[governing]~~ board of trustees of the ~~[special]~~ local district shall:

6238 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,  
6239 Chapter 36, Impact Fees Act;

6240 (ii) make a copy of the impact fee resolution available to the public at least 14 days  
6241 before the date of the public hearing and hold a public hearing on the proposed impact fee  
6242 resolution; and

6243 (iii) provide reasonable notice of the public hearing at least 14 days before the date of  
6244 the hearing.

6245 (b) After the public hearing, the ~~[governing]~~ board of trustees may:

6246 (i) adopt the impact fee resolution as proposed;

6247 (ii) amend the impact fee resolution and adopt or reject it as amended; or

6248 (iii) reject the resolution.

6249 (2) A ~~[special]~~ local district meets the requirements of reasonable notice required by  
6250 this section if it:

6251 (a) posts notice of the hearing or meeting in at least three public places within the  
6252 jurisdiction and publishes notice of the hearing or meeting in a newspaper of general  
6253 circulation in the jurisdiction, if one is available; or

6254 (b) gives actual notice of the hearing or meeting.

6255 (3) The ~~[special]~~ local district's ~~[governing]~~ board of trustees may enact a resolution  
6256 establishing stricter notice requirements than those required by this section.

6257 (4) (a) Proof that one of the two forms of notice required by this section was given is  
6258 prima facie evidence that notice was properly given.

6259 (b) If notice given under authority of this section is not challenged within 30 days from  
 6260 the date of the meeting for which the notice was given, the notice is considered adequate and  
 6261 proper.

6262 Section 118. Section **17B-1-112** is enacted to read:

6263 **17B-1-112. Publishing district information in telephone directory.**

6264 (1) Each local district with a total annual budget over \$5,000 shall:

6265 (a) subject to Subsection (2), provide the name, telephone number, and address of the  
 6266 district to the telephone directory publisher serving the geographic area within which the  
 6267 district is located; and

6268 (b) request the telephone directory publisher to publish the district's name, telephone  
 6269 number, and address in the government or other appropriate government-related section of the  
 6270 publisher's telephone directory that serves the area within which the district is located.

6271 (2) If the district does not have a telephone or address or both, the district shall provide  
 6272 the telephone number or address or both, as the case may be, of the district's officer in charge  
 6273 of the district's day to day operations, for and in the place of the telephone number or address  
 6274 or both of the district.

6275 (3) Subsection (1) does not apply to a local district whose name, telephone number,  
 6276 and address are published in the government or other appropriate government-related section of  
 6277 the telephone directory of the telephone directory publisher serving the geographic area within  
 6278 which the local district is located.

6279 Section 119. Section **17B-1-113**, which is renumbered from Section 17A-1-504 is  
 6280 renumbered and amended to read:

6281 ~~[17A-1-504].~~ **17B-1-113. Liability insurance.**

6282 ~~[(1) (a) (i) Except as provided in Subsection (1)(a)(ii), the legislative body of each~~  
 6283 ~~county, city, or town that creates a special district after May 4, 1998, shall, within 60 days of~~  
 6284 ~~the special district's creation, deliver written notification of the creation to the state auditor.]~~

6285 ~~[(ii) Notwithstanding Subsection (1)(a)(i), each special district created after May 4,~~  
 6286 ~~1998, shall, within 60 days of its creation, deliver written notification of its creation to the state~~  
 6287 ~~auditor, if the special district was created by other than a county, city, or town.]~~

6288 ~~[(b) The state auditor shall maintain a list of all special districts in the state.]~~

6289 ~~[(2)]~~ Each ~~[special]~~ local district with an annual operating budget of ~~[at least]~~ \$50,000

6290 or more shall obtain liability insurance as considered appropriate by the [~~special~~] local district  
6291 board.

6292 Section 120. Section **17B-1-114** is enacted to read:

6293 **17B-1-114. Local district property taxes on a parity with general taxes.**

6294 Unless otherwise specifically provided by statute, property taxes levied by a local  
6295 district shall constitute a lien on the property on a parity with and collectible at the same time  
6296 and in the same manner as general county taxes that are a lien on the property.

6297 Section 121. Section **17B-1-115** is enacted to read:

6298 **17B-1-115. Validation of previously created local districts -- Continuation of**  
6299 **certain local districts under this chapter.**

6300 (1) Each local district created before April 30, 2007 under the law in effect at the time  
6301 of the creation is declared to be validly and legally constituted.

6302 (2) An entity created and operating under the law in effect before April 30, 2007 as a  
6303 local district but not as a cemetery maintenance district, drainage district, fire protection  
6304 district, improvement district, irrigation district, metropolitan water district, mosquito  
6305 abatement district, public transit district, service area, or water conservancy district shall  
6306 continue on and after April 30, 2007 as a local district subject to the provisions of this chapter  
6307 but not subject to the provisions of Chapter 2a, Provisions Applicable to Different Types of  
6308 Local Districts.

6309 (3) Nothing in this title may be construed to prohibit or limit a local district from  
6310 providing on or after April 30, 2007 a service that it was authorized before that date to provide.

6311 Section 122. Section **17B-1-116** is enacted to read:

6312 **17B-1-116. Property exempt from taxation and execution.**

6313 All property and assets of a local district are exempt from taxation and exempt from  
6314 execution.

6315 Section 123. Section **17B-1-117** is enacted to read:

6316 **17B-1-117. Severability.**

6317 A court's invalidation of any provision of this title may not be considered to affect the  
6318 validity of any other provision of this title.

6319 Section 124. Section **17B-1-201**, which is renumbered from Section 17B-2-201 is  
6320 renumbered and amended to read:

- 6321 **Part 2. Creation of a Local District**
- 6322 ~~[17B-2-201].~~ **17B-1-201. Definitions.**
- 6323 As used in this part:
- 6324 (1) "Applicable area" means:
- 6325 (a) for a county, the unincorporated area of the county that is included within the
- 6326 proposed local district; or
- 6327 (b) for a municipality, the area of the municipality that is included within the proposed
- 6328 local district.
- 6329 (2) "Governing body" means:
- 6330 (a) for a county or municipality, the legislative body of the county or municipality; and
- 6331 (b) for a local district, the board of trustees of the local district.
- 6332 (3) "Initiating local district" means a local district that adopts a resolution proposing
- 6333 the creation of a local district under Subsection 17B-1-203(1)(d).
- 6334 ~~[(2)]~~ (4) "Petition" means a petition under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(a) or
- 6335 (b).
- 6336 ~~[(3)]~~ (5) "Property owner petition" means a petition under Subsection ~~[17B-2-203]~~
- 6337 17B-1-203(1)(a).
- 6338 ~~[(4)]~~ (6) "Property owner request" means a request under Section ~~[17B-2-204]~~
- 6339 17B-1-204 that is signed by owners of real property as provided in Subsection ~~[17B-2-204]~~
- 6340 17B-1-204(2)(b)(i).
- 6341 ~~[(5)]~~ (7) "Registered voter request" means a request under Section ~~[17B-2-204]~~
- 6342 17B-1-204 that is signed by registered voters as provided in Subsection ~~[17B-2-204]~~
- 6343 17B-1-204(2)(b)(ii).
- 6344 ~~[(6)]~~ (8) "Registered voter petition" means a petition under Subsection ~~[17B-2-203]~~
- 6345 17B-1-203(1)(b).
- 6346 ~~[(7)]~~ (9) "Request" means a request as described in Section ~~[17B-2-204]~~ 17B-1-204.
- 6347 ~~[(8)]~~ (10) "Responsible body" means the ~~[legislative]~~ governing body of:
- 6348 (a) the municipality in which the proposed local district is located, if the petition or
- 6349 resolution proposes the creation of a local district located entirely within a single municipality;
- 6350 (b) the county in which the proposed local district is located, if the petition or resolution
- 6351 proposes the creation of a local district located entirely within a single county and all or part of

6352 the proposed local district is located within:

6353 (i) the unincorporated part of the county; or

6354 (ii) more than one municipality within the county; ~~[or]~~

6355 (c) if the petition or resolution proposes the creation of a local district located within  
6356 more than one county, the county whose boundaries include more of the area of the proposed  
6357 local district than is included within the boundaries of any other county~~[-]; or~~

6358 (d) the initiating local district, if a resolution proposing the creation of a local district is  
6359 adopted under Subsection 17B-1-203(1)(d).

6360 ~~[(9)]~~ (11) "Responsible clerk" means the clerk of the county or the clerk or recorder of  
6361 the municipality whose legislative body is the responsible body.

6362 Section 125. Section **17B-1-202**, which is renumbered from Section 17B-2-202 is  
6363 renumbered and amended to read:

6364 ~~[17B-2-202].~~ **17B-1-202. Local district may be created -- Services that may**  
6365 **be provided -- Limitations -- Name.**

6366 (1) (a) A local district may be created as provided in this part to provide within its  
6367 boundaries service consisting of:

6368 ~~[(a)]~~ (i) the operation of an airport;

6369 ~~[(b)]~~ (ii) the operation of a cemetery;

6370 ~~[(c)]~~ the operation of a system for the generation or distribution of electricity;

6371 ~~[(d)]~~ the operation of a system for the transmission of natural or manufactured gas that  
6372 is:

6373 ~~[(i)]~~ connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as  
6374 defined in Section 54-2-1, that is regulated under Section 54-4-1; and]

6375 ~~[(ii)]~~ to be used to facilitate gas utility service within the district if such gas utility  
6376 service is not available within the district prior to the acquisition or construction of such a  
6377 system;]

6378 ~~[(e)]~~ (iii) fire protection, paramedic, and emergency services;

6379 ~~[(f)]~~ (iv) garbage collection and disposal;

6380 ~~[(g)]~~ (v) health care, including health department or hospital service;

6381 ~~[(h)]~~ (vi) the operation of a library;

6382 ~~[(i)]~~ (vii) abatement or control of mosquitos and other insects;

6383            ~~[(j)]~~ (viii) the operation of parks or recreation facilities or services;

6384            ~~[(k)]~~ (ix) the operation of a sewage system;

6385            ~~[(l)]~~ (x) street lighting;

6386            ~~[(m)]~~ (xi) the construction and maintenance of curb, gutter, and sidewalk;

6387            ~~[(n)]~~ (xii) transportation, including public transit and providing streets and roads;

6388            ~~[(o)]~~ (xiii) the operation of a system ~~[for the control of storm or flood waters]~~, or one

6389 or more components of a system, for the collection, storage, retention, control, conservation,

6390 treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage,

6391 irrigation, and culinary water, whether the system is operated on a wholesale or retail level or

6392 both;

6393            ~~[(p)]~~ the operation of an irrigation water system;

6394            ~~[(q)]~~ the operation of a culinary water system; or

6395            (xiv) extended police protection; or

6396            ~~[(r)]~~ (xv) subject to Subsection (1)(b), the underground installation of an electric utility

6397 line or the conversion to underground of an existing electric utility line.

6398            (b) Each local district that provides the service of the underground installation of an

6399 electric utility line or the conversion to underground of an existing electric utility line shall, in

6400 installing or converting the line, provide advance notice to and coordinate with the utility that

6401 owns the line.

6402            (2) For purposes of this section:

6403            (a) "Operation" means all activities involved in providing the indicated service

6404 including acquisition and ownership of property reasonably necessary to provide the indicated

6405 service and acquisition, construction, and maintenance of facilities and equipment reasonably

6406 necessary to provide the indicated service.

6407            (b) "System" means the aggregate of interrelated components that combine together to

6408 provide the indicated service including~~[-(i)]~~, for a sewage system, collection and treatment~~[-~~

6409 ~~and]~~.

6410            ~~[(ii)]~~ for an irrigation or culinary water system, collection, retention, treatment, and

6411 distribution to either the end user or another that in turn distributes to the end user.]

6412            (3) (a) ~~[Except as provided in Subsection (3)(b), a]~~ A local district may not be created

6413 to provide and may not after its creation provide ~~[no]~~ more than two of the services listed in

6414 Subsection (1).

6415 ~~[(b) Notwithstanding Subsection (3)(a), a local district may be created to provide and~~  
6416 ~~may after its creation provide services consisting of:]~~

6417 ~~[(i) the operation of some or all of the components of a sewage system;]~~

6418 ~~[(ii) the operation of some or all of the components of an irrigation water system; and]~~

6419 ~~[(iii) the operation of some or all of the components of a culinary water system.]~~

6420 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing  
6421 more than two services if, before April 30, 2007, the local district was authorized to provide  
6422 those services.

6423 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to  
6424 provide and may not after its creation provide to an area the same service already being  
6425 provided to that area by another political subdivision, unless the other political subdivision  
6426 gives its written consent.

6427 (b) For purposes of Subsection (4)(a), a local district does not provide the same service  
6428 as another political subdivision if it operates a component of a system that is different from a  
6429 component operated by another political subdivision but within the same:

6430 (i) sewage system; or

6431 (ii) ~~[irrigation]~~ water system~~[; or]~~.

6432 ~~[(iii) culinary water system.]~~

6433 (5) (a) Except for a local district in the creation of which an election is not required  
6434 under Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c), the area of a local district may include all or  
6435 part of the unincorporated area of one or more counties and all or part of one or more  
6436 municipalities.

6437 (b) The area of a local district need not be contiguous.

6438 ~~[(6) The name of a local district:]~~

6439 ~~[(a) may include words descriptive of the type of service provided by the local district;~~  
6440 ~~and]~~

6441 ~~[(b) may not include the name of a county or municipality.]~~

6442 Section 126. Section **17B-1-203**, which is renumbered from Section 17B-2-203 is  
6443 renumbered and amended to read:

6444 ~~[17B-2-203].~~ **17B-1-203. Process to initiate the creation of a local district**



6445 -- **Petition or resolution.**

6446 (1) The process to create a local district may be initiated by:

6447 (a) subject to Section [~~17B-2-204~~] 17B-1-204, a petition signed by the owners of  
6448 private real property that:

6449 (i) is located within the proposed local district;

6450 (ii) covers at least 33% of the total private land area within the proposed local district  
6451 as a whole and within each applicable area;

6452 (iii) is equal in value to at least 25% of the value of all private real property within the  
6453 proposed local district as a whole and within each applicable area; and

6454 (iv) complies with the requirements of Subsection [~~17B-2-205~~] 17B-1-205(1) and  
6455 Section [~~17B-2-208~~] 17B-1-208;

6456 (b) subject to Section [~~17B-2-204~~] 17B-1-204, a petition that:

6457 (i) is signed by registered voters residing within the proposed local district as a whole  
6458 and within each applicable area, equal in number to at least 33% of the number of votes cast in  
6459 the proposed local district as a whole and in each applicable area, respectively, for the office of  
6460 governor at the last regular general election prior to the filing of the petition; and

6461 (ii) complies with the requirements of Subsection [~~17B-2-205~~] 17B-1-205(1) and  
6462 Section [~~17B-2-208; or~~] 17B-1-208;

6463 (c) a resolution proposing the creation of a local district, adopted by the legislative  
6464 body of each county whose unincorporated area includes and each municipality whose  
6465 boundaries include any of the proposed local district[-]; or

6466 (d) a resolution proposing the creation of a local district, adopted by the board of  
6467 trustees of an existing local district whose boundaries completely encompass the proposed  
6468 local district, if:

6469 (i) the proposed local district is being created to provide one or more components of  
6470 the same service that the initiating local district is authorized to provide; and

6471 (ii) the initiating local district is not providing to the area of the proposed local district  
6472 any of the components that the proposed local district is being created to provide.

6473 (2) (a) Each resolution under Subsection (1)(c) or (d) shall:

6474 (i) describe the area proposed to be included in the proposed local district;

6475 (ii) be accompanied by a map that shows the boundaries of the proposed local district;

6476 (iii) describe the service proposed to be provided by the proposed local district;

6477 (iv) explain the anticipated method of paying the costs of providing the proposed  
6478 service;

6479 (v) state the estimated average financial impact on a household within the proposed  
6480 local district; ~~and~~

6481 (vi) state the number of members that the board of trustees of the proposed local  
6482 district will have, consistent with the requirements of Subsection ~~[17B-2-402(1):]~~  
6483 17B-1-302(2); and

6484 (vii) for a proposed basic local district:

6485 (A) state whether the members of the board of trustees will be elected or appointed or  
6486 whether some members will be elected and some appointed, as provided in Section  
6487 17B-1-1302;

6488 (B) if one or more members will be elected, state the basis upon which each elected  
6489 member will be elected; and

6490 (C) if applicable, explain how the election or appointment of board members will  
6491 transition from one method to another based on stated milestones or events, as provided in  
6492 Section 17B-1-1302.

6493 (b) Each county or municipal legislative body adopting a resolution under Subsection  
6494 (1)(c) shall, on or before the first public hearing under Section ~~[17B-2-210]~~ 17B-1-210, mail or  
6495 deliver a copy of the resolution to the responsible body if the county or municipal legislative  
6496 body's resolution is one of multiple resolutions adopted by multiple county or municipal  
6497 legislative bodies proposing the creation of the same local district.

6498 Section 127. Section **17B-1-204**, which is renumbered from Section 17B-2-204 is  
6499 renumbered and amended to read:

6500 ~~[17B-2-204].~~ **17B-1-204. Request for service required before filing of**  
6501 **petition -- Request requirements.**

6502 (1) A petition may not be filed until after:

6503 (a) a request has been filed with:

6504 (i) the clerk of each county in whose unincorporated area any part of the proposed local  
6505 district is located; and

6506 (ii) the clerk or recorder of each municipality in which any part of the proposed local

6507 district is located; and

6508 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

6509 (i) has adopted a resolution under Subsection [~~17B-2-212~~] 17B-1-212(1) indicating  
6510 whether it will provide the requested service; or

6511 (ii) is considered to have declined to provide the requested service under Subsection  
6512 [~~17B-2-212~~] 17B-1-212(2) or (3).

6513 (2) Each request under Subsection (1)(a) shall:

6514 (a) ask the county or municipality to provide the service proposed to be provided by the  
6515 proposed local district within the applicable area; and

6516 (b) be signed by:

6517 (i) the owners of private real property that:

6518 (A) is located within the proposed local district;

6519 (B) covers at least 10% of the total private land area within the applicable area; and

6520 (C) is equal in value to at least 7% of the value of all private real property within the  
6521 applicable area; or

6522 (ii) registered voters residing within the applicable area equal in number to at least 10%  
6523 of the number of votes cast in the applicable area for the office of governor at the last general  
6524 election prior to the filing of the request.

6525 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a  
6526 municipality in a petition under Section 10-2-403 filed before and still pending at the time of  
6527 filing of a petition shall be considered to be part of that municipality.

6528 Section 128. Section **17B-1-205**, which is renumbered from Section 17B-2-205 is  
6529 renumbered and amended to read:

6530 [~~17B-2-205~~]. **17B-1-205. Petition and request requirements -- Withdrawal**  
6531 **of signature.**

6532 (1) Each petition and request shall:

6533 (a) indicate the typed or printed name and current residence address of each property  
6534 owner or registered voter signing the petition;

6535 (b) if it is a property owner request or petition, indicate the address of the property as to  
6536 which the owner is signing the request or petition;

6537 (c) describe the entire area of the proposed local district;

6538 (d) be accompanied by a map showing the boundaries of the entire proposed local  
6539 district;

6540 (e) specify the service proposed to be provided by the proposed local district; [~~and~~]

6541 (f) if the proposed local district is a service area under Chapter 2a, Part 9, Service Area  
6542 Act, that is entirely within the unincorporated area of a single county, state whether the initial  
6543 board of trustees will be:

6544 (i) the county legislative body;

6545 (ii) appointed as provided in Section 17B-1-304; or

6546 (iii) elected as provided in Section 17B-1-306; and

6547 [~~f~~] (g) designate up to five signers of the petition or request as sponsors, one of whom  
6548 shall be designated as the contact sponsor, with the mailing address and telephone number of  
6549 each.

6550 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the  
6551 signer's signature at any time before the filing of the request or petition by filing a written  
6552 withdrawal or reinstatement with:

6553 (a) in the case of a request:

6554 (i) the clerk of the county or the clerk or recorder of the municipality in whose  
6555 applicable area the signer's property is located, if the request is a property owner request; or

6556 (ii) the clerk of the county or the clerk or recorder of the municipality in whose  
6557 applicable area the signer resides, if the request is a registered voter request; or

6558 (b) in the case of a petition, the responsible clerk.

6559 Section 129. Section **17B-1-206**, which is renumbered from Section 17B-2-206 is  
6560 renumbered and amended to read:

6561 [~~17B-2-206~~]. **17B-1-206. Request certification -- Amended request.**

6562 (1) Within 30 days after the filing of a request, the clerk of each county and the clerk or  
6563 recorder of each municipality with which a request was filed shall:

6564 (a) with the assistance of other county or municipal officers from whom the clerk or  
6565 recorder requests assistance, determine, for the clerk or recorder's respective county or  
6566 municipality, whether the request complies with the requirements of Subsections [~~17B-2-204~~]  
6567 17B-1-204(2) and [~~17B-2-205~~] 17B-1-205(1); and

6568 (b) (i) if the clerk or recorder determines that the request complies with the

6569 requirements:

6570 (A) certify the request and deliver it to the legislative body of the county or  
6571 municipality, as the case may be; and

6572 (B) mail or deliver written notification of the certification to the contact sponsor; or  
6573 (ii) if the clerk or recorder determines that the request fails to comply with any of the  
6574 applicable requirements, reject the request and notify the contact sponsor in writing of the  
6575 rejection and the reasons for the rejection.

6576 (2) If the clerk or recorder fails to certify or reject a request within 30 days after its  
6577 filing, the request shall be considered to be certified.

6578 (3) Each county clerk or municipal clerk or recorder shall certify or reject requests in  
6579 the order in which they are filed.

6580 (4) (a) If the county clerk or municipal clerk or recorder rejects a request under  
6581 Subsection (1)(b)(ii), the request may be amended to correct the deficiencies for which it was  
6582 rejected and then refiled.

6583 (b) A valid signature on a request that was rejected under Subsection (1)(b)(ii) may be  
6584 used toward fulfilling the applicable signature requirement of the request as amended under  
6585 Subsection (4)(a).

6586 (5) Each county clerk and municipal clerk or recorder shall act in good faith in making  
6587 the determinations under this section.

6588 Section 130. Section **17B-1-207**, which is renumbered from Section 17B-2-207 is  
6589 renumbered and amended to read:

6590 ~~[17B-2-207].~~ **17B-1-207. Signature on request may be used on petition.**

6591 A signature on a request may be used toward fulfilling the signature requirement of a  
6592 petition:

6593 (1) if the request notifies the signer in conspicuous language that the signature, unless  
6594 withdrawn, would also be used for purposes of a petition to create a local district; and

6595 (2) unless the signer files a written withdrawal of the signature before the petition is  
6596 filed.

6597 Section 131. Section **17B-1-208**, which is renumbered from Section 17B-2-208 is  
6598 renumbered and amended to read:

6599 ~~[17B-2-208].~~ **17B-1-208. Additional petition requirements and limitations.**

- 6600 (1) Each petition shall:
- 6601 (a) be filed with the responsible clerk;
- 6602 (b) separately group signatures by county and municipality, so that all signatures of the
- 6603 owners of real property located within or of registered voters residing within each county
- 6604 whose unincorporated area includes and each municipality whose boundaries include part of
- 6605 the proposed local district are grouped separately; ~~[and]~~
- 6606 (c) state the number of members that the board of trustees of the proposed local district
- 6607 will have, consistent with the requirements of Subsection ~~[17B-2-402(1)]~~ 17B-1-302(2); and
- 6608 (d) for a proposed basic local district:
- 6609 (i) state whether the members of the board of trustees will be elected or appointed or
- 6610 whether some members will be elected and some appointed, as provided in Section
- 6611 17B-1-1302;
- 6612 (ii) if one or more members will be elected, state the basis upon which each elected
- 6613 member will be elected; and
- 6614 (iii) if applicable, explain how the election or appointment of board members will
- 6615 transition from one method to another based on stated milestones or events, as provided in
- 6616 Section 17B-1-1302.
- 6617 (2) (a) A petition may not propose the creation of a local district that includes an area
- 6618 located within the unincorporated part of a county or within a municipality if the legislative
- 6619 body of that county or municipality has adopted a resolution under Subsection ~~[17B-2-212]~~
- 6620 17B-1-212(1) indicating that the county or municipality will provide to that area the service
- 6621 proposed to be provided by the proposed local district.
- 6622 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is
- 6623 considered to have declined to provide the requested service under Subsection ~~[17B-2-212]~~
- 6624 17B-1-212(3).
- 6625 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that
- 6626 proposes the creation of a local district whose area excludes that part of the unincorporated area
- 6627 of a county or that part of a municipality to which the county or municipality has indicated, in a
- 6628 resolution adopted under Section ~~[17B-2-212]~~ 17B-1-212, it will provide the requested service.
- 6629 (3) A petition may not propose the creation of a local district whose area includes:
- 6630 (a) some or all of an area described in a previously filed petition that, subject to

6631 Subsection [~~17B-2-202~~] 17B-1-202(4)(b):

6632 (i) proposes the creation of a local district to provide the same service as proposed by  
6633 the later filed petition; and

6634 (ii) is still pending at the time the later petition is filed; or

6635 (b) some or all of an area within a political subdivision that provides in that area the  
6636 same service proposed to be provided by the proposed local district.

6637 (4) A petition may not be filed more than 12 months after a county or municipal  
6638 legislative body declines to provide the requested service under Subsection [~~17B-2-212~~]  
6639 17B-1-212(1) or is considered to have declined to provide the requested service under  
6640 Subsection [~~17B-2-212~~] 17B-1-212(2) or (3).

6641 Section 132. Section **17B-1-209**, which is renumbered from Section 17B-2-209 is  
6642 renumbered and amended to read:

6643 [~~17B-2-209~~]. **17B-1-209. Petition certification -- Amended petition.**

6644 (1) Within five days after the filing of a petition, the responsible clerk shall mail a copy  
6645 of the petition to the clerk of each other county and the clerk or recorder of each municipality  
6646 in which any part of the proposed local district is located.

6647 (2) (a) Within 35 days after the filing of a petition, the clerk of each county whose  
6648 unincorporated area includes and the clerk or recorder of each municipality whose boundaries  
6649 include part of the proposed local district shall:

6650 (i) with the assistance of other county or municipal officers from whom the county  
6651 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's  
6652 respective county or municipality, whether the petition complies with the requirements of  
6653 Subsection [~~17B-2-203~~] 17B-1-203(1)(a) or (b), as the case may be, and Subsections  
6654 [~~17B-2-208~~] 17B-1-208(2), (3), and (4); and

6655 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under  
6656 Subsection (2)(a)(i).

6657 (b) The responsible clerk may rely on the determinations of other county clerks or  
6658 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's  
6659 determinations and certification or rejection under Subsection (3).

6660 (3) Within 45 days after the filing of a petition, the responsible clerk shall:

6661 (a) determine whether the petition complies with Subsection [~~17B-2-203~~]

6662 17B-1-203(1)(a) or (b), as the case may be, Subsection [~~17B-2-205~~] 17B-1-205(1), and Section  
6663 [~~17B-2-208~~] 17B-1-208; and

6664 (b) (i) if the responsible clerk determines that the petition complies with the applicable  
6665 requirements:

6666 (A) certify the petition and deliver the certified petition to the responsible body;

6667 (B) mail or deliver written notification of the certification to the contact sponsor; or

6668 (ii) if the responsible clerk determines that the petition fails to comply with any of the

6669 applicable requirements, reject the petition and notify the contact sponsor in writing of the

6670 rejection and the reasons for the rejection.

6671 (4) If the responsible clerk fails to certify or reject a petition within 45 days after its

6672 filing, the petition shall be considered to be certified.

6673 (5) The responsible clerk shall certify or reject petitions in the order in which they are

6674 filed.

6675 (6) (a) If the responsible clerk rejects a petition under Subsection (3)(b)(ii), the petition

6676 may be amended to correct the deficiencies for which it was rejected and then refiled.

6677 (b) A valid signature on a petition that was rejected under Subsection (3)(b)(ii) may be

6678 used toward fulfilling the applicable signature requirement of the petition as amended under

6679 Subsection (6)(a).

6680 (c) If a petition is amended and refiled under Subsection (6)(a) after having been

6681 rejected by the responsible clerk under Subsection (3)(b)(ii), the amended petition shall be

6682 considered as newly filed, and its processing priority shall be determined by the date on which

6683 it is refiled.

6684 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall

6685 act in good faith in making the determinations under this section.

6686 Section 133. Section **17B-1-210**, which is renumbered from Section 17B-2-210 is

6687 renumbered and amended to read:

6688 [~~17B-2-210~~]. **17B-1-210. Public hearing.**

6689 (1) The legislative body of each county and municipality with which a request is filed

6690 or that adopts a resolution under Subsection [~~17B-2-203~~] 17B-1-203(1)(c) and the board of

6691 trustees of each local district that adopts a resolution under Subsection 17B-1-203(1)(d) shall

6692 hold a public hearing or a set of public hearings, sufficient in number and location to ensure



6693 that no substantial group of residents of the proposed local district need travel an unreasonable  
6694 distance to attend a public hearing.

6695 (2) Each public hearing under Subsection (1) shall be held:

6696 (a) no later than 45 days after:

6697 (i) for a public hearing on a request, certification of a request under Subsection

6698 [~~17B-2-206~~] 17B-1-206(1)(b)(i); or

6699 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection

6700 [~~17B-2-203~~] 17B-1-203(1)(c) or (d);

6701 (b) within the proposed local district;

6702 (c) except as provided in Subsections (6) and (7), within the applicable area; and

6703 (d) for the purpose of:

6704 (i) for a public hearing on a request, allowing public input on:

6705 (A) whether the requested service is needed in the area of the proposed local district;

6706 (B) whether the service should be provided by the county or municipality or the

6707 proposed local district; and

6708 (C) all other matters relating to the request or the proposed local district; or

6709 (ii) for a public hearing on a resolution, allowing the public to ask questions of and

6710 obtain further information from the [~~legislative~~] governing body [~~of each county or~~

6711 ~~municipality~~] holding the hearing regarding the issues contained in or raised by the resolution.

6712 (3) A quorum of [~~the legislative~~] each governing body [~~of each county or municipal~~

6713 ~~legislative body~~] holding a public hearing under this section shall be present throughout each

6714 hearing held by that [~~county or municipal legislative~~] governing body.

6715 (4) Each hearing under this section shall be held on a weekday evening other than a

6716 holiday beginning no earlier than [~~6:00~~] 6 p.m.

6717 (5) At the beginning and end of each hearing concerning a resolution, the [~~legislative~~]

6718 governing body shall announce the deadline for filing protests and generally explain the protest

6719 procedure and requirements.

6720 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or

6721 set of hearings required under this section if all the requirements of this section, other than the

6722 requirements of Subsection (2)(c), are met as to each hearing.

6723 (7) Notwithstanding Subsection (2)(c), a [~~county or municipal legislative~~] governing

6724 body may hold a public hearing or set of public hearings outside the applicable area if:

6725 (a) there is no reasonable place to hold a public hearing within the applicable area; and

6726 (b) the public hearing or set of public hearings is held as close to the applicable area as  
6727 reasonably possible.

6728 Section 134. Section **17B-1-211**, which is renumbered from Section 17B-2-211 is  
6729 renumbered and amended to read:

6730 ~~[17B-2-211]~~. **17B-1-211**. **Notice of public hearings -- Publication of**  
6731 **resolution.**

6732 (1) Before holding a public hearing or set of public hearings under Section  
6733 ~~[17B-2-210]~~ 17B-1-210, the legislative body of each county or municipality with which a  
6734 request is filed or that adopts a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c) and  
6735 the board of trustees of each local district that adopts a resolution under Subsection  
6736 17B-1-203(1)(d) shall:

6737 (a) (i) except as provided in Subsection (1)(a)(ii), publish notice in a newspaper or  
6738 combination of newspapers of general circulation within the applicable area; or

6739 (ii) if there is no newspaper or combination of newspapers of general circulation within  
6740 the applicable area, post at least one notice per 1,000 population of that area, at places within  
6741 the area that are most likely to provide actual notice to residents of the area; or

6742 (b) mail a notice to each registered voter residing within and each owner of real  
6743 property located within the proposed local district.

6744 (2) Each published notice under Subsection (1)(a) shall:

6745 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be  
6746 surrounded by a 1/4-inch border;

6747 (b) if possible, appear in a newspaper that is published at least one day per week;

6748 (c) if possible, appear in a newspaper of general interest and readership in the area and  
6749 not of limited subject matter;

6750 (d) be placed in a portion of the newspaper other than where legal notices and  
6751 classified advertisements appear; and

6752 (e) be run at least once each week for two successive weeks, with the final publication  
6753 being no less than three and no more than ten days before the hearing or the first of the set of  
6754 hearings.

- 6755 (3) Each notice required under Subsection (1) shall:
- 6756 (a) if the hearing or set of hearings is concerning a resolution:
- 6757 (i) contain the entire text or an accurate summary of the resolution; and
- 6758 (ii) state the deadline for filing a protest against the creation of the proposed local
- 6759 district;
- 6760 (b) clearly identify each [~~county or municipal legislative~~] governing body involved in
- 6761 the hearing or set of hearings;
- 6762 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
- 6763 the hearing or set of hearings; and
- 6764 (d) describe or include a map of the entire proposed local district.
- 6765 (4) County or municipal legislative bodies may jointly provide the notice required
- 6766 under this section if all the requirements of this section are met as to each notice.

6767 Section 135. Section **17B-1-212**, which is renumbered from Section 17B-2-212 is

6768 renumbered and amended to read:

6769 ~~[17B-2-212]~~. **17B-1-212. Resolution indicating whether the requested**

6770 **service will be provided.**

6771 (1) Within 60 days after the last hearing required under Section [~~17B-2-210~~]

6772 17B-1-210 concerning a request, the legislative body of each county whose unincorporated area

6773 includes and the legislative body of each municipality whose boundaries include any part of the

6774 proposed local district shall adopt a resolution indicating whether the county or municipality

6775 will provide to the area of the proposed local district within its boundaries the service proposed

6776 to be provided by the proposed local district.

6777 (2) If the legislative body of a county or municipality fails to adopt a resolution within

6778 the time provided under Subsection (1), the county or municipal legislative body shall be

6779 considered to have declined to provide the service requested.

6780 (3) If the county or municipality adopts a resolution under Subsection (1) indicating

6781 that it will provide the requested service but does not, within 120 days after the adoption of that

6782 resolution, take substantial measures to provide the requested service, the county or municipal

6783 legislative body shall be considered to have declined to provide the requested service.

6784 (4) Each county or municipality that adopts a resolution under Subsection (1)

6785 indicating that it will provide the requested service shall diligently proceed to take all measures

6786 necessary to provide the service.

6787 Section 136. Section **17B-1-213**, which is renumbered from Section 17B-2-213 is  
6788 renumbered and amended to read:

6789 ~~[17B-2-213]~~. **17B-1-213**. **Protest after adoption of resolution -- Adoption**  
6790 **of resolution approving creation for certain districts.**

6791 (1) For purposes of this section, "adequate protests" means protests that are:

6792 (a) filed with the county clerk ~~[or]~~ municipal clerk or recorder, or local district  
6793 secretary or clerk, as the case may be, within 60 days after the last public hearing required  
6794 under Section ~~[17B-2-210]~~ 17B-1-210; and

6795 (b) signed by:

6796 (i) the owners of private real property that:

6797 (A) is located within the proposed local district;

6798 (B) covers at least 25% of the total private land area within the applicable area; and

6799 (C) is equal in value to at least 15% of the value of all private real property within the  
6800 applicable area; or

6801 (ii) registered voters residing within the applicable area equal in number to at least 25%  
6802 of the number of votes cast in the applicable area for the office of governor at the last general  
6803 election prior to the adoption of the resolution.

6804 (2) If adequate protests are filed, the ~~[county or municipal legislative]~~ governing body  
6805 that adopted a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c):

6806 (a) may not:

6807 (i) hold or participate in an election under Subsection ~~[17B-2-214]~~ 17B-1-214(1) with  
6808 respect to the applicable area;

6809 (ii) take any further action under the protested resolution to create a local district or  
6810 include the applicable area in a local district; or

6811 (iii) for a period of two years, adopt a resolution under Subsection ~~[17B-2-203]~~  
6812 17B-1-203(1)(c) proposing the creation of a local district including substantially the same area  
6813 as the applicable area and providing the same service as the proposed local district in the  
6814 protested resolution; and

6815 (b) shall, within five days of receiving adequate protests, mail or deliver written  
6816 notification of the adequate protests to the responsible body.

6817 (3) Subsection (2)(a) may not be construed to prevent an election from being held for a  
6818 proposed local district whose boundaries do not include an applicable area that is the subject of  
6819 adequate protests.

6820 (4) (a) If adequate protests are not filed with respect to a resolution proposing the  
6821 creation of a local district for which an election is not required under Subsection [~~17B-2-214~~  
6822 17B-1-214(3)(c) or (d)], a resolution approving the creation of the local district may be adopted  
6823 by:

6824 (i) (A) the legislative body of a county whose unincorporated area is included within  
6825 the proposed local district; and

6826 [~~(ii)~~] (B) the legislative body of a municipality whose area is included within the  
6827 proposed local district~~[-]; or~~

6828 (ii) the board of trustees of the initiating local district.

6829 (b) Each resolution adopted under Subsection (4)(a) shall:

6830 (i) describe the area included in the local district;

6831 (ii) be accompanied by a map that shows the boundaries of the local district;

6832 (iii) describe the service to be provided by the local district;

6833 (iv) state the name of the local district; and

6834 (v) provide a process for the appointment of the members of the initial board of  
6835 trustees.

6836 Section 137. Section **17B-1-214**, which is renumbered from Section 17B-2-214 is  
6837 renumbered and amended to read:

6838 [~~17B-2-214~~]. **17B-1-214. Election -- Exceptions.**

6839 (1) (a) Except as provided in Subsection (3) and in Subsection [~~17B-2-213~~]  
6840 17B-1-213(2)(a), an election on the question of whether the local district should be created  
6841 shall be held by:

6842 (i) if the proposed local district is located entirely within a single county, the  
6843 responsible clerk; or

6844 (ii) except as provided under Subsection (1)(b), if the proposed local district is located  
6845 within more than one county, the clerk of each county in which part of the proposed local  
6846 district is located, in cooperation with the responsible clerk.

6847 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located

6848 within more than one county and the only area of a county that is included within the proposed  
6849 local district is located within a single municipality, the election for that area shall be held by  
6850 the municipal clerk or recorder, in cooperation with the responsible clerk.

6851 (2) Each election under Subsection (1) shall be held at the next special or regular  
6852 general election date that is:

6853 (a) for an election pursuant to a property owner or registered voter petition, more than  
6854 45 days after certification of the petition under Subsection [~~17B-2-209~~] 17B-1-209(3)(b)(i); or

6855 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing  
6856 required under Section [~~17B-2-210~~] 17B-1-210.

6857 (3) The election requirement of Subsection (1) does not apply:

6858 (a) to a petition filed under Subsection [~~17B-2-203~~] 17B-1-203(1)(a) if it contains the  
6859 signatures of the owners of private real property that:

6860 (i) is located within the proposed local district;

6861 (ii) covers at least 67% of the total private land area within the proposed local district  
6862 as a whole and within each applicable area; and

6863 (iii) is equal in value to at least 50% of the value of all private real property within the  
6864 proposed local district as a whole and within each applicable area;

6865 (b) to a petition filed under Subsection [~~17B-2-203~~] 17B-1-203(1)(b) if it contains the  
6866 signatures of registered voters residing within the proposed local district as a whole and within  
6867 each applicable area, equal in number to at least 67% of the number of votes cast in the  
6868 proposed local district as a whole and in each applicable area, respectively, for the office of  
6869 governor at the last general election prior to the filing of the petition; [~~or~~]

6870 (c) to a resolution adopted under Subsection [~~17B-2-203~~] 17B-1-203(1)(c) on or after  
6871 May 5, 2003 that proposes the creation of a local district to provide fire protection, paramedic,  
6872 and emergency services, if the proposed local district includes a majority of the unincorporated  
6873 area of one or more counties[~~;~~]; or

6874 (d) to a resolution adopted under Subsection 17B -1-203(1)(c) or (d) if the resolution  
6875 proposes the creation of a local district with no registered voters.

6876 (4) (a) If the proposed local district is located in more than one county, the responsible  
6877 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each  
6878 municipality involved in an election under Subsection (1) so that the election is held on the

6879 same date and in a consistent manner in each jurisdiction.

6880 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
6881 an election under Subsection (1) shall cooperate with the responsible clerk in holding the  
6882 election.

6883 (c) Except as otherwise provided in this part, each election under Subsection (1) shall  
6884 be governed by Title 20A, Election Code.

6885 Section 138. Section **17B-1-215**, which is renumbered from Section 17B-2-215 is  
6886 renumbered and amended to read:

6887 ~~[17B-2-215]~~. **17B-1-215. Notice to lieutenant governor -- Certificate of**  
6888 **incorporation -- Local district incorporated -- Incorporation presumed conclusive.**

6889 (1) The responsible body shall file a notice with the lieutenant governor within ten days  
6890 after:

6891 (a) the canvass of an election under Section ~~[17B-2-214]~~ 17B-1-214, if a majority of  
6892 those voting at the election within the proposed local district as a whole vote in favor of the  
6893 creation of a local district;

6894 (b) certification of a petition as to which the election requirement of Subsection  
6895 ~~[17B-2-214]~~ 17B-1-214(1) does not apply because of Subsection ~~[17B-2-214]~~ 17B-1-214(3)(a)  
6896 or (b); or

6897 (c) adoption of a resolution under Subsection ~~[17B-2-213]~~ 17B-1-213(4) approving the  
6898 creation of a local district for which an election was not required under Subsection  
6899 ~~[17B-2-214]~~ 17B-1-214(3)(c) or (d), by the legislative body of each county whose  
6900 unincorporated area is included within and the legislative body of each municipality whose area  
6901 is included within the proposed local district, or by the board of trustees of the initiating local  
6902 district.

6903 (2) The area of each local district shall consist of:

6904 (a) if an election was held under Section ~~[17B-2-214]~~ 17B-1-214, the area of the new  
6905 local district as approved at the election;

6906 (b) if an election was not required because of Subsection ~~[17B-2-214]~~ 17B-1-214(3)(a)  
6907 or (b), the area of the proposed local district as described in the petition; or

6908 (c) if an election was not required because of Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c)  
6909 or (d), the area of the new local district as described in the resolution adopted under Subsection

6910 [~~17B-2-213~~] 17B-1-213(4).

6911 (3) In each notice under Subsection (1) the responsible body shall:

6912 (a) if the notice follows an election under Section [~~17B-2-214~~] 17B-1-214, certify the  
6913 results of the election;

6914 (b) describe the boundaries of the new local district with an accurate map or plat  
6915 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed  
6916 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and

6917 (c) certify that all requirements for the creation of a local district have been complied  
6918 with.

6919 [~~(4) Within ten days after receiving the notice under Subsection (1), the lieutenant  
6920 governor shall issue a certificate of incorporation for the new local district and send a copy of  
6921 the certificate to the responsible body.]~~

6922 [(5)] (4) Upon the lieutenant governor's issuance of the certificate of creation under  
6923 Section 67-1a-6.5, the local district is created and incorporated.

6924 [~~(6) A local district shall be conclusively presumed to be lawfully incorporated if no  
6925 challenge to the existence or incorporation of the local district is filed in district court within 90  
6926 days after the lieutenant governor issues a certificate of creation.]~~

6927 Section 139. Section **17B-1-216**, which is renumbered from Section 17B-2-216 is  
6928 renumbered and amended to read:

6929 [~~17B-2-216~~]. **17B-1-216. Costs and expenses of creating a local district.**

6930 (1) Except as provided in Subsection (2), each county whose unincorporated area  
6931 includes and each municipality whose boundaries include some or all of the proposed local  
6932 district shall bear their respective costs and expenses associated with the procedure under this  
6933 part for creating a local district.

6934 (2) Within a year after its creation, each local district shall reimburse the costs and  
6935 expenses associated with the preparation, certification, and filing of the map of the local district  
6936 under Subsection [~~17B-2-215~~] 17B-1-215(3)(b).

6937 Section 140. Section **17B-1-217**, which is renumbered from Section 17A-2-103 is  
6938 renumbered and amended to read:

6939 [~~17A-2-103~~]. **17B-1-217. Conclusive presumption regarding creation and  
6940 existence.**



6941 Notwithstanding any other provision of law, ~~[an independent special]~~ a local district  
 6942 ~~[under this chapter]~~ shall be conclusively presumed to have been lawfully created and existing  
 6943 if ~~[(+)]~~ for two years following the district's creation under Subsection 17B-1-215(4):

6944 ~~[(a)]~~ (1) the district has:

6945 ~~[(i)]~~ (a) levied and collected a tax; or

6946 ~~[(ii)]~~ (b) collected a fee, charge, or assessment~~[, or tax increment]~~ for a commodity,  
 6947 service, facility, or improvement provided by the district; and

6948 ~~[(b)]~~ (2) no challenge has been filed in court to the existence or creation of the district~~;~~  
 6949 ~~and]~~.

6950 ~~[(2) the district has complied with Subsections 17A-1-102(1) and 17A-1-504 (1).]~~

6951 Section 141. Section **17B-1-301**, which is renumbered from Section 17B-2-401 is  
 6952 renumbered and amended to read:

6953 **Part 3. Board of Trustees**

6954 ~~[17B-2-401].~~ **17B-1-301. Board of trustees duties and powers.**

6955 (1) (a) Each local district shall be governed by a board of trustees which shall manage  
 6956 and conduct the business and affairs of the district and shall determine all questions of district  
 6957 policy.

6958 (b) All powers of a local district are exercised through the board of trustees.

6959 (2) The board of trustees may:

6960 (a) fix the location of the local district's principal place of business and the location of  
 6961 all offices and departments, if any;

6962 (b) fix the times of meetings of the board of trustees;

6963 ~~[(b)]~~ (c) select and use an official district seal;

6964 ~~[(c)]~~ (d) employ employees and agents, or delegate to district officers power to employ  
 6965 employees and agents, for the operation of the local district and its properties and prescribe or  
 6966 delegate to district officers the power to prescribe the duties, compensation, and terms and  
 6967 conditions of employment of those employees and agents;

6968 ~~[(d)]~~ (e) require district officers and employees charged with the handling of district  
 6969 funds to provide surety bonds in an amount set by the board or provide a blanket surety bond to  
 6970 cover ~~[all those]~~ officers and employees;

6971 ~~[(e)]~~ (f) contract for or employ professionals to perform work or services for the local

6972 district that cannot satisfactorily be performed by the officers or employees of the district;

6973       ~~[(f)]~~ (g) through counsel, prosecute on behalf of or defend the local district in all court

6974 actions or other proceedings in which the district is a party or is otherwise involved;

6975       ~~[(g)]~~ (h) adopt bylaws for the orderly functioning of the board;

6976       ~~[(h)]~~ (i) adopt and enforce rules and regulations for the orderly operation of the local

6977 district ~~[and]~~ or for carrying out the district's purposes ~~[for which the district was created];~~

6978       ~~[(i)]~~ (j) prescribe a system of civil service for district employees;

6979       ~~[(j)]~~ (k) on behalf of the local district, enter into contracts that the board considers to be

6980 for the benefit of the district;

6981       ~~[(k)]~~ (l) acquire, construct or cause to be constructed, operate, occupy, control, and use

6982 buildings, works, or other facilities for carrying out the purposes of the local district;

6983       ~~[(l)]~~ (m) on behalf of the local district, acquire, use, hold, manage, occupy, and possess

6984 property necessary to carry out the purposes of the district, dispose of property when the board

6985 considers it appropriate, and institute and maintain in the name of the district any action or

6986 proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district

6987 property; ~~[and]~~

6988       (n) delegate to a district officer the exercise of a district duty; and

6989       ~~[(m)]~~ (o) exercise all powers and perform all functions in the operation of the local

6990 district and its properties as are ordinarily exercised by the governing body of a political

6991 subdivision of the state and as are necessary to accomplish the purposes of the district.

6992       Section 142. Section **17B-1-302**, which is renumbered from Section 17B-2-402 is

6993 renumbered and amended to read:

6994       ~~[17B-2-402].~~       **17B-1-302. Board member qualifications -- Number of board**

6995 **members.**

6996       (1) (a) Each member of a local district board of trustees shall be:

6997       (i) a registered voter; and

6998       (ii) except as provided in Subsections (1)(b) and (c), a resident within:

6999       (A) the boundaries of the local district; and

7000       (B) if applicable, the boundaries of the division of the local district from which the

7001 member is elected.

7002       (b) (i) As used in this Subsection (1)(b):

7003 (A) "Proportional number" means the number of members of a board of trustees that  
 7004 bears, as close as mathematically possible, the same proportion to all members of the board that  
 7005 the number of seasonally occupied homes bears to all residences within the district that receive  
 7006 service from the district.

7007 (B) "Seasonally occupied home" means a single-family residence:

7008 (I) that is located within the local district;

7009 (II) that receives service from the local district; and

7010 (III) whose owner:

7011 (Aa) does not reside permanently at the residence; and

7012 (Bb) may occupy the residence on a temporary or seasonal basis.

7013 (ii) If over 50% of the residences within a local district that receive service from the

7014 local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is

7015 replaced, for a proportional number of members of the board of trustees, with the requirement

7016 that the member be an owner of land that:

7017 (A) receives service from the district; and

7018 (B) is located within:

7019 (I) the local district; and

7020 (II) if applicable, the division from which the member is elected.

7021 (c) For a board of trustees member in a basic local district that has within its

7022 boundaries fewer than one residential dwelling unit per ten acres of land, the requirement under

7023 Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land

7024 within the local district that receives service from the district, or an agent or officer of the

7025 owner.

7026 ~~[(1) The]~~ (2) Except as otherwise provided by statute, the number of members of each

7027 board of trustees of a local district shall be an odd number that is no less than three and no

7028 more than nine.

7029 ~~[(2)]~~ (3) For a newly created local district, the number of members of the initial board

7030 of trustees shall be the number specified:

7031 (a) for a local district whose creation was initiated by a petition under Subsection

7032 ~~[17B-2-203]~~ 17B-1-203(1)(a) or (b), in the petition; or

7033 (b) for a local district whose creation was initiated by a resolution under Subsection

7034 [~~17B-2-203~~] 17B-1-203(1)(c) or (d), in the resolution.

7035 [~~(3)~~] (4) (a) For an existing local district, the number of members of the board of  
7036 trustees may be changed by a two-thirds vote of the board of trustees.

7037 (b) No change in the number of members of a board of trustees under Subsection [~~(3)~~]  
7038 (4)(a) may:

7039 (i) violate Subsection [~~(1)~~] (2); or

7040 (ii) serve to shorten the term of any member of the board.

7041 Section 143. Section **17B-1-303**, which is renumbered from Section 17B-2-403 is  
7042 renumbered and amended to read:

7043 [~~17B-2-403~~]. **17B-1-303. Term of board of trustees members -- Oath of**  
7044 **office -- Bond.**

7045 (1) [~~The~~] (a) Except as provided in Subsection (1)(b), the term of each member of a  
7046 board of trustees shall begin at noon on the first Monday of January following the member's  
7047 election or appointment.

7048 (b) The term of each member of the initial board of trustees of a newly created local  
7049 district shall begin:

7050 (i) upon appointment, for an appointed member; and

7051 (ii) upon the member taking the oath of office after the canvass of the election at which  
7052 the member is elected, for an elected member.

7053 (2) (a) [~~The~~] (i) Subject to Subsection (2)(a)(ii), the term of each member of a board of  
7054 trustees shall be four years, except that approximately half the members of the initial board of  
7055 trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the  
7056 board members expires every two years.

7057 (ii) (A) If the terms of members of the initial board of trustees of a newly created local  
7058 district do not begin on the first Monday of January because of application of Subsection  
7059 (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection  
7060 (2)(a)(ii)(B), to result in the terms of their successors complying with:

7061 (I) the requirement under Subsection (1)(a) for a term to begin on the first Monday of  
7062 January; and

7063 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

7064 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or

7065 subtract more than a year from a member's term.

7066 (b) Each board of trustees member shall serve until a successor is duly elected or  
7067 appointed and qualified, unless the member earlier is removed from office or resigns or  
7068 otherwise leaves office.

7069 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
7070 17B-1-302(1):

7071 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

7072 (ii) the member may continue to serve until a successor is duly elected or appointed  
7073 and qualified.

7074 (3) (a) Before entering upon the duties of office, each member of a board of trustees  
7075 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

7076 (b) The failure of a board of trustees member to take the oath required by Subsection  
7077 (3)(a) does not invalidate any official act of that member.

7078 (4) A board of trustees member is not limited in the number of terms the member may  
7079 serve.

7080 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees  
7081 position shall be filled as provided in Section 20A-1-512.

7082 (6) (a) For purposes of this Subsection (6):

7083 (i) "Appointed official" means a person who:

7084 (A) is appointed as a member of a local district board of trustees by a county or  
7085 municipality entitled to appoint a member to the board; and

7086 (B) holds an elected position with the appointing county or municipality.

7087 (ii) "Appointing [authority] entity" means the county or municipality that appointed the  
7088 appointed official to the board of trustees.

7089 (b) The board of trustees shall declare a midterm vacancy for the board position held  
7090 by an appointed official if:

7091 (i) during the appointed official's term on the board of trustees, the appointed official  
7092 ceases to hold the elected position with the appointing [authority] entity; and

7093 (ii) the appointing [authority] entity submits a written request to the board to declare  
7094 the vacancy.

7095 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the

7096 appointing [~~authority~~] entity shall appoint another person to fill the remaining unexpired term  
7097 on the board of trustees.

7098 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
7099 performance of the member's duties, in the amount and with the sureties prescribed by the  
7100 board of trustees.

7101 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).  
7102 Section 144. Section **17B-1-304**, which is renumbered from Section 17A-1-303 is  
7103 renumbered and amended to read:

7104 ~~[17A-1-303].~~ **17B-1-304. Appointment procedures for appointed**  
7105 **members.**

7106 (1) The appointing authority may, by resolution, appoint persons to serve as members  
7107 of a [~~special~~] local district board by following the procedures established by this section.

7108 (2) (a) In any calendar year when appointment of a new [~~special~~] local district board  
7109 member is required, the appointing authority shall prepare a notice of vacancy that contains:

7110 (i) the positions that are vacant that must be filled by appointment;

7111 (ii) the qualifications required to be appointed to those positions;

7112 (iii) the procedures for appointment that the governing body will follow in making  
7113 those appointments; and

7114 (iv) the person to be contacted and any deadlines that a person must meet who wishes  
7115 to be considered for appointment to those positions.

7116 (b) The appointing authority shall:

7117 (i) post the notice of vacancy in four public places within the [~~special~~] local district at  
7118 least one month before the deadline for accepting nominees for appointment; and

7119 (ii) publish the notice of vacancy:

7120 (A) in a daily newspaper of general circulation within the [~~special~~] local district for  
7121 five consecutive days before the deadline for accepting nominees for appointment; or

7122 (B) in a local weekly newspaper circulated within the [~~special~~] local district in the  
7123 week before the deadline for accepting nominees for appointment.

7124 (c) The appointing authority may bill the [~~special~~] local district for the cost of  
7125 preparing, printing, and publishing the notice.

7126 (3) (a) Not sooner than two months after the appointing authority is notified of the

7127 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants  
7128 who meet the qualifications established by law.

7129 (b) The appointing authority shall:

7130 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the  
7131 appointment;

7132 (ii) allow any interested persons to be heard; and

7133 (iii) adopt a resolution appointing a person to the [~~special~~] local district board.

7134 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the  
7135 appointing authority, the appointing authority shall select the appointee from the two top  
7136 candidates by lot.

7137 (4) Persons appointed to serve as members of the [~~special~~] local district board serve  
7138 four-year terms, but may be removed [~~with~~] for cause at any time after a hearing by 2/3 vote of  
7139 the appointing body.

7140 (5) At the end of each board member's term, the position is considered vacant and the  
7141 [~~governing body~~] appointing authority may either reappoint the old board member or appoint a  
7142 new member after following the appointment procedures established in this section.

7143 (6) Notwithstanding any other provision of this section, if the appointing authority  
7144 appoints one of its own members, it need not comply with the provisions of this section.

7145 Section 145. Section **17B-1-305**, which is renumbered from Section 17A-1-304 is  
7146 renumbered and amended to read:

7147 [~~17A-1-304~~]. **17B-1-305. Notice of offices to be filled.**

7148 On or before February 1 of each municipal election year, the board of each [~~special~~]  
7149 local district shall prepare and transmit to the clerk of each county in which any part of the  
7150 district is located a written notice that:

7151 (1) designates the offices to be filled at that year's municipal general election; and

7152 (2) identifies the dates for filing a declaration of candidacy for those offices.

7153 Section 146. Section **17B-1-306**, which is renumbered from Section 17A-1-305 is  
7154 renumbered and amended to read:

7155 [~~17A-1-305~~]. **17B-1-306. Local district board -- Election procedures.**

7156 (1) Except as provided in Subsection (11), each elected board member shall be selected  
7157 as provided in this section.

7158 (2) (a) Each election of a ~~[special]~~ local district board member shall be held:  
7159 (i) in conjunction with the municipal general election; and  
7160 (ii) at polling places designated by the clerk of each county in which the ~~[special]~~ local  
7161 district is located.

7162 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under  
7163 Subsection (2)(a)(ii) in an election of board members of an irrigation district [~~established under~~  
7164 ~~Chapter 2, Part 7, Irrigation Districts;~~] shall be one polling place per division of the district,  
7165 designated by the district board.

7166 (ii) Each polling place designated by an irrigation district board under Subsection  
7167 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection  
7168 (2)(a)(ii).

7169 (3) (a) The clerk of each ~~[special]~~ local district with a board member position to be  
7170 filled at the next municipal general election shall provide notice of:

7171 (i) each elective position of the ~~[special]~~ local district to be filled at the next municipal  
7172 general election;

7173 (ii) the constitutional and statutory qualifications for each position; and  
7174 (iii) the dates and times for filing a declaration of candidacy.

7175 (b) The notice required under Subsection (3)(a) shall be:

7176 (i) posted in at least five public places within the ~~[special]~~ local district at least ten days  
7177 before the first day for filing a declaration of candidacy; or

7178 (ii) published in a newspaper of general circulation within the ~~[special]~~ local district at  
7179 least three but no more than ten days before the first day for filing a declaration of candidacy.

7180 (4) (a) To become a candidate for an elective ~~[special]~~ local district board position, the  
7181 prospective candidate shall file a declaration of candidacy in person with the ~~[special]~~ local  
7182 district, during office hours and not later than 5 p.m. between July 15 and August 15 of any  
7183 odd-numbered year.

7184 (b) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5  
7185 p.m. on the following Monday.

7186 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing  
7187 officer shall:

7188 (A) read to the prospective candidate the constitutional and statutory qualification



7189 requirements for the office that the candidate is seeking; and

7190 (B) require the candidate to state whether or not the candidate meets those  
7191 requirements.

7192 (ii) If the prospective candidate does not meet the qualification requirements for the  
7193 office, the filing officer may not accept the declaration of candidacy.

7194 (iii) If it appears that the prospective candidate meets the requirements of candidacy,  
7195 the filing officer shall accept the declaration of candidacy.

7196 (d) ~~[(i) Except as provided in Subsection (4)(d)(ii), the]~~ The declaration of candidacy  
7197 shall substantially comply with the following form:

7198 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
7199 \_\_\_\_\_, City of, County of, State of Utah, (Zip Code) \_\_\_\_\_, (Telephone Number, if  
7200 any) \_\_\_\_\_; that I ~~[am a registered voter and qualified elector of the special]~~ meet the  
7201 qualifications for the office of board of trustees member for \_\_\_\_\_ (state  
7202 the name of the local district); that I am a candidate for ~~[the]~~ that office [of  
7203 \_\_\_\_\_(stating the term)] to be voted upon at the November municipal general election  
7204 to be held on Tuesday, the \_\_\_\_\_ day of November, \_\_\_\_\_, and I hereby request that my name  
7205 be printed upon the official ballot for that election.

7206 (Signed) \_\_\_\_\_

7207 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
7208 of \_\_\_\_\_, \_\_\_\_\_.

7209 (Signed) \_\_\_\_\_

7210 (Clerk or Notary Public)"

7211 ~~[(ii) In a declaration of candidacy under Subsection (4)(d)(i) for an election of a board~~  
7212 ~~member of an irrigation district under Chapter 2, Part 7, Irrigation Districts, the words~~  
7213 ~~"registered voter and" shall not be included.]~~

7214 (e) Each person wishing to become a valid write-in candidate for an elective [~~special~~]  
7215 local district board position is governed by Section 20A-9-601.

7216 (f) If at least one person does not file a declaration of candidacy as required by this  
7217 section, a person shall be appointed to fill that board position by following the procedures and  
7218 requirements for appointment established in Section 20A-1-512.

7219 (g) If only one candidate files a declaration of candidacy for a position on the board of

7220 an irrigation district [~~established under Chapter 2, Part 7, Irrigation Districts~~], the board need  
7221 not hold an election for that position and may appoint that candidate to the board.

7222 (5) There shall be no primary election.

7223 (6) (a) Except as provided in Subsection (6)(c), the [~~special~~] local district clerk shall  
7224 certify the candidate names to the clerk of each county in which the [~~special~~] local district is  
7225 located no later than August 20 of the municipal election year.

7226 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the  
7227 [~~special~~] local district is located shall coordinate the placement of the name of each candidate  
7228 for [~~special~~] local district office in the nonpartisan section of the municipal general election  
7229 ballot with the municipal election clerk.

7230 (ii) If consolidation of the [~~special~~] local district election ballot with the municipal  
7231 general election ballot is not feasible, the county clerk shall provide for a separate [~~special~~]  
7232 local district election ballot to be administered by separate election judges at polling locations  
7233 designated by the county clerk in consultation with the [~~special~~] local district.

7234 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board  
7235 of an irrigation district established under Chapter [~~2~~] 2a, Part [~~7~~] 5, Irrigation [~~Districts~~]  
7236 District Act.

7237 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall  
7238 prescribe the form of the ballot for each board member election.

7239 (B) Each ballot for an election of an irrigation district board member shall be in a  
7240 nonpartisan format.

7241 [~~(7) (a) (i) Except as provided in Subsection (7)(a)(ii), only qualified electors of the~~  
7242 ~~special district who are registered to vote and who are entitled to vote may vote.]~~

7243 [~~(ii)~~] (7) (a) Each voter at an election for a board of trustees member of [~~an irrigation~~] a  
7244 local district [~~established under Chapter 2, Part 7, Irrigation Districts;~~] shall:

7245 (i) be a registered voter, except for an election of:

7246 (A) an irrigation district board of trustees member; or

7247 (B) a basic local district board of trustees member who is elected by property owners;

7248 and

7249 (ii) meet the requirements to vote established by the district.

7250 (b) Each voter may vote for as many candidates as there are offices to be filled.

7251 (c) The candidates who receive the highest number of votes are elected.

7252 (8) Except as otherwise provided by this section, the election of [~~special~~] local district  
7253 board members is governed by Title 20A, Election Code.

7254 (9) (a) A person elected to serve on a [~~special~~] local district board shall serve a  
7255 four-year term, beginning on the January 1 after the person's election.

7256 (b) A person elected shall be sworn in as soon as practical after January 1.

7257 (10) (a) Except as provided in Subsection (10)(b), each [~~special~~] local district shall  
7258 reimburse the county holding an election under this section for the costs of the election  
7259 attributable to that [~~special~~] local district.

7260 (b) Each irrigation district [~~established under Chapter 2, Part 7, Irrigation Districts,~~]  
7261 shall bear its own costs of each election it holds under this section.

7262 (11) This section does not apply to [~~a county~~] an improvement district [~~under Chapter~~  
7263 ~~2, Part 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and~~  
7264 ~~Gas,~~] that provides electric or gas service.

7265 Section 147. Section **17B-1-307**, which is renumbered from Section 17B-2-404 is  
7266 renumbered and amended to read:

7267 [~~17B-2-404~~]. **17B-1-307. Annual compensation -- Per diem compensation**  
7268 **-- Participation in group insurance plan -- Reimbursement of expenses.**

7269 (1) (a) [~~A~~] Except as provided in Subsection 17B-1-308(1)(e), a member of a board of  
7270 trustees may receive compensation for service on the board, as determined by the board of  
7271 trustees.

7272 (b) The amount of compensation under this Subsection (1) may not exceed [~~\$3,500~~]  
7273 \$5,000 per year.

7274 (c) (i) As determined by the board of trustees, a member of the board of trustees may  
7275 participate in a group insurance plan provided to employees of the local district on the same  
7276 basis as employees of the local district.

7277 (ii) The amount that the local district pays to provide a member with coverage under a  
7278 group insurance plan shall be included as part of the member's compensation for purposes of  
7279 Subsection (1)(b).

7280 (2) (a) As determined by the board of trustees, a member of a board of trustees may  
7281 receive per diem compensation, in addition to the compensation provided in Subsection (1), for

7282 attendance at up to 12 meetings or activities per year related to any district business.

7283 (b) The amount of per diem compensation under Subsection (2)(a) shall be as  
7284 established by the Division of Finance for policy boards, advisory boards, councils, or  
7285 committees within state government.

7286 (3) In addition to any compensation a member receives under this section, each  
7287 member of a board of trustees shall be reimbursed by the local district for all actual and  
7288 necessary expenses incurred in attending board meetings and in performing the member's  
7289 official duties.

7290 Section 148. Section **17B-1-308** is enacted to read:

7291 **17B-1-308. Boards of trustees comprised of county or municipal legislative body**  
7292 **members.**

7293 (1) If a county or municipal legislative body by statute also serves as the board of  
7294 trustees of a local district:

7295 (a) the board of trustees shall keep district minutes, accounts, and other records  
7296 separate from those of the county or municipality;

7297 (b) subject to Subsection (2), the board of trustees may use, respectively, existing  
7298 county or municipal facilities and personnel for district purposes;

7299 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board  
7300 of trustees member coincides with the member's term as a county or municipal legislative body  
7301 member;

7302 (d) each board of trustees member represents the district at large; and

7303 (e) board members may not receive compensation for their service as board members  
7304 in addition to compensation they receive as members of a county or municipal legislative body.

7305 (2) The county or municipal legislative body, as the case may be, shall charge the local  
7306 district, and the local district shall pay to the county or municipality, a reasonable amount for:

7307 (a) the county or municipal facilities that the district uses; and

7308 (b) except for services rendered by the county or municipal legislative body members,  
7309 the services that the county or municipality renders to the local district.

7310 Section 149. Section **17B-1-309**, which is renumbered from Section 17B-2-405 is  
7311 renumbered and amended to read:

7312 [~~17B-2-405~~]. **17B-1-309. Board officers -- Term.**

7313 (1) (a) The board of trustees shall elect from their number a chair and may elect other  
7314 officers as the board considers appropriate.

7315 (b) The offices of treasurer and clerk may not be held by the same person.

7316 (2) Each officer serves at the pleasure of the board of trustees, but the board may  
7317 designate a set term for officers.

7318 Section 150. Section **17B-1-310**, which is renumbered from Section 17B-2-406 is  
7319 renumbered and amended to read:

7320 ~~[17B-2-406].~~ **17B-1-310. Quorum of board of trustees -- Meetings of the**  
7321 **board.**

7322 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees  
7323 constitutes a quorum for the transaction of board business, and action by a majority of a  
7324 quorum constitutes action of the board.

7325 (ii) Except as otherwise required by law, an otherwise valid action of the board is not  
7326 made invalid because of the method chosen by the board to take or memorialize the action.

7327 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that  
7328 require more than a majority to constitute a quorum or that require action by more than a  
7329 majority of a quorum to constitute action by the board.

7330 (ii) Except for board action to dispose of real property owned by the local district,  
7331 board bylaws or rules may not require a vote of more than two-thirds vote of the board to  
7332 constitute board action.

7333 (2) The board of trustees shall hold such regular and special meetings as the board  
7334 determines at a location that the board determines.

7335 (3) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open  
7336 and Public Meetings Act.

7337 Section 151. Section **17B-1-311**, which is renumbered from Section 17A-1-306 is  
7338 renumbered and amended to read:

7339 ~~[17A-1-306].~~ **17B-1-311. Board member prohibited from district**  
7340 **employment.**

7341 (1) No elected or appointed member of the [governing] board of trustees of a [special]  
7342 local district may ~~[be a full or part-time employee of the district while serving on the district's~~  
7343 ~~governing board]~~, while serving on the board, be employed by the district, whether as an

7344 employee or under a contract.

7345 (2) No person employed by a [~~special~~] local district, whether as [~~a full-time or~~  
7346 ~~part-time~~] an employee or under a contract, may serve on the [~~governing~~] board of that  
7347 [~~special~~] local district.

7348 [~~(3) A board member may not be compensated separately as a board member and as an~~  
7349 ~~employee for providing the same service.]~~

7350 [~~(4) This section does not apply to persons serving on a special district board as of~~  
7351 ~~April 29, 1991, until their terms expire.]~~

7352 Section 152. Section **17B-1-312**, which is renumbered from Section 17A-2-102 is  
7353 renumbered and amended to read:

7354 [~~17A-2-102~~]. **17B-1-312. Training for board members.**

7355 (1) Each member of a board [~~or governing body of an independent~~] of trustees of a  
7356 [~~special~~] local district, elected or appointed on or after May 3, 1999, should, within one year  
7357 after taking office, complete the training described in Subsection (2).

7358 (2) In conjunction with the Utah Association of Special Districts, the state auditor  
7359 shall:

7360 (a) develop a training curriculum for the members of [~~independent special~~] local  
7361 district boards [~~or governing bodies~~]; and

7362 (b) with the assistance of other state offices and departments the state auditor considers  
7363 appropriate and at times and locations established by the state auditor, carry out the training of  
7364 members of [~~independent special~~] local district boards [~~or governing bodies~~].

7365 (3) (a) [~~An independent special~~] A local district board [~~or governing body~~] of trustees  
7366 may compensate each member of the board [~~or governing body~~] up to \$100 per day for each  
7367 day of training described in Subsection (2) that the member completes.

7368 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other  
7369 amounts of compensation and expense reimbursement authorized under this chapter.

7370 (c) A board [~~or governing body~~] of trustees may not pay compensation under  
7371 Subsection (3)(a) to any board [~~or governing body~~] member more than once in any consecutive  
7372 two-year period.

7373 (4) The state auditor shall issue a certificate of completion to each board [~~or governing~~  
7374 ~~body~~] member that completes the training described in Subsection (2).

7375 Section 153. Section **17B-1-313** is enacted to read:

7376 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**

7377 **No contest after contest period.**

7378 (1) After the board of trustees of a local district adopts a resolution or takes other  
7379 action on behalf of the district, the board may provide for the publication of a notice of the  
7380 resolution or other action.

7381 (2) Each notice under Subsection (1) shall:

7382 (a) include, as the case may be:

7383 (i) the language of the resolution or a summary of the resolution; or

7384 (ii) a description of the action taken by the board;

7385 (b) state that:

7386 (i) any person in interest may file an action in district court to contest the regularity,  
7387 formality, or legality of the resolution or action within 30 days after the date of publication; and

7388 (ii) if the resolution or action is not contested by filing an action in district court within  
7389 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or  
7390 action after the expiration of the 30-day period; and

7391 (c) be published in a newspaper that is published or has general circulation in the  
7392 district.

7393 (3) For a period of 30 days after the date of the publication, any person in interest may  
7394 contest the regularity, formality, or legality of the resolution or other action by filing an action  
7395 in district court.

7396 (4) After the expiration of the 30-day period under Subsection (3), no one may contest  
7397 the regularity, formality, or legality of the resolution or action for any cause.

7398 Section 154. Section **17B-1-401**, which is renumbered from Section 17B-2-501 is  
7399 renumbered and amended to read:

7400 **Part 4. Annexation**

7401 ~~[17B-2-501].~~ **17B-1-401. Definitions.**

7402 For purposes of this part:

7403 (1) "Applicable area" means:

7404 (a) for a county, the unincorporated area of the county that is included within the area  
7405 proposed for annexation; or

7406 (b) for a municipality, the area of the municipality that is included within the area  
7407 proposed for annexation.

7408 (2) "Retail" means, with respect to a service provided by a municipality[;] or local  
7409 district, [~~or independent special district,~~] that the service is provided directly to the ultimate  
7410 user.

7411 (3) "Wholesale" means, with respect to a service provided by a local district [~~or~~  
7412 ~~independent special district~~], that the service is not provided directly to the ultimate user but is  
7413 provided to a retail provider.

7414 Section 155. Section **17B-1-402**, which is renumbered from Section 17B-2-502 is  
7415 renumbered and amended to read:

7416 ~~[17B-2-502].~~ **17B-1-402. Annexation of area outside local district.**

7417 (1) An area outside the boundaries of a local district may be annexed to the local  
7418 district, as provided in this part, in order to provide to the area a service that the local district  
7419 provides.

7420 (2) The area proposed to be annexed:

7421 (a) may consist of one or more noncontiguous areas; and

7422 (b) need not be adjacent to the boundaries of the proposed annexing local district.

7423 (3) With respect to a local district in the creation of which an election was not required  
7424 under Subsection [~~17B-2-214~~] 17B-1-214(3)(c):

7425 (a) an unincorporated area of a county may not be annexed to the local district unless,  
7426 after annexation, at least a majority of the unincorporated area of the county will be included in  
7427 the local district; and

7428 (b) the annexation of any part of an area within a municipality shall include all of the  
7429 area within the municipality.

7430 Section 156. Section **17B-1-403**, which is renumbered from Section 17B-2-503 is  
7431 renumbered and amended to read:

7432 ~~[17B-2-503].~~ **17B-1-403. Initiation of annexation process -- Petition and**  
7433 **resolution.**

7434 (1) Except as provided in Sections [~~17B-2-515, 17B-2-515.5, and 17B-2-516~~]  
7435 17B-1-415, 17B-1-416, and 17B-1-417, the process to annex an area to a local district may be  
7436 initiated by:



7437 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet  
7438 of water allotted to the land owned by the elector and subject to Subsection (2), a petition  
7439 signed by the owners of all of the acre-feet of water allotted to the land proposed for  
7440 annexation; or

7441 (ii) for all other districts:

7442 (A) a petition signed by:

7443 (I) the owners of private real property that:

7444 (Aa) is located within the area proposed to be annexed;

7445 (Ab) covers at least 10% of the total private land area within the entire area proposed to  
7446 be annexed and within each applicable area; and

7447 (Ac) is equal in assessed value to at least 10% of the assessed value of all private real  
7448 property within the entire area proposed to be annexed and within each applicable area; or

7449 (II) the owner of all the publicly owned real property, if all the real property within the  
7450 area proposed for annexation is owned by a public entity other than the federal government; or

7451 (B) a petition signed by registered voters residing within the entire area proposed to be  
7452 annexed and within each applicable area equal in number to at least 10% of the number of  
7453 votes cast within the entire area proposed to be annexed and within each applicable area,  
7454 respectively, for the office of governor at the last regular general election before the filing of  
7455 the petition;

7456 (b) a resolution adopted by the legislative body of each county whose unincorporated  
7457 area includes and each municipality whose boundaries include any of the area proposed to be  
7458 annexed; or

7459 (c) a resolution adopted by the board of trustees of the proposed annexing local district  
7460 if, for at least 12 consecutive months immediately preceding adoption of the resolution, the  
7461 local district has provided:

7462 (i) retail service to the area; or

7463 (ii) a wholesale service to a provider of the same service that has provided that service  
7464 on a retail basis to the area.

7465 (2) If an association representing all acre-feet of water allotted to the land that is  
7466 proposed to be annexed to a local district signs a petition under Subsection (1)(a)(i), pursuant  
7467 to a proper exercise of authority as provided in the bylaws or other rules governing the

7468 association, the petition shall be considered to have been signed by the owners of all of the  
7469 acre-feet of water allotted to the land proposed for annexation, even though less than all of the  
7470 owners within the association consented to the association signing the petition.

7471 (3) Each petition and resolution under Subsection (1) shall:

7472 (a) describe the area proposed to be annexed; and

7473 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

7474 (4) The legislative body of each county and municipality that adopts a resolution under  
7475 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of  
7476 the resolution to the board of trustees of the proposed annexing local district.

7477 Section 157. Section **17B-1-404**, which is renumbered from Section 17B-2-504 is  
7478 renumbered and amended to read:

7479 ~~[17B-2-504]~~. **17B-1-404. Petition requirements.**

7480 (1) Each petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a) shall:

7481 (a) indicate the typed or printed name and current residence address of each person  
7482 signing the petition;

7483 (b) separately group signatures by county and municipality, so that all signatures of the  
7484 owners of real property located within or of registered voters residing within each county  
7485 whose unincorporated area includes and each municipality whose boundaries include part of  
7486 the area proposed for annexation are grouped separately;

7487 (c) if it is a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(i) or (ii)(A),  
7488 indicate the address of the property as to which the owner is signing the petition;

7489 (d) designate up to three signers of the petition as sponsors, one of whom shall be  
7490 designated the contact sponsor, with the mailing address and telephone number of each;

7491 (e) be filed with the board of trustees of the proposed annexing local district; and

7492 (f) for a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(a)(i), state the proposed  
7493 method of supplying water to the area proposed to be annexed.

7494 (2) By submitting a written withdrawal or reinstatement with the board of trustees of  
7495 the proposed annexing local district, a signer of a petition may withdraw, or once withdrawn,  
7496 reinstate the signer's signature at any time:

7497 (a) before the public hearing under Section ~~[17B-2-509]~~ 17B-1-409 is held; or

7498 (b) if a hearing is not held because of Subsection ~~[17B-2-513]~~ 17B-1-413(1) or because

7499 no hearing is requested under Subsection [~~17B-2-513~~] 17B-1-413(2)(a)(ii)(B), until 20 days  
7500 after the local district provides notice under Subsection [~~17B-2-513~~] 17B-1-413(2)(a)(i).

7501 Section 158. Section **17B-1-405**, which is renumbered from Section 17B-2-505 is  
7502 renumbered and amended to read:

7503 ~~[17B-2-505].~~ **17B-1-405. Petition certification.**

7504 (1) Within 30 days after the filing of a petition under Subsection [~~17B-2-503~~]  
7505 17B-1-403(1)(a)(i) or (ii), the board of trustees of the proposed annexing local district shall:

7506 (a) with the assistance of officers of the county in which the area proposed to be  
7507 annexed is located from whom the board requests assistance, determine whether the petition  
7508 meets the requirements of Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(i) or (ii), as the case may  
7509 be, Subsection [~~17B-2-503~~] 17B-1-403(3), and Subsection [~~17B-2-504~~] 17B-1-404(1); and

7510 (b) (i) if the board determines that the petition complies with the requirements, certify  
7511 the petition and mail or deliver written notification of the certification to the contact sponsor;  
7512 or

7513 (ii) if the board determines that the petition fails to comply with any of the  
7514 requirements, reject the petition and mail or deliver written notification of the rejection and the  
7515 reasons for the rejection to the contact sponsor.

7516 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be  
7517 amended to correct the deficiencies for which it was rejected and then refiled.

7518 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
7519 used toward fulfilling the applicable signature requirement of the petition as amended under  
7520 Subsection (2)(a).

7521 (3) The board shall process an amended petition filed under Subsection (2)(a) in the  
7522 same manner as an original petition under Subsection (1).

7523 Section 159. Section **17B-1-406**, which is renumbered from Section 17B-2-506 is  
7524 renumbered and amended to read:

7525 ~~[17B-2-506].~~ **17B-1-406. Notice to county and municipality -- Exception.**

7526 (1) Except as provided in Subsection (2), within ten days after certifying a petition  
7527 under Subsection [~~17B-2-505~~] 17B-1-405(1)(b) the board of trustees of the proposed annexing  
7528 local district shall mail or deliver a written notice of the proposed annexation, with a copy of  
7529 the certification and a copy of the petition, to the legislative body of each:

7530 (a) county in whose unincorporated area any part of the area proposed for annexation is  
7531 located; and

7532 (b) municipality in which any part of the area proposed for annexation is located.

7533 (2) The board is not required to send a notice under Subsection (1) to:

7534 (a) a county or municipality that does not provide the service proposed to be provided  
7535 by the local district; or

7536 (b) a county or municipality whose legislative body has adopted an ordinance or  
7537 resolution waiving the notice requirement as to:

7538 (i) the proposed annexing local district; or

7539 (ii) the service that the proposed annexing local district provides.

7540 (3) For purposes of this section, an area proposed to be annexed to a municipality in a  
7541 petition under Section 10-2-403 filed before and still pending at the time of the filing of a  
7542 petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a) and an area included within a  
7543 municipality's annexation policy plan under Section 10-2-401.5 shall be considered to be part  
7544 of that municipality.

7545 Section 160. Section **17B-1-407**, which is renumbered from Section 17B-2-507 is  
7546 renumbered and amended to read:

7547 [~~17B-2-507~~]. **17B-1-407**. **Notice of intent to consider providing service --**  
7548 **Public hearing requirements.**

7549 (1) (a) If the legislative body of a county or municipality whose applicable area is  
7550 proposed to be annexed to a local district in a petition under Subsection [~~17B-2-503~~]  
7551 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to  
7552 the applicable area the service that the proposed annexing local district provides, the legislative  
7553 body shall, within 30 days after receiving the notice under Subsection [~~17B-2-506~~]  
7554 17B-1-406(1), mail or deliver a written notice to the board of trustees of the proposed annexing  
7555 local district indicating that intent.

7556 (b) (i) A notice of intent under Subsection (1)(a) suspends the local district's  
7557 annexation proceeding as to the applicable area of the county or municipality that submits the  
7558 notice of intent until the county or municipality:

7559 (A) adopts a resolution under Subsection [~~17B-2-508~~] 17B-1-408(1) declining to  
7560 provide the service proposed to be provided by the proposed annexing local district; or

7561 (B) is considered under Subsection [~~17B-2-508~~] 17B-1-408(2) or (3) to have declined  
7562 to provide the service.

7563 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an  
7564 applicable area does not prevent the local district from continuing to pursue the annexation  
7565 proceeding with respect to other applicable areas for which no notice of intent was submitted.

7566 (c) If a legislative body does not mail or deliver a notice of intent within the time  
7567 required under Subsection (1)(a), the legislative body shall be considered to have declined to  
7568 provide the service.

7569 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall  
7570 hold a public hearing or a set of public hearings, sufficient in number and location to ensure  
7571 that no substantial group of residents of the area proposed for annexation need travel an  
7572 unreasonable distance to attend a public hearing.

7573 (3) Each public hearing under Subsection (2) shall be held:

7574 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

7575 (b) except as provided in Subsections (6) and (7), within the applicable area; and

7576 (c) for the purpose of allowing public input on:

7577 (i) whether the service is needed in the area proposed for annexation;

7578 (ii) whether the service should be provided by the county or municipality or the  
7579 proposed annexing local district; and

7580 (iii) all other matters relating to the issue of providing the service or the proposed  
7581 annexation.

7582 (4) A quorum of the legislative body of each county or municipal legislative body  
7583 holding a public hearing under this section shall be present throughout each hearing held by  
7584 that county or municipal legislative body.

7585 (5) Each hearing under this section shall be held on a weekday evening other than a  
7586 holiday beginning no earlier than [~~6:00~~] 6 p.m.

7587 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or  
7588 set of hearings required under this section if all the requirements of this section, other than the  
7589 requirements of Subsection (3)(b), are met as to each hearing.

7590 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may  
7591 hold a public hearing or set of public hearings outside the applicable area if:

7592 (a) there is no reasonable place to hold a public hearing within the applicable area; and

7593 (b) the public hearing or set of public hearings is held as close to the applicable area as

7594 reasonably possible.

7595 (8) Before holding a public hearing or set of public hearings under this section, the

7596 legislative body of each county or municipality that receives a request for service shall provide

7597 notice of the hearing or set of hearings as provided in Section [~~17B-2-211~~] 17B-1-211.

7598 Section 161. Section **17B-1-408**, which is renumbered from Section 17B-2-508 is

7599 renumbered and amended to read:

7600 [~~17B-2-508~~]. **17B-1-408**. **Resolution indicating whether the requested**

7601 **service will be provided.**

7602 (1) Within 30 days after the last hearing required under Section [~~17B-2-507~~]

7603 17B-1-407 is held, the legislative body of each county and municipality that sent a notice of

7604 intent under Subsection [~~17B-2-507~~] 17B-1-407(1) shall adopt a resolution indicating whether

7605 the county or municipality will provide to the area proposed for annexation within its

7606 boundaries the service proposed to be provided by the proposed annexing local district.

7607 (2) If the county or municipal legislative body fails to adopt a resolution within the

7608 time provided under Subsection (1), the county or municipality shall be considered to have

7609 declined to provide the service.

7610 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)

7611 indicating that the county or municipality will provide the service but the county or

7612 municipality does not, within 120 days after the adoption of that resolution, take substantial

7613 measures to provide the service, the county or municipality shall be considered to have

7614 declined to provide the service.

7615 (4) Each county or municipality whose legislative body adopts a resolution under

7616 Subsection (1) indicating that the county or municipality will provide the service shall

7617 diligently proceed to take all measures necessary to provide the service.

7618 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)

7619 indicating that the county or municipality will provide the service and the county or

7620 municipality takes substantial measures within the time provided in Subsection (3) to provide

7621 the service, the local district's annexation proceeding as to the applicable area of that county or

7622 municipality is terminated and that applicable area is considered deleted from the area

7623 proposed to be annexed in a petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a).

7624 Section 162. Section **17B-1-409**, which is renumbered from Section 17B-2-509 is  
7625 renumbered and amended to read:

7626 [~~17B-2-509~~]. **17B-1-409**. **Public hearing on proposed annexation.**

7627 (1) Except as provided in Sections [~~17B-2-513~~] 17B-1-513 and [~~17B-2-515~~]  
7628 17B-1-415, the board of trustees of each local district that certifies a petition that was filed  
7629 under Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted  
7630 under Subsection [~~17B-2-503~~] 17B-1-403(1)(b), or adopts a resolution under Subsection  
7631 [~~17B-2-503~~] 17B-1-403(1)(c) shall hold a public hearing on the proposed annexation and  
7632 provide notice of the hearing as provided in Section [~~17B-2-510~~] 17B-1-410.

7633 (2) Each public hearing under Subsection (1) shall be held:

7634 (a) within 45 days after:

7635 (i) if no notice to a county or municipal legislative body is required under Section  
7636 [~~17B-2-506~~] 17B-1-406, petition certification under Section [~~17B-2-505~~] 17B-1-405; or

7637 (ii) if notice is required under Section [~~17B-2-506~~] 17B-1-406, but no notice of intent  
7638 is submitted by the deadline:

7639 (A) expiration of the deadline under Subsection [~~17B-2-507~~] 17B-1-407(1) to submit a  
7640 notice of intent; or

7641 (B) termination of a suspension of the annexation proceeding under Subsection  
7642 [~~17B-2-507~~] 17B-1-407(1)(b);

7643 (b) (i) for a local district located entirely within a single county:

7644 (A) within or as close as practicable to the area proposed to be annexed; or

7645 (B) at the local district office; or

7646 (ii) for a local district located in more than one county:

7647 (A) (I) within the county in which the area proposed to be annexed is located; and

7648 (II) within or as close as practicable to the area proposed to be annexed; or

7649 (B) if the local district office is reasonably accessible to all residents within the area  
7650 proposed to be annexed, at the local district office;

7651 (c) on a weekday evening other than a holiday beginning no earlier than [~~6:00~~] 6 p.m.;

7652 and

7653 (d) for the purpose of allowing:

7654 (i) the public to ask questions and obtain further information about the proposed  
7655 annexation and issues raised by it; and

7656 (ii) any interested person to address the board regarding the proposed annexation.

7657 (3) A quorum of the board of trustees of the proposed annexing local district shall be  
7658 present throughout each public hearing held under this section.

7659 (4) (a) After holding a public hearing under this section or, if no hearing is held  
7660 because of application of Subsection [~~17B-2-513~~] 17B-1-413(2)(a)(ii), after expiration of the  
7661 time under Subsection [~~17B-2-513~~] 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board  
7662 of trustees may by resolution deny the annexation and terminate the annexation procedure if:

7663 (i) for a proposed annexation initiated by a petition under Subsection [~~17B-2-503~~]  
7664 17B-1-403(1)(a)(i) or (ii), the board determines that:

7665 (A) it is not feasible for the local district to provide service to the area proposed to be  
7666 annexed; or

7667 (B) annexing the area proposed to be annexed would be inequitable to the owners of  
7668 real property or residents already within the local district; or

7669 (ii) for a proposed annexation initiated by resolution under Subsection [~~17B-2-503~~]  
7670 17B-1-403(1)(b) or (c), the board determines not to pursue annexation.

7671 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its  
7672 reasons for denying the annexation.

7673 Section 163. Section **17B-1-410**, which is renumbered from Section 17B-2-510 is  
7674 renumbered and amended to read:

7675 [~~17B-2-510~~]. **17B-1-410. Notice of public hearing.**

7676 (1) Before holding a public hearing required under Section [~~17B-2-509~~] 17B-1-409, the  
7677 board of trustees of each proposed annexing local district shall:

7678 (a) mail notice of the public hearing and the proposed annexation to:

7679 (i) if the local district is funded predominantly by revenues from a property tax, each  
7680 owner of private real property located within the area proposed to be annexed, as shown upon  
7681 the county assessment roll last equalized as of the previous December 31; or

7682 (ii) if the local district is not funded predominantly by revenues from a property tax,  
7683 each registered voter residing within the area proposed to be annexed, as determined by the  
7684 voter registration list maintained by the county clerk as of a date selected by the board of



7685 trustees that is at least 20 but not more than 60 days before the public hearing; and  
 7686 (b) post notice of the public hearing and the proposed annexation in at least four  
 7687 conspicuous places within the area proposed to be annexed, no less than ten and no more than  
 7688 30 days before the public hearing.

7689 (2) Each notice required under Subsection (1) shall:

7690 (a) describe the area proposed to be annexed;

7691 (b) identify the proposed annexing local district;

7692 (c) state the date, time, and location of the public hearing;

7693 (d) provide a local district telephone number where additional information about the  
 7694 proposed annexation may be obtained;

7695 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical  
 7696 resident and upon the typical property owner within the area proposed to be annexed if the  
 7697 proposed annexation is completed; and

7698 (f) except for a proposed annexation under a petition that meets the requirements of  
 7699 Subsection [~~17B-2-513~~] 17B-1-413(1), explain that property owners and registered voters  
 7700 within the area proposed to be annexed may protest the annexation by filing a written protest  
 7701 with the local district board of trustees within 30 days after the public hearing.

7702 Section 164. Section **17B-1-411**, which is renumbered from Section 17B-2-511 is  
 7703 renumbered and amended to read:

7704 [~~17B-2-511~~]. **17B-1-411. Modifications to area proposed for annexation --**  
 7705 **Limitations.**

7706 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30  
 7707 days after the public hearing under Section [~~17B-2-509~~] 17B-1-409, or, if no public hearing is  
 7708 held, within 30 days after the board provides notice under Subsection [~~17B-2-513~~]  
 7709 17B-1-413(2)(a)(i), modify the area proposed for annexation to include land not previously  
 7710 included in that area or to exclude land from that area if the modification enhances the  
 7711 feasibility of the proposed annexation.

7712 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land  
 7713 within an applicable area if:

7714 (i) the entire area proposed to be annexed consists of more than that applicable area;

7715 (ii) sufficient protests under Section [~~17B-2-512~~] 17B-1-412 are filed with respect to

7716 that applicable area that an election would have been required under Subsection [~~17B-2-512~~]  
7717 17B-1-412(3) if that applicable area were the entire area proposed to be annexed; and

7718 (iii) the other requirements of Subsection (1)(a) are met.

7719 (2) A board of trustees may not add property under Subsection (1) to the area proposed  
7720 for annexation without the consent of the owner of that property.

7721 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may  
7722 not avoid the requirement for an election under Subsection [~~17B-2-512~~] 17B-1-412(3) if,  
7723 before the modification, the election was required because of protests filed under Section  
7724 [~~17B-2-512~~] 17B-1-412.

7725 (4) If the annexation is proposed by a petition under Subsection [~~17B-2-503~~]  
7726 17B-1-403(1)(a)(ii)(A) or (B), a modification may not be made unless the requirements of  
7727 Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the  
7728 area proposed to be annexed.

7729 (5) If the petition meets the requirements of Subsection [~~17B-2-513~~] 17B-1-413(1)  
7730 before a modification under this section but fails to meet those requirements after modification:

7731 (a) the local district board shall give notice as provided in Section [~~17B-2-510~~]  
7732 17B-1-410 and hold a public hearing as provided in Section [~~17B-2-509~~] 17B-1-409 on the  
7733 proposed annexation; and

7734 (b) the petition shall be considered in all respects as one that does not meet the  
7735 requirements of Subsection [~~17B-2-513~~] 17B-1-413(1).

7736 Section 165. Section **17B-1-412**, which is renumbered from Section 17B-2-512 is  
7737 renumbered and amended to read:

7738 [~~17B-2-512~~]. **17B-1-412. Protests -- Election.**

7739 (1) (a) An owner of private real property located within or a registered voter residing  
7740 within an area proposed to be annexed may protest an annexation by filing a written protest  
7741 with the board of trustees of the proposed annexing local district, except:

7742 (i) as provided in Section [~~17B-2-513~~] 17B-1-413;

7743 (ii) for an annexation under Section [~~17B-2-515~~] 17B-1-415; and

7744 (iii) for an annexation proposed by a local district that receives sales and use tax funds  
7745 from the counties, cities, and towns within the local district that impose a sales and use tax  
7746 under Section 59-12-501.

7747 (b) A protest of a boundary adjustment is not governed by this section but is governed  
7748 by Section [~~17B-2-516~~] 17B-1-417.

7749 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of  
7750 the public hearing under Section [~~17B-2-509~~] 17B-1-409.

7751 (3) (a) Except as provided in Subsection (4), the local district shall hold an election on  
7752 the proposed annexation if:

7753 (i) timely protests are filed by:

7754 (A) the owners of private real property that:

7755 (I) is located within the area proposed to be annexed;

7756 (II) covers at least 10% of the total private land area within the entire area proposed to  
7757 be annexed and within each applicable area; and

7758 (III) is equal in assessed value to at least 10% of the assessed value of all private real  
7759 property within the entire area proposed to be annexed and within each applicable area; or

7760 (B) registered voters residing within the entire area proposed to be annexed and within  
7761 each applicable area equal in number to at least 10% of the number of votes cast within the  
7762 entire area proposed for annexation and within each applicable area, respectively, for the office  
7763 of governor at the last regular general election before the filing of the petition; or

7764 (ii) the proposed annexing local district is one that receives sales and use tax funds  
7765 from the counties, cities, and towns within the local district that impose a sales and use tax  
7766 under Section 59-12-501.

7767 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be  
7768 phrased to indicate that a voter's casting a vote for or against the annexation includes also a  
7769 vote for or against the imposition of the sales and use tax as provided in Section 59-12-501.

7770 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)  
7771 shall be governed by Title 20A, Election Code.

7772 (c) If a majority of registered voters residing within the area proposed to be annexed  
7773 and voting on the proposal vote:

7774 (i) in favor of annexation, the board of trustees shall, subject to Subsections  
7775 [~~17B-2-514~~] 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution  
7776 approving annexation of the area; or

7777 (ii) against annexation, the annexation process is terminated, the board may not adopt a

7778 resolution approving annexation of the area, and the area proposed to be annexed may not for  
7779 two years be the subject of an effort under this part to annex to the same local district.

7780 (4) If sufficient protests are filed under this section to require an election for a  
7781 proposed annexation to which the protest provisions of this section are applicable, a board of  
7782 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and  
7783 terminating the annexation process without holding an election.

7784 Section 166. Section **17B-1-413**, which is renumbered from Section 17B-2-513 is  
7785 renumbered and amended to read:

7786 ~~[17B-2-513]~~. **17B-1-413**. **Hearing, notice, and protest provisions do not**  
7787 **apply for certain petitions.**

7788 (1) Section ~~[17B-2-512]~~ 17B-1-412 does not apply, and, except as provided in  
7789 Subsection (2)(a), Sections ~~[17B-2-509]~~ 17B-1-409 and ~~[17B-2-510]~~ 17B-1-410 do not apply:

7790 (a) if the process to annex an area to a local district was initiated by:

7791 (i) a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(i);

7792 (ii) a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(ii)(A) that was signed by  
7793 the owners of private real property that:

7794 (A) is located within the area proposed to be annexed;

7795 (B) covers at least 75% of the total private land area within the entire area proposed to  
7796 be annexed and within each applicable area; and

7797 (C) is equal in assessed value to at least 75% of the assessed value of all private real  
7798 property within the entire area proposed to be annexed and within each applicable area; or

7799 (iii) a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(ii)(B) that was signed by  
7800 registered voters residing within the entire area proposed to be annexed and within each  
7801 applicable area equal in number to at least 75% of the number of votes cast within the entire  
7802 area proposed to be annexed and within each applicable area, respectively, for the office of  
7803 governor at the last regular general election before the filing of the petition;

7804 (b) to an annexation under Section ~~[17B-2-515]~~ 17B-1-415; or

7805 (c) to a boundary adjustment under Section ~~[17B-2-516]~~ 17B-1-417.

7806 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
7807 Section ~~[17B-2-505]~~ 17B-1-405, the local district board:

7808 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

7809 and

7810 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section  
7811 [~~17B-2-509~~] 17B-1-409 after giving notice of the public hearing as provided in Subsection  
7812 (2)(b); and

7813 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),  
7814 hold a public hearing as provided in Section [~~17B-2-509~~] 17B-1-409 if a written request to do  
7815 so is submitted, within 20 days after the local district provides notice under Subsection  
7816 (2)(a)(i), to the local district board by an owner of property that is located within or a registered  
7817 voter residing within the area proposed to be annexed who did not sign the annexation petition.

7818 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

7819 (i) be given:

7820 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition  
7821 certification; or

7822 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not more  
7823 than 30 days before the public hearing; and

7824 (B) by:

7825 (I) posting written notice at the local district's principal office and in one or more other  
7826 locations within or proximate to the area proposed to be annexed as are reasonable under the  
7827 circumstances, considering the number of parcels included in that area, the size of the area, the  
7828 population of the area, and the contiguousness of the area; and

7829 (II) providing written notice to at least one newspaper of general circulation, if there is  
7830 one, within the area proposed to be annexed or to a local media correspondent; and

7831 (ii) contain a brief explanation of the proposed annexation and include the name of the  
7832 local district, the service provided by the local district, a description or map of the area  
7833 proposed to be annexed, a local district telephone number where additional information about  
7834 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an  
7835 explanation of the right of a property owner or registered voter to request a public hearing as  
7836 provided in Subsection (2)(a)(ii)(B).

7837 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is  
7838 required for a public hearing under Subsection (2)(a)(ii)(A).

7839 Section 167. Section **17B-1-414**, which is renumbered from Section 17B-2-514 is

7840 renumbered and amended to read:

7841 ~~[17B-2-514]~~. **17B-1-414. Resolution approving an annexation -- Notice of**  
7842 **annexation -- When annexation complete.**

7843 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution  
7844 approving the annexation of the area proposed to be annexed or rejecting the proposed  
7845 annexation within 30 days after:

7846 (i) expiration of the protest period under Subsection ~~[17B-2-512]~~ 17B-1-412(2), if  
7847 sufficient protests to require an election are not filed;

7848 (ii) for a petition that meets the requirements of Subsection ~~[17B-2-513]~~ 17B-1-413(1):

7849 (A) a public hearing under Section ~~[17B-2-509]~~ 17B-1-409 is held, if the board  
7850 chooses or is required to hold a public hearing under Subsection ~~[17B-2-513]~~  
7851 17B-1-413(2)(a)(ii); or

7852 (B) expiration of the time for submitting a request for public hearing under Subsection  
7853 ~~[17B-2-513]~~ 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to  
7854 hold a public hearing.

7855 (b) If the local district has entered into an agreement with the United States that  
7856 requires the consent of the United States for an annexation of territory to the district, a  
7857 resolution approving annexation under this part may not be adopted until the written consent of  
7858 the United States is obtained and filed with the board of trustees.

7859 (2) (a) The board shall file a notice with the lieutenant governor:

7860 (i) within 30 days after adoption of a resolution under Subsection (1), Subsection  
7861 ~~[17B-2-512]~~ 17B-1-412(3)(c)(i), or Section ~~[17B-2-515]~~ 17B-1-415; and

7862 (ii) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a  
7863 municipal annexation that causes an automatic annexation to a local district under Section  
7864 ~~[17B-2-515.5]~~ 17B-1-416.

7865 (b) The notice required under Subsection (2)(a) shall:

7866 (i) be accompanied by:

7867 (A) if applicable, a copy of the board resolution approving the annexation; and

7868 (B) an accurate map depicting the boundaries of the area to be annexed or a legal  
7869 description of the area to be annexed, adequate for purposes of the county assessor and  
7870 recorder;

7871 (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include  
 7872 a certification by the local district board that all requirements for the annexation have been  
 7873 complied with; and

7874 (iii) for an automatic annexation to a local district under Section [~~17B-2-515.5~~  
 7875 17B-1-416], state that an area outside the boundaries of the local district is being automatically  
 7876 annexed to the local district under Section [~~17B-2-515.5~~] 17B-1-416 because of a municipal  
 7877 annexation under Title 10, Chapter 2, Part 4, Annexation.

7878 (3) The annexation shall be complete:

7879 (a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon  
 7880 the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5; and

7881 (b) for an automatic annexation that is the subject of a notice under Subsection  
 7882 (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under  
 7883 Subsection 10-1-117(3)(b).

7884 Section 168. Section **17B-1-415**, which is renumbered from Section 17B-2-515 is  
 7885 renumbered and amended to read:

7886 [~~17B-2-515~~]. **17B-1-415. Annexation of wholesale district through**  
 7887 **expansion of retail provider.**

7888 (1) (a) A local district that provides a wholesale service may adopt a resolution  
 7889 approving the annexation of an area outside the local district's boundaries if:

7890 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,  
 7891 a municipality[~~, an independent special district,~~] or another local district that:

7892 (A) acquires the wholesale service from the local district and provides it as a retail  
 7893 service;

7894 (B) is, before the annexation or other addition, located at least partly within the local  
 7895 district; and

7896 (C) after the annexation or other addition will provide to the annexed or added area the  
 7897 same retail service that the local district provides as a wholesale service to the municipality[  
 7898 ~~independent special district,~~] or other local district; and

7899 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of  
 7900 [~~an independent special district under Title 17A, Chapter 2, Independent Special Districts, or~~]  
 7901 another local district that provides the same wholesale service as the proposed annexing local

7902 district.

7903 (b) For purposes of this section:

7904 (i) a local district providing public transportation service shall be considered to be  
7905 providing a wholesale service; and

7906 (ii) a municipality included within the boundaries of the local district providing public  
7907 transportation service shall be considered to be acquiring that wholesale service from the local  
7908 district and providing it as a retail service and to be providing that retail service after the  
7909 annexation or other addition to the annexed or added area, even though the municipality does  
7910 not in fact provide that service.

7911 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local  
7912 district providing a wholesale service and located partly or entirely within the boundaries of [~~an~~  
7913 ~~independent special district or~~] another local district that provides the same wholesale service  
7914 may be annexed to the local district if:

7915 (a) the conditions under Subsection (1)(a)(i) are present; and

7916 (b) the proposed annexing local district and the [~~independent special district or~~] other  
7917 local district follow the same procedure as is required for a boundary adjustment under Section  
7918 [~~17B-2-516~~] 17B-1-417, including both district boards adopting a resolution approving the  
7919 annexation of the area to the proposed annexing local district and the withdrawal of that area  
7920 from the other district.

7921 (3) Upon the adoption of an annexation resolution under this section, the board of the  
7922 annexing local district shall comply with the requirements of Subsection [~~17B-2-514~~]  
7923 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a  
7924 copy of notice as provided in [~~Subsection 17B-2-514(2)(c)~~] Section 67-1a-6.5.

7925 (4) Subsection [~~17B-2-514~~] 17B-1-414(3) applies to an annexation under this section.  
7926 Section 169. Section **17B-1-416**, which is renumbered from Section 17B-2-515.5 is  
7927 renumbered and amended to read:

7928 [~~17B-2-515.5~~]. **17B-1-416. Automatic annexation to a district providing fire**  
7929 **protection, paramedic, and emergency services.**

7930 (1) An area outside the boundaries of a local district that is annexed to a municipality  
7931 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,  
7932 Annexation, is automatically annexed to the local district if:



7933 (a) the local district provides fire protection, paramedic, and emergency services;

7934 (b) an election for the creation of the local district was not required because of

7935 Subsection [~~17B-2-214~~] 17B-1-214(3)(c); and

7936 (c) before the municipal annexation or boundary adjustment, the entire municipality

7937 that is annexing the area or adding the area by boundary adjustment was included within the

7938 local district.

7939 (2) The effective date of an annexation under this section is governed by Subsection

7940 [~~17B-2-514~~] 17B-1-414(3)(b).

7941 Section 170. Section **17B-1-417**, which is renumbered from Section 17B-2-516 is

7942 renumbered and amended to read:

7943 [~~17B-2-516~~]. **17B-1-417. Boundary adjustment -- Notice and hearing --**

7944 **Protest -- Resolution adjusting boundaries -- Notice of the adjustment -- Notice to**

7945 **lieutenant governor.**

7946 (1) As used in this section, "affected area" means the area located within the

7947 boundaries of one local district that will be removed from that local district and included within

7948 the boundaries of another local district because of a boundary adjustment under this section.

7949 (2) The boards of trustees of two or more local districts having a common boundary

7950 and providing the same service on the same wholesale or retail basis may adjust their common

7951 boundary as provided in this section.

7952 (3) (a) The board of trustees of each local district intending to adjust a boundary that is

7953 common with another local district shall:

7954 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

7955 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days

7956 after the adoption of the resolution under Subsection (3)(a)(i); and

7957 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of

7958 general circulation within the local district; or

7959 (II) if there is no newspaper of general circulation within the local district, post notice

7960 in at least four conspicuous places within the local district; or

7961 (B) mail a notice to each owner of property located within the affected area and to each

7962 registered voter residing within the affected area.

7963 (b) The notice required under Subsection (3)(a)(iii) shall:

7964 (i) state that the board of trustees of the local district has adopted a resolution  
7965 indicating the board's intent to adjust a boundary that the local district has in common with  
7966 another local district that provides the same service as the local district;

7967 (ii) describe the affected area;

7968 (iii) state the date, time, and location of the public hearing required under Subsection  
7969 (3)(a)(ii);

7970 (iv) provide a local district telephone number where additional information about the  
7971 proposed boundary adjustment may be obtained;

7972 (v) explain the financial and service impacts of the boundary adjustment on property  
7973 owners or residents within the affected area; and

7974 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
7975 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
7976 written protests to the adjustment are filed with the board by:

7977 (A) the owners of private real property that:

7978 (I) is located within the affected area;

7979 (II) covers at least 50% of the total private land area within the affected area; and

7980 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
7981 property within the affected area; or

7982 (B) registered voters residing within the affected area equal in number to at least 50%  
7983 of the votes cast in the affected area for the office of governor at the last regular general  
7984 election before the filing of the protests.

7985 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be  
7986 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

7987 (d) The boards of trustees of the local districts whose boundaries are being adjusted  
7988 may jointly:

7989 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and  
7990 (ii) hold the public hearing required under Subsection (3)(a)(ii).

7991 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
7992 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
7993 the public hearing, written protests to the boundary adjustment have been filed with the board  
7994 by:

- 7995 (a) the owners of private real property that:
- 7996 (i) is located within the affected area;
- 7997 (ii) covers at least 50% of the total private land area within the affected area; and
- 7998 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
- 7999 property within the affected area; or
- 8000 (b) registered voters residing within the affected area equal in number to at least 50%
- 8001 of the votes cast in the affected area for the office of governor at the last regular general
- 8002 election before the filing of the protests.

8003 (5) A resolution adopted under Subsection (4) does not take effect until the board of

8004 each local district whose boundaries are being adjusted has adopted a resolution under

8005 Subsection (4).

8006 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board

8007 of the local district whose boundaries are being adjusted to include the affected area shall file a

8008 notice with the lieutenant governor.

8009 (b) The notice required under Subsection (6)(a) shall:

8010 (i) be accompanied by:

8011 (A) a copy of each of the board resolutions approving the boundary adjustment; and

8012 (B) an accurate map depicting the affected area or a legal description of the affected

8013 area, adequate for purposes of the county assessor and recorder; and

8014 (ii) include a certification by the board of the local district whose boundaries are being

8015 adjusted to include the affected area that all requirements for the boundary adjustment have

8016 been complied with.

8017 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under

8018 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being

8019 adjusted to include the affected area, and the affected area is withdrawn from the local district

8020 whose boundaries are being adjusted to exclude the affected area.

8021 Section 171. Section **17B-1-418**, which is renumbered from Section 17B-2-517 is

8022 renumbered and amended to read:

8023 ~~[17B-2-517]~~. **17B-1-418. Annexed area subject to fees, charges, and taxes.**

8024 When an annexation under Section ~~[17B-2-514]~~ 17B-1-414 or ~~[17B-2-515]~~ 17B-1-415

8025 or a boundary adjustment under Section ~~[17B-2-516]~~ 17B-1-417 is complete, the annexed area

8026 or the area affected by the boundary adjustment shall be subject to user fees or charges imposed  
8027 by and property, sales, and other taxes levied by or for the benefit of the local district.

8028 Section 172. Section **17B-1-501** is enacted to read:

8029 **Part 5. Withdrawal**

8030 **17B-1-501. Definitions.**

8031 As used in this part, "receiving entity" means the entity that will, after the withdrawal of  
8032 an area from a local district, provide to the withdrawn area the service that the local district  
8033 previously provided to the area.

8034 Section 173. Section **17B-1-502**, which is renumbered from Section 17B-2-601 is  
8035 renumbered and amended to read:

8036 ~~[17B-2-601].~~ **17B-1-502. Withdrawal of area from local district --**

8037 **Automatic withdrawal in certain circumstances -- Definitions.**

8038 (1) (a) An area within the boundaries of a local district may be withdrawn from the  
8039 local district only as provided in this part.

8040 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local  
8041 district within a municipality because of a municipal incorporation under Title 10, Chapter 2,  
8042 Part 1, Incorporation, or a municipal annexation or boundary adjustment under Title 10,  
8043 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process  
8044 of withdrawing that area from the local district.

8045 (2) (a) An area within the boundaries of a local district is automatically withdrawn  
8046 from the local district by the annexation of the area to a municipality or the adding of the area  
8047 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

8048 (i) the local district provides fire protection, paramedic, and emergency services;

8049 (ii) an election for the creation of the local district was not required because of

8050 Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c); and

8051 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
8052 not include any of the annexing municipality.

8053 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
8054 Subsection ~~[17B-2-610]~~ 17B-1-512(2)(b).

8055 (3) (a) An area within the boundaries of a local district located in a county of the first  
8056 class is automatically withdrawn from the local district by the incorporation of a municipality

8057 whose boundaries include the area if:

8058 (i) the local district provides fire protection, paramedic, and emergency services;

8059 (ii) an election for the creation of the local district was not required because of

8060 Subsection [~~17B-2-214~~] 17B-1-214(3)(c); and

8061 (iii) the legislative body of the newly incorporated municipality:

8062 (A) adopts a resolution approving the withdrawal that includes the legal description of

8063 the area to be withdrawn; and

8064 (B) delivers a copy of the resolution to the board of trustees of the local district.

8065 (b) The effective date of a withdrawal under this Subsection (3) is governed by

8066 Subsection [~~17B-2-610~~] 17B-1-512(2)(a).

8067 [~~(4) In addition to those definitions in Section 17B-2-101, as used in this part,~~

8068 "receiving entity" means an entity that will, following a withdrawal, provide to the withdrawn

8069 area the service previously provided by the local district.]

8070 Section 174. Section **17B-1-503**, which is renumbered from Section 17B-2-602 is

8071 renumbered and amended to read:

8072 [~~17B-2-602~~]. **17B-1-503**. **Withdrawal or boundary adjustment with**

8073 **municipal approval.**

8074 (1) A municipality and a local district whose boundaries adjoin or overlap may adjust

8075 the boundary of the local district to include more or less of the municipality in the local district

8076 by following the same procedural requirements as set forth in Section [~~17B-2-516~~] 17B-1-417

8077 for boundary adjustments between adjoining local districts.

8078 (2) After a boundary adjustment under Subsection (1) is complete, the local district

8079 shall provide the same service to any area added to the local district as provided to other areas

8080 within the local district and the municipality shall provide the same service that the local

8081 district previously provided to any area withdrawn from the local district.

8082 (3) No area within a municipality may be added to the area of a local district under this

8083 section if the area is part of a local district that provides the same wholesale or retail service as

8084 the first local district.

8085 Section 175. Section **17B-1-504**, which is renumbered from Section 17B-2-603 is

8086 renumbered and amended to read:

8087 [~~17B-2-603~~]. **17B-1-504**. **Initiation of withdrawal process -- Notice of**

8088 **petition.**

8089           (1) Except as provided in Section [~~17B-2-603.5~~] 17B-1-505, the process to withdraw  
8090 an area from a local district may be initiated:

8091           (a) for a local district funded predominantly by revenues from property taxes or service  
8092 charges other than those based upon acre-feet of water:

8093           (i) by a petition signed by the owners of private real property that:

8094           (A) is located within the area proposed to be withdrawn;

8095           (B) covers at least 51% of the total private land within the area proposed to be  
8096 withdrawn; and

8097           (C) is equal in taxable value to at least 51% of the taxable value of all private real  
8098 property within the area proposed to be withdrawn;

8099           (ii) by a petition signed by registered voters residing within the area proposed to be  
8100 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the  
8101 office of governor at the last regular general election before the filing of the petition;

8102           (iii) by a resolution adopted by the board of trustees of the local district in which the  
8103 area proposed to be withdrawn is located, which:

8104           (A) states the reasons for withdrawal; and

8105           (B) is accompanied by a general description of the area proposed to be withdrawn; or

8106           (iv) by a resolution to file a petition with the local district to withdraw from the local  
8107 district all or a specified portion of the area within a municipality or county, adopted by the  
8108 governing body of a municipality that has within its boundaries an area located within the  
8109 boundaries of a local district, or by the governing body of a county that has within its  
8110 boundaries an area located within the boundaries of a local district that is located in more than  
8111 one county, which petition of the governing body shall be filed with the board of trustees only  
8112 if a written request to petition the board of trustees to withdraw an area from the local district  
8113 has been filed with the governing body of the municipality, or county, and the request has been  
8114 signed by registered voters residing within the boundaries of the area proposed for withdrawal  
8115 equal in number to at least 51% of the number of votes cast in the same area for the office of  
8116 governor at the last regular general election before the filing of the petition;

8117           (b) for a local district whose board of trustees is elected by electors based on the  
8118 acre-feet of water allotted to the land owned by the elector:

8119 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

8120 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted

8121 to the land proposed to be withdrawn; or

8122 (c) for a local district funded predominantly by revenues other than property taxes,

8123 service charges, or assessments based upon an allotment of acre-feet of water:

8124 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

8125 (ii) by a petition signed by the registered voters residing within the entire area proposed

8126 to be withdrawn, which area shall be comprised of an entire unincorporated area within the

8127 local district or an entire municipality within a local district, or a combination thereof, equal in

8128 number to at least 67% of the number of votes cast within the entire area proposed to be

8129 withdrawn for the office of governor at the last regular general election before the filing of the

8130 petition.

8131 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of  
8132 the petition shall:

8133 (a) notify the local district board with which the petition is intended to be filed that the  
8134 sponsors will be soliciting signatures for a petition; and

8135 (b) mail a copy of the petition to the local district board.

8136 Section 176. Section **17B-1-505**, which is renumbered from Section 17B-2-603.5 is

8137 renumbered and amended to read:

8138 ~~[17B-2-603.5].~~ **17B-1-505. Withdrawal of municipality in certain districts**

8139 **providing fire protection, paramedic, and emergency services.**

8140 (1) (a) The process to withdraw an area from a local district may be initiated by a

8141 resolution adopted by the legislative body of a municipality that is entirely within the

8142 boundaries of a local district:

8143 (i) that provides fire protection, paramedic, and emergency services; and

8144 (ii) in the creation of which an election was not required because of Subsection

8145 ~~[17B-2-214]~~ 17B-1-214(3)(c).

8146 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal

8147 legislative body shall submit to the board of trustees of the local district written notice of the

8148 adoption of the resolution, accompanied by a copy of the resolution.

8149 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body

8150 shall hold an election at the next municipal general election that is more than 60 days after  
8151 adoption of the resolution on the question of whether the municipality should withdraw from  
8152 the local district.

8153 (3) If a majority of those voting on the question of withdrawal at an election held under  
8154 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
8155 district.

8156 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this  
8157 section is submitted to voters, the municipal legislative body shall send written notice to the  
8158 board of the local district from which the municipality is proposed to withdraw.

8159 (b) Each notice under Subsection (4)(a) shall:

8160 (i) state the results of the withdrawal election; and

8161 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal  
8162 description of the area to be withdrawn, adequate for purposes of the county assessor and  
8163 recorder.

8164 (5) The effective date of a withdrawal under this section is governed by Subsection  
8165 ~~[17B-2-610]~~ 17B-1-512(2)(a).

8166 Section 177. Section **17B-1-506**, which is renumbered from Section 17B-2-604 is  
8167 renumbered and amended to read:

8168 ~~[17B-2-604].~~ **17B-1-506. Withdrawal petition requirements.**

8169 (1) Each petition under Section ~~[17B-2-603]~~ 17B-1-504 shall:

8170 (a) indicate the typed or printed name and current address of each owner of acre-feet of  
8171 water, property owner, registered voter, or authorized representative of the governing body  
8172 signing the petition;

8173 (b) separately group signatures by municipality and, in the case of unincorporated  
8174 areas, by county;

8175 (c) if it is a petition signed by the owners of land, the assessment of which is based on  
8176 acre-feet of water, indicate the address of the property and the property tax identification parcel  
8177 number of the property as to which the owner is signing the request;

8178 (d) designate up to three signers of the petition as sponsors, or in the case of a petition  
8179 filed under Subsection ~~[17B-2-603]~~ 17B-1-504(1)(a)(iv), designate a governmental  
8180 representative as a sponsor, and in each case, designate one sponsor as the contact sponsor with



8181 the mailing address and telephone number of each;

8182 (e) state the reasons for withdrawal; and

8183 (f) when the petition is filed with the local district board of trustees, be accompanied by

8184 a map generally depicting the boundaries of the area proposed to be withdrawn and a legal

8185 description of the area proposed to be withdrawn.

8186 (2) (a) The local district may prepare an itemized list of expenses, other than attorney  
8187 expenses, that will necessarily be incurred by the local district in the withdrawal proceeding.

8188 The itemized list of expenses may be submitted to the contact sponsor. If the list of expenses is

8189 submitted to the contact sponsor within 21 days after receipt of the petition, the contact sponsor

8190 on behalf of the petitioners shall be required to pay the expenses to the local district within 90

8191 days of receipt. Until funds to cover the expenses are delivered to the local district, the district

8192 will have no obligation to proceed with the withdrawal and the time limits on the district stated

8193 in this part will be tolled. If the expenses are not paid within the 90 days, or within 90 days

8194 from the conclusion of any arbitration under Subsection (2)(b), the petition requesting the

8195 withdrawal shall be considered to have been withdrawn.

8196 (b) If there is no agreement between the board of trustees of the local district and the

8197 contact sponsor on the amount of expenses that will necessarily be incurred by the local district

8198 in the withdrawal proceeding, either the board of trustees or the contact sponsor may submit

8199 the matter to binding arbitration in accordance with Title 78, Chapter 31b, Alternative Dispute

8200 Resolution Act; provided that, if the parties cannot agree upon an arbitrator and the rules and

8201 procedures that will control the arbitration, either party may pursue arbitration under Title 78,

8202 Chapter 31a, Utah Uniform Arbitration Act.

8203 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's

8204 signature at any time before the public hearing under Section [~~17B-2-606~~] 17B-1-508 by

8205 submitting a written withdrawal or reinstatement with the board of trustees of the local district

8206 in which the area proposed to be withdrawn is located.

8207 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition

8208 filed under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary

8209 for a municipality to provide to the withdrawn area the service previously supplied by the local

8210 district, the board of trustees of the local district may, within 21 days after receiving the

8211 petition, notify the contact sponsor in writing that, before it will be considered by the board of

8212 trustees, the petition must be presented to and approved by the governing body of the  
8213 municipality as provided in Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv) before it will be  
8214 considered by the local district board of trustees. If the notice is timely given to the contact  
8215 sponsor, the petition shall be considered to have been withdrawn until the municipality files a  
8216 petition with the local district under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv).

8217 (5) (a) After receiving the notice required by Subsection [~~17B-2-603~~] 17B-1-504(2),  
8218 unless specifically allowed by law, a public entity may not make expenditures from public  
8219 funds to support or oppose the gathering of signatures on a petition for withdrawal.

8220 (b) Nothing in this section prohibits a public entity from providing factual information  
8221 and analysis regarding a withdrawal petition to the public, so long as the information grants  
8222 equal access to both the opponents and proponents of the petition for withdrawal.

8223 (c) Nothing in this section prohibits a public official from speaking, campaigning,  
8224 contributing personal monies, or otherwise exercising the public official's constitutional rights.

8225 Section 178. Section **17B-1-507**, which is renumbered from Section 17B-2-605 is  
8226 renumbered and amended to read:

8227 [~~17B-2-605~~]. **17B-1-507. Withdrawal petition certification -- Amended**  
8228 **petition.**

8229 (1) Within 30 days after the filing of a petition under Sections [~~17B-2-603~~] 17B-1-504  
8230 and [~~17B-2-604~~] 17B-1-506, the board of trustees of the local district in which the area  
8231 proposed to be withdrawn is located shall:

8232 (a) with the assistance of officers of the county in which the area proposed to be  
8233 withdrawn is located, determine whether the petition meets the requirements of Sections  
8234 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506; and

8235 (b) (i) if the petition complies with the requirements set forth in Sections [~~17B-2-603~~]  
8236 17B-1-504 and [~~17B-2-604~~] 17B-1-506, certify the petition and mail or deliver written  
8237 notification of the certification to the contact sponsor; or

8238 (ii) if the petition fails to comply with any of the requirements set forth in Sections  
8239 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506, reject the petition as insufficient and mail  
8240 or deliver written notification of the rejection and the reasons for the rejection to the contact  
8241 sponsor.

8242 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be

8243 amended to correct the deficiencies for which it was rejected and then refiled within 60 days  
8244 after notice of the rejection.

8245 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
8246 used toward fulfilling the applicable signature requirement for an amended petition refiled  
8247 under Subsection (2)(a).

8248 (3) The board of trustees shall process an amended petition refiled under Subsection  
8249 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition  
8250 is rejected for failure to comply with the requirements of Sections [~~17B-2-603~~] 17B-1-504 and  
8251 [~~17B-2-604~~] 17B-1-506, the board of trustees shall issue a final rejection of the petition for  
8252 insufficiency and mail or deliver written notice of the final rejection to the contact sponsor.

8253 (4) (a) A signer of a petition for which there has been a final rejection under Subsection  
8254 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject  
8255 the petition as insufficient.

8256 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state  
8257 district court in the county in which a majority of the area proposed to be withdrawn is located.

8258 (c) The court in which an action is filed under this Subsection (4) may not overturn the  
8259 board of trustees' decision to reject the petition unless the court finds that:

8260 (i) the board of trustees' decision was arbitrary or capricious; or

8261 (ii) the petition materially complies with the requirements set forth in Sections  
8262 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506.

8263 (d) The court may award costs and expenses of an action under this section, including  
8264 reasonable [~~attorney's~~] attorney fees, to the prevailing party.

8265 Section 179. Section **17B-1-508**, which is renumbered from Section 17B-2-606 is  
8266 renumbered and amended to read:

8267 ~~[17B-2-606].~~ **17B-1-508. Public hearing -- Quorum of board required to**  
8268 **be present.**

8269 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees  
8270 of a local district that:

8271 (a) certifies a petition under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i) unless the  
8272 petition was signed by all of the owners of private land within the area proposed to be  
8273 withdrawn or all of the registered voters residing within the area proposed to be withdrawn; or

8274 (b) adopts a resolution under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iii).  
8275 (2) The public hearing required by Subsection (1) for a petition certified by the board  
8276 of trustees of a local district under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i), other than a  
8277 petition filed in accordance with Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv), may be held as  
8278 an agenda item of a meeting of the board of trustees of the local district without complying  
8279 with the requirements of Subsection (3)(b), (3)(c), or Section [~~17B-2-607~~] 17B-1-509.  
8280 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)  
8281 shall be held:  
8282 (a) no later than 90 days after:  
8283 (i) certification of the petition under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i); or  
8284 (ii) adoption of a resolution under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iii);  
8285 (b) (i) for a local district located entirely within a single county:  
8286 (A) within or as close as practicable to the area proposed to be withdrawn; or  
8287 (B) at the local district office; or  
8288 (ii) for a local district located in more than one county:  
8289 (A) (I) within the county in which the area proposed to be withdrawn is located; and  
8290 (II) within or as close as practicable to the area proposed to be withdrawn; or  
8291 (B) if the local district office is reasonably accessible to all residents within the area  
8292 proposed to be annexed, at the local district office;  
8293 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and  
8294 (d) for the purpose of allowing:  
8295 (i) the public to ask questions and obtain further information about the proposed  
8296 withdrawal and issues raised by it; and  
8297 (ii) any interested person to address the board of trustees concerning the proposed  
8298 withdrawal.  
8299 (4) A quorum of the board of trustees of the local district shall be present throughout  
8300 the public hearing provided for under this section.  
8301 (5) A public hearing under this section may be postponed or continued to a new time,  
8302 date, and place without further notice by a resolution of the board of trustees adopted at the  
8303 public hearing held at the time, date, and place specified in the published notice; provided,  
8304 however, that the public hearing may not be postponed or continued to a date later than 15 days

8305 after the 90-day period under Subsection (3).

8306 Section 180. Section **17B-1-509**, which is renumbered from Section 17B-2-607 is  
8307 renumbered and amended to read:

8308 ~~[17B-2-607]~~. **17B-1-509. Notice of hearing and withdrawal.**

8309 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a local  
8310 district as allowed by Subsection ~~[17B-2-606]~~ 17B-1-508(2), before holding a public hearing  
8311 under Section ~~[17B-2-606]~~ 17B-1-508, the board of trustees of the local district shall:

8312 (a) mail notice of the public hearing and of the proposed withdrawal to:

8313 (i) if the local district is funded predominantly by revenues from a property tax, each  
8314 owner of private real property located within the area proposed to be withdrawn, as shown  
8315 upon the county assessment roll last equalized as of the previous December 31;

8316 (ii) if the local district is funded by fees based upon an allotment of acre-feet of water,  
8317 each owner of private real property with an allotment of water located within the area proposed  
8318 to be withdrawn, as shown upon the district's records; or

8319 (iii) if the local district is not funded predominantly by revenues from a property tax or  
8320 fees based upon an allotment of acre-feet of water, each registered voter residing within the  
8321 area proposed to be withdrawn, as determined by the voter registration list maintained by the  
8322 county clerk as of a date selected by the board of trustees that is at least 20 but not more than  
8323 60 days before the public hearing; and

8324 (b) post notice of the public hearing and of the proposed withdrawal in at least four  
8325 conspicuous places within the area proposed to be withdrawn, no less than five nor more than  
8326 30 days before the public hearing.

8327 (2) Each notice required under Subsection (1) shall:

8328 (a) describe the area proposed to be withdrawn;

8329 (b) identify the local district in which the area proposed to be withdrawn is located;

8330 (c) state the date, time, and location of the public hearing;

8331 (d) state that the petition or resolution may be examined during specified times and at a  
8332 specified place in the local district; and

8333 (e) state that any person interested in presenting comments or other information for or  
8334 against the petition or resolution may:

8335 (i) prior to the hearing, submit relevant comments and other information in writing to

8336 the board of trustees at a specified address in the local district; or

8337 (ii) at the hearing, present relevant comments and other information in writing and may  
8338 also present comments and information orally.

8339 Section 181. Section **17B-1-510**, which is renumbered from Section 17B-2-608 is  
8340 renumbered and amended to read:

8341 ~~[17B-2-608]~~. **17B-1-510. Resolution approving or rejecting withdrawal --**  
8342 **Criteria for approval or rejection -- Terms and conditions.**

8343 (1) (a) On or before the date of the board meeting next following the public hearing  
8344 under Section ~~[17B-2-606]~~ 17B-1-508, but in no case later than 90 days after the public hearing  
8345 or, if no hearing is held, within 90 days after the filing of a petition under Section ~~[17B-2-603]~~  
8346 17B-1-504, the board of trustees of the local district in which the area proposed to be  
8347 withdrawn is located shall adopt a resolution:

8348 (i) approving the withdrawal of some or all of the area from the local district; or  
8349 (ii) rejecting the withdrawal.

8350 (b) Each resolution approving a withdrawal shall:

- 8351 (i) include a legal description of the area proposed to be withdrawn;
- 8352 (ii) state the effective date of the withdrawal; and
- 8353 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

8354 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the  
8355 board of trustees' reasons for the rejection.

8356 (2) Unless denial of the petition is required under Subsection (3), the board of trustees  
8357 shall adopt a resolution approving the withdrawal of some or all of the area from the local  
8358 district if the board of trustees determines that:

8359 (a) the area to be withdrawn does not and will not require the service that the local  
8360 district provides;

8361 (b) the local district will not be able to provide service to the area to be withdrawn for  
8362 the reasonably foreseeable future; or

8363 (c) the area to be withdrawn has obtained the same service that is provided by the local  
8364 district or a commitment to provide the same service that is provided by the local district from  
8365 another source.

8366 (3) The board of trustees shall adopt a resolution denying the withdrawal if it

8367 determines that the proposed withdrawal would:

8368       (a) result in a breach or default by the local district under:

8369           (i) any of its notes, bonds, or other debt or revenue obligations;

8370           (ii) any of its agreements with entities which have insured, guaranteed, or otherwise

8371 credit-enhanced any debt or revenue obligations of the local district; or

8372           (iii) any of its agreements with the United States or any agency of the United States;

8373 provided, however, that, if the local district has entered into an agreement with the United

8374 States that requires the consent of the United States for a withdrawal of territory from the

8375 district, a withdrawal under this part may occur if the written consent of the United States is

8376 obtained and filed with the board of trustees;

8377       (b) adversely affect the ability of the local district to make any payments or perform

8378 any other material obligations under:

8379           (i) any of its agreements with the United States or any agency of the United States;

8380           (ii) any of its notes, bonds, or other debt or revenue obligations; or

8381           (iii) any of its agreements with entities which have insured, guaranteed, or otherwise

8382 credit-enhanced any debt or revenue obligations of the local district;

8383       (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or

8384 other debt or revenue obligation of the local district;

8385       (d) create an island or peninsula of nondistrict territory within the local district or of

8386 district territory within nondistrict territory that has a material adverse affect on the local

8387 district's ability to provide service or materially increases the cost of providing service to the

8388 remainder of the local district;

8389       (e) materially impair the operations of the remaining local district; or

8390       (f) require the local district to materially increase the fees it charges or property taxes

8391 or other taxes it levies in order to provide to the remainder of the district the same level and

8392 quality of service that was provided before the withdrawal.

8393       (4) In determining whether the withdrawal would have any of the results described in

8394 Subsection (3), the board of trustees may consider the cumulative impact that multiple

8395 withdrawals over a specified period of time would have on the local district.

8396       (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),

8397 the board of trustees may approve a resolution withdrawing an area from the local district

8398 imposing terms or conditions that mitigate or eliminate the conditions listed in Subsection (3),  
8399 including:

8400 (i) a requirement that the owners of property located within the area proposed to be  
8401 withdrawn or residents within that area pay their proportionate share of any outstanding district  
8402 bond or other obligation as determined pursuant to Subsection (5)(b);

8403 (ii) a requirement that the owners of property located within the area proposed to be  
8404 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or  
8405 assessments;

8406 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable  
8407 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the  
8408 transfer to the receiving entity of district assets that the district used before withdrawal to  
8409 provide service to the withdrawn area but no longer needs because of the withdrawal; provided  
8410 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the  
8411 district shall immediately transfer to the receiving entity on the effective date of the  
8412 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

8413 (iv) any other reasonable requirement considered to be necessary by the board of  
8414 trustees.

8415 (b) Other than as provided for in Subsection [~~17B-2-609~~] 17B-1-511(2), and except as  
8416 provided in Subsection (5)(e), in determining the proportionate share of outstanding bonded  
8417 indebtedness or other obligations under Subsection (5)(a)(i) and for purposes of determining  
8418 the allocation and transfer of district assets under Subsection (5)(a)(iii), the board of trustees  
8419 and the receiving entity, or in cases where there is no receiving entity, the board and the  
8420 sponsors of the petition shall:

8421 (i) engage engineering and accounting consultants chosen by the procedure provided in  
8422 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an  
8423 engineering consultant need not be engaged; and

8424 (ii) require the engineering and accounting consultants engaged under Subsection  
8425 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases  
8426 where there is no receiving entity, the board and the sponsors of the petition the information  
8427 required by Subsections (5)(f) through (h).

8428 (c) For purposes of this Subsection (5):



8429 (i) "accounting consultant" means a certified public accountant or a firm of certified  
8430 public accountants with the expertise necessary to make the determinations required under  
8431 Subsection (5)(h); and

8432 (ii) "engineering consultant" means a person or firm that has the expertise in the  
8433 engineering aspects of the type of system by which the withdrawn area is receiving service that  
8434 is necessary to make the determination required under Subsections (5)(f) and (g).

8435 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is  
8436 no receiving entity, the board and the sponsors of the petition agree on an engineering  
8437 consultant and an accounting consultant, each consultant shall be chosen from a list of  
8438 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of  
8439 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

8440 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a  
8441 contract for services with the district or the receiving entity during the two-year period  
8442 immediately before the list is provided to the local district.

8443 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of  
8444 trustees shall eliminate the name of one engineering consultant from the list of engineering  
8445 consultants and the name of one accounting consultant from the list of accounting consultants  
8446 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors  
8447 of the petition in writing of the eliminations.

8448 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving  
8449 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate  
8450 another name of an engineering consultant from the list of engineering consultants and another  
8451 name of an accounting consultant from the list of accounting consultants and shall notify the  
8452 board of trustees in writing of the eliminations.

8453 (v) The board of trustees and the receiving entity, or in cases where there is no  
8454 receiving entity, the board and the sponsors of the petition shall continue to alternate between  
8455 them, each eliminating the name of one engineering consultant from the list of engineering  
8456 consultants and the name of one accounting consultant from the list of accounting consultants  
8457 and providing written notification of the eliminations within three days of receiving  
8458 notification of the previous notification, until the name of only one engineering consultant  
8459 remains on the list of engineering consultants and the name of only one accounting consultant

8460 remains on the list of accounting consultants.

8461 (e) The requirement under Subsection (5)(b) to engage engineering and accounting  
8462 consultants does not apply if the board of trustees and the receiving entity, or in cases where  
8463 there is no receiving entity, the board and the sponsors of the petition agree on the allocations  
8464 that are the engineering consultant's responsibility under Subsection (5)(f) or the  
8465 determinations that are the accounting consultant's responsibility under Subsection (5)(h);  
8466 provided however, that if engineering and accounting consultants are engaged, the district and  
8467 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors  
8468 of the petition shall equally share the cost of the engineering and accounting consultants.

8469 (f) (i) The engineering consultant shall allocate the district assets between the district  
8470 and the receiving entity as provided in this Subsection (5)(f).

8471 (ii) The engineering consultant shall allocate:

8472 (A) to the district those assets reasonably needed by the district to provide to the area  
8473 of the district remaining after withdrawal the kind, level, and quality of service that was  
8474 provided before withdrawal; and

8475 (B) to the receiving entity those assets reasonably needed by the receiving entity to  
8476 provide to the withdrawn area the kind and quality of service that was provided before  
8477 withdrawal.

8478 (iii) If the engineering consultant determines that both the local district and the  
8479 receiving entity reasonably need a district asset to provide to their respective areas the kind and  
8480 quality of service provided before withdrawal, the engineering consultant shall:

8481 (A) allocate the asset between the local district and the receiving entity according to  
8482 their relative needs, if the asset is reasonably susceptible of division; or

8483 (B) allocate the asset to the local district, if the asset is not reasonably susceptible of  
8484 division.

8485 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated  
8486 to the local district.

8487 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate  
8488 share of any redemption premium and the principal of and interest on:

8489 (A) the local district's revenue bonds that were outstanding at the time the petition was  
8490 filed;

8491 (B) the local district's general obligation bonds that were outstanding at the time the  
8492 petition was filed; and

8493 (C) the local district's general obligation bonds that:

8494 (I) were outstanding at the time the petition was filed; and

8495 (II) are treated as revenue bonds under Subsection (5)(i); and

8496 (D) the district's bonds that were issued prior to the date the petition was filed to refund  
8497 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as  
8498 revenue bonds.

8499 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of  
8500 redemption premium, principal, and interest shall be the amount that bears the same  
8501 relationship to the total redemption premium, principal, and interest for the entire district that  
8502 the average annual gross revenues from the withdrawn area during the three most recent  
8503 complete fiscal years before the filing of the petition bears to the average annual gross revenues  
8504 from the entire district for the same period.

8505 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be  
8506 treated as a revenue bond if:

8507 (i) the bond is outstanding on the date the petition was filed; and

8508 (ii) the principal of and interest on the bond, as of the date the petition was filed, had  
8509 been paid entirely from local district revenues and not from a levy of ad valorem tax.

8510 (j) (i) Before the board of trustees of the local district files a resolution approving a  
8511 withdrawal, the receiving entity, or in cases where there is no receiving entity, the sponsors of  
8512 the petition shall irrevocably deposit government obligations, as defined in Subsection  
8513 11-27-2(6), into an escrow trust fund the principal of and interest on which are sufficient to  
8514 provide for the timely payment of the amount determined by the accounting consultant under  
8515 Subsection (5)(h) or in an amount mutually agreeable to the board of trustees of the local  
8516 district and the receiving entity, or in cases where there is no receiving entity, the board and the  
8517 sponsors of the petition. Notwithstanding Subsection [~~17B-2-610~~] 17B-1-512(1), the board of  
8518 trustees shall not be required to file a resolution approving a withdrawal until the requirements  
8519 for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have been met;  
8520 provided that, if the escrow trust fund has not been established and funded within 180 days  
8521 after the board of trustees passes a resolution approving a withdrawal, the resolution approving

8522 the withdrawal shall be void.

8523 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where  
8524 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of  
8525 the local district:

8526 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal  
8527 bonds stating that the establishment and use of the escrow to pay the proportionate share of the  
8528 district's outstanding revenue bonds and general obligation bonds that are treated as revenue  
8529 bonds will not adversely affect the tax-exempt status of the bonds; and

8530 (B) a written opinion of an independent certified public accountant verifying that the  
8531 principal of and interest on the deposited government obligations are sufficient to provide for  
8532 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection  
8533 (5)(h).

8534 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of  
8535 the petition shall bear all expenses of the escrow and the redemption of the bonds.

8536 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local  
8537 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the  
8538 escrow.

8539 (6) A requirement imposed by the board of trustees as a condition to withdrawal under  
8540 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly  
8541 authorized and executed written agreement between the parties to the withdrawal.

8542 (7) An area that is the subject of a withdrawal petition under Section [~~17B-2-603~~]  
8543 17B-1-504 that results in a board of trustees resolution denying the proposed withdrawal may  
8544 not be the subject of another withdrawal petition under Section [~~17B-2-603~~] 17B-1-504 for two  
8545 years after the date of the board of trustees resolution denying the withdrawal.

8546 Section 182. Section **17B-1-511**, which is renumbered from Section 17B-2-609 is  
8547 renumbered and amended to read:

8548 [~~17B-2-609~~]. **17B-1-511**. **Continuation of tax levy after withdrawal to pay**  
8549 **for proportionate share of district bonds.**

8550 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is  
8551 established and funded pursuant to Subsection [~~17B-2-608~~] 17B-1-510(5)(j), property within  
8552 the withdrawn area shall continue after withdrawal to be subject to a tax by the local district:

8553 (a) for the purpose of paying the withdrawn area's just proportion of the local district's  
 8554 general obligation bonds, other than those bonds treated as revenue bonds under Subsection  
 8555 [~~17B-2-608~~] 17B-1-510(5)(i), until the bonded indebtedness has been satisfied; and

8556 (b) to the extent and for the years necessary to generate sufficient revenue that, when  
 8557 combined with the revenues from the district remaining after withdrawal, is sufficient to  
 8558 provide for the payment of principal and interest on the district's general obligation bonds that  
 8559 are treated as revenue bonds under Subsection [~~17B-2-608~~] 17B-1-510(5)(i).

8560 (2) For a local district funded predominately by revenues other than property taxes,  
 8561 service charges, or assessments based upon an allotment of acre-feet of water, taxes within the  
 8562 withdrawn area shall continue to be collected for purposes of paying the withdrawn area's  
 8563 proportionate share of bonded indebtedness or judgments against the local district incurred  
 8564 prior to the date the petition was filed.

8565 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing  
 8566 area is relieved of all other taxes, assessments, and charges levied by the district, including  
 8567 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the  
 8568 local district.

8569 Section 183. Section **17B-1-512**, which is renumbered from Section 17B-2-610 is  
 8570 renumbered and amended to read:

8571 [~~17B-2-610~~]. **17B-1-512. Notice of withdrawal -- Contest period -- Judicial**  
 8572 **review.**

8573 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant  
 8574 governor:

8575 (i) within ten days after adopting a resolution approving a withdrawal under Section  
 8576 [~~17B-2-608~~] 17B-1-510; and

8577 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an  
 8578 automatic withdrawal under Subsection [~~17B-2-601(2)~~] 17B-1-502(2), after receiving a copy of  
 8579 the municipal legislative body's resolution approving an automatic withdrawal under  
 8580 Subsection [~~17B-2-601(3)~~] 17B-1-502(3)(a), or after receiving notice of a withdrawal of a  
 8581 municipality from a local district under Section [~~17B-2-603.5~~] 17B-2-505.

8582 (b) The notice required under Subsection (1)(a) shall:

8583 (i) be accompanied by:

8584 (A) for a withdrawal pursuant to a resolution adopted under Section [~~17B-2-608~~]  
8585 17B-1-510, a copy of the board resolution approving the withdrawal; and

8586 (B) an accurate map depicting the boundaries of the withdrawn area or a legal  
8587 description of the withdrawn area, adequate for purposes of the county assessor and recorder;  
8588 and

8589 (ii) for a withdrawal pursuant to a resolution adopted under Section [~~17B-2-608~~]  
8590 17B-1-510, include a certification by the local district board that all requirements for the  
8591 withdrawal have been complied with.

8592 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change  
8593 under Section 67-1a-6.5 for a withdrawal under Section [~~17B-2-608~~] 17B-1-510, for an  
8594 automatic withdrawal under Subsection [~~17B-2-601(3)~~] 17B-1-502(3), or for the withdrawal of  
8595 a municipality from a local district under Section [~~17B-2-603.5~~] 17B-2-505, the withdrawal  
8596 shall be effective, subject to the conditions of the withdrawal resolution, if applicable.

8597 (b) An automatic withdrawal under Subsection [~~17B-2-601(2)~~] 17B-1-502(3) shall be  
8598 effective upon the lieutenant governor's issuance of a certificate of boundary change under  
8599 Section 67-1a-6.5.

8600 (3) The local district may provide for the publication of any resolution approving or  
8601 denying the withdrawal of an area in a newspaper of general circulation in the area proposed  
8602 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a  
8603 notice of withdrawal or denial of withdrawal, containing:

8604 (a) the name of the local district;

8605 (b) a description of the area proposed for withdrawal;

8606 (c) a brief explanation of the grounds on which the board of trustees determined to  
8607 approve or deny the withdrawal; and

8608 (d) the times and place where a copy of the resolution may be examined, which shall be  
8609 at the place of business of the local district, identified in the notice, during regular business  
8610 hours of the local district as described in the notice and for a period of at least 30 days after the  
8611 publication of the notice.

8612 (4) Any sponsor of the petition or receiving entity may contest the board's decision to  
8613 deny a withdrawal of an area from the local district by submitting a request, within 60 days  
8614 after the resolution is adopted under Section [~~17B-2-608~~] 17B-1-510, to the board of trustees,

8615 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of  
8616 trustees based its decision to deny the withdrawal.

8617 (5) Within 60 days after the request under Subsection (4) is submitted to the board of  
8618 trustees, the board may consider the suggestions for mitigation and adopt a resolution  
8619 approving or denying the request in the same manner as provided in Section [~~17B-2-608~~  
8620 17B-1-510] with respect to the original resolution denying the withdrawal and file a notice of  
8621 the action as provided in Subsection (1).

8622 (6) (a) Any person in interest may seek judicial review of:

8623 (i) the board of trustees' decision to withdraw an area from the local district;

8624 (ii) the terms and conditions of a withdrawal; or

8625 (iii) the board's decision to deny a withdrawal.

8626 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the  
8627 district court in the county in which a majority of the area proposed to be withdrawn is located:

8628 (i) if the resolution approving or denying the withdrawal is published under Subsection  
8629 (3), within 60 days after the publication or after the board of trustees' denial of the request  
8630 under Subsection (5);

8631 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after  
8632 the resolution approving or denying the withdrawal is adopted; or

8633 (iii) if a request is submitted to the board of trustees of a local district under Subsection  
8634 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board  
8635 adopts a resolution under Subsection (5) unless the resolution is published under Subsection  
8636 (3), in which event the action must be filed within 60 days after the publication.

8637 (c) A court in which an action is filed under this Subsection (6) may not overturn, in  
8638 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

8639 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

8640 (ii) the court finds that the board materially failed to follow the procedures set forth in  
8641 this part.

8642 (d) A court may award costs and expenses of an action under this section, including  
8643 reasonable [~~attorney's~~] attorney fees, to the prevailing party.

8644 (7) After the applicable contest period under Subsection (4) or (6), no person may  
8645 contest the board of trustees' approval or denial of withdrawal for any cause.

8646 Section 184. Section **17B-1-513**, which is renumbered from Section 17B-2-611 is  
8647 renumbered and amended to read:

8648 ~~[17B-2-611]~~. **17B-1-513**. **Termination of terms of trustees representing**  
8649 **withdrawn areas.**

8650 (1) On the effective date of withdrawal of an area from a local district, any trustee  
8651 residing in the withdrawn area shall cease to be a member of the board of trustees of the local  
8652 district.

8653 (2) If the local district has been divided into divisions for the purpose of electing or  
8654 appointing trustees and the area withdrawn from a district constitutes all or substantially all of  
8655 the area in a division of the local district that is represented by a member of the board of  
8656 trustees, on the effective date of the withdrawal, the trustee representing the division shall  
8657 cease to be a member of the board of trustees of the local district.

8658 (3) In the event of a vacancy on the board of trustees as a result of an area being  
8659 withdrawn from the local district:

8660 (a) the board of trustees shall reduce the number of trustees of the local district as  
8661 provided by law; or

8662 (b) the trustee vacancy shall be filled as provided by law.

8663 Section 185. Section **17B-1-601**, which is renumbered from Section 17A-1-404 is  
8664 renumbered and amended to read:

**Part 6. Fiscal Procedures for Local Districts**

8665 ~~[17A-1-404]~~. **17B-1-601**. **Definitions.**

8666 As used in this part:

8667 (1) "Appropriation" means an allocation of money by the ~~[governing body]~~ board of  
8668 trustees for a specific purpose.

8670 (2) "Budget" means a plan of financial operations for a fiscal year which embodies  
8671 estimates of proposed expenditures for given purposes and the proposed means of financing  
8672 them, and may refer to the budget of a particular fund for which a budget is required by law or  
8673 it may refer collectively to the budgets for all such funds.

8674 (3) "Budget officer" means the person appointed by the ~~[governing body of the]~~ local  
8675 district board of trustees to prepare the budget for the district.

8676 (4) "Budget year" means the fiscal year for which a budget is prepared.



8677 (5) "Calendar year entity" means a ~~[special]~~ local district whose fiscal year begins  
8678 January 1 and ends December 31 of each calendar year as described in Section ~~[17A-1-405]~~  
8679 17B-1-602.

8680 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,  
8681 which is the fiscal year next preceding the budget year.

8682 (7) "Deficit" has the meaning given under generally accepted accounting principles as  
8683 reflected in the Uniform Accounting Manual for Local Districts.

8684 ~~[(7)]~~ (8) "Estimated revenue" means the amount of revenue estimated to be received  
8685 from all sources during the budget year in each fund for which a budget is being prepared.

8686 ~~[(8)]~~ (9) "Financial officer" means the official under Section ~~[17A-1-447]~~ 17B-1-642.

8687 ~~[(9)]~~ (10) "Fiscal year" means the annual period for accounting for fiscal operations in  
8688 each district.

8689 ~~[(10)]~~ (11) "Fiscal year entity" means a local district whose fiscal year begins July 1 of  
8690 each year and ends on June 30 of the following year as described in Section ~~[17A-1-405]~~  
8691 17B-1-602.

8692 ~~[(11)]~~ (12) "Fund" has the meaning given under generally accepted accounting  
8693 principles as reflected in the Uniform Accounting Manual for ~~[Special]~~ Local Districts.

8694 ~~[(12)]~~ (13) "Fund balance[;]" ~~["retained earnings," and "deficit" have]~~ has the meaning  
8695 given under generally accepted accounting principles as reflected in the Uniform Accounting  
8696 Manual for ~~[Special]~~ Local Districts.

8697 ~~[(13) "Governing body" means the governing board of trustees, board of directors, or~~  
8698 ~~other administrative body, whether appointed or elected, and having authority under the laws~~  
8699 ~~specifically governing the respective district.]~~

8700 (14) "Governmental funds" means the general fund, special revenue fund, debt service  
8701 fund, and capital projects fund of a local district.

8702 (15) "Interfund loan" means a loan of cash from one fund to another, subject to future  
8703 repayment. It does not constitute an expenditure or a use of retained earnings or fund balance  
8704 of the lending fund or revenue to the borrowing fund.

8705 (16) "Last completed fiscal year" means the fiscal year next preceding the current fiscal  
8706 year.

8707 (17) "Proprietary funds" means enterprise funds and the internal service funds of a

8708 local district.

8709 (18) "Public funds" means any money or payment collected or received by an officer or  
8710 employee of ~~[the]~~ a local district acting in an official capacity and includes money or payment  
8711 to the officer or employee for services or goods provided by the district, or the officer or  
8712 employee while acting within the scope of employment or duty.

8713 ~~[(19) "Special district" means any district formed under the laws of the state including,~~  
8714 ~~but not limited to:]~~

8715 ~~[(a) cemetery maintenance districts;]~~

8716 ~~[(b) municipal improvement districts;]~~

8717 ~~[(c) special service districts and special service improvement districts;]~~

8718 ~~[(d) county water and sewer improvement districts;]~~

8719 ~~[(e) county improvement districts;]~~

8720 ~~[(f) fire protection districts;]~~

8721 ~~[(g) county service areas;]~~

8722 ~~[(h) county planetariums;]~~

8723 ~~[(i) county zoos;]~~

8724 ~~[(j) mosquito abatement districts;]~~

8725 ~~[(k) metropolitan water districts;]~~

8726 ~~[(l) water conservancy districts;]~~

8727 ~~[(m) irrigation districts;]~~

8728 ~~[(n) drainage districts; and]~~

8729 ~~[(o) all other political subdivisions of the state with the authority to tax or to expend~~  
8730 ~~public funds or which receive tax exempt status for bonding or taxing purposes, except~~  
8731 ~~counties, cities, towns, and school districts but does not include those specified under Section~~  
8732 ~~17A-1-403.]~~

8733 (19) "Retained earnings" has the meaning given under generally accepted accounting  
8734 principles as reflected in the Uniform Accounting Manual for Local Districts.

8735 (20) "Special fund" means any local district fund other than the [~~General Fund~~] local  
8736 district's general fund.

8737 Section 186. Section **17B-1-602**, which is renumbered from Section 17A-1-405 is  
8738 renumbered and amended to read:

8739 ~~[17A-1-405].~~ **17B-1-602. Fiscal year.**

8740 ~~[All special districts shall adopt the budgeting and reporting fiscal year of the entity~~  
8741 ~~creating the district, with the exception of water conservancy districts created under Chapter 2,~~  
8742 ~~Part 14. Exceptions may be granted by the state auditor with the approval of the special~~  
8743 ~~district advisory committee when the operations of a district may be impaired by this~~  
8744 ~~requirement.]~~ The fiscal year of each local district shall be, as determined by the board of  
8745 trustees:

8746 (1) the calendar year; or

8747 (2) the period from July 1 to the following June 30.

8748 Section 187. Section **17B-1-603**, which is renumbered from Section 17A-1-406 is  
8749 renumbered and amended to read:

8750 ~~[17A-1-406].~~ **17B-1-603. Uniform accounting system.**

8751 The accounting records of ~~[districts]~~ each local district shall be established and  
8752 maintained, and financial statements prepared from those records, in conformance with  
8753 generally accepted accounting principles promulgated from time to time by authoritative bodies  
8754 in the United States. ~~[The state auditor shall prescribe in the Uniform Accounting Manual for~~  
8755 ~~Special Districts a uniform system of accounting that conforms to generally accepted~~  
8756 ~~accounting principles. The state auditor shall maintain the manual so that it reflects generally~~  
8757 ~~accepted accounting principles.]~~

8758 Section 188. Section **17B-1-604**, which is renumbered from Section 17A-1-407 is  
8759 renumbered and amended to read:

8760 ~~[17A-1-407].~~ **17B-1-604. Funds and account groups maintained.**

8761 Each district shall maintain, according to its own accounting needs, some or all of the  
8762 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting  
8763 Manual for ~~[Special]~~ Local Districts.

8764 Section 189. Section **17B-1-605**, which is renumbered from Section 17A-1-408 is  
8765 renumbered and amended to read:

8766 ~~[17A-1-408].~~ **17B-1-605. Budget required for certain funds -- Capital**  
8767 **projects fund.**

8768 (1) The budget officer of each local district shall prepare for each budget year a budget  
8769 for each of the following funds:

- 8770 (a) the general fund;
- 8771 (b) special revenue funds;
- 8772 (c) debt service funds;
- 8773 (d) capital projects funds;
- 8774 (e) proprietary funds, in accordance with Section [~~17A-1-432~~] 17B-1-629; and
- 8775 (f) any other fund or funds for which a budget is required by the uniform system of
- 8776 budgeting, accounting, and reporting.

8777 (2) (a) Major capital improvements financed by general obligation bonds, capital  
 8778 grants, or interfund transfers shall use a capital projects fund budget unless the improvements  
 8779 financed are to be used for proprietary type activities.

8780 (b) The local district shall prepare a separate budget for the term of the projects as well  
 8781 as the annual budget required under Subsection (1).

8782 Section 190. Section **17B-1-606**, which is renumbered from Section 17A-1-409 is  
 8783 renumbered and amended to read:

8784 ~~[17A-1-409].~~ **17B-1-606. Total of revenues to equal expenditures.**

8785 (1) The budget for each fund under Section [~~17A-1-408~~] 17B-1-605 shall provide a  
 8786 financial plan for the budget year.

8787 (2) Each budget shall specify in tabular form:

8788 (a) estimates of all anticipated revenues, classified by the account titles prescribed in  
 8789 the Uniform Accounting Manual for [~~Special~~] Local Districts; and

8790 (b) all appropriations for expenditures, classified by the account titles prescribed in the  
 8791 Uniform Accounting Manual for [~~Special~~] Local Districts.

8792 [~~(2)~~] (3) The total of the anticipated revenues shall equal the total of appropriated  
 8793 expenditures.

8794 Section 191. Section **17B-1-607**, which is renumbered from Section 17A-1-410 is  
 8795 renumbered and amended to read:

8796 ~~[17A-1-410].~~ **17B-1-607. Tentative budget to be prepared -- Review by**  
 8797 **governing body.**

8798 (1) On or before the first regularly scheduled meeting of the [~~governing body~~] board of  
 8799 trustees in November for a calendar year entity and May for a fiscal year entity, the budget  
 8800 officer of each local district shall prepare for the ensuing year, on forms provided by the state

8801 auditor, and file with the ~~[governing body,]~~ board of trustees a tentative budget for each fund  
 8802 for which a budget is required. ~~[The]~~

8803 ~~(2)~~ (a) Each tentative budget ~~[for the fund]~~ under Subsection (1) shall provide in  
 8804 tabular form:

8805 ~~[(a)]~~ (i) actual revenues and expenditures for the last completed fiscal year;

8806 ~~[(b)]~~ (ii) estimated total revenues and expenditures for the current fiscal year; and

8807 ~~[(c)]~~ (iii) the budget officer's estimates of revenues and expenditures for the budget  
 8808 year.

8809 (b) The budget officer shall estimate the amount of revenue available to serve the needs  
 8810 of each fund, estimate the portion to be derived from all sources other than general property  
 8811 taxes, and estimate the portion that must be derived from general property taxes.

8812 ~~[(2)]~~ (3) The tentative budget, when filed by the budget officer with the ~~[governing~~  
 8813 ~~body]~~ board of trustees, shall contain the estimates of expenditures together with specific work  
 8814 programs and any other supporting data required by this part or requested by the ~~[governing~~  
 8815 ~~body]~~ board.

8816 ~~[(3)]~~ (4) The ~~[tentative budget shall be reviewed, considered, and tentatively adopted~~  
 8817 ~~by the governing body]~~ board of trustees shall review, consider, and tentatively adopt the  
 8818 tentative budget in any regular meeting or special meeting called for that purpose and may ~~[be~~  
 8819 ~~amended or revised]~~ amend or revise the tentative budget in any manner ~~[which is considered]~~  
 8820 that the board considers advisable prior to public hearings, but no appropriation required for  
 8821 debt retirement and interest or reduction of any existing deficits under Section ~~[17A-1-416]~~  
 8822 17B-1-613, or otherwise required by law, may be reduced below the minimums so required.

8823 ~~[(4)]~~ (5) When a new district is created, the ~~[governing body]~~ board of trustees shall:  
 8824 (a) prepare a budget covering the period from the date of incorporation to the end of  
 8825 the fiscal year~~[- The governing body shall];~~

8826 (b) substantially comply with all other provisions of this part with respect to notices  
 8827 and hearings~~[-];~~ and

8828 (c) pass the budget ~~[shall be passed upon]~~ as soon after incorporation as feasible.

8829 Section 192. Section **17B-1-608**, which is renumbered from Section 17A-1-411 is  
 8830 renumbered and amended to read:

8831 ~~[17A-1-411].~~ **17B-1-608. Tentative budget and data -- Public records.**

8832 The tentative budget adopted by the ~~[governing body]~~ board of trustees and all  
 8833 supporting schedules and data are public records, and are available for public inspection for a  
 8834 period of at least seven days prior to the adoption of a final budget.

8835 Section 193. Section **17B-1-609**, which is renumbered from Section 17A-1-412 is  
 8836 renumbered and amended to read:

8837 ~~[17A-1-412].~~ **17B-1-609. Hearing to consider adoption.**

8838 (1) At the meeting at which the tentative budget is adopted, the ~~[governing body]~~ board  
 8839 of trustees shall:

8840 (a) establish the time and place of a public hearing to consider its adoption; and ~~[shall]~~

8841 (b) order that notice of the hearing:

8842 (i) be published at least seven days prior to the hearing in at least one issue of a  
 8843 newspaper of general circulation published in the county or counties in which the district is  
 8844 located~~[-H];~~ or

8845 (ii) if no newspaper is published, ~~[the notice required by this section may]~~ be posted in  
 8846 three public places within the district.

8847 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
 8848 shall be published in accordance with Sections 59-2-918 and 59-2-919.

8849 Section 194. Section **17B-1-610**, which is renumbered from Section 17A-1-413 is  
 8850 renumbered and amended to read:

8851 ~~[17A-1-413].~~ **17B-1-610. Public hearing on tentatively adopted budget.**

8852 At the time and place advertised, or at any time or any place to which the public hearing  
 8853 may be adjourned, the ~~[governing body]~~ board of trustees shall:

8854 (1) hold a public hearing on the budgets tentatively adopted~~[-A#];~~ and

8855 (2) give all interested persons in attendance ~~[shall be given]~~ an opportunity to be heard  
 8856 on the estimates of revenues and expenditures or any item in the tentative budget of any fund.

8857 Section 195. Section **17B-1-611**, which is renumbered from Section 17A-1-414 is  
 8858 renumbered and amended to read:

8859 ~~[17A-1-414].~~ **17B-1-611. Continuing authority of governing body.**

8860 After the conclusion of the public hearing, the ~~[governing body]~~ board of trustees:

8861 (1) may:

8862 (a) continue to review the tentative budget ~~[and may];~~

8863 (b) insert any new items[;]; or [may]

8864 (c) increase or decrease items of expenditure[;] that were the proper subject of  
8865 consideration at the public hearing[~~,-but there~~];

8866 (2) may [~~be no~~] not decrease [~~in~~] the amount appropriated for debt retirement and  
8867 interest or reduction of any existing deficits, as provided by Section [~~17A-1-416. It~~]  
8868 17B-1-613; and

8869 (3) shall [~~also~~] increase or decrease the total anticipated revenue to equal the net  
8870 change in proposed expenditures in the budget of each fund.

8871 Section 196. Section **17B-1-612**, which is renumbered from Section 17A-1-415 is  
8872 renumbered and amended to read:

8873 [~~17A-1-415~~]. **17B-1-612. Accumulated fund balances -- Limitations --**  
8874 **Excess balances -- Unanticipated excess of revenues -- Reserves for capital projects.**

8875 (1) (a) [~~Districts are permitted to~~] A local district may accumulate retained earnings or  
8876 fund balances, as appropriate, in any fund.

8877 (b) For the general fund only, [~~any~~] an accumulated fund balance [~~is restricted to the~~  
8878 ~~following purposes~~] may be used only:

8879 [~~(a)~~] (i) to provide working capital to finance expenditures from the beginning of the  
8880 budget year until general property taxes or other applicable revenues are collected[~~,-thus~~  
8881 ~~reducing the amount which the district must borrow during the period, but this Subsection does~~  
8882 ~~not permit the appropriation of any fund balance for budgeting purposes except as provided in~~  
8883 ~~Subsection (4)~~], subject to Subsection (1)(c);

8884 [~~(b)~~] (ii) to provide a resource to meet emergency expenditures under Section  
8885 [~~17A-1-426~~] 17B-1-623; and

8886 [~~(c)~~] (iii) to cover a pending year-end excess of expenditures over revenues from an  
8887 unavoidable shortfall in revenues[~~,-This provision does not permit the appropriation of any~~],  
8888 subject to Subsection (1)(d).

8889 (c) Subsection (1)(b)(i) may not be construed to authorize a local district to appropriate  
8890 a fund balance for budgeting purposes, except as provided in Subsection (4).

8891 (d) Subsection (1)(b)(iii) may not be construed to authorize a local district to  
8892 appropriate a fund balance to avoid an operating deficit during [~~any~~] a budget year except:

8893 (i) as provided under Subsection (4)[;]; or

8894 (ii) for emergency purposes under Section [~~17A-1-426~~] 17B-1-623.

8895 (2) The accumulation of a fund balance in the general fund may not exceed the greater  
8896 of:

8897 (a) 100% of the current year's property tax; or

8898 (b) (i) 25% of the total general fund revenues for [~~districts~~] a district with an annual  
8899 general fund [~~budgets~~] budget greater than \$100,000; or

8900 (ii) 50% of the total general fund revenues for [~~districts~~] a district with an annual  
8901 general fund [~~budgets~~] budget equal to or less than \$100,000.

8902 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted  
8903 under Subsection (2), the district shall appropriate the excess [~~shall be appropriated~~] in the  
8904 manner provided in Section [~~17A-1-416~~] 17B-1-613.

8905 (4) Any fund balance in excess of 5% of the total revenues of the general fund may be  
8906 utilized for budget purposes.

8907 (5) (a) Within a capital projects fund the [~~governing body~~] board of trustees may, in  
8908 any budget year, appropriate from estimated revenue or fund balance to a reserve for capital  
8909 projects for the purpose of financing future specific capital projects, including new  
8910 construction, capital repairs, replacement, and maintenance, under a formal long-range capital  
8911 plan adopted by the [~~governing body~~] board of trustees.

8912 (b) [~~The reserves may~~] A local district may allow a reserve amount under Subsection  
8913 (5)(a) to accumulate from year to year until the accumulated total is sufficient to permit  
8914 economical expenditure for the specified purposes.

8915 (c) [~~Disbursements from these reserves shall be made~~] A local district may disburse  
8916 from a reserve account under Subsection (5)(a) only by a budget appropriation adopted in the  
8917 manner provided by this part.

8918 (d) Expenditures from the above appropriation budget accounts shall conform to all  
8919 requirements of this part relating to execution and control of budgets.

8920 Section 197. Section **17B-1-613**, which is renumbered from Section 17A-1-416 is  
8921 renumbered and amended to read:

8922 [~~17A-1-416~~]. **17B-1-613. Appropriations not to exceed estimated**  
8923 **expendable revenue -- Determination of revenue -- Appropriations for existing deficits.**

8924 (1) The [~~governing body of any~~] board of trustees of a local district may not make any



8925 appropriation in the final budget of any fund in excess of the estimated expendable revenue for  
8926 the budget year of the fund.

8927 (2) In determining the estimated expendable revenue of the general fund for the budget  
8928 year there is included as an appropriation from the fund balance that portion of the fund  
8929 balance at the close of the last completed fiscal year, not previously included in the budget of  
8930 the current year, that exceeds the amount permitted in Section [~~17A-1-415~~] 17B-1-612.

8931 (3) (a) There is included as an item of appropriation in each fund for any budget year  
8932 any existing deficit created in accordance with Section [~~17A-1-426~~] 17B-1-623 as of the close  
8933 of the last completed fiscal year, not previously included in the budget of the current year, to  
8934 the extent of at least 5% of the total revenue of the fund in its last completed fiscal year.

8935 (b) If the total amount of the deficit is less than 5% of the total revenue in the last  
8936 completed fiscal year, the entire amount of the deficit shall be included.

8937 (c) The entire amount of any deficit which results from activities other than those  
8938 described in Section [~~17A-1-426~~] 17B-1-623 shall be included as an item of appropriation in  
8939 each fund for any budget year not previously included in the budget of the current year.

8940 Section 198. Section **17B-1-614**, which is renumbered from Section 17A-1-417 is  
8941 renumbered and amended to read:

8942 [~~17A-1-417~~]. **17B-1-614. Adoption of final budget -- Certification and**  
8943 **filing.**

8944 (1) The [~~governing body~~] board of trustees of each local district shall by resolution  
8945 adopt a budget for the ensuing fiscal year for each fund for which a budget is required under  
8946 this part prior to the beginning of the fiscal year, except as provided in Sections 59-2-919  
8947 through 59-2-923. [~~A~~]

8948 (2) The local district's budget officer shall certify a copy of the final budget for each  
8949 fund [shall be certified by the budget officer] and [filed] file it with the state auditor within 30  
8950 days after adoption.

8951 Section 199. Section **17B-1-615**, which is renumbered from Section 17A-1-418 is  
8952 renumbered and amended to read:

8953 [~~17A-1-418~~]. **17B-1-615. Budgets in effect for budget year.**

8954 (1) Upon final adoption, [~~the budgets~~] each budget shall be in effect for the budget  
8955 year, subject to [~~later~~] amendment as provided in this part.

8956 (2) A certified copy of the adopted budgets shall be filed in the district office and shall  
8957 be available to the public during regular business hours.

8958 Section 200. Section **17B-1-616**, which is renumbered from Section 17A-1-419 is  
8959 renumbered and amended to read:

8960 ~~[17A-1-419].~~ **17B-1-616. Property tax levy -- Amount in budget as basis**  
8961 **for determining.**

8962 From the effective date of the budget or of any amendment enacted prior to the date on  
8963 which property taxes are levied, the amount stated as the amount of estimated revenue from  
8964 property taxes shall constitute the basis for determining the property tax levy to be set by the  
8965 ~~[governing body]~~ board of trustees for the corresponding tax year, subject to the applicable  
8966 limitations imposed by law.

8967 Section 201. Section **17B-1-617**, which is renumbered from Section 17A-1-420 is  
8968 renumbered and amended to read:

8969 ~~[17A-1-420].~~ **17B-1-617. Fund expenditures -- Budget officer's duties.**

8970 (1) The budget officer of each local district shall require all expenditures within each  
8971 fund to conform with the fund budget.

8972 (2) No appropriation may be encumbered and no expenditure may be made against any  
8973 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,  
8974 except in cases of emergency as provided in Section ~~[17A-1-426]~~ 17B-1-623.

8975 Section 202. Section **17B-1-618**, which is renumbered from Section 17A-1-421 is  
8976 renumbered and amended to read:

8977 ~~[17A-1-421].~~ **17B-1-618. Purchasing procedures.**

8978 All purchases or encumbrances by a local district shall be made or incurred according to  
8979 the purchasing procedures established by each district by resolution and only on an order or  
8980 approval of the person or persons duly authorized.

8981 Section 203. Section **17B-1-619**, which is renumbered from Section 17A-1-422 is  
8982 renumbered and amended to read:

8983 ~~[17A-1-422].~~ **17B-1-619. Expenditures or encumbrances in excess of**  
8984 **appropriations prohibited -- Processing claims.**

8985 ~~[Districts]~~ (1) A local district may not make or incur expenditures or encumbrances in  
8986 excess of total appropriations in the budget as adopted or as subsequently amended. ~~[Any~~

8987 such]

8988 (2) An obligation contracted by any officer in excess of total appropriations in the  
8989 budget is not enforceable against the district.

8990 (3) No check or warrant to cover ~~[any]~~ a claim against ~~[any]~~ an appropriation may be  
8991 drawn until the claim has been processed as provided by this part.

8992 Section 204. Section **17B-1-620**, which is renumbered from Section 17A-1-423 is  
8993 renumbered and amended to read:

8994 ~~[17A-1-423]~~. **17B-1-620. Transfer of appropriation balance between**  
8995 **accounts in same fund.**

8996 (1) The ~~[governing body]~~ board of trustees of each local district shall establish policies  
8997 for the transfer of any unencumbered or unexpended appropriation balance or portion of the  
8998 balance from one account in a fund to another account within the same fund~~[-but no]~~, subject  
8999 to Subsection (2).

9000 (2) An appropriation for debt retirement and interest, reduction of deficit, or other  
9001 appropriation required by law or covenant may not be reduced below the minimums required.

9002 Section 205. Section **17B-1-621**, which is renumbered from Section 17A-1-424 is  
9003 renumbered and amended to read:

9004 ~~[17A-1-424]~~. **17B-1-621. Review of individual governmental fund budgets**  
9005 **-- Hearing.**

9006 (1) The ~~[governing]~~ board of trustees of a local district body may, at any time during  
9007 the budget year, review the individual budgets of the governmental funds for the purpose of  
9008 determining if the total of any of them should be increased.

9009 (2) If the ~~[governing body]~~ board of trustees decides that the budget total of one or  
9010 more of these funds should be increased, it shall follow the procedures established in Sections  
9011 ~~[17A-1-412]~~ 17B-1-609 and ~~[17A-1-413]~~ 17B-1-610 for holding a public hearing.

9012 Section 206. Section **17B-1-622**, which is renumbered from Section 17A-1-425 is  
9013 renumbered and amended to read:

9014 ~~[17A-1-425]~~. **17B-1-622. Amendment and increase of individual fund**  
9015 **budgets.**

9016 (1) After ~~[the conclusion of]~~ holding the hearing referred to in Section 17B-1-621, the  
9017 ~~[governing body]~~ board of trustees may, by resolution, amend the budgets of the funds

9018 proposed to be increased, so as to make all or part of the increases, both estimated revenues and  
9019 appropriations, which were the proper subject of consideration at the hearing. [~~Final~~  
9020 ~~amendments in~~]

9021 (2) The board of trustees may not adopt an amendment to the current year [to the]  
9022 budgets of any of the funds established in Section [17A-1-408 shall be adopted by the  
9023 governing body on or before] 17B-1-605 after the last day of the fiscal year.

9024 Section 207. Section **17B-1-623** is enacted to read:

9025 **17B-1-623. Emergency expenditures.**

9026 The board of trustees of a local district may, by resolution, amend a budget and  
9027 authorize an expenditure of money that results in a deficit in the district's general fund balance  
9028 if:

9029 (1) the board determines that:

9030 (a) an emergency exists; and

9031 (b) the expenditure is reasonably necessary to meet the emergency; and

9032 (2) the expenditure is used to meet the emergency.

9033 Section 208. Section **17B-1-624**, which is renumbered from Section 17A-1-427 is  
9034 renumbered and amended to read:

9035 ~~[17A-1-427].~~ **17B-1-624. Lapse of appropriations -- Exceptions.**

9036 All unexpended or unencumbered appropriations, except capital projects fund  
9037 appropriations, lapse at the end of the budget year to the respective fund balance.

9038 Section 209. Section **17B-1-625**, which is renumbered from Section 17A-1-428 is  
9039 renumbered and amended to read:

9040 ~~[17A-1-428].~~ **17B-1-625. Transfer of balances in special funds.**

9041 If the necessity for maintaining any special fund of a district ceases to exist and a  
9042 balance remains in the fund, the [~~governing body~~] board of trustees shall authorize the transfer  
9043 of the balance to the fund balance in the general fund of the district, subject to the following:

9044 (1) Any balance remaining in a special [~~improvement~~] assessment fund and not  
9045 required in its [~~special improvements~~] guaranty fund shall be treated in the manner provided in  
9046 Sections [~~17A-3-332 and 17A-3-334 for municipal improvement districts created under Title~~  
9047 ~~17A, Chapter 3, Part 3, and Sections 17A-3-231 and 17A-3-232 for county improvement~~  
9048 ~~districts created under Title 17A, Chapter 3, Part 2]~~ 11-42-413 and 11-42-701.

9049 (2) Any balance remaining in a capital projects fund shall be transferred to the  
 9050 appropriate debt service fund or other fund as the bond covenants may require and otherwise to  
 9051 the fund balance account in the general fund.

9052 (3) If any balance held in a trust fund for a specific purpose, other than a cemetery  
 9053 perpetual care trust fund, is to be transferred because its original purpose or restriction has  
 9054 ceased to exist, a public hearing shall be held in the manner provided in Sections [~~17A-1-412~~]  
 9055 17B-1-609 and [~~17A-1-413~~] 17B-1-610. The published notice shall invite those persons who  
 9056 contributed to the fund to appear at the hearing. If the [~~governing body~~] board of trustees  
 9057 determines the fund balance amounts are refundable to the original contributors, a 30-day  
 9058 period following the hearing shall be allowed for persons having an interest in the fund to file  
 9059 with the [~~governing body~~] board of trustees a verified claim only for the amount of each  
 9060 claimant's contributions. Any claim not so filed shall be barred. Any balance remaining, after  
 9061 refunds to eligible contributors, shall be transferred to the fund balance account in the general  
 9062 fund of the district.

9063 (4) If the [~~governing body~~] board of trustees decides, in conformity with applicable  
 9064 laws, that the need for continuing maintenance of its cemetery perpetual care trust fund no  
 9065 longer exists, it may transfer the balance in the fund to the capital projects fund for expenditure  
 9066 for land, buildings, and major improvements to be used exclusively for cemetery purposes.

9067 Section 210. Section **17B-1-626**, which is renumbered from Section 17A-1-429 is  
 9068 renumbered and amended to read:

9069 [~~17A-1-429~~]. **17B-1-626. Loans by one fund to another.**

9070 Subject to restrictions imposed by bond covenants, statute, or other controlling  
 9071 regulations, the [~~governing body~~] board of trustees of a local district may authorize interfund  
 9072 loans from one fund to another at interest rates, repayment terms, and conditions prescribed by  
 9073 the [~~governing body~~] board of trustees.

9074 Section 211. Section **17B-1-627**, which is renumbered from Section 17A-1-430 is  
 9075 renumbered and amended to read:

9076 [~~17A-1-430~~]. **17B-1-627. Property tax levy -- Time for setting --**

9077 **Computation of total levy -- Apportionment of proceeds -- Maximum levy.**

9078 (1) The [~~governing body~~] board of trustees of each local district authorized to levy a  
 9079 property tax, at a regular meeting or special meeting called for that purpose, shall, by

9080 resolution, set the real and personal property tax rate for various district purposes by the date  
9081 set under Section 59-2-912, but the rate may be set at an appropriate later date in accordance  
9082 with Sections 59-2-918 through 59-2-923.

9083 (2) In its computation of the total levy, the ~~[governing body]~~ board of trustees shall  
9084 determine the requirements of each fund for which property taxes are to be levied and shall  
9085 specify in its resolution adopting the tax rate the amount apportioned to each fund.

9086 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as  
9087 revenue in the general fund.

9088 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to  
9089 the appropriate accounts in the applicable special funds.

9090 (5) The combined levies for each district for all purposes in any year, excluding the  
9091 retirement of general obligation bonds and the payment of any interest on the bonds, and any  
9092 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated  
9093 by the laws governing each district.

9094 Section 212. Section **17B-1-628**, which is renumbered from Section 17A-1-431 is  
9095 renumbered and amended to read:

9096 ~~[17A-1-431].~~ **17B-1-628. Certification of resolution setting levy.**

9097 The district clerk, as appointed under Section ~~[17A-1-434]~~ 17B-1-631, shall certify the  
9098 resolution setting the levy to the county auditor, or auditors if the district is located in more  
9099 than one county, in accordance with Section 59-2-912, or in the case of a tax rate increase in  
9100 excess of the certified rate, in accordance with Section 59-2-920.

9101 Section 213. Section **17B-1-629**, which is renumbered from Section 17A-1-432 is  
9102 renumbered and amended to read:

9103 ~~[17A-1-432].~~ **17B-1-629. Operating and capital budgets.**

9104 (1) (a) ~~[An]~~ As used in this section, "operating and capital budget[;]" ~~[for the purposes~~  
9105 ~~of this section,]~~ means a plan of financial operation for a proprietary or other required special  
9106 fund, embodying estimates of operating resources and expenses and other outlays for a fiscal  
9107 year.

9108 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and  
9109 the procedures and controls relating to them in other sections of this part do not apply or refer  
9110 to the "operating and capital budgets" provided for in this section.

9111 (2) On or before the time the ~~[governing body]~~ board of trustees adopts budgets for the  
9112 governmental funds under Section ~~[17A-1-408]~~ 17B-1-605, it shall adopt for the ensuing year  
9113 an operating and capital budget for each proprietary fund and shall adopt the type of budget for  
9114 other special funds which is required by the Uniform Accounting Manual for ~~[Special]~~ Local  
9115 Districts.

9116 (3) Operating and capital budgets shall be adopted and administered in the following  
9117 manner:

9118 (a) (i) On or before the first regularly scheduled meeting of the ~~[governing body]~~ board  
9119 of trustees, in November for calendar year entities and May for fiscal year entities, the budget  
9120 officer shall prepare for the ensuing fiscal year, and file with the ~~[governing body]~~ board of  
9121 trustees, a tentative operating and capital budget for each proprietary fund and for other  
9122 required special funds, together with specific work programs and any other supporting data  
9123 required by the ~~[governing body]~~ board.

9124 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable  
9125 allocations of costs between funds are included in a tentative budget, a written notice of the  
9126 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least  
9127 seven days before the hearing.

9128 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall  
9129 identify:

9130 (A) the enterprise utility fund from which money is being transferred;

9131 (B) the amount being transferred; and

9132 (C) the fund to which the money is being transferred.

9133 (b) (i) The board of trustees shall review and consider the tentative budgets ~~[shall be~~  
9134 ~~reviewed and considered by the governing body]~~ at any regular meeting or special meeting  
9135 called for that purpose.

9136 (ii) The ~~[governing body]~~ board of trustees may make any changes ~~[considered~~  
9137 ~~advisable]~~ in the tentative budgets that it considers advisable.

9138 (c) Budgets for proprietary or other required special funds shall comply with the public  
9139 hearing requirements established in Sections ~~[17A-1-412]~~ 17B-1-609 and ~~[17A-1-413]~~  
9140 17B-1-610.

9141 (d) (i) The ~~[governing body]~~ board of trustees shall adopt an operating and capital

9142 budget for each proprietary fund for the ensuing fiscal year before the beginning of each fiscal  
9143 year, except as provided in Sections 59-2-919 through 59-2-923.

9144 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified  
9145 by the budget officer and filed by the officer in the district office and shall be available to the  
9146 public during regular business hours.

9147 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after  
9148 adoption.

9149 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget  
9150 year, subject to later amendment.

9151 (ii) During the budget year, the ~~[governing body]~~ board of trustees may, in any regular  
9152 meeting or special meeting called for that purpose, review any one or more of the operating and  
9153 capital budgets for the purpose of determining if the total of any of them should be increased.

9154 (iii) If the ~~[governing body]~~ board of trustees decides that the budget total of one or  
9155 more of these proprietary funds should be increased, the ~~[governing body]~~ board shall follow  
9156 the procedures established in Section ~~[17A-1-433]~~ 17B-1-630.

9157 (f) Expenditures from operating and capital budgets shall conform to the requirements  
9158 relating to budgets specified in Sections ~~[17A-1-420]~~ 17B-1-617 through ~~[17A-1-423]~~  
9159 17B-1-620.

9160 Section 214. Section **17B-1-630**, which is renumbered from Section 17A-1-433 is  
9161 renumbered and amended to read:

9162 ~~[17A-1-433]~~. **17B-1-630. Increase in appropriations for operating and**  
9163 **capital budget funds -- Notice.**

9164 The total budget appropriation of any fund described in Section ~~[17A-1-432]~~ 17B-1-629  
9165 may be increased by resolution of the ~~[governing body]~~ board of trustees at any regular  
9166 meeting, or special meeting called for that purpose, if written notice of the time, place, and  
9167 purpose of the meeting has been mailed or delivered to all members of the ~~[governing body]~~  
9168 board of trustees at least five days prior to the meeting. The notice may be waived in writing or  
9169 orally during attendance at the meeting by any member of the ~~[governing body]~~ board of  
9170 trustees.

9171 Section 215. Section **17B-1-631**, which is renumbered from Section 17A-1-434 is  
9172 renumbered and amended to read:



9173 ~~[17A-1-434].~~ **17B-1-631. District clerk -- Meetings and records.**

9174 (1) The ~~[governing body]~~ board of trustees of ~~[the]~~ each local district shall appoint a  
9175 district clerk. ~~[Where]~~

9176 (2) If required, the clerk may be chosen from among the members of the ~~[governing]~~  
9177 board of trustees, except the ~~[chairman of the board]~~ chair.

9178 (3) The district clerk or other appointed person shall attend the meetings and keep a  
9179 record of the proceedings of ~~[the governing body]~~ board of trustees.

9180 Section 216. Section **17B-1-632**, which is renumbered from Section 17A-1-436 is  
9181 renumbered and amended to read:

9182 ~~[17A-1-436].~~ **17B-1-632. District clerk -- Bookkeeping duties.**

9183 The district clerk or other designated person not performing treasurer duties shall  
9184 maintain the financial records for each fund of the local district and all related subsidiary  
9185 records, including a list of the outstanding bonds, their purpose, amount, terms, date, and place  
9186 payable.

9187 Section 217. Section **17B-1-633**, which is renumbered from Section 17A-1-437 is  
9188 renumbered and amended to read:

9189 ~~[17A-1-437].~~ **17B-1-633. District treasurer -- Duties generally.**

9190 (1) (a) The ~~[governing body]~~ board of trustees of ~~[the]~~ each local district shall appoint  
9191 a district treasurer.

9192 (b) (i) ~~[Where]~~ If required, the treasurer may be chosen from among the members of  
9193 the ~~[governing]~~ board of trustees, except that the ~~[chairman of the]~~ board chair may not be  
9194 district treasurer.

9195 (ii) The district clerk may not also be the district treasurer.

9196 (2) The district treasurer is custodian of all money, bonds, or other securities of the  
9197 district.

9198 (3) The district treasurer shall:

9199 (a) determine the cash requirements of the district and provide for the deposit and  
9200 investment of all monies by following the procedures and requirements of Title 51, Chapter 7,  
9201 State Money Management Act;

9202 (b) receive all public funds and money payable to the district within three business days  
9203 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

9204 (c) keep an accurate detailed account of all monies received under Subsection (3)(b) in  
9205 the manner provided in this part and as directed by the [~~governing body of the district~~] district's  
9206 board of trustees by resolution; and

9207 (d) collect all special taxes and assessments as provided by law and ordinance.

9208 Section 218. Section **17B-1-634**, which is renumbered from Section 17A-1-438 is  
9209 renumbered and amended to read:

9210 [~~17A-1-438~~]. **17B-1-634. Receipts for payment.**

9211 The district treasurer shall give or cause to be given to every person paying money to  
9212 the district treasury, a receipt or other evidence of payment, specifying, as appropriate, the date  
9213 of payment and upon which account paid and shall file the duplicate of the receipt.

9214 Section 219. Section **17B-1-635**, which is renumbered from Section 17A-1-439 is  
9215 renumbered and amended to read:

9216 [~~17A-1-439~~]. **17B-1-635. Duties with respect to issuance of checks.**

9217 (1) The district clerk or other designated person not performing treasurer duties shall  
9218 prepare the necessary checks after having determined that:

9219 (a) the claim was authorized by:

9220 (i) the [~~governing body~~] board of trustees; or

9221 (ii) the [~~special~~] local district financial officer, if the financial officer is not the clerk, in  
9222 accordance with Section [~~17A-1-447~~] 17B-1-642;

9223 (b) the claim does not overexpend the appropriate departmental budget established by  
9224 the [~~governing body~~] board of trustees; and

9225 (c) the expenditure was approved in advance by the [~~governing body~~] board of trustees  
9226 or its designee.

9227 (2) (a) (i) The treasurer or any other person appointed by the [~~governing body~~] board of  
9228 trustees shall sign all checks.

9229 (ii) The person maintaining the financial records may not sign any single signature  
9230 check.

9231 (b) In [~~special districts~~] a local district with an expenditure budget of less than \$50,000  
9232 per year, a member of the [~~governing body~~] board of trustees shall also sign all checks.

9233 (c) Before affixing a signature, the treasurer or other designated person shall determine  
9234 that a sufficient amount is on deposit in the appropriate bank account of the district to honor

9235 the check.

9236 Section 220. Section **17B-1-636**, which is renumbered from Section 17A-1-440 is  
9237 renumbered and amended to read:

9238 ~~[17A-1-440].~~ **17B-1-636. Special assessments -- Application of proceeds.**

9239 All money received by the treasurer on any special assessment shall be applied to the  
9240 payment of the improvement for which the assessment was made. The money shall be used for  
9241 the payment of interest and principal on bonds or other indebtedness issued in settlement, and  
9242 may not be used for any other purpose except as provided in Section ~~[17A-1-428]~~ 17B-1-625.

9243 Section 221. Section **17B-1-637**, which is renumbered from Section 17A-1-441 is  
9244 renumbered and amended to read:

9245 ~~[17A-1-441].~~ **17B-1-637. Deposit of district funds -- Commingling with**  
9246 **personal funds unlawful -- Suspension from office.**

9247 The treasurer shall promptly deposit all district funds in the appropriate bank accounts  
9248 of the district. It shall be unlawful for any person to commingle district funds with the person's  
9249 own money. If it appears that the treasurer or any other officer is making a profit out of public  
9250 money, or is using the same for any purpose not authorized by law, the treasurer or officer shall  
9251 be suspended from office.

9252 Section 222. Section **17B-1-638**, which is renumbered from Section 17A-1-442 is  
9253 renumbered and amended to read:

9254 ~~[17A-1-442].~~ **17B-1-638. Quarterly financial reports required.**

9255 The district clerk or other delegated person shall prepare and present to the ~~[governing~~  
9256 ~~body]~~ board of trustees detailed quarterly financial reports showing the financial position and  
9257 operations of the district for that quarter and the year to date status.

9258 Section 223. Section **17B-1-639**, which is renumbered from Section 17A-1-443 is  
9259 renumbered and amended to read:

9260 ~~[17A-1-443].~~ **17B-1-639. Annual financial reports -- Independent audit**  
9261 **reports.**

9262 (1) (a) Within 180 days after the close of each fiscal year, the district shall prepare an  
9263 annual financial report in conformity with generally accepted accounting principles as  
9264 prescribed in the Uniform Accounting Manual for ~~[Special]~~ Local Districts.

9265 (b) Each annual financial report shall identify impact fee funds by the year in which

9266 they were received, the project from which the funds were collected, the capital projects for  
9267 which the funds are budgeted, and the projected schedule for expenditure.

9268 (2) The requirement under Subsection (1)(a) to prepare an annual financial report may  
9269 be satisfied by presentation of the audit report furnished by the independent auditor.

9270 (3) Copies of the annual financial report or the audit report furnished by the  
9271 independent auditor shall be filed with the state auditor and shall be filed as a public document  
9272 in the district office.

9273 Section 224. Section **17B-1-640**, which is renumbered from Section 17A-1-444 is  
9274 renumbered and amended to read:

9275 ~~[17A-1-444].~~ **17B-1-640. Independent audits required.**

9276 (1) Independent audits of all local districts are required to be performed in conformity  
9277 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal  
9278 Organizations, and Other Local Entities Act.

9279 (2) The ~~[governing body]~~ board of trustees shall appoint an independent auditor for the  
9280 purpose of complying with the requirements of this section and with Title 51, Chapter 2a,  
9281 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
9282 Entities Act.

9283 Section 225. Section **17B-1-641**, which is renumbered from Section 17A-1-445 is  
9284 renumbered and amended to read:

9285 ~~[17A-1-445].~~ **17B-1-641. Duties of state auditor and advisory committee --**  
9286 **Adoption and expansion of uniform system.**

9287 ~~[(1) The state auditor, with the assistance, advice, and recommendations of a special~~  
9288 ~~district advisory committee appointed by the state auditor from among special district~~  
9289 ~~governing boards and officers, shall:]~~

9290 ~~[(a) prescribe uniform accounting and reporting procedures for districts in conformity~~  
9291 ~~with generally accepted accounting principles;]~~

9292 ~~[(b) conduct a continuing review and modification of procedures in order to improve~~  
9293 ~~them;]~~

9294 ~~[(c) prepare and supply each district with suitable budget and reporting forms; and]~~

9295 ~~[(d) prepare instructional materials, conduct training programs, and render other~~  
9296 ~~services considered necessary to assist districts in implementing the uniform accounting;~~

9297 ~~budgeting, and reporting procedures.]~~

9298 ~~[(2) The Uniform Accounting Manual for Special Districts shall prescribe reasonable~~  
 9299 ~~exceptions and modifications for smaller districts to the uniform system of accounting,~~  
 9300 ~~budgeting, and reporting.]~~

9301 ~~[(3) Districts]~~ (1) Subject to Subsection (2), a local district may expand the uniform  
 9302 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual  
 9303 for Local Districts prepared by the state auditor under Subsection 67-3-1(13), to better serve  
 9304 [their] the needs[-but no deviations from or alterations to] of the district.

9305 (2) A local district may not deviate from or alter the basic prescribed classification  
 9306 systems for the identity of funds and accounts [may be made] set forth in the Uniform  
 9307 Accounting Manual for Local Districts.

9308 Section 226. Section **17B-1-642**, which is renumbered from Section 17A-1-447 is  
 9309 renumbered and amended to read:

9310 ~~[17A-1-447].~~ **17B-1-642. Approval of district expenditures.**

9311 (1) The ~~[district governing]~~ board of trustees of each local district shall approve all  
 9312 expenditures of the district except as otherwise provided in this section.

9313 (2) The ~~[governing body]~~ board of trustees may authorize the district manager or other  
 9314 official approved by the ~~[governing body]~~ board to act as the financial officer for the purpose  
 9315 of approving:

9316 (a) payroll checks, if the checks are prepared in accordance with a schedule approved  
 9317 by the ~~[governing body]~~ board; and

9318 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and  
 9319 materials.

9320 (3) Notwithstanding Subsection (2), the ~~[governing body]~~ board of trustees shall, at  
 9321 least quarterly, review all expenditures authorized by the financial officer.

9322 (4) The ~~[governing body]~~ board of trustees shall set a maximum sum over which all  
 9323 purchases may not be made without the board's approval ~~[of the governing body]~~.

9324 Section 227. Section **17B-1-643**, which is renumbered from Section 17A-1-448 is  
 9325 renumbered and amended to read:

9326 ~~[17A-1-448].~~ **17B-1-643. Imposing or increasing a fee for service provided**  
 9327 **by local district.**

9328 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
9329 by a ~~[special]~~ local district, each ~~[special]~~ local district board of trustees shall first hold a public  
9330 hearing at which any interested person may speak for or against the proposal to impose a fee or  
9331 to increase an existing fee.

9332 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
9333 no earlier than ~~[6:00]~~ 6 p.m.

9334 (c) A public hearing required under this Subsection (1) may be combined with a public  
9335 hearing on a tentative budget required under Section 17B-1-610.

9336 ~~[(c)]~~ (d) Except to the extent that this section imposes more stringent notice  
9337 requirements, the ~~[special]~~ local district board shall comply with Title 52, Chapter 4, Open and  
9338 Public Meetings Act, in holding the public hearing under Subsection (1)(a).

9339 (2) (a) Each ~~[special]~~ local district board shall give notice of a hearing under  
9340 Subsection (1) as provided in Subsection (2)(b) or (c).

9341 (b) (i) The notice required under Subsection (2)(a) shall be published in a newspaper or  
9342 combination of newspapers of general circulation in the ~~[special]~~ local district, if there is a  
9343 newspaper or combination of newspapers of general circulation in the ~~[special]~~ local district.

9344 (ii) The notice shall be no less than 1/4 page in size and the type used shall be no  
9345 smaller than 18 point, and surrounded by a 1/4-inch border.

9346 (iii) The notice may not be placed in that portion of the newspaper where legal notices  
9347 and classified advertisements appear.

9348 (iv) It is legislative intent that, whenever possible, the advertisement appear in a  
9349 newspaper that is published at least one day per week.

9350 (v) It is further the intent of the Legislature that the newspaper or combination of  
9351 newspapers selected be of general interest and readership in the ~~[special]~~ local district, and not  
9352 of limited subject matter.

9353 (vi) The notice shall be run once each week for the two weeks preceding the hearing.

9354 (vii) The notice shall state that the ~~[special]~~ local district board intends to impose or  
9355 increase a fee for a service provided by the ~~[special]~~ local district and will hold a public hearing  
9356 on a certain day, time, and place fixed in the notice, which shall be not less than seven days  
9357 after the day the first notice is published, for the purpose of hearing comments regarding the  
9358 proposed imposition or increase of a fee and to explain the reasons for the proposed imposition

9359 or increase.

9360 (c) (i) If there is no newspaper or combination of newspapers of general circulation in  
9361 the ~~[special]~~ local district, the ~~[special]~~ local district board shall post at least one notice per  
9362 1,000 population within the ~~[special]~~ local district, at places within the ~~[special]~~ local district  
9363 that are most likely to provide actual notice to residents within the ~~[special]~~ local district.

9364 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection (2)(b)(vii).

9365 (d) If the hearing required under this section is combined with the budget hearing  
9366 required under Section 17B-1-610, a notice required under this Subsection (2) may be  
9367 combined with the notice required under Section 17B-1-609 for the budget hearing.

9368 ~~[(d)]~~ (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima  
9369 facie evidence that notice was properly given.

9370 ~~[(e)]~~ (f) If no challenge is made to the notice given of a hearing required by Subsection  
9371 (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.

9372 (3) After holding a public hearing under Subsection (1), a ~~[special]~~ local district board  
9373 may:

9374 (a) impose the new fee or increase the existing fee as proposed;

9375 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
9376 then impose the new fee or increase the existing fee as adjusted; or

9377 (c) decline to impose the new fee or increase the existing fee.

9378 (4) This section applies to each new fee imposed and each increase of an existing fee  
9379 that occurs on or after July 1, 1998.

9380 Section 228. Section **17B-1-644**, which is renumbered from Section 17A-2-105 is  
9381 renumbered and amended to read:

9382 ~~[17A-2-105].~~ **17B-1-644. Definitions -- Electronic payments -- Fee.**

9383 (1) As used in this section:

9384 (a) "Electronic payment" means the payment of money to ~~[an independent special]~~ a  
9385 local district by electronic means, including by means of a credit card, charge card, debit card,  
9386 prepaid or stored value card or similar device, or automatic clearinghouse transaction.

9387 (b) "Electronic payment fee" means an amount of money to defray the discount fee,  
9388 processing fee, or other fee charged by a credit card company or processing agent to process an  
9389 electronic payment.

9390 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party  
9391 that charges a fee to process an electronic payment.

9392 (2) [~~An independent special~~] A local district may accept an electronic payment for the  
9393 payment of funds which the [~~independent special~~] local district could have received through  
9394 another payment method.

9395 (3) [~~An independent special~~] A local district that accepts an electronic payment may  
9396 charge an electronic payment fee.

9397 Section 229. Section **17B-1-701**, which is renumbered from Section 17A-1-501 is  
9398 renumbered and amended to read:

9399 **Part 7. Local District Budgets and Audit Reports**

9400 [~~17A-1-501~~]. **17B-1-701. Definitions.**

9401 As used in this part:

9402 (1) "Audit reports" means the reports of any independent audit of the district performed  
9403 by:

9404 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports  
9405 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

9406 (b) the state auditor; or

9407 (c) the legislative auditor.

9408 (2) "Board" means the [~~governing body of any special~~] local district board of trustees.

9409 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

9410 (a) estimates of proposed expenditures for given purposes and the proposed means of  
9411 financing them;

9412 (b) the source and amount of estimated revenue for the district for the fiscal year;

9413 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund  
9414 balance for each fund at the end of the fiscal year; and

9415 (d) capital projects or budgets for proposed construction or improvement to capital  
9416 facilities within the district.

9417 (4) "Constituent entity" means any county, city, or town that levies property taxes  
9418 within the boundaries of the district.

9419 (5) (a) "Customer agencies" means those governmental entities, except school districts,  
9420 institutions of higher education, and federal government agencies that purchase or obtain



9421 services from the [~~special~~] local district.

9422 (b) "Customer agencies" for purposes of state agencies means the state auditor.

9423 [~~(6) "Independent special district" means any special district established under~~  
9424 ~~authority of Title 17A, Chapter 2.~~]

9425 Section 230. Section **17B-1-702**, which is renumbered from Section 17A-1-502 is  
9426 renumbered and amended to read:

9427 ~~[17A-1-502].~~ **17B-1-702. Local districts to submit budgets.**

9428 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by  
9429 the board, and at least 30 days before the board adopts a final budget, the board of each  
9430 [~~independent special~~] local district with an annual budget of \$50,000 or more shall send a copy  
9431 of its tentative budget and notice of the time and place for its budget hearing to:

9432 (i) each of its constituent entities that has in writing requested a copy; and

9433 (ii) to each of its customer agencies that has in writing requested a copy.

9434 (b) Within 30 days after it is approved by the board, and at least 30 days before the  
9435 board adopts a final budget, the board of trustees of a public transit district serving a population  
9436 of more than 200,000 people shall send a copy of its tentative budget and notice of the time and  
9437 place for its budget hearing to:

9438 (i) each of its constituent entities; [~~and~~]

9439 (ii) [~~to~~] each of its customer agencies that has in writing requested a copy[~~;~~];

9440 (iii) the governor; and

9441 (iv) the Legislature.

9442 (c) The [~~special~~] local district shall include with the tentative budget a signature sheet  
9443 that includes:

9444 (i) language that the constituent entity or customer agency received the tentative budget  
9445 and has no objection to it; and

9446 (ii) a place for the chairperson or other designee of the constituent entity or customer  
9447 agency to sign.

9448 (2) Each constituent entity and each customer agency that receives the tentative budget  
9449 shall review the tentative budget submitted by the district and either:

9450 (a) sign the signature sheet and return it to the district; or

9451 (b) attend the budget hearing or other meeting scheduled by the district to discuss the

9452 objections to the proposed budget.

9453 (3) (a) If any constituent entity or customer agency that received the tentative budget  
9454 has not returned the signature sheet to the [~~special~~] local district within 15 calendar days after  
9455 the tentative budget was mailed, the [~~special~~] local district shall send a written notice of the  
9456 budget hearing to each constituent entity or customer agency that did not return a signature  
9457 sheet and invite them to attend that hearing.

9458 (b) If requested to do so by any constituent entity or customer agency, the [~~special~~]  
9459 local district shall schedule a meeting to discuss the budget with the constituent entities and  
9460 customer agencies.

9461 (c) At the budget hearing, the [~~special~~] local district board shall:

- 9462 (i) explain its budget and answer any questions about it;
- 9463 (ii) specifically address any questions or objections raised by the constituent entity,  
9464 customer agency, or those attending the meeting; and
- 9465 (iii) seek to resolve the objections.

9466 (4) Nothing in this part prevents [~~any special~~] a local district board from approving or  
9467 implementing a budget over any or all constituent entity's or customer agency's protests,  
9468 objections, or failure to respond.

9469 Section 231. Section **17B-1-703**, which is renumbered from Section 17A-1-503 is  
9470 renumbered and amended to read:

9471 ~~[17A-1-503].~~ **17B-1-703. Local districts to submit audit reports.**

9472 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to  
9473 the board, the board of each [~~independent special~~] local district with an annual budget of  
9474 \$50,000 or more shall send a copy of any audit report to:

- 9475 (i) each of its constituent entities that has in writing requested a copy; and
- 9476 (ii) each of its customer agencies that has in writing requested a copy.

9477 (b) Within 30 days after it is presented to the board, the board of a public transit district  
9478 serving a population of more than 200,000 people shall send a copy of its annual audit report  
9479 to:

- 9480 (i) each of its constituent entities; and
- 9481 (ii) each of its customer agencies that has in writing requested a copy.

9482 (2) Each constituent entity and each customer agency that received the audit report

9483 shall review the audit report submitted by the district and, if necessary, request a meeting with  
 9484 the [~~independent special~~] district board to discuss the audit report.

9485 (3) At the meeting, the [~~special~~] local district board shall:

9486 (a) answer any questions about the audit report; and

9487 (b) discuss their plans to implement suggestions made by the auditor.

9488 Section 232. Section **17B-1-801**, which is renumbered from Section 17A-1-601 is  
 9489 renumbered and amended to read:

9490 **Part 8. Local District Personnel Management**

9491 [~~17A-1-601~~]. **17B-1-801. Establishment of local district merit system.**

9492 [~~(1) This part is known as the "Special District Personnel Management Act."~~]

9493 [~~(2)~~] (1) A merit system of personnel administration for the [~~special~~] local districts of  
 9494 the state [~~of Utah~~], their departments, offices, and agencies, except as otherwise specifically  
 9495 provided, is established.

9496 [~~(3)~~] (2) This part does not apply to [~~special districts~~] a local district with annual  
 9497 revenues less than \$50,000.

9498 Section 233. Section **17B-1-802**, which is renumbered from Section 17A-1-602 is  
 9499 renumbered and amended to read:

9500 [~~17A-1-602~~]. **17B-1-802. Review of personnel policies.**

9501 Each [~~independent and each dependent special~~] local district established under the  
 9502 authority of this title [~~which~~] that has full or part-time employees shall annually review its  
 9503 personnel policies to ensure that they conform to the requirements of state and federal law.

9504 Section 234. Section **17B-1-803**, which is renumbered from Section 17A-1-603 is  
 9505 renumbered and amended to read:

9506 [~~17A-1-603~~]. **17B-1-803. Merit principles.**

9507 [~~It is the policy of this state that each special~~] A local district may establish a personnel  
 9508 system administered in a manner that will provide for the effective implementation of [~~the~~  
 9509 ~~following~~] merit principles that provide for:

9510 (1) [~~Recruiting~~] recruiting, selecting, and advancing employees on the basis of their  
 9511 relative ability, knowledge, and skills, including open consideration of qualified applicants for  
 9512 initial appointment[-];

9513 (2) [~~Provision of~~] providing equitable and adequate compensation[-];

9514 (3) [~~Training of~~] training employees as needed to assure high-quality performance[-];

9515 (4) [~~Retention of~~] retaining employees on the basis of the adequacy of their  
9516 performance, and separation of employees whose inadequate performance cannot be  
9517 corrected[-];

9518 (5) [~~Fair~~] fair treatment of applicants and employees in all aspects of personnel  
9519 administration without regard to race, color, religion, sex, national origin, political affiliation,  
9520 age, or disability, and with proper regard for their privacy and constitutional rights as  
9521 citizens[-];

9522 (6) [~~Provision of~~] providing information to employees regarding their political rights  
9523 and prohibited practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through  
9524 1508 et seq.; and

9525 (7) [~~Provision of~~] providing a formal procedure for processing the appeals and  
9526 grievances of employees without discrimination, coercion, restraint, or reprisal.

9527 Section 235. Section **17B-1-804**, which is renumbered from Section 17A-1-604 is  
9528 renumbered and amended to read:

9529 ~~[17A-1-604].~~ **17B-1-804. Compliance with Labor Code requirements.**

9530 Each [~~special~~] local district shall comply with the requirements of Section 34-32-1.1.

9531 Section 236. Section **17B-1-901** is enacted to read:

9532 **Part 9. Collection of Service Fees and Changes**

9533 **17B-1-901. A single bill for multiple commodities, services, or facilities --**

9534 **Suspending service to a delinquent customer.**

9535 (1) If a local district provides more than one commodity, service, or facility, the district  
9536 may bill for the fees and charges for all commodities, services, and facilities in a single bill.

9537 (2) A local district may suspend furnishing a commodity, service, or facility to a  
9538 customer if the customer fails to pay all fees and charges when due.

9539 Section 237. Section **17B-1-902**, which is renumbered from Section 17B-2-803 is  
9540 renumbered and amended to read:

9541 ~~[17B-2-803].~~ **17B-1-902. Lien for past due service fees -- Limitations.**

9542 (1) (a) A local district may certify, to the treasurer of the county in which the  
9543 customer's property is located, past due [~~service~~] fees and [~~other amounts~~] charges for [~~which~~  
9544 ~~the customer is liable under this chapter to the treasurer or assessor of the county in which~~]

9545 commodities, services, or facilities that the district has provided to the customer's property [is  
9546 located].

9547 (b) Subject to Subsection (2), the past due [~~service~~] fees and [~~other amounts for which~~  
9548 ~~the customer is liable under this chapter~~] charges, including applicable interest and penalties  
9549 under Section 59-2-1331, upon their certification under Subsection (1)(a), become a lien on the  
9550 customer's property to which the [water was furnished or sewer service] commodities, services,  
9551 or facilities were provided, on a parity with and collectible at the same time and in the same  
9552 manner as general county taxes that are a lien on the property.

9553 (2) A lien under Subsection (1) is not valid if certification under Subsection (1) is  
9554 made after the filing for record of a document conveying title of the customer's property to a  
9555 new owner.

9556 (3) Nothing in this section may be construed to:

9557 (a) waive or release the customer's obligation to pay [~~service~~] fees or charges that the  
9558 district has imposed;

9559 (b) preclude the certification of a lien under Subsection (1) with respect to past due  
9560 [~~service~~] fees or charges for [~~water furnished or sewer service~~] commodities, services, or  
9561 facilities provided after the date that title to the property is transferred to a new owner; or

9562 (c) nullify or terminate a valid lien.

9563 (4) After all amounts owing under a lien established as provided in this section have  
9564 been paid, the local district shall file for record in the county recorder's office a release of the  
9565 lien.

9566 Section 238. Section **17B-1-903**, which is renumbered from Section 17B-2-802 is  
9567 renumbered and amended to read:

9568 ~~[17B-2-802].~~ **17B-1-903. Authority to require written application for**  
9569 **water or sewer service and to terminate for failure to pay -- Limitations.**

9570 (1) A local district that owns or controls a system for furnishing water or providing  
9571 sewer service or both may:

9572 (a) before furnishing water or providing sewer service to a property, require the  
9573 property owner or an authorized agent to submit a written application, signed by the owner or  
9574 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the  
9575 property, whether occupied by the owner or by a tenant or other occupant, according to the

9576 rules and regulations adopted by the local district; and

9577 (b) if a customer fails to pay for water furnished or sewer service provided to the  
9578 customer's property, discontinue furnishing water or providing sewer service to the property[;  
9579 ~~respectively;~~] until all amounts for water furnished or sewer service provided[~~;~~~~respectively;~~  
9580 are paid, subject to Subsection (2).

9581 (2) Unless a valid lien has been established as provided in Section [~~17B-2-803~~]  
9582 17B-1-902, has not been satisfied, and has not been terminated by a sale as provided in  
9583 Subsection [~~17B-2-803~~] 17B-1-902(2), a local district may not:

9584 (a) use a customer's failure to pay for water furnished or sewer service provided to the  
9585 customer's property as a basis for not furnishing water or providing sewer service to the  
9586 property after ownership of the property is transferred to a subsequent owner; or

9587 (b) require an owner to pay for water that was furnished or sewer service that was  
9588 provided to the property before the owner's ownership.

9589 Section 239. Section **17B-1-904**, which is renumbered from Section 17B-2-801 is  
9590 renumbered and amended to read:

9591 [~~17B-2-801~~]. **17B-1-904. Collection of service fees.**

9592 (1) As used in this [~~part~~] section:

9593 [~~(1)~~] (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a local  
9594 district for expenses associated with its efforts to collect past due service fees from a customer.

9595 [~~(2)~~] (b) "Customer" means the owner of real property to which a local district has  
9596 [~~furnished water or provided sewer service~~] provided a service for which the local district  
9597 charges a service fee.

9598 [~~(3)~~] (c) "Damages" means an amount equal to the greater of:

9599 [~~(a)~~] (i) \$100; and

9600 [~~(b)~~] (ii) triple the past due service fees.

9601 [~~(4)~~] (d) "Default date" means the date on which payment for service fees becomes past  
9602 due.

9603 [~~(5)~~] (e) "Past due service fees" means service fees that on or after the default date have  
9604 not been paid.

9605 [~~(6)~~] (f) "Prelitigation damages" means an amount that is equal to the greater of:

9606 [~~(a)~~] (i) \$50; and

9607           ~~[(b)]~~ (ii) triple the past due service fees.

9608           ~~[(7)]~~ (g) "Service ~~[fees]~~ fee" means ~~[the]~~ an amount charged by a local district to a  
9609 customer for ~~[water furnished or sewer service provided to the customer's property]~~ a service,  
9610 including furnishing water, providing sewer service, and providing garbage collection service,  
9611 that the district provides to the customer's property.

9612           (2) A customer is liable to a local district for past due service fees and collection costs  
9613 if:

9614           (a) the customer has not paid service fees before the default date;

9615           (b) the local district mails the customer notice as provided in Subsection (4); and

9616           (c) the past due service fees remain unpaid 15 days after the local district has mailed  
9617 notice.

9618           (3) If a customer has not paid the local district the past due service fees and collection  
9619 costs within 30 days after the local district mails notice, the local district may make an offer to  
9620 the customer that the local district will forego filing a civil action under Subsection (5) if the  
9621 customer pays the local district an amount that:

9622           (a) consists of the past due service fees, collection costs, prelitigation damages, and, if  
9623 the local district retains an attorney to recover the past due service fees, a reasonable attorney  
9624 fee not to exceed \$50; and

9625           (b) if the customer's property is residential, may not exceed \$100.

9626           (4) (a) Each notice under Subsection (2)(b) shall:

9627           (i) be in writing;

9628           (ii) be mailed to the customer by the United States mail, postage prepaid;

9629           (iii) notify the customer that:

9630           (A) if the past due service fees are not paid within 15 days after the day on which the  
9631 local district mailed notice, the customer is liable for the past due service fees and collection  
9632 costs; and

9633           (B) the local district may file civil action if the customer does not pay to the local  
9634 district the past due service fees and collection costs within 30 calendar days from the day on  
9635 which the local district mailed notice; and

9636           (iv) be in substantially the following form:

9637           Date: \_\_\_\_\_

9638 To: \_\_\_\_\_

9639 Service address: \_\_\_\_\_

9640 Account or invoice number(s): \_\_\_\_\_

9641 Date(s) of service: \_\_\_\_\_

9642 Amount past due: \_\_\_\_\_

9643 You are hereby notified that water or sewer service fees (or both) owed by you are in  
9644 default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the  
9645 past due amount within 15 days from the day on which this notice was mailed to you, you are  
9646 liable for the past due amount together with collection costs of \$20.

9647 You are further notified that if you do not pay the past due amount and the \$20  
9648 collection costs within 30 calendar days from the day on which this notice was mailed to you,  
9649 an appropriate civil legal action may be filed against you for the past due amount, interest,  
9650 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the  
9651 past due amounts, but the combined total of all these amounts may not exceed \$200 if your  
9652 property is residential.

9653 (Signed) \_\_\_\_\_

9654 Name of local district \_\_\_\_\_

9655 Address of local district \_\_\_\_\_

9656 Telephone number of local district \_\_\_\_\_

9657 (b) Written notice under this section is conclusively presumed to have been given if the  
9658 notice is:

9659 (i) properly deposited in the United States mail, postage prepaid, by certified or  
9660 registered mail, return receipt requested; and

9661 (ii) addressed to the customer at the customer's:

9662 (A) address as it appears in the records of the local district; or

9663 (B) last-known address.

9664 (5) (a) A local district may file a civil action against the customer if the customer fails  
9665 to pay the past due service fees and collection costs within 30 calendar days from the date on  
9666 which the local district mailed notice under Subsection (2)(b).

9667 (b) (i) In a civil action under this Subsection (5), a customer is liable to the local  
9668 district for an amount that:



9669 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable  
 9670 attorney fee, and damages; and

9671 (B) if the customer's property is residential, may not exceed \$200.

9672 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,  
 9673 waive interest, court costs, the attorney fee, and damages, or any combination of them.

9674 (c) If a local district files a civil action under this Subsection (5) before 31 calendar  
 9675 days after the day on which the local district mailed notice under Subsection (2)(b), a customer  
 9676 may not be held liable for an amount in excess of past due service fees.

9677 (d) A local district may not file a civil action under this Subsection (5) unless the  
 9678 customer has failed to pay the past due service fees and collection costs within 30 days from  
 9679 the day on which the local district mailed notice under Subsection (2)(b).

9680 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall  
 9681 be paid to and be the property of the local district that furnished water or provided sewer  
 9682 service and may not be retained by a person who is not that local district.

9683 (b) A local district may not contract for a person to retain any amounts charged or  
 9684 collected as prelitigation damages or as damages.

9685 (7) This section may not be construed to limit a local district that furnishes water or  
 9686 provides sewer service from obtaining relief to which it may be entitled under other applicable  
 9687 statute or cause of action.

9688 Section 240. Section **17B-1-1001** is enacted to read:

9689 **Part 10. Local District Property Tax Levy**

9690 **17B-1-1001. Provisions applicable to property tax levy.**

9691 Each local district that levies and collects property taxes shall levy and collect them  
 9692 according to the provisions of Title 59, Chapter 2, Property Tax Act.

9693 Section 241. Section **17B-1-1002** is enacted to read:

9694 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

9695 (1) The rate at which a local district levies a property tax for district operation and  
 9696 maintenance expenses on the taxable value of taxable property within the district may not  
 9697 exceed:

9698 (a) .0008, for a basic local district;

9699 (b) .0004, for a cemetery maintenance district;

9700 (c) .0004, for a drainage district;  
 9701 (d) .0008, for a fire protection district;  
 9702 (e) .0008, for an improvement district;  
 9703 (f) .0005, for a metropolitan water district;  
 9704 (g) .0004, for a mosquito abatement district;  
 9705 (h) .0004, for a public transit district;  
 9706 (i) (i) .0023, for a service area that:  
 9707 (A) is located in a county of the first class; and  
 9708 (B) provides fire protection, paramedic, and emergency services; or  
 9709 (ii) .0014, for all each other service area;  
 9710 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district.  
 9711 (2) Property taxes levied by a local district are excluded from the limit under  
 9712 Subsection (1) if the taxes are:  
 9713 (a) levied under Section 17B-1-1103 to pay principal of and interest on general  
 9714 obligation bonds issued by the district;  
 9715 (b) levied to pay debt and interest owed to the United States; or  
 9716 (c) levied to pay assessments or other amounts due to a water users association or other  
 9717 public cooperative or private entity from which the district procures water.  
 9718 Section 242. Section **17B-1-1101** is enacted to read:  
 9719 **Part 11. Local District Bonds**  
 9720 **17B-1-1101. Provisions applicable to a local district's issuance of bonds.**  
 9721 Subject to the provisions of this part:  
 9722 (1) each local district that issues bonds shall:  
 9723 (a) issue them as provided in Title 11, Chapter 14, Local Government Bonding Act;  
 9724 and  
 9725 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and  
 9726 (2) each local district that issues refunding bonds shall issue them as provided in Title  
 9727 11, Chapter 27, Utah Refunding Bond Act.  
 9728 Section 243. Section **17B-1-1102** is enacted to read:  
 9729 **17B-1-1102. General obligation bonds.**  
 9730 (1) Except as provided in Subsection (3), if a district intends to issue general obligation

9731 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at  
9732 an election held for that purpose as provided in Title 11, Chapter 14, Local Government  
9733 Bonding Act.

9734 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
9735 the district.

9736 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
9737 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

9738 (4) (a) A local district may not issue general obligation bonds if the issuance of the  
9739 bonds will cause the outstanding principal amount of all of the district's general obligation  
9740 bonds to exceed the amount that results from multiplying the taxable value of the taxable  
9741 property within the district by a number that is:

9742 (i) .1, for a basic local district;

9743 (ii) .004, for a cemetery maintenance district;

9744 (iii) .002, for a drainage district;

9745 (iv) .004, for a fire protection district;

9746 (v) .024, for an improvement district;

9747 (vi) .1, for a metropolitan water district;

9748 (vii) .0004, for a mosquito abatement district;

9749 (viii) .03, for a public transit district; and

9750 (ix) .12, for a service area.

9751 (b) For purposes of Subsection (4)(a):

9752 (i) the taxable value of taxable property within the district shall be computed from the  
9753 last equalized assessment roll for county purposes before the issuance of the general obligation  
9754 bonds; and

9755 (ii) the taxable value of all tax equivalent property, as defined in Section 59-3-102,  
9756 shall be included as part of the total taxable value of taxable property in the district.

9757 (c) Bonds or other obligations of a local district that are not general obligation bonds  
9758 are not included in the limit stated in Subsection (4)(a).

9759 (5) A district may not be considered to be a municipal corporation for purposes of the  
9760 debt limitation of the Utah Constitution Article XIV, Section 4.

9761 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter

9762 13. Interlocal Cooperation Act, may not be considered to be bonds of a local district that  
9763 participates in the agreement creating the administrative or legal entity.

9764 Section 244. Section **17B-1-1103** is enacted to read:

9765 **17B-1-1103. Levy to pay for general obligation bonds.**

9766 (1) If a district has issued general obligation bonds, the district's board of trustees may  
9767 make an annual levy of ad valorem property taxes without limitation as to rate or amount in  
9768 order to:

9769 (a) pay the principal of and interest on the general obligation bonds;

9770 (b) establish a sinking fund for defaults and future debt service on the general  
9771 obligation bonds; and

9772 (c) establish a reserve to secure payment of the general obligation bonds.

9773 (2) (a) Each district that levies a tax under Subsection (1) shall:

9774 (i) levy the tax as a separate and special levy for the specific purposes stated in  
9775 Subsection (1); and

9776 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of  
9777 and interest on the general obligation bonds, even though the proceeds may initially be used to  
9778 establish a sinking fund under Subsection (1)(b) or a reserve under Subsection (1)(c).

9779 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district  
9780 obligation in existence at the time the bonds were issued.

9781 Section 245. Section **17B-1-1104** is enacted to read:

9782 **17B-1-1104. Pledge of revenues to pay for bonds.**

9783 Bonds may be payable from and secured by the pledge of all or any specified part of the  
9784 revenues, including sales and use taxes, property taxes, federal, state, or local grants, and, if  
9785 applicable, fares, to be derived by the district from providing its services and from the  
9786 operation of its facilities and other properties.

9787 Section 246. Section **17B-1-1105** is enacted to read:

9788 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**  
9789 **revenue bonds -- Authority to make agreements and covenants to provide for bond**  
9790 **repayment.**

9791 (1) A local district intending to issue revenue bonds may, but is not required to, submit  
9792 to district voters for their approval the issuance of the revenue bonds at an election held for that

9793 purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

9794 (2) Each local district that has issued revenue bonds shall impose rates and charges for  
9795 the services or commodities it provides fully sufficient, along with other sources of district  
9796 revenues, to carry out all undertakings of the district with respect to its revenue bonds.

9797 (3) A local district that issues revenue bonds may:

9798 (a) agree to pay operation and maintenance expenses of the district from the  
9799 proceeds of the ad valorem taxes authorized in Section 17B-1-103; and

9800 (b) for the benefit of bondholders, enter into covenants that:

9801 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

9802 (ii) provide for other pertinent matters that the board of trustees considers proper to  
9803 assure the marketability of the bonds.

9804 Section 247. Section **17B-1-1106** is enacted to read:

9805 **17B-1-1106. Board of trustees required to fix rates to cover district expenses and**  
9806 **bonds.**

9807 The board of trustees shall fix the rate or rates for services or commodities provided by  
9808 the district that will, in conjunction with the proceeds of any maintenance and operation tax  
9809 and other district revenues:

9810 (1) pay the district's operating expenses;

9811 (2) provide for repairs and depreciation of works owned or operated by the district;

9812 (3) pay the interest on any bonds issued by the district; and

9813 (4) provide, as much as practicable, a sinking or other fund to pay the principal of the  
9814 bonds as they become due.

9815 Section 248. Section **17B-1-1107** is enacted to read:

9816 **17B-1-1107. Ratification of previously issued bonds and previously entered**  
9817 **contracts.**

9818 All bonds issued or contracts entered into by a local district before April 30, 2007 are  
9819 ratified, validated, and confirmed and declared to be valid and legally binding obligations of  
9820 the district in accordance with their terms.

9821 Section 249. Section **17B-1-1201** is enacted to read:

9822 **Part 12. Local District Validation Proceedings**

9823 **17B-1-1201. Definitions.**

9824 As used in this part:

9825 (1) "Eligible function" means:

9826 (a) a power conferred on a local district under this title;

9827 (b) a tax or assessment levied by a local district;

9828 (c) an act or proceeding that a local district:

9829 (i) has taken; or

9830 (ii) contemplates taking; or

9831 (d) a district contract, whether already executed or to be executed in the future,

9832 including a contract for the acquisition, construction, maintenance, or operation of works for  
9833 the district.

9834 (2) "Validation order" means a court order adjudicating the validity of an eligible  
9835 function.

9836 (3) "Validation petition" means a petition requesting a validation order.

9837 (4) "Validation proceedings" means judicial proceedings occurring in district court  
9838 pursuant to a validation petition.

9839 Section 250. Section **17B-1-1202** is enacted to read:

9840 **17B-1-1202. Authority to file a validation petition -- Petition requirements --**  
9841 **Amending or supplementing a validation petition.**

9842 (1) The board of trustees of a local district may at any time file a validation petition.

9843 (2) Each validation petition shall:

9844 (a) describe the eligible function for which a validation order is sought;

9845 (b) set forth:

9846 (i) the facts upon which the validity of the eligible function is founded; and

9847 (ii) any other information or allegations necessary to a determination of the validation  
9848 petition;

9849 (c) be verified by the chair of the board of trustees; and

9850 (d) be filed in the district court of the county in which the district's principal office is  
9851 located.

9852 (3) A local district may amend or supplement a validation petition:

9853 (a) at any time before the hearing under Section 17B-1-1203; or

9854 (b) after the hearing under Section 17B-1-1203, with permission of the court.

9855 Section 251. Section **17B-1-1203** is enacted to read:

9856 **17B-1-1203. Hearing on a validation petition.**

9857 (1) Upon the filing of a validation petition, the district court shall enter an order setting  
9858 a date, time, and place for a hearing on the validation petition.

9859 (2) A hearing under Subsection (1) may not be held less than 21 days or more than 30  
9860 days after the filing of the validation petition.

9861 Section 252. Section **17B-1-1204** is enacted to read:

9862 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
9863 **supplemented validation petition.**

9864 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a  
9865 validation petition, the local district that filed the petition shall:

9866 (a) publish notice at least once a week for three consecutive weeks in a newspaper of  
9867 general circulation in the county in which the principal office of the district is located; and

9868 (b) post notice in its principal office at least 21 days before the date set for the hearing.

9869 (2) Each notice under Subsection (1) shall:

9870 (a) state the date, time, and place of the hearing on the validation petition;

9871 (b) include a general description of the contents of the validation petition; and

9872 (c) if applicable, state the location where a complete copy of a contract that is the  
9873 subject of the validation petition may be examined.

9874 (3) If a district amends or supplements a validation petition under Subsection  
9875 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district  
9876 is not required to publish or post notice again unless required by the court.

9877 Section 253. Section **17B-1-1205** is enacted to read:

9878 **17B-1-1205. Property owner or interested person may appear in validation**  
9879 **proceedings -- Failure to appear.**

9880 (1) An owner of property within the district or a person interested in a contract or  
9881 proposed contract that is the subject of a validation petition may appear and answer or  
9882 otherwise plead in response to the validation petition:

9883 (a) at any time before the hearing under Section 17B-1-1203; or

9884 (b) within any additional period of time that the district court allows.

9885 (2) If a person fails to appear and answer or otherwise plead in the time allowed under

9886 Subsection (1):

9887 (a) the allegations of the validation petition shall be considered admitted by that  
9888 person; and

9889 (b) that person may not participate in the validation proceedings.

9890 Section 254. Section **17B-1-1206** is enacted to read:

9891 **17B-1-1206. Jurisdiction -- Validation proceedings.**

9892 (1) The filing of a validation petition and the giving of notice as required in Section  
9893 17B-1-1204 give the district court jurisdiction of the validation petition and validation  
9894 proceedings.

9895 (2) At each validation petition hearing, the court shall examine into and determine all  
9896 matters and issues affecting the questions raised by the validation petition.

9897 (3) The district court shall:

9898 (a) advance each matter pertaining to validation proceedings as a matter of immediate  
9899 public interest and concern; and

9900 (b) hear each matter pertaining to validation proceedings at the earliest practicable  
9901 moment.

9902 (4) The district court shall disregard each error, irregularity, or omission that does not  
9903 affect the substantial rights of the parties.

9904 (5) Except as otherwise specified in this part, the Utah Rules of Civil Procedure shall  
9905 govern validation proceedings in matters of pleading and practice before the district court.

9906 Section 255. Section **17B-1-1207** is enacted to read:

9907 **17B-1-1207. Findings, conclusions, and judgment -- Costs -- Effect of judgment --**  
9908 **Appeal.**

9909 (1) After the hearing under Section 17B-1-1203 on a validation petition, the district  
9910 court shall:

9911 (a) make and enter written findings of fact and conclusions of law; and

9912 (b) render a judgment as warranted.

9913 (2) A district court may apportion costs among the parties as the court determines  
9914 appropriate.

9915 (3) Notwithstanding Rule 55(c) and Rule 60(b) of the Utah Rules of Civil Procedure or  
9916 any other provision of law, each district court judgment adjudicating matters raised by a



9917 validation petition shall:

9918 (a) be binding and conclusive as to the local district and all other parties to the

9919 validation proceedings; and

9920 (b) constitute a permanent injunction against any action or proceeding to contest any

9921 matter adjudicated in the validation proceedings.

9922 (4) After a final judgment has been entered in validation proceedings:

9923 (a) no court has jurisdiction to adjudicate the matters adjudicated in the validation

9924 proceedings; and

9925 (b) the right of any person to litigate a matter adjudicated in the validation proceedings

9926 terminates.

9927 (5) (a) An appeal of a final judgment in validation proceedings may be taken only to

9928 the Supreme Court and only by a party to the validation proceedings.

9929 (b) Each appeal of a final judgment in validation proceedings shall be filed within ten

9930 days after the date of the entry of the final judgment.

9931 (c) The Supreme Court shall expedite and give priority to the hearing and decision of

9932 an appeal under this section.

9933 Section 256. Section **17B-1-1301**, which is renumbered from Section 17B-2-701 is

9934 renumbered and amended to read:

9935 **Part 13. Dissolution of a Local District**

9936 **~~[17B-2-701].~~ 17B-1-1301. Definitions.**

9937 For purposes of this part:

9938 (1) "Active" means, with respect to a local district, that the district is not inactive.

9939 (2) "Administrative body" means:

9940 (a) if the local district proposed to be dissolved has a duly constituted board of trustees

9941 in sufficient numbers to form a quorum, the board of trustees; or

9942 (b) except as provided in Subsection (2)(a):

9943 (i) for a local district located entirely within a single municipality, the legislative body

9944 of that municipality;

9945 (ii) for a local district located in multiple municipalities within the same county or at

9946 least partly within the unincorporated area of a county, the legislative body of that county; or

9947 (iii) for a local district located within multiple counties, the legislative body of the

9948 county whose boundaries include more of the local district than is included within the  
9949 boundaries of any other county.

9950 (3) "Clerk" means:

9951 (a) the board of trustees if the board is also the administrative body under Subsection  
9952 (2)(a);

9953 (b) the clerk or recorder of the municipality whose legislative body is the  
9954 administrative body under Subsection (2)(b)(i); or

9955 (c) the clerk of the county whose legislative body is the administrative body under  
9956 Subsection (2)(b)(ii) or (iii).

9957 (4) "Inactive" means, with respect to a local district, that during the preceding three  
9958 years the district has not:

9959 (a) provided any service or otherwise operated;

9960 (b) received property taxes or user or other fees; and

9961 (c) expended any funds.

9962 Section 257. Section **17B-1-1302**, which is renumbered from Section 17B-2-702 is  
9963 renumbered and amended to read:

9964 ~~[17B-2-702].~~ **17B-1-1302. Dissolution of special district.**

9965 A local district may be dissolved as provided in this part.

9966 Section 258. Section **17B-1-1303**, which is renumbered from Section 17B-2-703 is  
9967 renumbered and amended to read:

9968 ~~[17B-2-703].~~ **17B-1-1303. Initiation of dissolution process.**

9969 The process to dissolve a local district may be initiated by:

9970 (1) for an inactive local district:

9971 (a) (i) for a local district whose board of trustees is elected by electors based on the  
9972 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of  
9973 25% of the acre-feet of water allotted to the land within the local district; or

9974 (ii) for all other districts:

9975 (A) a petition signed by the owners of private real property that:

9976 (I) is located within the local district proposed to be dissolved;

9977 (II) covers at least 25% of the private land area within the local district; and

9978 (III) is equal in assessed value to at least 25% of the assessed value of all private real

9979 property within the local district; or

9980 (B) a petition signed by registered voters residing within the local district proposed to  
9981 be dissolved equal in number to at least 25% of the number of votes cast in the district for the  
9982 office of governor at the last regular general election before the filing of the petition; or

9983 (b) a resolution adopted by the administrative body; and

9984 (2) for an active local district, a petition signed by:

9985 (a) for a local district whose board of trustees is elected by electors based on the  
9986 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of  
9987 100% of the acre-feet of water allotted to the land within the local district; or

9988 (b) for all other districts, the owners of 100% of the private real property located within  
9989 or 100% of registered voters residing within the local district proposed to be dissolved.

9990 Section 259. Section **17B-1-1304**, which is renumbered from Section 17B-2-704 is  
9991 renumbered and amended to read:

9992 ~~[17B-2-704]~~. **17B-1-1304. Petition requirements.**

9993 (1) Each petition under Subsection ~~[17B-2-703]~~ 17B-1-1303(1)(a) or (2) shall:

9994 (a) indicate the typed or printed name and current residence address of each owner of  
9995 acre-feet of water, property owner, or registered voter signing the petition;

9996 (b) if it is a petition signed by the owners of acre-feet of water or property owners,  
9997 indicate the address of the property as to which the owner is signing;

9998 (c) designate up to three signers of the petition as sponsors, one of whom shall be  
9999 designated the contact sponsor, with the mailing address and telephone number of each; and

10000 (d) be filed with the clerk.

10001 (2) A signer of a petition to dissolve a local district may withdraw, or, once withdrawn,  
10002 reinstate the signer's signature at any time until 30 days after the public hearing under Section  
10003 ~~[17B-2-706]~~ 17B-1-1306.

10004 Section 260. Section **17B-1-1305**, which is renumbered from Section 17B-2-705 is  
10005 renumbered and amended to read:

10006 ~~[17B-2-705]~~. **17B-1-1305. Petition certification.**

10007 (1) Within 30 days after the filing of a petition under Subsection ~~[17B-2-703]~~  
10008 17B-1-1303(1)(a) or (2), the clerk shall:

10009 (a) with the assistance of officers of the county in which the local district is located

10010 from whom the clerk requests assistance, determine whether the petition meets the  
10011 requirements of Section [~~17B-2-703~~] 17B-1-1303 and Subsection [~~17B-2-704~~] 17B-1-1304(1);  
10012 and

10013 (b) (i) if the clerk determines that the petition complies with the requirements, certify  
10014 the petition and mail or deliver written notification of the certification to the contact sponsor;  
10015 or

10016 (ii) if the clerk determines that the petition fails to comply with any of the  
10017 requirements, reject the petition and mail or deliver written notification of the rejection and the  
10018 reasons for the rejection to the contact sponsor.

10019 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be  
10020 amended to correct the deficiencies for which it was rejected and then refiled.

10021 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
10022 used toward fulfilling the applicable signature requirement of the petition as amended under  
10023 Subsection (2)(a).

10024 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the  
10025 same manner as an original petition under Subsection (1).

10026 Section 261. Section **17B-1-1306**, which is renumbered from Section 17B-2-706 is  
10027 renumbered and amended to read:

10028 [~~17B-2-706~~]. **17B-1-1306. Public hearing.**

10029 (1) For each petition certified under Section [~~17B-2-705~~] 17B-1-1305 and each  
10030 resolution adopted under Subsection [~~17B-2-703~~] 17B-1-1303(1)(b), the administrative body  
10031 shall hold a public hearing on the proposed dissolution.

10032 (2) Each public hearing under Subsection (1) shall be held:

10033 (a) no later than 45 days after certification of the petition under Section [~~17B-2-705~~]  
10034 17B-1-1305 or adoption of a resolution under Subsection [~~17B-2-703~~] 17B-1-1303(1)(b), as  
10035 the case may be;

10036 (b) within the local district proposed to be dissolved;

10037 (c) on a weekday evening other than a holiday beginning no earlier than [~~6:00~~] 6 p.m.;

10038 and

10039 (d) for the purpose of allowing:

10040 (i) the public to ask questions and obtain further information about the proposed

10041 dissolution and issues raised by it; and

10042 (ii) any interested person to address the administrative body concerning the proposed  
10043 dissolution.

10044 (3) A quorum of the administrative body shall be present throughout each public  
10045 hearing under this section.

10046 Section 262. Section **17B-1-1307**, which is renumbered from Section 17B-2-707 is  
10047 renumbered and amended to read:

10048 ~~[17B-2-707]~~. **17B-1-1307. Notice of public hearing and of dissolution.**

10049 (1) Before holding a public hearing required under Section ~~[17B-2-706]~~ 17B-1-1306,  
10050 the administrative body shall:

10051 (a) (i) publish notice of the public hearing and of the proposed dissolution in a  
10052 newspaper of general circulation within the local district proposed to be dissolved; and

10053 (ii) post notice of the public hearing and of the proposed dissolution in at least four  
10054 conspicuous places within the local district proposed to be dissolved, no less than five and no  
10055 more than 30 days before the public hearing; or

10056 (b) mail a notice to each owner of property located within the local district and to each  
10057 registered voter residing within the local district.

10058 (2) Each notice required under Subsection (1) shall:

10059 (a) identify the local district proposed to be dissolved and the service it was created to  
10060 provide; and

10061 (b) state the date, time, and location of the public hearing.

10062 Section 263. Section **17B-1-1308**, which is renumbered from Section 17B-2-708 is  
10063 renumbered and amended to read:

10064 ~~[17B-2-708]~~. **17B-1-1308. Dissolution resolution -- Limitations on**  
10065 **dissolution -- Distribution of remaining assets -- Notice of dissolution to lieutenant**  
10066 **governor.**

10067 (1) After the public hearing required under Section ~~[17B-2-706]~~ 17B-1-1306 and  
10068 subject to Subsection (2), the administrative body may adopt a resolution approving dissolution  
10069 of the local district.

10070 (2) A resolution under Subsection (1) may not be adopted unless:

10071 (a) any outstanding debt of the local district is:

- 10072 (i) satisfied and discharged in connection with the dissolution; or  
10073 (ii) assumed by another governmental entity with the consent of all the holders of that  
10074 debt and all the holders of other debts of the local district;
- 10075 (b) for a local district that has provided service during the preceding three years or  
10076 undertaken planning or other activity preparatory to providing service:
- 10077 (i) another entity has committed to provide the same service to the area being served or  
10078 proposed to be served by the local district; and
- 10079 (ii) all who are to receive the service have consented to the service being provided by  
10080 the other entity; and
- 10081 (c) all outstanding contracts to which the local district is a party are resolved through  
10082 mutual termination or the assignment of the district's rights, duties, privileges, and  
10083 responsibilities to another entity with the consent of the other parties to the contract.
- 10084 (3) (a) (i) Any assets of the local district remaining after paying all debts and other  
10085 obligations of the local district shall be used to pay costs associated with the dissolution  
10086 process under this part.
- 10087 (ii) Any costs of the dissolution process remaining after exhausting the remaining  
10088 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.
- 10089 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall  
10090 be distributed:
- 10091 (i) proportionately to the owners of real property within the dissolved local district if  
10092 there is a readily identifiable connection between a financial burden borne by the real property  
10093 owners in the district and the remaining assets; or
- 10094 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which  
10095 the dissolved local district was located before dissolution in the same proportion that the land  
10096 area of the local district located within the unincorporated area of the county or within the city  
10097 or town bears to the total local district land area.
- 10098 (4) (a) Within 30 days after adopting a resolution approving dissolution of the local  
10099 district, the administrative body shall file a notice with the lieutenant governor.
- 10100 (b) The notice required under Subsection (4)(a) shall:
- 10101 (i) be accompanied by a copy of the board resolution approving the dissolution; and  
10102 (ii) include a certification by the administrative body that all requirements for the

10103 dissolution have been complied with.

10104 (c) Upon the lieutenant governor's issuance of the certificate of dissolution under  
10105 Section 67-1a-6.5, the local district is dissolved.

10106 Section 264. Section **17B-1-1401** is enacted to read:

10107 **Part 14. Basic Local District**

10108 **17B-1-1401. Status of and provisions applicable to a basic local district.**

10109 A basic local district:

10110 (1) operates under, is subject to, and has the powers set forth in this chapter; and

10111 (2) is not subject to Chapter 2a, Provisions Applicable to Different Types of Local  
10112 Districts.

10113 Section 265. Section **17B-1-1402** is enacted to read:

10114 **17B-1-1402. Board of trustees of a basic local district.**

10115 (1) As specified in a petition under Subsection 17B-1-208(1)(d) or a resolution under  
10116 Subsection 17B-1-203(2)(a)(vii), the members of a board of trustees of a basic local district  
10117 may be:

10118 (a) (i) elected by registered voters; or

10119 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

10120 (b) if the area of the local district contains less than one residential dwelling unit per 50  
10121 acres of land at the time the resolution is adopted or the petition is filed, elected by the owners  
10122 of real property within the local district based on:

10123 (i) the amount of acreage owned by property owners;

10124 (ii) the assessed value of property owned by property owners; or

10125 (iii) water rights:

10126 (A) relating to the real property within the local district;

10127 (B) that the real property owner:

10128 (I) owns; or

10129 (II) has transferred to the local district.

10130 (2) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under  
10131 Subsection 17B-1-203(1)(c) or (d) may provide for a transition from one or more methods of  
10132 election or appointment under Subsection (1) to one or more other methods of election or  
10133 appointment based upon milestones or events that the petition or resolution identifies.

10134 Section 266. Section **17B-2a-101** is enacted to read:

10135 **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF LOCAL**  
10136 **DISTRICTS**

10137 **Part 1. Cemetery Maintenance District Act**

10138 **17B-2a-101. Title.**

10139 This part is known as the "Cemetery Maintenance District Act."

10140 Section 267. Section **17B-2a-102** is enacted to read:

10141 **17B-2a-102. Applicability of this part to cemetery maintenance districts.**

10142 (1) Each cemetery maintenance district is governed by and has the powers stated in:

10143 (a) this part; and

10144 (b) Chapter 1, Provisions Applicable to All Local Districts.

10145 (2) This part applies only to cemetery maintenance districts.

10146 (3) A cemetery maintenance district is not subject to the provisions of any other part of  
10147 this chapter.

10148 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10149 Local Districts, and a provision in this part, the provision in this part governs.

10150 Section 268. Section **17B-2a-103** is enacted to read:

10151 **17B-2a-103. Limits on the creation of a cemetery maintenance district.**

10152 A cemetery maintenance district may not be created in a city of the first or second class.

10153 Section 269. Section **17B-2a-104** is enacted to read:

10154 **17B-2a-104. Cemetery maintenance district bonding authority.**

10155 A cemetery maintenance district may issue bonds as provided in and subject to Chapter  
10156 1, Part 11, Local District Bonds, to carry out the purposes of the district.

10157 Section 270. Section **17B-2a-105** is enacted to read:

10158 **17B-2a-105. Additional duties of a cemetery maintenance district board of**  
10159 **trustees.**

10160 In addition to the powers and duties of a board of trustees under Chapter 1, Part 3,  
10161 Board of Trustees, each cemetery maintenance district board of trustees shall beautify,  
10162 improve, and maintain each cemetery within the district.

10163 Section 271. Section **17B-2a-106** is enacted to read:

10164 **17B-2a-106. Appointment of board of trustees members -- Vacancies.**



10165 (1) If the area of a cemetery maintenance district is included entirely within the  
10166 boundaries of a single municipality, each member of its board of trustees shall be appointed  
10167 and each vacancy on the board of trustees shall be filled by a person appointed by the  
10168 legislative body of that municipality, as provided in Section 17B-1-304.

10169 (2) For each other cemetery maintenance district, each member of its board of trustees  
10170 shall be appointed and each vacancy on the board of trustees shall be filled by a person  
10171 appointed by the legislative body of the county in which the district is located, as provided in  
10172 Section 17B-1-304.

10173 Section 272. Section **17B-2a-107** is enacted to read:

10174 **17B-2a-107. Property within a cemetery maintenance district to be**  
10175 **proportionately benefitted and equally assessed.**

10176 Each parcel of property within a cemetery maintenance district shall be:

10177 (1) benefitted by the creation of the district and by improvements made by the district,  
10178 ratably with all other parcels of property within the district in proportion to the parcel's taxable  
10179 value; and

10180 (2) assessed equally in proportion to its taxable value for the purpose of cemetery  
10181 improvement and maintenance.

10182 Section 273. Section **17B-2a-201** is enacted to read:

10183 **Part 2. Drainage District Act**

10184 **17B-2a-201. Title.**

10185 This part is known as the "Drainage District Act."

10186 Section 274. Section **17B-2a-202** is enacted to read:

10187 **17B-2a-202. Definitions.**

10188 As used in this part:

10189 (1) "Ditch" includes a drain or natural or constructed watercourse, whether open,  
10190 covered, or tiled, and whether inside or outside the drainage district.

10191 (2) "Drainage" includes the reclamation, protection, or betterment of land by leading,  
10192 carrying, withholding, or pumping excess water from land through canals, ditches, pipes, or  
10193 other means.

10194 Section 275. Section **17B-2a-203** is enacted to read:

10195 **17B-2a-203. Applicability of this part to drainage districts.**

10196 (1) Each drainage district is governed by and has the powers stated in:  
10197 (a) this part; and  
10198 (b) Chapter 1, Provisions Applicable to All Local Districts.  
10199 (2) This part applies only to drainage districts.  
10200 (3) A drainage district is not subject to the provisions of any other part of this chapter.  
10201 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10202 Local Districts, and a provision in this part, the provision in this part governs.  
10203 Section 276. Section **17B-2a-204** is enacted to read:  
10204 **17B-2a-204. Prohibition against creating a drainage district.**  
10205 No new drainage district may be created.  
10206 Section 277. Section **17B-2a-205** is enacted to read:  
10207 **17B-2a-205. Additional drainage district powers.**  
10208 In addition to the powers conferred on a drainage district under Section 17B-1-103, a  
10209 drainage district may:  
10210 (1) enter upon land for the purpose of examining the land or making a survey;  
10211 (2) locate a necessary drainage canal with any necessary branches on land that the  
10212 district's board of trustees considers best;  
10213 (3) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10214 to carry out the purposes of the district;  
10215 (4) after the payment or tender of compensation allowed, go upon land to construct  
10216 proposed works, and thereafter enter upon that land to maintain or repair the works;  
10217 (5) appropriate water for useful and beneficial purposes;  
10218 (6) regulate and control, for the benefit of landholders within the district, all water  
10219 developed, appropriated, or owned by the district;  
10220 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the  
10221 same manner and for the same use and purposes as a private person;  
10222 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any  
10223 watercourse, whether inside or outside the district; and  
10224 (9) if necessary, straighten a watercourse by cutting a new channel upon land not  
10225 already containing the watercourse, subject to the landowner receiving compensation for the  
10226 land occupied by the new channel and for any damages, as provided under the law of eminent

10227 domain.

10228 Section 278. Section **17B-2a-206** is enacted to read:

10229 **17B-2a-206. Drainage district board of trustees.**

10230 (1) Subject to Subsection (2), each member of the board of trustees of a drainage  
10231 district shall be appointed by the legislative body of the county in which the district is located.

10232 (2) If a drainage district is located in more than one county, a county legislative body  
10233 may not appoint more than two members.

10234 Section 279. Section **17B-2a-207** is enacted to read:

10235 **17B-2a-207. Public highways, roads, or streets or railroad rights-of-way**  
10236 **benefitted by district works.**

10237 If a drainage district board of trustees determines that a public highway, road, street, or  
10238 railroad right-of-way is or will be benefitted by district drainage canals or other works that have  
10239 been or will be constructed:

10240 (1) the district shall assess benefits and taxes against the public highway, road, street,  
10241 or railroad right-of-way in the same manner as if the highway, road, street, or railroad  
10242 right-of-way were in private ownership;

10243 (2) the district may treat the highway, road, street, or railroad right-of-way the same as  
10244 it would treat private land; and

10245 (3) the state or local entity having control of the public highway, road, or street or the  
10246 owner of the railroad right-of-way shall pay the applicable taxes assessed against the land,  
10247 whether or not it owns the fee simple title to the land covered by the highway, road, street, or  
10248 railroad right-of-way.

10249 Section 280. Section **17B-2a-208** is enacted to read:

10250 **17B-2a-208. Bridge or culvert across a public highway, road, or street, or a**  
10251 **railroad right-of-way -- Notice to railway authority -- Option of railway authority to**  
10252 **construct bridge or culvert.**

10253 (1) (a) A drainage district may construct each necessary bridge and culvert across or  
10254 under a public highway, road, street, or railroad right-of-way to enable the district to construct  
10255 and maintain a canal, drain, or ditch necessary as part of the drainage system of the district.

10256 (b) Before a drainage district constructs a bridge or culvert across or under a railroad  
10257 right-of-way, the district shall first give notice to the railway authority empowered to build or

10258 construct bridges and culverts.

10259 (2) (a) A railway authority may, within 30 days after the notice under Subsection (1)(b)  
10260 and at its own expense, build the bridge or culvert according to its own plans.

10261 (b) Each railway authority that builds a bridge or culvert as provided in Subsection  
10262 (2)(a) shall construct the bridge or culvert:

10263 (i) so as not to interfere with the free and unobstructed flow of water passing through  
10264 the canal or drain; and

10265 (ii) at points that are indicated by a competent drainage engineer.

10266 Section 281. Section **17B-2a-209** is enacted to read:

10267 **17B-2a-209. State land treated the same as private land -- Consent needed to**  
10268 **affect school and institutional trust land -- Owner of state land has same rights as owner**  
10269 **of private land.**

10270 (1) Subject to Subsection (2), a drainage district may treat state land the same as  
10271 private land with respect to the drainage of land for agricultural purposes.

10272 (2) A drainage district may not affect school or institutional trust land under this part or  
10273 Chapter 1, Provisions Applicable to All Local Districts, without the consent of the director of  
10274 the School and Institutional Trust Lands Administration acting in accordance with Sections  
10275 53C-1-102 and 53C-1-303.

10276 (3) The state and each person holding unpatented state land under entries or contracts  
10277 of purchase from the state have all the rights, privileges, and benefits under this part and  
10278 Chapter 1, Provisions Applicable to All Local Districts, that a private owner of that land would  
10279 have.

10280 Section 282. Section **17B-2a-210** is enacted to read:

10281 **17B-2a-210. District required to minimize damage when entering on land --**  
10282 **Penalty for preventing or prohibiting a district from entering on land.**

10283 (1) When entering upon land for the purpose of constructing, maintaining, or repairing  
10284 works, a drainage district may not do more damage than the necessity of the occasion requires.

10285 (2) (a) A person who willfully prevents or prohibits an agent of a drainage district from  
10286 entering upon land when the district is authorized to enter the land is guilty of a class C  
10287 misdemeanor.

10288 (b) (i) Each person found guilty under Subsection (2)(a) shall be fined a sum not to

10289 exceed \$25 per day for each day the person prevented or prohibited the district from entering  
10290 upon land.

10291 (ii) Each fine under Subsection (2)(b)(i) shall be paid to the district.

10292 Section 283. Section **17B-2a-211** is enacted to read:

10293 **17B-2a-211. Penalty for wrongfully damaging a district work.**

10294 (1) A person who wrongfully and purposely fills, cuts, injures, destroys, or impairs the  
10295 usefulness of a drain, ditch, or other work of a drainage district is guilty of a class C  
10296 misdemeanor.

10297 (2) Each person who negligently, wrongfully, or purposely fills, cuts, injures, destroys,  
10298 or impairs the usefulness of a drain, ditch, levee, or other work of a drainage district or  
10299 obstructs or fills any natural stream or outlet used by a drainage district, whether inside or  
10300 outside the district, shall be liable to the district for all resulting damages.

10301 Section 284. Section **17B-2a-301** is enacted to read:

10302 **Part 3. Fire Protection District Act**

10303 **17B-2a-301. Title.**

10304 This part is known as the "Fire Protection District Act."

10305 Section 285. Section **17B-2a-302** is enacted to read:

10306 **17B-2a-302. Prohibition against creating new fire protection districts.**

10307 No new fire protection district may be created.

10308 Section 286. Section **17B-2a-303** is enacted to read:

10309 **17B-2a-303. Applicability of this part to fire protection districts.**

10310 (1) Each fire protection district is governed by and has the powers stated in:

10311 (a) this part; and

10312 (b) Chapter 1, Provisions Applicable to All Local Districts.

10313 (2) This part applies only to fire protection districts.

10314 (3) A fire protection district is not subject to the provisions of any other part of this  
10315 chapter.

10316 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10317 Local Districts, and a provision in this part, the provision in this part governs.

10318 Section 287. Section **17B-2a-304** is enacted to read:

10319 **17B-2a-304. Fire protection district authority.**

10320 In addition to the powers conferred on an improvement district under Section  
10321 17B-1-103, a fire protection district may issue bonds as provided in and subject to Chapter 1,  
10322 Part 11, Local District Bonds, to carry out the purposes of the district.

10323 Section 288. Section **17B-2a-305** is enacted to read:

10324 **17B-2a-305. Countywide fire protection districts -- County legislative body**  
10325 **constitutes the board of trustees -- Appointment of county officers as district officers.**

10326 (1) If the area of a fire protection district consists of all the area of a single county  
10327 excluding the area of all first and second class cities in the county, the legislative body of that  
10328 county shall constitute the board of trustees of the fire protection district.

10329 (2) If a county legislative body constitutes the board of trustees of a fire protection  
10330 district as provided in Subsection (1):

10331 (a) each meeting of the county legislative body shall be held separate and apart from  
10332 each meeting of the fire protection district board of trustees; and

10333 (b) the fire protection district board of trustees may appoint:

10334 (i) the county clerk as secretary of the board; and

10335 (ii) the county treasurer as treasurer of the board.

10336 Section 289. Section **17B-2a-306** is enacted to read:

10337 **17B-2a-306. Offices of a fire protection district board of trustees and principal**  
10338 **place of business.**

10339 Each office of a fire protection district board of trustees and each principal place of  
10340 business of a fire protection district shall be within:

10341 (1) the district; or

10342 (2) the county in which the district is located and as near as possible to the district.

10343 Section 290. Section **17B-2a-401** is enacted to read:

10344 **Part 4. Improvement District Act**

10345 **17B-2a-401. Title.**

10346 This part is known as the "Improvement District Act."

10347 Section 291. Section **17B-2a-402** is enacted to read:

10348 **17B-2a-402. Applicability of this part to improvement districts.**

10349 (1) Each improvement district is governed by and has the powers stated in:

10350 (a) this part; and

10351 (b) Chapter 1, Provisions Applicable to All Local Districts.

10352 (2) This part applies only to improvement districts.

10353 (3) An improvement district is not subject to the provisions of any other part of this  
10354 chapter.

10355 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10356 Local Districts, and a provision in this part, the provision in this part governs.

10357 Section 292. Section **17B-2a-403**, which is renumbered from Section 17A-2-301 is  
10358 renumbered and amended to read:

10359 ~~[17A-2-301].~~ **17B-2a-403. Improvement district authority.**

10360 (1) ~~[(a) An]~~ In addition to the powers conferred on an improvement district under  
10361 Section 17B-1-103, an improvement district may:

10362 (a) acquire through construction, purchase, gift, or condemnation, or any combination  
10363 of these methods, and may operate all or any part of:

10364 (i) a system for the supply, treatment, and distribution of water;

10365 (ii) a system for the collection, treatment, and disposition of sewage;

10366 (iii) a system for the collection, retention, and disposition of storm and flood waters;

10367 (iv) a system for the generation, distribution, and sale of electricity, subject to Section  
10368 17B-2a-406; and

10369 (v) a system for the transmission of natural or manufactured gas if the system is:

10370 (A) connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as  
10371 defined in Section 54-2-1, regulated under Section 54-4-1; and

10372 (B) to be used to facilitate gas utility service within the district if the gas utility service  
10373 is not available within the district prior to the acquisition or construction of the system[-];

10374 (b) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10375 to carry out the purposes of the district;

10376 (c) appropriate or otherwise acquire water and water rights inside or outside its  
10377 boundaries;

10378 (d) sell water or other services to consumers residing outside its boundaries;

10379 (e) enter into a contract with a gas corporation regulated under Section 54-4-1 to  
10380 provide for the operation or maintenance of all or part of a system for the transmission of

10381 natural or manufactured gas or to lease or sell all or a portion of that system to a gas

10382 corporation:

10383 (f) enter into a contract with a person for:

10384 (i) the purchase or sale of water or electricity;

10385 (ii) the use of any facility owned by the person; or

10386 (iii) the purpose of handling the person's industrial and commercial waste and sewage;

10387 (g) require pretreatment of industrial and commercial waste and sewage; and

10388 (h) impose a penalty or surcharge against a public entity or other person with which the

10389 district has entered into a contract for the construction, acquisition, or operation of all or a part

10390 of a system for the collection, treatment, and disposal of sewage, if the public entity or other

10391 person fails to comply with the provisions of the contract.

10392 ~~[(b)]~~ (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by  
10393 a gas corporation regulated under Section 54-4-1 and not by the district.

10394 ~~[(2) (a) (i) Subject to Subsection (2)(a)(ii), the area of a district under this part may~~  
10395 ~~include all or part of any county or counties, including all or any part of any incorporated~~  
10396 ~~municipalities, other incorporated areas, and unincorporated areas, as the needs of the~~  
10397 ~~inhabitants of the proposed districts may appear.]~~

10398 ~~[(ii) Notwithstanding Subsection (2)(a)(i), the addition of any territory to a district~~  
10399 ~~under this part shall, on and after June 1, 2001 and as provided in Subsection~~  
10400 ~~17A-2-101.3(1)(a)(i), be governed by Title 17B, Chapter 2, Part 5, Annexation.]~~

10401 ~~[(b) The boundaries of a district authorized under this part do not need to be~~  
10402 ~~contiguous.]~~

10403 ~~[(3) If an improvement district authorized under this part was created solely for the~~  
10404 ~~purpose of acquiring a system for the collection, retention, or disposition of storm and flood~~  
10405 ~~waters, the county legislative body that created the district may, in its discretion and despite~~  
10406 ~~anything to the contrary in Section 17A-2-305, act as the board of trustees of the district for so~~  
10407 ~~long as it considers desirable.]~~

10408 (3) An improvement district may not provide sewer service to an area where sewer  
10409 service is provided by an existing sewage collection system operated by a municipality or other  
10410 political subdivision unless the municipality or other political subdivision gives its written  
10411 consent.

10412 Section 293. Section **17B-2a-404** is enacted to read:



- 10413 **17B-2a-404. Improvement district board of trustees.**
- 10414 (1) As used in this section:
- 10415 (a) "County district" means an improvement district that does not include within its
- 10416 boundaries any territory of a municipality.
- 10417 (b) "County member" means a member of a board of trustees of a county district.
- 10418 (c) "Electric district" means an improvement district that was created for the purpose of
- 10419 providing electric service.
- 10420 (d) "Included municipality" means a municipality whose boundaries are entirely
- 10421 contained within but do not coincide with the boundaries of an improvement district.
- 10422 (e) "Municipal district" means an improvement district whose boundaries coincide with
- 10423 the boundaries of a single municipality.
- 10424 (f) "Regular district" means an improvement district that is not a county district,
- 10425 electric district, or municipal district.
- 10426 (g) "Remaining area" means the area of a regular district that:
- 10427 (i) is outside the boundaries of an included municipality; and
- 10428 (ii) includes the area of an included municipality whose legislative body elects, under
- 10429 Subsection (4)(a)(i)(B), not to appoint a member to the board of trustees of the regular district.
- 10430 (h) "Remaining area member" means a member of a board of trustees of a regular
- 10431 district who is appointed, or, if applicable, elected to represent the remaining area of the
- 10432 district.
- 10433 (2) The legislative body of a municipality included within a municipal district may:
- 10434 (a) elect, at the time of the creation of the district, to be the board of trustees of the
- 10435 district; and
- 10436 (b) adopt at any time a resolution providing for:
- 10437 (i) the election of board of trustees members, as provided in Section 17B-1-306; or
- 10438 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.
- 10439 (3) The legislative body of a county whose unincorporated area is partly or completely
- 10440 within a county district may:
- 10441 (a) elect, at the time of the creation of the district, to be the board of trustees of the
- 10442 district; and
- 10443 (b) adopt at any time a resolution providing for:

10444 (i) the election of board of trustees members, as provided in Section 17B-1-306; or  
10445 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

10446 (4) (a) (i) (A) Except as provided in Subsections (4)(a)(i)(B) and (ii), the legislative  
10447 body of each included municipality shall each appoint one member to the board of trustees of a  
10448 regular district.

10449 (B) The legislative body of an included municipality may elect not to appoint a  
10450 member to the board under Subsection (4)(a)(i)(A).

10451 (ii) If municipalities are combined under Subsection (6)(b)(i), the legislative bodies of  
10452 the combined municipalities shall collectively appoint one member to the board of trustees, as  
10453 provided in Section 17B-1-304.

10454 (b) Except as provided in Subsection (5), the legislative body of each county whose  
10455 boundaries include a remaining area shall appoint all other members to the board of trustees of  
10456 a regular district.

10457 (5) (a) Each remaining area member of a regular district and each county member of a  
10458 county district shall be elected, as provided in Section 17B-1-306, if:

10459 (i) the petition or resolution initiating the creation of the district provided for remaining  
10460 area or county members to be elected;

10461 (ii) the district holds an election to approve the district's issuance of bonds;

10462 (iii) for a regular district, an included municipality elects, under Subsection  
10463 (4)(a)(i)(B), not to appoint a member to the board of trustees; or

10464 (iv) (A) at least 90 days before the municipal general election, a petition is filed with  
10465 the district's board of trustees requesting remaining area members or county members, as the  
10466 case may be, to be elected; and

10467 (B) the petition is signed by registered voters within the remaining area or county  
10468 district, as the case may be, equal in number to at least 10% of the number of registered voters  
10469 within the remaining area or county district, respectively, who voted in the last gubernatorial  
10470 election.

10471 (6) (a) Subject to Section 17B-1-302, the number of members of a board of trustees of  
10472 a regular district shall be:

10473 (i) the number of included municipalities within the district, if:

10474 (A) the number is an odd number; and

- 10475 (B) the district does not include a remaining area;
- 10476 (ii) the number of included municipalities plus one, if the number of included
- 10477 municipalities within the district is even;
- 10478 (iii) the number of included municipalities plus two, if:
- 10479 (A) the number of included municipalities is odd; and
- 10480 (B) the district includes a remaining area.
- 10481 (b) (i) If the number of board members under Subsection (6)(a) exceeds nine, then,
- 10482 except as provided in Subsection (6)(b)(ii):
- 10483 (A) the number of members shall be nine; and
- 10484 (B) the least populated included municipalities shall be combined for purposes of
- 10485 representation to the extent necessary to result in nine members.
- 10486 (ii) Application of Subsection (6)(b)(i) may not cause an included municipality to lose
- 10487 its separate representation on the board until the end of the term of the board member
- 10488 appointed by that municipality.
- 10489 (7) (a) Except as provided in Subsection (7)(b), each remaining area member of the
- 10490 board of trustees of a regular district shall reside within the remaining area.
- 10491 (b) Notwithstanding Subsection (7)(a), if the population of the remaining area is less
- 10492 than 5% of the total district population, each remaining area member shall be chosen from the
- 10493 district at large.
- 10494 (8) If the election of remaining area or county members of the board of trustees is
- 10495 required because of a bond election, as provided in Subsection (5)(a)(ii):
- 10496 (a) a person may file a declaration of candidacy if:
- 10497 (i) the person resides within:
- 10498 (A) the remaining area, for a regular district; or
- 10499 (B) the county district, for a county district; and
- 10500 (ii) otherwise qualifies as a candidate;
- 10501 (b) the board of trustees shall, if required, provide a ballot separate from the bond
- 10502 election ballot, containing the names of candidates and blanks in which a voter may write
- 10503 additional names; and
- 10504 (c) the election shall otherwise be governed by Title 20A, Election Code.
- 10505 (9) (a) (i) This Subsection (9) applies to the board of trustees members of an electric

10506 district.

10507 (ii) Subsections (2) through (8) do not apply to an electric district.

10508 (b) The legislative body of the county in which an electric district is located may

10509 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.

10510 (c) After the initial board of trustees is appointed as provided in Subsection (9)(b), each

10511 member of the board of trustees of an electric district shall be elected by persons using

10512 electricity from and within the district.

10513 (d) Each member of the board of trustees of an electric district shall be a user of

10514 electricity from the district and, if applicable, the division of the district from which elected.

10515 (e) The board of trustees of an electric district may be elected from geographic

10516 divisions within the district.

10517 (f) A municipality within an electric district is not entitled to automatic representation

10518 on the board of trustees.

10519 Section 294. Section **17B-2a-405** is enacted to read:

10520 **17B-2a-405. Board of trustees of certain improvement districts.**

10521 (1) As used in this section:

10522 (a) "Nonappointing municipality" means a municipality that:

10523 (i) is partly included within a sewer improvement district; and

10524 (ii) is not a qualified municipality.

10525 (b) "Qualified county" means a county:

10526 (i) some or all of whose unincorporated area is included within a sewer improvement

10527 district; or

10528 (ii) which includes within its boundaries a nonappointing municipality.

10529 (c) "Qualified municipality" means a municipality that is partly or entirely included

10530 within a sewer improvement district that includes:

10531 (i) all of the municipality that is capable of receiving sewage treatment service from the

10532 sewer improvement district; and

10533 (ii) more than half of:

10534 (A) the municipality's land area; or

10535 (B) the assessed value of all private real property within the municipality.

10536 (d) "Sewer improvement district" means an improvement district that:

- 10537 (i) provides sewage collection, treatment, and disposal service; and  
10538 (ii) made an election under the law in effect before April 30, 2007 to enable it to  
10539 continue to appoint its board of trustees members as provided in this section.
- 10540 (2) (a) Notwithstanding Section 17B-2a-404, the board of trustees members of a sewer  
10541 improvement district shall be appointed as provided in this section.
- 10542 (b) The board of trustees of a sewer improvement district may revoke the election  
10543 under Subsection (1)(d)(ii) and become subject to the provisions of Section 17B-2a-404 only  
10544 by the unanimous vote of all members of the sewer improvement district's board of trustees at a  
10545 time when there is no vacancy on the board.
- 10546 (3) (a) The board of trustees of each sewer improvement district shall consist of:
- 10547 (i) at least one person but not more than three persons appointed by the mayor of each  
10548 qualified municipality, with the consent of the legislative body of that municipality; and
- 10549 (ii) at least one person but not more than three persons appointed by the chair of each  
10550 qualified county, with the consent of the legislative body of that county.
- 10551 (b) Each board of trustees member appointed under Subsection (3)(a)(ii) shall  
10552 represent:
- 10553 (i) the qualified county's unincorporated area that is included within the sewer  
10554 improvement district; and
- 10555 (ii) each nonappointing municipality's area that is included within the sewer  
10556 improvement district.
- 10557 (4) Notwithstanding Subsection 17B-1-302(2), the number of board of trustees  
10558 members of a sewer improvement district shall be the number that results from application of  
10559 Subsection (3)(a).
- 10560 (5) Except as provided in this section, each appointment to the board of trustees of each  
10561 sewer improvement district shall be made as provided in Section 17B-1-304.
- 10562 (6) A quorum of a board of trustees of a sewer improvement district consists of  
10563 members representing more than 50% of the total number of votes of all board members.
- 10564 (7) Each member of the board of trustees of a sewer improvement district is entitled to  
10565 cast one vote for each \$10,000,000, or fractional part larger than 1/2 of that amount, of assessed  
10566 valuation of private real property taxable for district purposes within the area that the member  
10567 represents, as shown by the assessment records of the county and evidenced by a certificate of

10568 the county auditor.

10569 Section 295. Section **17B-2a-406**, which is renumbered from Section 17A-2-302 is  
10570 renumbered and amended to read:

10571 ~~[17A-2-302].~~ **17B-2a-406. Improvement districts providing electric service**  
10572 **-- Public Service Commission jurisdiction -- Exceptions.**

10573 [~~(1) An electric service district may only include an area where:~~]

10574 [~~(a) no retail electricity has been provided to commercial, industrial, residential, and~~  
10575 ~~other users of electricity from an investor-owned utility within any part of an area certificated~~  
10576 ~~by the Public Service Commission or an area adjacent to that area, municipal agency, or~~  
10577 ~~electric cooperative within the five years immediately preceding September 1, 1985; and]~~

10578 [~~(b) electric service is provided to at least one user of electricity within the electric~~  
10579 ~~service district as of September 1, 1985.]~~

10580 [~~(2)~~] (1) (a) An improvement district that provides electric service [~~district organized~~  
10581 ~~under this part~~] as authorized under Subsection 17B-2a-403(1)(d) is a public utility and subject  
10582 to the jurisdiction of the Public Service Commission.

10583 (b) Nothing in this part may be construed to give the Public Service Commission  
10584 jurisdiction over [~~any~~]:

10585 (i) an improvement district, other than an improvement district that provides electric  
10586 service [~~district organized under this part, or over any~~] as authorized under Subsection  
10587 17B-2a-403(1)(a)(iv); or

10588 (ii) a municipality or an association of municipalities organized under [the] Title 11,  
10589 Chapter 13, Interlocal Cooperation Act.

10590 (c) Before an improvement district providing electric service [~~district~~] serves any  
10591 customer, the [~~electric service~~] improvement district shall obtain a certificate of public  
10592 convenience and necessity from the Public Service Commission.

10593 [~~(3)~~] (2) (a) Section 54-7-12 does not apply to rate changes of an improvement district  
10594 that provides electric service [~~district subject to the following~~] as authorized under Subsection  
10595 17B-2a-403(1)(a)(iv) if:

10596 [~~(a)~~] (i) the [~~electric service~~] district is organized for the purpose of distributing  
10597 electricity to customers within the boundaries of the [~~electric service~~] district on a not-for-profit  
10598 basis;

10599            ~~[(b)]~~ (ii) the schedule of new rates or other change that results in new rates has been  
 10600 approved by the board of ~~[directors]~~ trustees of the ~~[electric service]~~ district;

10601            ~~[(c)]~~ (iii) prior to the implementation of any rate increases, the ~~[electric service]~~ district  
 10602 first holds a public meeting for all its customers to whom mailed notice of the meeting is sent  
 10603 ~~[not less than]~~ at least ten days prior to the meeting; and

10604            ~~[(d)]~~ (iv) the ~~[electric service]~~ district has filed the schedule of new rates or other  
 10605 change with the ~~[commission]~~ Public Service Commission. ~~[These documents shall be made~~  
 10606 ~~available by the commission for public inspection.]~~

10607            ~~[(4) If an application for certification is not filed by an electric service district~~  
 10608 ~~organized under this part and approved by the Public Service Commission by September 1,~~  
 10609 ~~1986, all provisions in this part relating to electric service districts are repealed.]~~

10610            (b) The Public Service Commission shall make the district's schedule of new rates or  
 10611 other change available for public inspection.

10612            Section 296. Section **17B-2a-501** is enacted to read:

#### **Part 5. Irrigation District Act**

10614            **17B-2a-501. Title.**

10615            This part is known as the "Irrigation District Act."

10616            Section 297. Section **17B-2a-502** is enacted to read:

10617            **17B-2a-502. Applicability of this part to irrigation districts.**

10618            (1) Each irrigation district is governed by and has the powers stated in:

10619            (a) this part; and

10620            (b) Chapter 1, Provisions Applicable to All Local Districts.

10621            (2) This part applies only to irrigation districts.

10622            (3) An irrigation district is not subject to the provisions of any other part of this  
 10623 chapter.

10624            (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
 10625 Local Districts, and a provision in this part, the provision in this part governs.

10626            Section 298. Section **17B-2a-503** is enacted to read:

10627            **17B-2a-503. Powers of irrigation districts.**

10628            (1) In addition to the powers conferred on an irrigation district under Section  
 10629 17B-1-103, an irrigation district may:

- 10630 (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10631 to carry out the purposes of the district;
- 10632 (b) purchase stock of an irrigation, canal, or reservoir company;
- 10633 (c) enter upon any land in the district to make a survey and to locate and construct a  
10634 canal and any necessary lateral;
- 10635 (d) convey water rights or other district property to the United States as partial or full  
10636 consideration under a contract with the United States;
- 10637 (e) pursuant to a contract with the United States, lease or rent water to private land, an  
10638 entryman, or a municipality in the neighborhood of the district;
- 10639 (f) if authorized under a contract with the United States, collect money on behalf of the  
10640 United States in connection with a federal reclamation project and assume the incident duties  
10641 and liabilities;
- 10642 (g) acquire water from inside or outside the state;
- 10643 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land  
10644 within the district:
- 10645 (i) to a municipality, corporation, association, or individual inside or outside the  
10646 district;
- 10647 (ii) for irrigation or any other beneficial use; and
- 10648 (iii) at a price and on terms that the board considers appropriate; and
- 10649 (i) repair a break in a reservoir or canal or remedy any other district disaster.
- 10650 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed  
10651 five years.
- 10652 (b) A vested or prescriptive right to the use of water may not attach to the land because  
10653 of a lease or rental of water under Subsection (1)(h).
- 10654 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a  
10655 property tax.
- 10656 Section 299. Section **17B-2a-504** is enacted to read:
- 10657 **17B-2a-504. Irrigation district board of trustees -- Bond for board of trustees**  
10658 **members and district if the district is appointed as fiscal or other agent for the United**  
10659 **States.**
- 10660 (1) (a) One board of trustees member shall be elected from each division established as



10661 provided in Section 17B-2a-505.

10662 (b) Each landowner within an irrigation district may vote for one board of trustees  
10663 member for the division in which the landowner's land is located.

10664 (c) Each landowner is entitled to cast one vote for each acre-foot or fraction of an  
10665 acre-foot of water allotted to the land owned by the landowner.

10666 (2) (a) If an irrigation district is appointed fiscal agent of the United States or is  
10667 authorized by the United States to collect money on behalf of the United States with respect to  
10668 a federal project:

10669 (i) each member of the district's board of trustees shall:

10670 (A) execute an official bond in the amount required by the Secretary of the Interior,  
10671 conditioned upon the faithful discharge of the trustee's duties; and

10672 (B) file the official bond in the office of the clerk of the county in which the district is  
10673 located; and

10674 (ii) the irrigation district shall execute an additional bond for the district's faithful  
10675 discharge of its duties as fiscal or other agent of the United States.

10676 (b) The United States or any person injured by the failure of a member of the board of  
10677 trustees or of the district to perform fully, promptly, and completely a duty may sue upon the  
10678 official bond.

10679 Section 300. Section **17B-2a-505** is enacted to read:

10680 **17B-2a-505. Divisions.**

10681 (1) The board of trustees of each irrigation district shall divide the district into  
10682 divisions, each as nearly equal in size to the others as practicable.

10683 (2) The number of divisions shall be equal to the number of board of trustees members.

10684 (3) At least 30 days before an election of board of trustees members, the board shall  
10685 redivide the district into divisions if, since the last time the board divided the district into  
10686 divisions:

10687 (a) the district has annexed land under Chapter 1, Part 4, Annexation;

10688 (b) land has been withdrawn from the district under Chapter 1, Part 5, Withdrawal; or

10689 (c) the number of board of trustees members has been changed.

10690 Section 301. Section **17B-2a-506** is enacted to read:

10691 **17B-2a-506. Different use charges for different units -- Use charges based on the**

10692 size of the land served -- Use charge may not be based on property value.

10693 (1) An irrigation district may:

10694 (a) divide the district into units and apply different use charges to the different units;

10695 and

10696 (b) base use charges upon the amount of water or electricity the district provides, the  
10697 area of the land served, or any other reasonable basis, as determined by the board of trustees.

10698 (2) If an irrigation district imposes a use charge based on the size of the land served:

10699 (a) the district shall notify the treasurer of the county in which the land is located of the  
10700 charge to be imposed for each parcel of land served by the district; and

10701 (b) the treasurer of the county in which the land is located:

10702 (i) shall:

10703 (A) provide each landowner a notice of use charges as part of the annual tax notice as  
10704 an additional charge separate from ad valorem taxes;

10705 (B) collect, receive, and provide an accounting for all money belonging to the district  
10706 from use charges; and

10707 (C) remit to the irrigation district, by the tenth day of each month, the funds previously  
10708 collected by the county as use charges on the district's behalf; and

10709 (ii) may receive and account for use charges separately from taxes upon real estate for  
10710 county purposes.

10711 (3) A use charge may not be calculated on the basis of property value and does not  
10712 constitute an ad valorem property tax or other tax.

10713 Section 302. Section **17B-2a-507** is enacted to read:

10714 **17B-2a-507. Right-of-way over state land.**

10715 Each irrigation district has a right-of-way on land that is or becomes the property of the  
10716 state to locate, construct, and maintain district works.

10717 Section 303. Section **17B-2a-508** is enacted to read:

10718 **17B-2a-508. Inclusion of state land in an irrigation district.**

10719 (1) State land that is not under a contract of sale may be included in an irrigation  
10720 district upon petition by the state entity responsible for the administration of the land.

10721 (2) State land included in an irrigation district may not be:

10722 (a) assessed by the district; or

10723 (b) the subject of use charges imposed by the district.

10724 (3) The entity responsible for the administration of the state land to be included in an  
10725 irrigation district and the state engineer shall make a thorough examination of the benefits to  
10726 accrue to the land by its inclusion in the district and by the acquisition of water rights for the  
10727 land.

10728 (4) (a) The entity responsible for the administration of the state land to be included in  
10729 an irrigation district may enter into a contract with the district, specifying the land benefitted  
10730 and the amount of benefit, as determined under Subsection (3).

10731 (b) Each contract under Subsection (4)(a) shall provide that the entity responsible for  
10732 the administration of the state land shall make annual payments to the district, to be applied to  
10733 the cost of constructing the district's irrigation works, until the full amount of the benefit is  
10734 paid.

10735 (c) The entity responsible for the administration of state land included in an irrigation  
10736 district may, at its option, pay the full amount of the contract at any time.

10737 Section 304. Section **17B-2a-509** is enacted to read:

10738 **17B-2a-509. This part not to be construed to prohibit state engineer from**  
10739 **increasing water allotment.**

10740 Nothing in this part may be construed to prohibit the state engineer, upon petition by an  
10741 irrigation district board of trustees, from increasing the maximum allotment of water for one or  
10742 more tracts of land within the district if the state engineer determines that the land cannot be  
10743 beneficially irrigated with the currently allotted water.

10744 Section 305. Section **17B-2a-510** is enacted to read:

10745 **17B-2a-510. Rules for the distribution and use of water.**

10746 (1) Each irrigation district board of trustees shall establish equitable rules for the  
10747 distribution and use of water among the owners of land in the district.

10748 (2) The board of trustees of an irrigation district that establishes rules under Subsection  
10749 (1) shall, as soon as the rules are adopted, print them in convenient form for distribution in the  
10750 district.

10751 Section 306. Section **17B-2a-511** is enacted to read:

10752 **17B-2a-511. Distribution of water under a contract with the United States.**

10753 If an irrigation district acquires the right to use water under a contract with the United

10754 States, the district shall distribute and apportion water according to the contract and federal  
10755 law, rules, and regulations.

10756 Section 307. Section **17B-2a-512** is enacted to read:

10757 **17B-2a-512. Removal of land from the assessor's roll.**

10758 (1) An irrigation district may direct a county treasurer to remove parcels of land from  
10759 the district's billing if:

10760 (a) the land is publicly dedicated to a street, highway, or road; or

10761 (b) the use of the land has so permanently changed as to prevent the beneficial use of  
10762 water on it.

10763 (2) Each county treasurer shall comply with the direction of an irrigation district under  
10764 Subsection (1).

10765 Section 308. Section **17B-2a-513** is enacted to read:

10766 **17B-2a-513. Temporary application of water to land.**

10767 (1) Upon the written application of the owner of land that has no water allotment or an  
10768 insufficient water allotment, an irrigation district board of trustees may temporarily permit  
10769 water to be applied to the land and charge the owner for that water.

10770 (2) Subsection (1) may not be construed to affect an irrigation district's permanent  
10771 water allotments.

10772 Section 309. Section **17B-2a-514** is enacted to read:

10773 **17B-2a-514. Assignment of the right to water.**

10774 With the consent of the irrigation district board of trustees, a landowner in the district  
10775 may assign the right to some or all of the water apportioned to the landowner's land for any one  
10776 year to another bona fide landowner in the district for use in the district, if all charges for the  
10777 water have been paid.

10778 Section 310. Section **17B-2a-515** is enacted to read:

10779 **17B-2a-515. Distribution of water when supply is inadequate.**

10780 If an irrigation district's water supply is not sufficient to supply all the needs within the  
10781 district, the board of trustees may distribute water as the board considers best for all concerned,  
10782 subject to distribution and apportionment requirements of a district contract with the United  
10783 States and applicable federal law, rule, and regulation.

10784 Section 311. Section **17B-2a-516** is enacted to read:

10785 **17B-2a-516. Diversions of water subject to eminent domain law.**

10786 Nothing in this part may be construed to authorize any person to divert the water of a  
10787 river, creek, stream, canal, or reservoir to the detriment of anyone having a prior right to the  
10788 water, unless compensation is previously determined and paid according to the laws of eminent  
10789 domain.

10790 Section 312. Section **17B-2a-601** is enacted to read:

10791 **Part 6. Metropolitan Water District Act**

10792 **17B-2a-601. Title.**

10793 This part is known as the "Metropolitan Water District Act."

10794 Section 313. Section **17B-2a-602** is enacted to read:

10795 **17B-2a-602. Applicability of this part to metropolitan water districts.**

10796 (1) Each metropolitan water district is governed by and has the powers stated in:

10797 (a) this part; and

10798 (b) Chapter 1, Provisions Applicable to All Local Districts.

10799 (2) This part applies only to metropolitan water districts.

10800 (3) A metropolitan water district is not subject to the provisions of any other part of  
10801 this chapter.

10802 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
10803 Local Districts, and a provision in this part, the provision in this part governs.

10804 Section 314. Section **17B-2a-603** is enacted to read:

10805 **17B-2a-603. Powers of metropolitan water districts.**

10806 In addition to the powers conferred on a metropolitan water district under Section  
10807 17B-1-103, a metropolitan water district may:

10808 (1) acquire or lease any real or personal property or acquire any interest in real or  
10809 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or  
10810 outside the district or inside or outside the state;

10811 (2) encumber real or personal property or an interest in real or personal property that  
10812 the district owns;

10813 (3) acquire or construct works, facilities, and improvements, as provided in Subsection  
10814 17B-1-103(2)(d), whether inside or outside the district or inside or outside the state;

10815 (4) acquire water, waterworks, water rights, and sources of water necessary or

10816 convenient to the full exercise of the district's powers, whether the water, waterworks, water  
10817 rights, or sources of water are inside or outside the district or inside or outside the state, and  
10818 encumber, transfer an interest in, or dispose of water, waterworks, water rights, and sources of  
10819 water;

10820 (5) develop, store, and transport water;

10821 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful  
10822 beneficial use;

10823 (7) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10824 to carry out the purposes of the district; and

10825 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company,  
10826 irrigation company, water company, or water users association, for the purpose of acquiring the  
10827 right to use water or water infrastructure.

10828 Section 315. Section **17B-2a-604** is enacted to read:

10829 **17B-2a-604. Board of trustees.**

10830 (1) Members of the board of trustees of a metropolitan water district shall be appointed  
10831 as provided in this section.

10832 (2) If a district contains the area of a single municipality:

10833 (a) the legislative body of that municipality shall appoint each member of the board of  
10834 trustees; and

10835 (b) one member shall be the officer with responsibility over the municipality's water  
10836 supply and distribution system, if the system is municipally owned.

10837 (3) If a district contains some or all of the retail water service area of more than one  
10838 municipality:

10839 (a) the legislative body of each municipality shall appoint the number of members for  
10840 that municipality as determined under Subsection (3)(b);

10841 (b) subject to Subsection (3)(c), the number of members appointed by each  
10842 municipality shall be determined:

10843 (i) by agreement between the metropolitan water district and the municipalities, subject  
10844 to the maximum stated in Subsection 17B-1-302(2); or

10845 (ii) as provided in Chapter 1, Part 3, Board of Trustees; and

10846 (c) at least one member shall be appointed by each municipality.

- 10847 (4) Each member of the board of trustees of a metropolitan water district shall be:  
10848 (a) a registered voter;  
10849 (b) a property taxpayer; and  
10850 (c) a resident of:  
10851 (i) the metropolitan water district; and  
10852 (ii) the retail water service area of the municipality whose legislative body appoints the  
10853 member.
- 10854 (5) Each trustee shall be appointed without regard to partisan political affiliations from  
10855 among citizens of the highest integrity, attainment, competence, and standing in the  
10856 community.
- 10857 (6) Except as provided in Subsection (8), if a member becomes elected or appointed to  
10858 office in or becomes an employee of the municipality whose legislative body appointed the  
10859 member, the member shall immediately forfeit the office, and the member's position on the  
10860 board is vacant until filled as provided in Section 17B-1-306.
- 10861 (7) Except as provided in Subsection (8), the term of office of each member of the  
10862 board of trustees is as provided in Section 17B-1-303.
- 10863 (8) Subsections (4), (6), and (7) do not apply to a member who is a member under  
10864 Subsection (2)(b).
- 10865 Section 316. Section **17B-2a-605** is enacted to read:  
10866 **17B-2a-605. Preferential rights of cities.**
- 10867 (1) Each city whose area is within a metropolitan water district and that provides water  
10868 on a retail level within the district has a preferential right to purchase from the district a portion  
10869 of the water served by the district.
- 10870 (2) Except as otherwise provided by contract between a metropolitan water district and  
10871 the city, the percentage of the total district water supply that a city has a preferential right to  
10872 purchase under Subsection (1) is the same percentage as the total amount of taxes levied by the  
10873 district against property within the city's retail water service area is of the total of all taxes  
10874 levied by the district against all property within the district.
- 10875 (3) (a) Nothing in this section may be construed to limit the ability of a metropolitan  
10876 water district to establish preferential rights by contract with a city that has preferential rights  
10877 under this section.

10878           (b) Each agreement described in Subsection (3)(a) entered into before April 30, 2007 is  
10879 ratified, validated, and confirmed.

10880           Section 317. Section **17B-2a-606** is enacted to read:

10881           **17B-2a-606. Rates, charges, and assessments.**

10882           (1) (a) The board of trustees may fix the rates, charges, and assessments, from time to  
10883 time, at which the district:

10884           (i) sells water; or

10885           (ii) charges for the treatment or transportation of water or for the dedication of water  
10886 supplies or water treatment or conveyance capacities.

10887           (b) The rates, charges, and assessments may be established by agreement between the  
10888 district and the municipalities serviced by the district.

10889           (2) Rates fixed under Subsection (1)(a) shall be equitable, although not necessarily  
10890 equal or uniform, for like classes of service throughout the district.

10891           (3) Each agreement described in Subsection (1)(b) entered into before April 30, 2007  
10892 that otherwise complies with the law is ratified, validated, and confirmed.

10893           Section 318. Section **17B-2a-607** is enacted to read:

10894           **17B-2a-607. Contracts with other corporations.**

10895           (1) A metropolitan water district may:

10896           (a) contract with one or more corporations, public or private, for the purpose of:

10897           (i) financing acquisitions, constructions, or operations of the district; or

10898           (ii) carrying out any of the district's powers;

10899           (b) in a contract under Subsection (1)(a), obligate itself severally or jointly with the  
10900 other corporation or corporations; and

10901           (c) secure, guarantee, or become surety for the payment of an indebtedness or the  
10902 performance of a contract or other obligation incurred or entered into by a corporation whose  
10903 shares of stock the district has acquired.

10904           (2) A contract under Subsection (1)(a) may:

10905           (a) provide for:

10906           (i) contributions to be made by each contracting party;

10907           (ii) the division and apportionment of:

10908           (A) the expenses of acquisitions and operations; and



10909 (B) the contractual benefits, services, and products; and  
 10910 (iii) an agency to make acquisitions and carry on operations under the contract; and  
 10911 (b) contain covenants and agreements as necessary or convenient to accomplish the  
 10912 purposes of the contract.

10913 Section 319. Section **17B-2a-701** is enacted to read:

10914 **Part 7. Mosquito Abatement District Act**

10915 **17B-2a-701. Title.**

10916 This part is known as the "Mosquito Abatement District Act."

10917 Section 320. Section **17B-2a-702** is enacted to read:

10918 **17B-2a-702. Applicability of this part to mosquito abatement districts.**

10919 (1) Each mosquito abatement district is governed by and has the powers stated in:

10920 (a) this part; and

10921 (b) Chapter 1, Provisions Applicable to All Local Districts.

10922 (2) This part applies only to mosquito abatement districts.

10923 (3) A mosquito abatement district is not subject to the provisions of any other part of  
 10924 this chapter.

10925 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
 10926 Local Districts, and a provision in this part, the provision in this part governs.

10927 Section 321. Section **17B-2a-703** is enacted to read:

10928 **17B-2a-703. Mosquito abatement district powers.**

10929 In addition to the powers conferred on a mosquito abatement district under Section  
 10930 17B-1-103, a mosquito abatement district may:

10931 (1) take all necessary and proper steps for the extermination of mosquitos, flies,  
 10932 crickets, grasshoppers, and other insects:

10933 (a) within the district; or

10934 (b) outside the district, if lands inside the district are benefitted;

10935 (2) abate as nuisances all stagnant pools of water and other breeding places for  
 10936 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state  
 10937 from which mosquitos migrate into the district;

10938 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and  
 10939 examine the territory and to remove from the territory, without notice, stagnant water or other

10940 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;

10941 (4) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
10942 to carry out the purposes of the district;

10943 (5) make a contract to indemnify or compensate an owner of land or other property for  
10944 injury or damage necessarily caused by the exercise of district powers or arising out of the use,  
10945 taking, or damage of property for a district purpose; and

10946 (6) establish a reserve fund, not to exceed the greater of 25% of the district's annual  
10947 operating budget and \$50,000, to pay for extraordinary abatement measures, including a  
10948 vector-borne public health emergency.

10949 Section 322. Section **17B-2a-704** is enacted to read:

10950 **17B-2a-704. Appointment of mosquito abatement district board of trustees**  
10951 **members.**

10952 (1) (a) Notwithstanding Subsection 17B-1-302(2) and subject to Subsection (1)(b), the  
10953 legislative body of each municipality that is entirely or partly included within a mosquito  
10954 abatement district shall appoint one member to the board of trustees.

10955 (b) If 75% or more of the area of a mosquito abatement district is within the boundaries  
10956 of a single municipality:

10957 (i) the board of trustees shall consist of five members; and

10958 (ii) the legislative body of that municipality shall appoint all five members of the  
10959 board.

10960 (2) The legislative body of each county in which a mosquito abatement district is  
10961 located shall appoint one member to the district's board of trustees if:

10962 (a) some or all of the county's unincorporated area is included within the boundaries of  
10963 the mosquito abatement district; or

10964 (b) (i) the number of municipalities that are entirely or partly included within the  
10965 district is an even number less than nine; and

10966 (ii) Subsection (1)(b) does not apply.

10967 (3) If the number of board members appointed by application of Subsections (1) and  
10968 (2)(a) is an even number less than nine, the legislative body of the county in which the district  
10969 is located shall appoint an additional member.

10970 (4) Each board of trustees member shall be appointed as provided in Section

10971 17B-1-304.

10972 (5) Each vacancy on a mosquito abatement district board of trustees shall be filled by  
10973 the applicable appointing authority as provided in Section 17B-1-304.

10974 Section 323. Section **17B-2a-705**, which is renumbered from Section 17A-2-910 is  
10975 renumbered and amended to read:

10976 ~~[17A-2-910].~~ **17B-2a-705. Taxation -- Additional levy -- Election.**

10977 (1) ~~[When it appears to the]~~ If a mosquito abatement district board of trustees  
10978 determines that the funds required during the next ensuing fiscal year will exceed the maximum  
10979 amount [which] that the [county legislative body] district is authorized to levy [for the annual  
10980 district tax] under Section 17B-2a-705, the board of trustees may call an election and submit to  
10981 [the electors of the] district voters the question of whether [a tax shall be voted for raising] the  
10982 district should be authorized to impose an additional tax to raise the necessary additional funds.

10983 (2) ~~[Notice]~~ The board shall, for at least four weeks before the election:

10984 (a) publish notice of the election ~~[therefor shall be published for at least four weeks~~  
10985 ~~prior to the election]~~ in a daily or weekly newspaper published in the district[-]; or

10986 (b) if there is no daily or weekly newspaper published in the district, post notice of the  
10987 election in three public places in the district.

10988 (3) No particular form of ballot ~~[shall be]~~ is required, and no informalities in  
10989 conducting the election ~~[shall]~~ may invalidate the ~~[same]~~ election, if ~~[the election]~~ it is  
10990 otherwise fairly conducted.

10991 (4) At the election ~~[the ballots]~~ each ballot shall contain the words, "Shall the district  
10992 ~~[vote a]~~ be authorized to impose an additional tax to raise the additional sum of \$\_\_\_\_?"

10993 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority  
10994 of the votes cast are in favor of the imposition of the tax, the ~~[board of trustees shall report the~~  
10995 ~~same to the county legislative body, stating]~~ district is authorized to impose an additional levy  
10996 to raise the additional amount of money required [to be raised].

10997 ~~[(6) The county legislative body shall at the time of levying general county taxes levy~~  
10998 ~~an additional tax upon all of the taxable property in the district voting such additional tax.]~~

10999 Section 324. Section **17B-2a-801** is enacted to read:

11000 **Part 8. Public Transit District Act**

11001 **17B-2a-801. Title.**

11002 This part is known as the "Public Transit District Act."

11003 Section 325. Section **17B-2a-802** is enacted to read:

11004 **17B-2a-802. Definitions.**

11005 As used in this part:

11006 (1) "Department" means the Department of Transportation created in Section 72-1-201.

11007 (2) "Multicounty district" means a public transit district located in more than one  
11008 county.

11009 (3) "Operator" means a public entity or other person engaged in the transportation of  
11010 passengers for hire.

11011 (4) "Public transit" means the transportation of passengers only and their incidental  
11012 baggage by means other than:

11013 (a) chartered bus;

11014 (b) sightseeing bus;

11015 (c) taxi; or

11016 (d) other vehicle not on an individual passenger fare paying basis.

11017 (5) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or  
11018 unloading zone, parking lot, or other facility:

11019 (a) leased by or operated by or on behalf of a public transit district; and

11020 (b) related to the public transit services provided by the district, including:

11021 (i) railway or other right-of-way;

11022 (ii) railway line; and

11023 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
11024 a transit vehicle.

11025 (6) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle  
11026 operated as public transportation by a public transit district.

11027 Section 326. Section **17B-2a-803** is enacted to read:

11028 **17B-2a-803. Applicability of this part to public transit districts.**

11029 (1) (a) Each public transit district is governed by and has the powers stated in:

11030 (i) this part; and

11031 (ii) except as provided in Subsection (1)(b), Chapter 1, Provisions Applicable to All  
11032 Local Districts.

11033            (b) (i) Except for Sections 17B-1-301, 17B-1-311, and 17B-1-313, the provisions of  
11034 Chapter 1, Part 3, Board of Trustees, do not apply to public transit districts.

11035            (ii) A public transit district is not subject to Chapter 1, Part 6, Fiscal Procedures for  
11036 Local Districts.

11037            (2) This part applies only to public transit districts.

11038            (3) A public transit district is not subject to the provisions of any other part of this  
11039 chapter.

11040            (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
11041 Local Districts, and a provision in this part, the provision in this part governs.

11042            Section 327. Section **17B-2a-804** is enacted to read:

11043            **17B-2a-804. Powers of public transit districts.**

11044            (1) In addition to the powers conferred on a public transit district under Section  
11045 17B-1-103, a public transit district may:

11046            (a) provide a public transit system for the transportation of passengers and their  
11047 incidental baggage;

11048            (b) notwithstanding Subsection 17B-1-103(2)(i) and subject to Section 17B-2a-817,  
11049 levy and collect property taxes only for the purpose of paying:

11050            (i) principal and interest of bonded indebtedness of the public transit district; or

11051            (ii) a final judgment against the public transit district if:

11052            (A) the amount of the judgment exceeds the amount of any collectable insurance or  
11053 indemnity policy; and

11054            (B) the district is required by a final court order to levy a tax to pay the judgment;

11055            (c) insure against:

11056            (i) loss of revenues from damage to or destruction of some or all of a public transit  
11057 system from any cause;

11058            (ii) public liability;

11059            (iii) property damage; or

11060            (iv) any other type of event, act, or omission;

11061            (d) acquire, contract for, lease, construct, own, operate, control, or use:

11062            (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,  
11063 parking lot, or any other facility necessary or convenient for public transit service; or

11064 (ii) any structure necessary for access by persons and vehicles;  
11065 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,  
11066 equipment, service, employee, or management staff of an operator; and  
11067 (ii) provide for a sublease or subcontract by the operator upon terms that are in the  
11068 public interest;  
11069 (f) operate feeder bus lines and other feeder services as necessary;  
11070 (g) accept a grant, contribution, or loan, directly through the sale of securities or  
11071 equipment trust certificates or otherwise, from the United States, or from a department,  
11072 instrumentality, or agency of the United States, to:  
11073 (i) establish, finance, construct, improve, maintain, or operate transit facilities and  
11074 equipment; or  
11075 (ii) study and plan transit facilities in accordance with any legislation passed by  
11076 Congress;  
11077 (h) cooperate with and enter into an agreement with the state or an agency of the state  
11078 to establish transit facilities and equipment or to study or plan transit facilities;  
11079 (i) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,  
11080 to carry out the purposes of the district;  
11081 (j) from bond proceeds or any other available funds, reimburse the state or an agency of  
11082 the state for an advance or contribution from the state or state agency; and  
11083 (k) do anything necessary to avail itself of any aid, assistance, or cooperation available  
11084 under federal law, including complying with labor standards and making arrangements for  
11085 employees required by the United States or a department, instrumentality, or agency of the  
11086 United States.  
11087 (2) A public transit district may be funded from any combination of federal, state, or  
11088 local funds.  
11089 (3) A public transit district may not acquire property by eminent domain.  
11090 Section 328. Section **17B-2a-805** is enacted to read:  
11091 **17B-2a-805. Limitations on authority of a public transit district.**  
11092 (1) A public transit district may not exercise control over a transit facility owned or  
11093 operated inside or outside the district by a governmental entity unless, upon mutually agreeable  
11094 terms, the governmental entity consents.

11095 (2) (a) A public transit district may not establish, directly or indirectly, a public transit  
 11096 service or system, or acquire a facility necessary or incidental to a public transit service or  
 11097 system, in a manner or form that diverts, lessens, or competes for the patronage or revenue of a  
 11098 preexisting system of a publicly or privately owned public carrier furnishing like service, unless  
 11099 the district obtains the consent of the publicly or privately owned carrier.

11100 (b) A public transit district's maintenance and operation of an existing system that the  
 11101 district acquires from a publicly or privately owned public carrier may not be considered to be  
 11102 the establishment of a public transit service or system under this Subsection (2).

11103 Section 329. Section **17B-2a-806** is enacted to read:

11104 **17B-2a-806. Authority of the state or an agency of the state with respect to a**  
 11105 **public transit district.**

11106 (1) The state or an agency of the state may:

11107 (a) make public contributions to a public transit district as in the judgment of the  
 11108 Legislature or governing board of the agency are necessary or proper;

11109 (b) authorize a public transit district to perform, or aid and assist a public transit district  
 11110 in performing, an activity that the state or agency is authorized by law to perform.

11111 (2) (a) A county or municipality involved in the establishment and operation of a  
 11112 public transit district may provide funds necessary for the operation and maintenance of the  
 11113 district.

11114 (b) A county's use of property tax funds to establish and operate a public transit district  
 11115 within any part of the county is a county purpose under Section 17-53-220.

11116 Section 330. Section **17B-2a-807**, which is renumbered from Section 17A-2-1038 is  
 11117 renumbered and amended to read:

11118 ~~[17A-2-1038].~~ **17B-2a-807. Public transit district board of trustees --**  
 11119 **Appointment -- Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

11120 ~~[(1) (a) All powers, privileges, and duties vested in any incorporated district shall be~~  
 11121 ~~performed by a board of trustees.]~~

11122 ~~[(b) The board may delegate the exercise of any duty to any of the offices created under~~  
 11123 ~~this part.]~~

11124 ~~[(2)]~~ (1) (a) If 200,000 people or fewer reside within the [district] boundaries[-(a)(i)]  
 11125 of a public transit district, the board of trustees shall consist of[-(A)] members appointed by

11126 the legislative bodies of each municipality, county, or unincorporated area within any county on  
11127 the basis of one member for each full unit of regularly scheduled passenger routes proposed to  
11128 be served by the district in each municipality or unincorporated area within any county in the  
11129 following calendar year[; and].

11130 ~~[(B) for]~~ (b) For purposes of determining membership under Subsection ~~[(2)]~~  
11131 ~~(1)(a)[(i)(A)]~~, the number of service miles comprising a unit shall be determined jointly by the  
11132 legislative bodies of the municipalities or counties comprising the district[; and].

11133 ~~[(ii) the]~~ (c) The board of trustees of a public transit district under this Subsection (1)  
11134 may ~~consist of~~ include a member that is a commissioner on the Transportation Commission  
11135 created in Section 72-1-301 and appointed as provided in Subsection (10), who shall serve as a  
11136 nonvoting, ex officio member[;].

11137 ~~[(b) members]~~ (d) Members appointed under this Subsection ~~[(2)]~~ (1) shall be  
11138 appointed and added to the board or omitted from the board at the time scheduled routes are  
11139 changed, or as municipalities, counties, or unincorporated areas of counties annex to or  
11140 withdraw from the district using the same appointment procedures[; and].

11141 ~~[(c) for]~~ (e) For purposes of appointing members under this Subsection ~~[(2)(b)]~~ (1),  
11142 municipalities, counties, and unincorporated areas of counties in which regularly scheduled  
11143 passenger routes proposed to be served by the district in the following calendar year is less than  
11144 a full unit, as defined in Subsection ~~[(2)(a)]~~ (1)(b), may combine with any other similarly  
11145 situated municipality or unincorporated area to form a whole unit and may appoint one member  
11146 for each whole unit formed.

11147 ~~[(3)]~~ (2) (a) If more than 200,000 people reside within the ~~[district]~~ boundaries of a  
11148 public transit district, the board of trustees shall consist of 15 members appointed as described  
11149 under this Subsection ~~[(3)]~~ (2) and one nonvoting, ex officio member appointed as provided in  
11150 Subsection (10).

11151 (b) Except as provided ~~[under]~~ in Subsections ~~[(3)]~~ (2)(c) and ~~[(3)]~~(d), the board shall  
11152 apportion voting members to each county within the district using an average of:

11153 (i) the proportion of population included in the district and residing within each county,  
11154 rounded to the nearest 1/15 of the total transit district population; and

11155 (ii) the proportion of transit sales and use tax collected from areas included in the  
11156 district and within each county, rounded to the nearest 1/15 of the total transit sales and use tax



11157 collected for the transit district.

11158 (c) The board shall join an entire or partial county not apportioned a voting member  
11159 under this Subsection [(3)] (2) with an adjacent county for representation. The combined  
11160 apportionment basis included in the district of both counties shall be used for the  
11161 apportionment.

11162 (d) (i) If rounding to the nearest 1/15 of the total public transit district apportionment  
11163 basis under Subsection [(3)] (2)(b) results in an apportionment of [~~+~~(+)] more than 15 members,  
11164 the county or combination of counties with the smallest additional fraction of a whole member  
11165 proportion shall have one less member apportioned to it[~~+~~or].

11166 (ii) If rounding to the nearest 1/15 of the total public transit district apportionment basis  
11167 under Subsection (2)(b) results in an apportionment of less than 15 members, the county or  
11168 combination of counties with the largest additional fraction of a whole member proportion shall  
11169 have one more member apportioned to it.

11170 (e) If the population in the unincorporated area of a county is at least 1/15 of the  
11171 district's population, the county executive, with the advice and consent of the county legislative  
11172 body, shall appoint one voting member to represent each 1/15 of the district's population within  
11173 a county's unincorporated area population.

11174 (f) If a municipality's population is at least 1/15 of the district's population, the chief  
11175 municipal executive, with the advice and consent of the municipal legislative body, shall  
11176 appoint one voting member to represent each 1/15 of the district's population within a  
11177 municipality.

11178 (g) The number of voting members appointed from a county and municipalities within  
11179 a county under Subsections [(3)] (2)(e) and (f) shall be subtracted from the county's total voting  
11180 member apportionment under this Subsection [(3)] (2).

11181 (h) If the entire county is within the district, the remaining voting members for the  
11182 county shall represent the county or combination of counties, if Subsection [(3)] (2)(c) applies,  
11183 or the municipalities within the county.

11184 (i) If the entire county is not within the district, and the county is not joined with  
11185 another county under Subsection [(3)] (2)(c), the remaining voting members for the county  
11186 shall represent a municipality or combination of municipalities.

11187 (j) Except as provided under Subsections [(3)] (2)(e) and (f), voting members

11188 representing counties, combinations of counties if Subsection [~~(3)~~] (2)(c) applies, or  
11189 municipalities within the county shall be designated and appointed by a simple majority of the  
11190 chief executives of the municipalities within the county or combinations of counties if  
11191 Subsection [~~(3)~~] (2)(c) applies. The appointments shall be made by joint written agreement of  
11192 the appointing municipalities, with the consent and approval of the county legislative body of  
11193 the county that has at least 1/15 of the district's apportionment basis.

11194 (k) Voting members representing a municipality or combination of municipalities shall  
11195 be designated and appointed by the chief executive officer of the municipality or simple  
11196 majority of chief executive officers of municipalities with the consent of the legislative body of  
11197 the municipality or municipalities.

11198 (l) The appointment of voting members shall be made without regard to partisan  
11199 political affiliation from among citizens in the community.

11200 (m) Each voting member shall be a bona fide resident of the municipality, county, or  
11201 unincorporated area or areas which the voting member is to represent for at least six months  
11202 before the date of appointment, and must continue in that residency to remain qualified to serve  
11203 as a voting member.

11204 (n) (i) All population figures used under this section shall be derived from the most  
11205 recent official census or census estimate of the United States Bureau of the Census.

11206 (ii) If population estimates are not available from the United States Bureau of Census,  
11207 population figures shall be derived from the estimate from the Utah Population Estimates  
11208 Committee.

11209 (iii) All transit sales and use tax totals shall be obtained from the State Tax  
11210 Commission.

11211 (o) (i) The board shall be apportioned as provided under this section in conjunction with  
11212 the decennial United States Census Bureau report every ten years.

11213 (ii) Within 120 days following the receipt of the population estimates under this  
11214 Subsection [~~(5)(k)~~] (2)(o), the district shall reapportion representation on the board of trustees  
11215 in accordance with this section.

11216 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed  
11217 apportionment.

11218 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to

11219 each of its constituent entities as defined under Section [~~17A-1-501~~] 17B-1-701.

11220 (v) The appointing entities gaining a new board member shall appoint a new member  
11221 within 30 days following receipt of the resolution.

11222 (vi) The appointing entities losing a board member shall inform the board of which  
11223 member currently serving on the board will step down upon appointment of a new member  
11224 under Subsection [~~(5)(k)~~] (2)(o)(v).

11225 (3) Upon the completion of an annexation to a public transit district under Chapter 1,  
11226 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the  
11227 same basis as if the area had been included in the district as originally organized.

11228 (4) (a) Except the initial members of the board, the terms of office of the voting  
11229 members of the board shall be two years or until a successor is appointed, qualified, seated, and  
11230 has taken the oath of office.

11231 (b) At the first meeting of the initial members of the board held after July 1, 2004,  
11232 voting members of the board shall designate by the drawing of lots for 1/2 of their number to  
11233 serve for one-year terms and 1/2 for two-year terms.

11234 (c) A voting member may not be appointed for more than three successive full terms.

11235 (5) (a) Vacancies for voting members shall be filled by the official appointing the  
11236 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy  
11237 within 90 days.

11238 (b) If the appointing official under Subsection [~~(2)~~] (1) does not fill the vacancy within  
11239 90 days, the board of trustees of the authority shall fill the vacancy.

11240 (c) If the appointing official under Subsection [~~(3)~~] (2) does not fill the vacancy within  
11241 90 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

11242 (6) (a) Each voting member may cast one vote on all questions, orders, resolutions, and  
11243 ordinances coming before the board of trustees.

11244 (b) A majority of all voting members of the board of trustees are a quorum for the  
11245 transaction of business.

11246 (c) The affirmative vote of a majority of all voting members present at any meeting at  
11247 which a quorum was initially present shall be necessary and, except as otherwise provided, is  
11248 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

11249 (7) [~~The~~] Each public transit district shall pay to each voting member:

11250 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed  
11251 \$200 in any calendar month to any voting member; and

11252 (b) reasonable mileage and expenses necessarily incurred to attend board or committee  
11253 meetings.

11254 (8) (a) Members of the initial board of trustees shall convene at the time and place  
11255 fixed by the chief executive officer of the entity initiating the proceedings.

11256 (b) Immediately upon convening, the board of trustees shall elect from its voting  
11257 membership a president, vice president, and secretary who shall serve for a period of two years  
11258 or until their successors shall be elected and qualified.

11259 (9) At the time of a voting member's appointment or during a voting member's tenure  
11260 in office, a voting member may not hold any employment, except as an independent contractor  
11261 or elected public official, with a county or municipality within the district.

11262 (10) The Transportation Commission created in Section 72-1-301:

11263 (a) for a public transit [~~districts~~] district serving a population of 200,000 people or  
11264 fewer, may appoint a commissioner of the Transportation Commission to serve on the board of  
11265 trustees as a nonvoting, ex officio member; and

11266 (b) for a public transit [~~districts~~] district serving a population of more than 200,000  
11267 people, shall appoint a commissioner of the Transportation Commission to serve on the board  
11268 of trustees as a nonvoting, ex officio member.

11269 (11) (a) (i) Each member of the board of trustees of a public transit district is subject to  
11270 recall at any time by the legislative body of the county or municipality from which the member  
11271 is appointed.

11272 (ii) Each recall of a board of trustees member shall be made in the same manner as the  
11273 original appointment.

11274 (iii) The legislative body recalling a board of trustees member shall provide written  
11275 notice to the member being recalled.

11276 (b) Upon providing written notice to the board of trustees, a member of the board may  
11277 resign from the board of trustees.

11278 (c) If a board member is recalled or resigns under this Subsection (11), the vacancy  
11279 shall be filled as provided in Subsection (5).

11280 Section 331. Section **17B-2a-808** is enacted to read:

- 11281 **17B-2a-808. Public transit district board of trustees powers and duties --**  
11282 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**
- 11283 (1) The powers and duties of a board of trustees of a public transit district stated in this  
11284 section are in addition to the powers and duties stated in Section 17B-1-301.
- 11285 (2) The board of trustees of each public transit district shall:
- 11286 (a) appoint and fix the salary of a general manager, as provided in Section 17B-2a-811;  
11287 (b) determine the transit facilities that the district should acquire or construct;  
11288 (c) supervise and regulate each transit facility that the district owns and operates,  
11289 including:
- 11290 (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals,  
11291 and charges; and
- 11292 (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or  
11293 in connection with a transit facility that the district owns or controls;
- 11294 (d) control the investment of all funds assigned to the district for investment, including  
11295 funds:
- 11296 (i) held as part of a district's retirement system; and  
11297 (ii) invested in accordance with the participating employees' designation or direction  
11298 pursuant to an employee deferred compensation plan established and operated in compliance  
11299 with Section 457 of the Internal Revenue Code;
- 11300 (e) invest all funds according to the procedures and requirements of Title 51, Chapter  
11301 7, State Money Management Act;
- 11302 (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's  
11303 services from the interest earnings of the investment fund for which the custodian is appointed;
- 11304 (g) (i) cause an annual audit of all district books and accounts to be made by an  
11305 independent certified public accountant;
- 11306 (ii) as soon as practicable after the close of each fiscal year, submit to the chief  
11307 administrative officer and legislative body of each county and municipality with territory  
11308 within the district a financial report showing:
- 11309 (A) the result of district operations during the preceding fiscal year; and  
11310 (B) the district's financial status on the final day of the fiscal year; and  
11311 (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon

11312 request in a quantity that the board considers appropriate; and  
11313 (h) report at least annually to the Transportation Commission created in Section  
11314 72-1-301 the district's short-term and long-range public transit plans, including the transit  
11315 portions of applicable regional transportation plans adopted by a metropolitan planning  
11316 organization established under 23 U.S.C. Sec. 134.  
11317 (3) A board of trustees of a public transit district may:  
11318 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that  
11319 are:  
11320 (i) not repugnant to the United States Constitution, the Utah Constitution, or the  
11321 provisions of this part; and  
11322 (ii) necessary for:  
11323 (A) the government and management of the affairs of the district;  
11324 (B) the execution of district powers; and  
11325 (C) carrying into effect the provisions of this part;  
11326 (b) provide by resolution, under terms and conditions the board considers fit, for the  
11327 payment of demands against the district without prior specific approval by the board, if the  
11328 payment is:  
11329 (i) for a purpose for which the expenditure has been previously approved by the board;  
11330 (ii) in an amount no greater than the amount authorized; and  
11331 (iii) approved by the general manager or other officer or deputy as the board prescribes;  
11332 (c) (i) hold public hearings and subpoena witnesses; and  
11333 (ii) appoint district officers to conduct a hearing and require the officers to make  
11334 findings and conclusions and report them to the board; and  
11335 (d) appoint a custodian for the funds and securities under its control, subject to  
11336 Subsection (2)(f).  
11337 (4) A member of the board of trustees of a public transit district or a hearing officer  
11338 designated by the board may administer oaths and affirmations in a district investigation or  
11339 proceeding.  
11340 (5) (a) The vote of the board of trustees on each ordinance shall be by roll call vote  
11341 with each affirmative and negative vote recorded.  
11342 (b) (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or

11343 order by voice vote.

11344 (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if  
11345 a member of the board so demands.

11346 (c) (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public  
11347 transit district may not adopt an ordinance unless it is:

11348 (A) introduced at least a day before the board of trustees adopts it; or

11349 (B) mailed by registered mail, postage prepaid, to each member of the board of trustees  
11350 at least five days before the day upon which the ordinance is presented for adoption.

11351 (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote  
11352 of all board members present at a meeting at which at least 3/4 of all board members are  
11353 present.

11354 (d) Each ordinance adopted by a public transit district's board of trustees shall take  
11355 effect upon adoption, unless the ordinance provides otherwise.

11356 Section 332. Section **17B-2a-809**, which is renumbered from Section 17A-2-1060.1 is  
11357 renumbered and amended to read:

11358 ~~[17A-2-1060.1].~~ **17B-2a-809. Public transit districts to submit agendas and**  
11359 **minutes of board meetings.**

11360 (1) The board of trustees of each public transit district shall submit to each constituent  
11361 entity, as defined in Section ~~[17A-1-501]~~ 17B-1-701:

11362 (a) a copy of the board agenda and a notice of the location and time of the board  
11363 meeting within the same time frame provided to members of the board prior to the meeting;  
11364 and

11365 (b) a copy of the minutes of board meetings within five working days following  
11366 approval of the minutes.

11367 (2) The board may submit notices, agendas, and minutes by electronic mail if agreed to  
11368 by the constituent entity as defined under Section ~~[17A-1-501]~~ 17B-1-701.

11369 Section 333. Section **17B-2a-810** is enacted to read:

11370 **17B-2a-810. Officers of a public transit district.**

11371 (1) (a) The officers of a public transit district shall consist of:

11372 (i) the members of the board of trustees;

11373 (ii) a president and vice president, appointed by the board of trustees, subject to

- 11374 Subsection (1)(b):
- 11375 (iii) a secretary, appointed by the board of trustees;
- 11376 (iv) a general manager, appointed by the board of trustees as provided in Section
- 11377 17B-2a-811;
- 11378 (v) a general counsel, appointed by the board of trustees, subject to Subsection (1)(c);
- 11379 (vi) a treasurer, appointed as provided in Section 17B-1-633;
- 11380 (vii) a comptroller, appointed by the board of trustees, subject to Subsection (1)(d); and
- 11381 (viii) other officers, assistants, and deputies that the board of trustees considers
- 11382 necessary.
- 11383 (b) The district president and vice president shall be members of the board of trustees.
- 11384 (c) The person appointed as general counsel shall:
- 11385 (i) be admitted to practice law in the state; and
- 11386 (ii) have been actively engaged in the practice of law for at least seven years next
- 11387 preceding the appointment.
- 11388 (d) The person appointed as comptroller shall have been actively engaged in the
- 11389 practice of accounting for at least seven years next preceding the appointment.
- 11390 (2) (a) The district's general manager shall appoint all officers and employees not
- 11391 specified in Subsection (1).
- 11392 (b) Each officer and employee appointed by the district's general manager serves at the
- 11393 pleasure of the general manager.
- 11394 (3) The board of trustees shall by ordinance or resolution fix the compensation of all
- 11395 district officers and employees, except as otherwise provided in this part.
- 11396 (4) (a) Each officer appointed by the board of trustees or by the district's general
- 11397 manager shall take the oath of office specified in Utah Constitution Article IV, Section 10.
- 11398 (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district
- 11399 secretary no later than 15 days after the commencement of the officer's term of office.
- 11400 Section 334. Section **17B-2a-811** is enacted to read:
- 11401 **17B-2a-811. General manager of a public transit district.**
- 11402 (1) (a) The board of trustees of a public transit district shall appoint a person as a
- 11403 general manager.
- 11404 (b) The appointment of a general manager shall be by the affirmative vote of a majority



11405 of all members of the board of trustees.

11406 (c) The board's appointment of a person as general manager shall be based on the  
11407 person's qualifications, with special reference to the person's actual experience in or knowledge  
11408 of accepted practices with respect to the duties of the office.

11409 (d) A person appointed as general manager of a public transit district is not required to  
11410 be a resident of the state at the time of appointment.

11411 (2) Each general manager of a public transit district shall:

11412 (a) be a full-time officer and devote full time to the district's business;

11413 (b) ensure that all district ordinances are enforced;

11414 (c) prepare and submit to the board of trustees, as soon as practical but not less than 45  
11415 days after the end of each fiscal year, a complete report on the district's finances and  
11416 administrative activities for the preceding year;

11417 (d) keep the board of trustees advised as to the district's needs;

11418 (e) prepare or cause to be prepared all plans and specifications for the construction of  
11419 district works;

11420 (f) cause to be installed and maintained a system of auditing and accounting that  
11421 completely shows the district's financial condition at all times; and

11422 (g) attend meetings of the board of trustees.

11423 (3) A general manager of a public transit district:

11424 (a) serves at the pleasure of the board of trustees;

11425 (b) holds office for an indefinite term;

11426 (c) may be removed by the board of trustees upon the adoption of a resolution by the  
11427 affirmative vote of a majority of all members of the board, subject to Subsection (5);

11428 (d) has full charge of:

11429 (i) the acquisition, construction, maintenance, and operation of district facilities; and

11430 (ii) the administration of the district's business affairs;

11431 (e) is entitled to participate in the deliberations of the board of trustees as to any matter  
11432 before the board; and

11433 (f) may not vote at a meeting of the board of trustees.

11434 (4) The board of trustees may not reduce the general manager's salary below the  
11435 amount fixed at the time of original appointment unless:

11436 (a) the board adopts a resolution by a vote of a majority of all members; and  
11437 (b) if the general manager demands in writing, the board gives the general manager the  
11438 opportunity to be publicly heard at a meeting of the board before the final vote on the  
11439 resolution reducing the general manager's salary.

11440 (5) (a) Before adopting a resolution providing for a general manager's removal as  
11441 provided in Subsection (3)(c), the board shall, if the manager makes a written demand:

11442 (i) give the general manager a written statement of the reasons alleged for the general  
11443 manager's removal; and

11444 (ii) allow the general manager to be publicly heard at a meeting of the board of trustees.

11445 (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district  
11446 may suspend a general manager from office pending and during a hearing under Subsection  
11447 (5)(a)(ii).

11448 (6) The action of a board of trustees suspending or removing a general manager or  
11449 reducing the general manager's salary is final.

11450 Section 335. Section **17B-2a-812** is enacted to read:

11451 **17B-2a-812. Comptroller required to provide statement of revenues and**  
11452 **expenditures.**

11453 The comptroller of each public transit district shall, as soon as possible after the close  
11454 of each fiscal year:

11455 (1) prepare a statement of revenues and expenditures for the fiscal year just ended, in  
11456 the detail that the board of trustees prescribes; and

11457 (2) transmit a copy of the statement to the chief executive officer of:

11458 (a) each municipality within the district; and

11459 (b) each county with unincorporated area within the district.

11460 Section 336. Section **17B-2a-813** is enacted to read:

11461 **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**  
11462 **transit district -- Employees of an acquired transit system -- Binding arbitration of labor**  
11463 **disputes.**

11464 (1) (a) The rights, benefits, and other employee protective conditions and remedies of  
11465 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as  
11466 determined by the Secretary of Labor, apply to:

- 11467 (i) a public transit district's establishment and operation of a public transit service or  
11468 system; and
- 11469 (ii) a lease, contract, or other arrangement that a public transit district enters into for the  
11470 operation of a public transit service or system.
- 11471 (b) (i) If a public transit district operates a public transit service or system or enters into  
11472 a lease, contract, or other arrangement for the operation of a public transit service or system,  
11473 the district shall extend to each employee or affected public transit service system furnishing  
11474 like services, according to seniority, the first opportunity for reasonably comparable  
11475 employment in any available nonsupervisory job with respect to the operations for which the  
11476 employee or public transit service system can qualify after a reasonable training period.
- 11477 (ii) Employment under Subsection (1)(b)(i) may not result in:
- 11478 (A) a worsening of an employee's position when compared to the employee's former  
11479 employment; or
- 11480 (B) a loss of wages, hours, working conditions, seniority, fringe benefits, or rights and  
11481 privileges pertaining to wages, hours, working conditions, seniority, or fringe benefits.
- 11482 (2) (a) Employees of a public transit system established and operated by a public transit  
11483 district have the right to:
- 11484 (i) self-organization;
- 11485 (ii) form, join, or assist labor organizations; and
- 11486 (iii) bargain collectively through representatives of their own choosing.
- 11487 (b) Employees of a public transit district and labor organizations may not join in a  
11488 strike against the public transit system operated by the public transit district.
- 11489 (c) Each public transit district shall:
- 11490 (i) recognize and bargain exclusively with any labor organization representing a  
11491 majority of the district's employees in an appropriate unit with respect to wages, salaries, hours,  
11492 working conditions, and welfare, pension, and retirement provisions; and
- 11493 (ii) upon reaching agreement with the labor organization, enter into and execute a  
11494 written contract incorporating the agreement.
- 11495 (3) If a public transit district acquires an existing public transit system:
- 11496 (a) all employees of the acquired system who are necessary for the operation of the  
11497 acquired system, except executive and administrative officers and employees, shall be:

11498 (i) transferred to and appointed employees of the acquiring public transit district; and

11499 (ii) given sick leave, seniority, vacation, and pension or retirement credits in

11500 accordance with the acquired system's records; and

11501 (b) members and beneficiaries of a pension or retirement plan or other program of

11502 benefits that the acquired system has established shall continue to have rights, privileges,

11503 benefits, obligations, and status with respect to that established plan or program; and

11504 (c) the public transit district may establish, amend, or modify, by agreement with

11505 employees or their authorized representatives, the terms, conditions, and provisions of a

11506 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

11507 Section 337. Section **17B-2a-814**, which is renumbered from Section 17A-2-1050 is

11508 renumbered and amended to read:

11509 **~~[17A-2-1050].~~ 17B-2a-814. Conflict of interests prohibited -- Disclosure --**

11510 **Violation -- Penalty.**

11511 (1) As used in this section, "relative" means ~~[any]~~ a parent, spouse, child, grandparent,  
11512 grandchild, great grandparent, great grandchild, or sibling of a trustee, officer, or employee.

11513 (2) Except as provided in this section, a trustee ~~[or any other]~~, officer, or employee of  
11514 ~~[the]~~ a public transit district may not be interested in any manner, directly or indirectly, in ~~[any]~~  
11515 a contract or in the profits derived from ~~[any]~~ a contract:

11516 (a) awarded by the board of trustees; or

11517 (b) made by ~~[any]~~ an officer or employee pursuant to discretionary authority vested in  
11518 ~~[him]~~ the officer or employee.

11519 (3) Notwithstanding Subsection (2), ~~[when]~~ if a trustee ~~[or other]~~, officer, or employee  
11520 of ~~[the]~~ a public transit district is a stockholder, bondholder, director, or other officer or  
11521 employee of a corporation contracting with the district, the district may contract with that  
11522 corporation for its general benefit unless the trustee, officer, or employee of the district owns or  
11523 controls, directly or indirectly, stock or bonds in an amount greater than 5% of the total amount  
11524 of outstanding stock or bonds.

11525 (4) (a) (i) A trustee, officer, or employee of ~~[the]~~ a public transit district who has, or  
11526 whose relative has, a substantial interest in ~~[any]~~ a contract with, sale to, purchase from, or  
11527 service to the district shall disclose that interest to the board of trustees of the district in a  
11528 public meeting of the board.

11529 (ii) The board of trustees of the district shall disclose that interest in the minutes of its  
11530 meeting.

11531 (b) A trustee, officer, or employee of ~~[the]~~ a public transit district who has, or whose  
11532 relative has, a substantial interest in ~~[any]~~ a contract with, sale to, purchase from, or service to  
11533 the district may not vote upon or otherwise participate in any manner as a trustee, officer, or  
11534 employee in the contract, sale, ~~[or]~~ purchase, or service.

11535 (5) A trustee, officer, or employee of ~~[the]~~ a public transit district, in contemplation of  
11536 official action by ~~[himself]~~ the trustee, officer, or employee or by the district or in reliance on  
11537 information to which ~~[he]~~ the trustee, officer, or employee has access in ~~[his]~~ an official  
11538 capacity and which has not been made public, commits misuse of official information if ~~[he]~~  
11539 the trustee, officer, or employee:

11540 (a) acquires a pecuniary interest in any property, transaction, or enterprise that may be  
11541 affected by the information or official action;

11542 (b) speculates or wagers on the basis of the information or official action; or

11543 (c) aids, advises, or encourages another to do so with intent to confer upon any person a  
11544 special pecuniary benefit.

11545 (6) Each trustee, officer, and employee who violates this section:

11546 (a) is guilty of a class B misdemeanor; and

11547 (b) if convicted, ~~[his]~~ shall be terminated from board appointment or district  
11548 employment ~~[is terminated]~~.

11549 Section 338. Section **17B-2a-815** is enacted to read:

11550 **17B-2a-815. Rates and charges for service.**

11551 (1) The board of trustees of a public transit district shall fix rates and charges for  
11552 service provided by the district by a two-thirds vote of all board members.

11553 (2) Rates and charges shall:

11554 (a) be reasonable; and

11555 (b) to the extent practicable:

11556 (i) result in enough revenue to make the public transit system self supporting; and

11557 (ii) be sufficient to:

11558 (A) pay for district operating expenses;

11559 (B) provide for repairs, maintenance, and depreciation of works and property that the

11560 district owns or operates:

11561 (C) provide for the purchase, lease, or acquisition of property and equipment;

11562 (D) pay the interest and principal of bonds that the district issues; and

11563 (E) pay for contracts, agreements, leases, and other legal liabilities that the district

11564 incurs.

11565 Section 339. Section **17B-2a-816** is enacted to read:

11566 **17B-2a-816. Hearing on a rate or charge or a proposal to fix the location of**  
11567 **district facilities.**

11568 (1) (a) The legislative body of a county or municipality with territory within a public  
11569 transit district may, on behalf of a person who is a resident of the county or municipality,  
11570 respectively, and who is a user of a public transit system operated by the public transit district,  
11571 file a request for a hearing before the public transit district's board of trustees as to:

11572 (i) the reasonableness of a rate or charge fixed by the board of trustees; or

11573 (ii) a proposal for fixing the location of district facilities.

11574 (b) Each request under Subsection (1)(a) shall:

11575 (i) be in writing;

11576 (ii) be filed with the board of trustees of the public transit district; and

11577 (iii) state the subject matter on which a hearing is requested.

11578 (2) (a) At least 15 but not more than 60 days after a request under Subsection (1)(a) is  
11579 filed, the public transit district's board of trustees shall hold a hearing on, as the case may be:

11580 (i) the reasonableness of a rate or charge fixed by the board of trustees; or

11581 (ii) a proposal for fixing the location of district facilities.

11582 (b) The public transit district board of trustees shall provide notice of the hearing by:

11583 (i) mailing, postage prepaid, a notice to:

11584 (A) the county or municipality requesting the hearing; and

11585 (B) the legislative body of each other county and municipality with territory within the  
11586 public transit district; and

11587 (ii) once publishing a notice.

11588 (3) At each hearing under Subsection (2)(a):

11589 (a) the legislative body of a county or municipality may intervene, be heard, and

11590 introduce evidence if the county or municipality:

- 11591 (i) is eligible to file a request for hearing under Subsection (1); and  
11592 (ii) did not file a request for hearing;  
11593 (b) the public transit district, the county or municipality that filed the request for  
11594 hearing, and an intervening county or municipality under Subsection (3)(a) may:  
11595 (i) call and examine witnesses;  
11596 (ii) introduce exhibits;  
11597 (iii) cross-examine opposing witnesses on any matter relevant to the issues, even  
11598 though the matter was not covered in direct examination; and  
11599 (iv) rebut evidence introduced by others;  
11600 (c) evidence shall be taken on oath or affirmation;  
11601 (d) technical rules of evidence need not be followed, regardless of the existence of a  
11602 common law or statutory rule that makes improper the admission of evidence over objection in  
11603 a civil action;  
11604 (e) hearsay evidence is admissible in order to supplement or explain direct evidence,  
11605 but is not sufficient in itself to support a finding unless it would be admissible over objection in  
11606 a civil action; and  
11607 (f) the public transit district board of trustees shall appoint a reporter to take a complete  
11608 record of all proceedings and testimony before the board.  
11609 (4) (a) Within 60 days after the conclusion of a hearing under Subsection (2)(a), the  
11610 public transit district board of trustees shall render its decision in writing, together with written  
11611 findings of fact.  
11612 (b) The board of trustees shall mail by certified mail, postage prepaid, a copy of the  
11613 decision and findings to:  
11614 (i) the county or municipality that filed a request under Subsection (1); and  
11615 (ii) each county and municipality that intervened under Subsection (3)(a).  
11616 (5) In any action to review a decision of a public transit district board of trustees under  
11617 this section, the record on review shall consist of:  
11618 (a) the written request for hearing, the transcript of the testimony at the hearing, and all  
11619 exhibits introduced at the hearing; or  
11620 (b) if the parties stipulate in writing:  
11621 (i) the evidence specified in the stipulation; and

11622 (ii) the written stipulation itself.

11623 Section 340. Section **17B-2a-817** is enacted to read:

11624 **17B-2a-817. Public transit district tax limit.**

11625 In addition to a property tax under Section 17B-1-1003 to pay general obligation bonds  
11626 of the district, a public transit district may levy a property tax, as provided in and subject to  
11627 Chapter 1, Part 10, Local District Property Tax Levy, if:

11628 (1) the district first submits the proposal to levy the property tax to voters within the  
11629 district; and

11630 (2) a majority of voters within the district voting on the proposal vote in favor of the  
11631 tax at an election held for that purpose.

11632 Section 341. Section **17B-2a-818** is enacted to read:

11633 **17B-2a-818. Requirements applicable to public transit district contracts.**

11634 (1) If the expenditure required to construct district facilities or works exceeds \$25,000,  
11635 the construction shall be let as provided in Title 63, Chapter 56, Utah Procurement Code.

11636 (2) (a) The board of trustees of a public transit district shall advertise each bid or  
11637 proposal through public notice as the board determines.

11638 (b) A notice under Subsection (2)(a) may:

11639 (i) include publication in:

11640 (A) a newspaper of general circulation in the district;

11641 (B) a trade journal; or

11642 (C) other method determined by the board; and

11643 (ii) be made at least once, not less than ten days before the expiration of the period  
11644 within which bids or proposals are received.

11645 (3) (a) The board of trustees may, in its discretion:

11646 (i) reject any or all bids or proposals; and

11647 (ii) readvertise or give notice again.

11648 (b) If, after rejecting bids or proposals, the board of trustees determines and declares by  
11649 a two-thirds vote of all members present that in the board's opinion the supplies, equipment,  
11650 and materials may be purchased at a lower price in the open market, the board may purchase  
11651 the supplies, equipment, and materials in the open market, notwithstanding any provisions  
11652 requiring contracts, bids, proposals, advertisement, or notice.



- 11653           (4) The board of trustees of a public transit district may let a contract without  
11654 advertising for or inviting bids if:
- 11655           (a) the board finds, upon a two-thirds vote of all members present, that a repair,  
11656 alteration, or other work or the purchase of materials, supplies, equipment, or other property is  
11657 of urgent necessity; or
- 11658           (b) the district's general manager certifies by affidavit that there is only one source for  
11659 the required supplies, equipment, materials, or construction items.
- 11660           (5) If a public transit district retains or withholds any payment on a contract with a  
11661 private contractor to construct facilities under this section, the board shall retain or withhold  
11662 and release the payment as provided in Section 13-8-5.
- 11663           Section 342. Section **17B-2a-819** is enacted to read:
- 11664           **17B-2a-819. Compliance with state and local laws and regulations.**
- 11665           (1) Each public transit district is subject to department regulations relating to safety  
11666 appliances and procedures.
- 11667           (2) (a) Each installation by a public transit district in a state highway or freeway is  
11668 subject to the approval of the department.
- 11669           (b) There is a presumption that the use of a street, road, highway, or other public place  
11670 by a public transit district for any of the purposes permitted in this part constitutes no greater  
11671 burden on an adjoining property than the use existing on July 9, 1969.
- 11672           (c) If a street, road, or highway, excluding a state highway or freeway, or a pipeline,  
11673 sewer, water main, storm drain, pole, or communication wire is required to be relocated,  
11674 replaced, or altered in order for a public transit district to construct or operate its system or to  
11675 preserve and maintain an already constructed district facility:
- 11676           (i) the public or private owner of the facility required to be relocated, replaced, or  
11677 altered shall relocate, replace, or alter the facility with reasonable promptness; and
- 11678           (ii) the public transit district shall, by prior agreement, reimburse the owner for the  
11679 reasonable cost incurred in the relocation, replacement, or alteration.
- 11680           (d) (i) A public transit district may enter into an agreement with a county or  
11681 municipality to:
- 11682           (A) close a street or road over which the county or municipality has jurisdiction at or  
11683 near the point of its interception with a district facility; or

11684 (B) carry the street or road over or under or to a connection with a district facility.

11685 (ii) A public transit district may do all work on a street or road under Subsection

11686 (2)(d)(i) as is necessary.

11687 (iii) A street or road may not be closed, directly or indirectly, by the construction of a

11688 district facility unless the closure is:

11689 (A) pursuant to agreement under Subsection (2)(d)(i); or

11690 (B) temporarily necessary during the construction of a district facility.

11691 (3) Each public transit district is subject to the laws and regulations of the state and

11692 each applicable municipality relating to traffic and operation of vehicles upon streets and

11693 highways.

11694 Section 343. Section **17B-2a-820** is enacted to read:

11695 **17B-2a-820. Authority for other governmental entities to acquire property by**

11696 **eminent domain for a public transit district.**

11697 The state, a county, or a municipality may, by eminent domain under Title 78, Chapter

11698 34, Eminent Domain, acquire within its boundaries a private property interest, including fee

11699 simple, easement, air right, right-of-way, or other interest, necessary for the establishment or

11700 operation of a public transit district.

11701 Section 344. Section **17B-2a-821**, which is renumbered from Section 17A-2-1061 is

11702 renumbered and amended to read:

11703 ~~[17A-2-1061].~~ **17B-2a-821. Failure to pay fare -- Infraction -- Multicounty**

11704 **district may establish and enforce parking ordinance.**

11705 (1) A person may not ride a transit vehicle without payment of the applicable fare

11706 established by the public transit district that operates the transit vehicle.

11707 (2) A person who violates Subsection (1) is guilty of an infraction.

11708 (3) The ~~[governing body]~~ board of trustees of a multicounty district may adopt an

11709 ordinance governing parking of vehicles at a transit facility, including the imposition of a fine

11710 or civil penalty for a violation of the ordinance.

11711 Section 345. Section **17B-2a-822**, which is renumbered from Section 17A-2-1062 is

11712 renumbered and amended to read:

11713 ~~[17A-2-1062].~~ **17B-2a-822. Multicounty district may employ or contract for**

11714 **law enforcement officers -- Law enforcement officer status, powers, and jurisdiction.**

11715 (1) The ~~[governing body]~~ board of trustees of a multicounty district may employ law  
 11716 enforcement officers or contract with other law enforcement agencies to provide law  
 11717 enforcement services for the district.

11718 (2) A law enforcement officer employed or provided by contract under Subsection (1)  
 11719 is a law enforcement officer under Section 53-13-103 and shall be subject to the provisions of  
 11720 that section.

11721 (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law  
 11722 enforcement officer employed under this section is limited to transit facilities and transit  
 11723 vehicles.

11724 Section 346. Section ~~17B-2a-823~~, which is renumbered from Section 17A-2-1063 is  
 11725 renumbered and amended to read:

11726 ~~[17A-2-1063].~~ **17B-2a-823. Public transit district special services.**

11727 (1) As used in this section, "bureau" means a recreational, tourist, or convention bureau  
 11728 established under Section 17-31-2.

11729 (2) (a) A public transit district may lease its buses to private certified public carriers or  
 11730 operate transit services requested by a ~~[governmental]~~ public entity ~~[when]~~ if a bureau certifies  
 11731 that privately owned carriers furnishing like services or operating like equipment within the  
 11732 area served by the bureau:

11733 (i) have declined to provide the service; or

11734 (ii) do not have the equipment necessary to provide the service.

11735 (b) A public transit district may lease its buses or operate services as authorized under  
 11736 Subsection (2)(a) outside of the area served by the district.

11737 (3) ~~[A]~~ If part or all of the transportation services are paid for by public funds, a public  
 11738 transit district may:

11739 (a) provide school bus services for transportation of pupils and supervisory personnel  
 11740 between homes and school and other related school activities within the area served by the  
 11741 district~~[-];~~ or ~~[may]~~

11742 (b) provide the transportation of passengers covered by an elderly or disabled persons  
 11743 program within the district ~~[where all or part of the transportation services are paid for by~~  
 11744 ~~public funds]~~.

11745 (4) Notwithstanding the provisions in Subsection (3), a municipality or county is not

11746 prohibited from providing the transportation services identified in Subsection (3).

11747 Section 347. Section **17B-2a-824** is enacted to read:

11748 **17B-2a-824. Sales and use tax exemption.**

11749 All transactions by or in behalf of a public transit district under this part for the  
11750 acquisition of property are exempt from sales and use taxes.

11751 Section 348. Section **17B-2a-901** is enacted to read:

11752 **Part 9. Service Area Act**

11753 **17B-2a-901. Title.**

11754 This part is known as the "Service Area Act."

11755 Section 349. Section **17B-2a-902** is enacted to read:

11756 **17B-2a-902. Applicability of this part to service areas.**

11757 (1) Each service area is governed by and has the powers stated in:

11758 (a) this part; and

11759 (b) Chapter 1, Provisions Applicable to All Local Districts.

11760 (2) This part applies only to service areas.

11761 (3) A service area is not subject to the provisions of any other part of this chapter.

11762 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
11763 Local Districts, and a provision in this part, the provision in this part governs.

11764 Section 350. Section **17B-2a-903** is enacted to read:

11765 **17B-2a-903. Additional general powers of service areas.**

11766 In addition to the powers conferred on a service area under Section 17B-1-103, a  
11767 service area:

11768 (1) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District  
11769 Bonds, to carry out the purposes of the district;

11770 (2) that, until April 30, 2007, was a regional service area, may provide park, recreation,  
11771 or parkway services, or any combination of those services; and

11772 (3) may, with the consent of the county in which the service area is located, provide  
11773 planning and zoning service.

11774 Section 351. Section **17B-2a-904** is enacted to read:

11775 **17B-2a-904. Regional service areas to become service areas -- Change from**  
11776 **regional service area to service area not to affect rights, obligations, or property of**

11777 **former regional service area.**

11778 (1) Each regional service area, created and operating under the law in effect before  
11779 April 30, 2007, becomes on that date a service area, governed by and subject to Chapter 1,  
11780 Provisions Applicable to All Local Districts, and this part.

11781 (2) The change of an entity from a regional service area to a service area under  
11782 Subsection (1) does not affect:

11783 (a) the entity's basic structure and operations or its nature as a body corporate and  
11784 politic and a political subdivision of the state;

11785 (b) the ability of the entity to provide the service that the entity:

11786 (i) was authorized to provide before the change; and

11787 (ii) provided before the change;

11788 (c) the validity of the actions taken, bonds issued, or contracts or other obligations  
11789 entered into by the entity before the change;

11790 (d) the ability of the entity to continue to impose and collect taxes, fees, and other  
11791 charges for the service it provides;

11792 (e) the makeup of the board of trustees;

11793 (f) the entity's ownership of property acquired before the change; or

11794 (g) any other powers, rights, or obligations that the entity had before the change, except  
11795 as modified by this part.

11796 Section 352. Section **17B-2a-905** is enacted to read:

11797 **17B-2a-905. Service area board of trustees.**

11798 (1) (a) Except as provided in Subsection (2):

11799 (i) the initial board of trustees of a service area located entirely within the

11800 unincorporated area of a single county may, as stated under Subsection 17B-1-205(1)(f) in the  
11801 petition or request that initiated the process of creating the service area:

11802 (A) consist of the county legislative body;

11803 (B) be appointed, as provided in Section 17B-1-304; or

11804 (C) be elected, as provided in Section 17B-1-306;

11805 (ii) if the board of trustees of a service area consists of the county legislative body, the  
11806 board may adopt a resolution providing for future board members to be appointed, as provided

11807 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

11808 (iii) members of the board of trustees of a service area shall be elected, as provided in  
11809 Section 17B-1-306, if:

11810 (A) the service area is not entirely within the unincorporated area of a single county;

11811 (B) a petition is filed with the board of trustees requesting that board members be  
11812 elected, and the petition is signed by registered voters within the service area equal in number  
11813 to at least 10% of the number of registered voters within the service area who voted at the last  
11814 gubernatorial election; or

11815 (C) an election is held to authorize the service area's issuance of bonds.

11816 (b) If members of the board of trustees of a service area are required to be elected under  
11817 Subsection (1)(a)(iii)(C) because of a bond election:

11818 (i) board members shall be elected in conjunction with the bond election;

11819 (ii) the board of trustees shall:

11820 (A) establish a process to enable potential candidates to file a declaration of candidacy  
11821 sufficiently in advance of the election; and

11822 (B) provide a ballot for the election of board members separate from the bond ballot;  
11823 and

11824 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided  
11825 in Section 17B-1-306.

11826 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003 if:

11827 (i) the service area was created to provide fire protection, paramedic, and emergency  
11828 services; and

11829 (ii) in the creation of the service area, an election was not required under Subsection  
11830 17B-1-214(3)(c).

11831 (b) (i) Each county whose unincorporated area is included within a service area  
11832 described in Subsection (2)(a), whether in conjunction with the creation of the service area or  
11833 by later annexation, shall appoint three members to the board of trustees.

11834 (ii) Each municipality whose area is included within a service area described in  
11835 Subsection (2)(a), whether in conjunction with the creation of the service area or by later  
11836 annexation, shall appoint one member to the board of trustees.

11837 (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or  
11838 (ii) shall be an elected official of the appointing county or municipality, respectively.



11870 This part is known as the "Water Conservancy District Act."  
11871 Section 356. Section **17B-2a-1002** is enacted to read:  
11872 **17B-2a-1002. Legislative intent -- Purpose of water conservancy districts.**  
11873 (1) It is the intent of the Legislature and the policy of the state to:  
11874 (a) provide for the conservation and development of the water and land resources of the  
11875 state;  
11876 (b) provide for the greatest beneficial use of water within the state;  
11877 (c) control and make use of all unappropriated waters in the state and to apply those  
11878 waters to direct and supplemental beneficial uses including domestic, manufacturing, irrigation,  
11879 and power;  
11880 (d) obtain from water in the state the highest duty for domestic uses and irrigation of  
11881 lands in the state within the terms of applicable interstate compacts and other law;  
11882 (e) cooperate with the United States and its agencies under federal reclamation or other  
11883 laws and to construct, finance, operate, and maintain works in the state; and  
11884 (f) promote the greater prosperity and general welfare of the people of the state by  
11885 encouraging the organization of water conservancy districts.  
11886 (2) The creation and operation of water conservancy districts are a public use to help  
11887 accomplish the intent and policy stated in Subsection (1) and will:  
11888 (a) be essentially for the benefit and advantage of the people of the state;  
11889 (b) indirectly benefit all industries of the state;  
11890 (c) indirectly benefit the state by increasing the value of taxable property in the state;  
11891 (d) directly benefit municipalities by providing adequate supplies of water for domestic  
11892 use;  
11893 (e) directly benefit lands to be irrigated or drained;  
11894 (f) directly benefit lands now under irrigation by stabilizing the flow of water in  
11895 streams and by increasing flow and return flow of water to those streams; and  
11896 (g) promote the comfort, safety, and welfare of the people of the state.  
11897 Section 357. Section **17B-2a-1003** is enacted to read:  
11898 **17B-2a-1003. Applicability of this part to water conservancy districts.**  
11899 (1) Each water conservancy district is governed by and has the powers stated in:  
11900 (a) this part; and



- 11901 (b) Chapter 1, Provisions Applicable to All Local Districts.
- 11902 (2) This part applies only to water conservancy districts.
- 11903 (3) A water conservancy district is not subject to the provisions of any other part of this
- 11904 chapter.
- 11905 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 11906 Local Districts, and a provision in this part, the provision in this part governs.
- 11907 Section 358. Section **17B-2a-1004** is enacted to read:
- 11908 **17B-2a-1004. Powers and duties of water conservancy districts.**
- 11909 (1) In addition to the powers conferred on a water conservancy district under Section
- 11910 17B-1-103, a water conservancy district may:
- 11911 (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
- 11912 to carry out the purposes of the district;
- 11913 (b) acquire or lease any real or personal property or acquire any interest in real or
- 11914 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
- 11915 outside the district;
- 11916 (c) acquire or construct works, facilities, or improvements, as provided in Subsection
- 11917 17B-1-103(2)(d), whether inside or outside the district;
- 11918 (d) acquire water, works, water rights, and sources of water necessary or convenient to
- 11919 the full exercise of the district's powers, whether the water, works, water rights, or sources of
- 11920 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or
- 11921 dispose of water, works, water rights, and sources of water;
- 11922 (e) fix rates and terms for the sale, lease, or other disposal of water;
- 11923 (f) acquire rights to the use of water from works constructed or operated by the district
- 11924 or constructed or operated pursuant to a contract to which the district is a party, and sell
- 11925 perpetual rights to the use of water from those works;
- 11926 (g) levy assessments against lands within the district to which water is allotted on the
- 11927 basis of:
- 11928 (i) a uniform district-wide value per acre foot of irrigation water; or
- 11929 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the
- 11930 district into units and fixes a different value per acre foot of water in the respective units;
- 11931 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at

- 11932 rates that are equitable, though not necessarily equal or uniform, for like classes of service;  
11933 (i) adopt and modify plans and specifications for the works for which the district was  
11934 organized;  
11935 (j) investigate and promote water conservation and development;  
11936 (k) appropriate and otherwise acquire water and water rights inside or outside the state;  
11937 (l) develop, store, treat, and transport water;  
11938 (m) acquire stock in canal companies, water companies, and water users associations;  
11939 (n) construct works and improvements on land not subject to acquisition by  
11940 condemnation held by the district for a term of not less than 50 years under lease, easement, or  
11941 otherwise;  
11942 (o) acquire, construct, operate, or maintain works for the irrigation of land;  
11943 (p) subject to Subsection (2), sell water and water services to individual customers and  
11944 charge sufficient rates for the water and water services supplied;  
11945 (q) own property for district purposes within the boundaries of a municipality; and  
11946 (r) coordinate water resource planning among public entities.  
11947 (2) (a) A water conservancy district and another political subdivision of the state may  
11948 contract with each other, and a water conservancy district may contract with one or more public  
11949 entities and private persons, for:  
11950 (i) the joint operation or use of works owned by any party to the contract; or  
11951 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related  
11952 services.  
11953 (b) An agreement under Subsection (2)(a) may provide for the joint use of works  
11954 owned by one of the contracting parties if the agreement provides for reasonable compensation.  
11955 (c) A statutory requirement that a district supply water to its own residents on a priority  
11956 basis does not apply to a contract under Subsection (2)(a).  
11957 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,  
11958 including:  
11959 (i) a term of years specified by the contract;  
11960 (ii) a requirement that the purchasing party make specified payments, without regard to  
11961 actual taking or use;  
11962 (iii) a requirement that the purchasing party pay user charges, charges for the

11963 availability of water or water facilities, or other charges for capital costs, debt service,  
11964 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not  
11965 the related water, water rights, or facilities are acquired, completed, operable, or operating, and  
11966 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or  
11967 services for any reason;

11968 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or  
11969 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

11970 (A) the methods for financing the costs of acquisition, construction, and operation of  
11971 the joint facilities;

11972 (B) the method for allocating the costs of acquisition, construction, and operation of  
11973 the facilities among the parties consistent with their respective interests in or rights to the  
11974 facilities;

11975 (C) a management committee comprised of representatives of the parties, which may  
11976 be responsible for the acquisition, construction, and operation of the facilities as the parties  
11977 determine; and

11978 (D) the remedies upon a default by any party in the performance of its obligations  
11979 under the contract, which may include a provision obligating or enabling the other parties to  
11980 succeed to all or a portion of the ownership interest or contractual rights and obligations of the  
11981 defaulting party; and

11982 (v) provisions that a purchasing party make payments from:

11983 (A) general or other funds of the purchasing party;

11984 (B) the proceeds of assessments levied under this part;

11985 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36,  
11986 Impact Fees Act;

11987 (D) revenues from the operation of the water system of a party receiving water or  
11988 services under the contract;

11989 (E) proceeds of any revenue-sharing arrangement between the parties, including  
11990 amounts payable as a percentage of revenues or net revenues of the water system of a party  
11991 receiving water or services under the contract; and

11992 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)  
11993 through (E).

11994 (3) (a) A water conservancy district may enter into a contract with another state or a  
11995 political subdivision of another state for the joint construction, operation, or ownership of a  
11996 water facility.

11997 (b) Water from any source in the state may be appropriated and used for beneficial  
11998 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

11999 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not  
12000 sell water to a customer located within a municipality for domestic or culinary use without the  
12001 consent of the municipality.

12002 (b) Subsection (4)(a) does not apply if:

12003 (i) the customer's property to which a water conservancy district sells water was, at the  
12004 time the district began selling water to the customer, within an unincorporated area of a county;  
12005 and

12006 (ii) after the district begins selling water to the customer, the property becomes part of  
12007 a municipality through municipal incorporation or annexation.

12008 (5) A water conservancy district may not carry or transport water in transmountain  
12009 diversion if title to the water was acquired by a municipality by eminent domain.

12010 (6) A water conservancy district may not be required to obtain a franchise for the  
12011 acquisition, ownership, operation, or maintenance of property.

12012 (7) A water conservancy district may not acquire by eminent domain title to or  
12013 beneficial use of vested water rights for transmountain diversion.

12014 Section 359. Section **17B-2a-1005**, which is renumbered from Section 17A-2-1409 is  
12015 renumbered and amended to read:

12016 **[17A-2-1409]. 17B-2a-1005. Board of trustees -- Selection of members --**  
12017 **Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

12018 (1) (a) Within 45 days after [~~entry of the decree incorporating the~~] the creation of a  
12019 water conservancy district as provided in Section 17B-1-215, the board of trustees shall be  
12020 selected as provided in this Subsection (1).

12021 (b) For a district [~~that consists~~] located entirely within the boundaries of a single  
12022 county, the county legislative body of that county shall appoint each trustee.

12023 (c) (i) For a district [~~that consists of~~] located in more than a single county, the  
12024 governor, with the consent of the Senate, shall appoint each trustee from nominees submitted

12025 as provided in this Subsection (1)(c).

12026 (ii) (A) Except as provided in Subsection (1)(c)(ii)(B), in a division composed solely of  
12027 ~~[incorporated cities]~~ municipalities, the legislative body of each ~~[city]~~ municipality within the  
12028 division shall submit two nominees per trustee.

12029 (B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a ~~[city]~~  
12030 municipality may submit fewer than two nominees per trustee if the legislative body certifies in  
12031 writing to the governor that the legislative body is unable, after reasonably diligent effort, to  
12032 identify two nominees who are willing and qualified to serve as trustee.

12033 (iii) (A) Except as provided in Subsection (1)(c)(iii)(B), in all other divisions, the  
12034 county legislative body of the county in which the division is located shall submit three  
12035 nominees per trustee.

12036 (B) Notwithstanding Subsection (1)(c)(iii)(A), the county legislative body may submit  
12037 fewer than three nominees per trustee if the county legislative body certifies in writing to the  
12038 governor that the county legislative body is unable, after reasonably diligent effort, to identify  
12039 three nominees who are willing and qualified to serve as trustee.

12040 (iv) If a trustee represents a division located in more than one county, the county  
12041 ~~[governing]~~ legislative bodies of those counties shall collectively compile the list of three  
12042 nominees.

12043 (v) For purposes of this Subsection (1)(c), a ~~[city]~~ municipality that is located in more  
12044 than one county shall be considered to be located in only the county in which more of the ~~[city]~~  
12045 municipal area is located than in any other county.

12046 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee  
12047 appointed in that district shall be a person who owns irrigation rights and uses those rights as  
12048 part of that person's livelihood.

12049 (2) (a) ~~[The court shall establish the number, representation, and votes of trustees for~~  
12050 ~~each district in the decree creating the district.]~~ The board of trustees of ~~[the]~~ a water  
12051 conservancy district shall consist of:

12052 (i) except as provided in Subsection (2)(a)(ii), not more than 11 persons who are  
12053 residents of the district~~[- If]; or~~

12054 (ii) if the district consists of five or more counties, ~~[the board of trustees shall consist~~  
12055 ~~of]~~ not more than 21 persons who are residents of the district.

12056 (b) At least 90 days before expiration of a trustee's term, the ~~[secretary of the]~~ board  
12057 shall:

12058 (i) give written notice of ~~[vacancies in any office of trustee and of the expiration date of~~  
12059 ~~terms of office of trustees]~~ the upcoming vacancy and the date when the trustee's term expires  
12060 to the county legislative body in single county districts and to the nominating entities and the  
12061 governor in all other districts; and

12062 (ii) publish the notice in a newspaper having general circulation within the district.

12063 (c) (i) Upon receipt of the notice of the expiration of a trustee's term or notice of a  
12064 vacancy in the office of trustee, the county or municipal legislative body ~~[of the city or the~~  
12065 ~~county legislative body]~~, as the case may be, shall nominate candidates to fill the unexpired  
12066 term of office pursuant to Subsection (1).

12067 (ii) If a trustee is to be appointed by the governor and the entity charged with  
12068 nominating candidates ~~[for appointment by the governor]~~ has not submitted the list of  
12069 nominees within 90 days after service of the notice, the governor shall make the appointment  
12070 from qualified candidates without consultation with the county or municipal legislative body  
12071 ~~[of the city or the county legislative body]~~.

12072 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a  
12073 successor is appointed and qualified.

12074 (iv) Appointment by the governor vests in the appointee, upon qualification, the  
12075 authority to discharge the duties of trustee, subject only to the consent of the Senate.

12076 (d) Each trustee shall hold office during the term for which appointed and until a  
12077 successor is duly appointed and has qualified.

12078 (3) Each trustee shall furnish a corporate surety bond at the expense of the district, ~~[in~~  
12079 ~~amount and form fixed and approved by the court,]~~ conditioned for the faithful performance of  
12080 duties as a trustee.

12081 ~~[(4) (a) A report of the business transacted during the preceding year by the district,~~  
12082 ~~including a financial report prepared by certified public accountants, shall be filed with:]~~

12083 ~~[(i) the clerk of the district court,]~~

12084 ~~[(ii) the governing bodies of counties with lands within the district, and]~~

12085 ~~[(iii) cities charged with nominating trustees.]~~

12086 ~~[(b) No more than 14 days and no less than five days prior to the annual meeting, the~~

12087 ~~district shall have published at least once in a newspaper having general circulation within the~~  
12088 ~~district:]~~

12089 ~~[(i) a notice of the annual meeting; and]~~

12090 ~~[(ii) the names of the trustees:]~~

12091 ~~[(c) The district shall have published a summary of its financial report in a newspaper~~  
12092 ~~having general circulation within the district. The summary shall be published no later than 30~~  
12093 ~~days after the date the audit report required under Title 51, Chapter 2a, Accounting Reports~~  
12094 ~~from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, is required~~  
12095 ~~to be filed with the state auditor:]~~

12096 ~~[(d) Subsections (4)(b) and (c) do not apply to districts with annual revenues of less~~  
12097 ~~than \$1,000,000:]~~

12098 (4) (a) The board of trustees of a water conservancy district may:

12099 (i) make and enforce all reasonable rules and regulations for the management, control,  
12100 delivery, use, and distribution of water;

12101 (ii) withhold the delivery of water with respect to which there is a default or  
12102 delinquency of payment;

12103 (iii) provide for and declare a forfeiture of the right to the use of water upon the default  
12104 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of  
12105 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has  
12106 been declared;

12107 (iv) allocate and reallocate the use of water to lands within the district;

12108 (v) provide for and grant the right, upon terms, to transfer water from lands to which  
12109 water has been allocated to other lands within the district;

12110 (vi) create a lien, as provided in this part, upon land to which the use of water is  
12111 transferred;

12112 (vii) discharge a lien from land to which a lien has attached; and

12113 (viii) subject to Subsection (4)(b), enter into a written contract for the sale, lease, or  
12114 other disposition of the use of water.

12115 (b) (i) A contract under Subsection (4)(a)(viii) may provide for the use of water  
12116 perpetually or for a specified term.

12117 (ii) (A) If a contract under Subsection (4)(a)(viii) makes water available to the

12118 purchasing party without regard to actual taking or use, the board may require that the  
12119 purchasing party give security for the payment to be made under the contract, unless the  
12120 contract requires the purchasing party to pay for certain specified annual minimums.

12121 (B) The security requirement under Subsection (4)(b)(iii)(A) in a contract with a public  
12122 entity may be met by including in the contract a provision for the public entity's levy of a  
12123 special assessment to make annual payments to the district.

12124 Section 360. Section **17B-2a-1006** is enacted to read:

12125 **17B-2a-1006. Limits on water conservancy district property tax levy -- Additional**  
12126 **levy.**

12127 (1) Except as provided in Subsection (2) and subject to Subsection (3), the property tax  
12128 levy of a water conservancy district for district maintenance and operations may not exceed:

12129 (a) .0001 per dollar of taxable value of taxable property in the district, before the  
12130 earliest of:

12131 (i) the planning or design of works;

12132 (ii) the acquisition of the site or right-of-way on which the works will be constructed;

12133 or

12134 (iii) the commencement of construction of the works; and

12135 (b) .0002 per dollar of taxable value of taxable property in the district, after the earliest  
12136 of the events listed in Subsection (1)(a).

12137 (2) Notwithstanding Subsection (1) and subject to Subsection (3):

12138 (a) in a district that contains land located within the Lower Colorado River Basin, the  
12139 levy after the earliest of the events listed in Subsection (1)(a) may be increased to a maximum  
12140 of .001 per dollar of taxable value of taxable property in the district; and

12141 (b) in a district to be served under a contract, water appropriation, water allotment, or  
12142 otherwise by water apportioned by the Colorado River Compact to the Upper Basin, the levy  
12143 after the earliest of the events listed in Subsection (1)(a) may be increased to a maximum of  
12144 .0004 per dollar of taxable value of taxable property.

12145 (3) Notwithstanding the limits on the rate of property tax levies under Subsections (1)  
12146 and (2), a water conservancy district may impose an additional property tax levy, not to exceed  
12147 .0001 per dollar of taxable value of taxable property in the district, if the additional levy is for  
12148 the purpose of providing adequate funds to pay maturing bonds or other debts of the district.



12149 Section 361. Section **17B-2a-1007** is enacted to read:

12150 **17B-2a-1007. Contract assessments.**

12151 (1) As used in this section:

12152 (a) "Assessed land" means:

12153 (i) for a contract assessment under a water contract with a private water user, the land  
12154 owned by the private water user that receives the beneficial use of water under the water  
12155 contract; or

12156 (ii) for a contract assessment under a water contract with a public water user, the land  
12157 within the boundaries of the public water user that is within the boundaries of the water  
12158 conservancy district and that receives the beneficial use of water under the water contract.

12159 (b) "Contract assessment" means an assessment levied as provided in this section by a  
12160 water conservancy district on assessed land.

12161 (c) "Governing body" means:

12162 (i) for a county, city, or town, the legislative body of the county, city, or town;

12163 (ii) for a local district, the board of trustees of the local district;

12164 (iii) for a special service district:

12165 (A) the legislative body of the county, city, or town that established the special service  
12166 district, if no administrative control board has been appointed under Section 17A-2-1326; or

12167 (B) the administrative control board of the special service district, if an administrative  
12168 control board has been appointed under Section 17A-2-1326; and

12169 (iv) for any other political subdivision of the state, the person or body with authority to  
12170 govern the affairs of the political subdivision.

12171 (d) "Petitioner" means a private petitioner or a public petitioner.

12172 (e) "Private petitioner" means an owner of land within a water conservancy district who  
12173 submits a petition to a water conservancy district under Subsection (3) to enter into a water  
12174 contract with the district.

12175 (f) "Private water user" means an owner of land within a water conservancy district  
12176 who enters into a water contract with the district.

12177 (g) "Public petitioner" means a political subdivision of the state:

12178 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
12179 district; and

12180 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter  
12181 into a water contract with the district.

12182 (h) "Public water user" means a political subdivision of the state:

12183 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
12184 district; and

12185 (ii) that enters into a water contract with the district.

12186 (i) "Water contract" means a contract between a water conservancy district and a  
12187 private water user or a public water user under which the water user purchases, leases, or  
12188 otherwise acquires the beneficial use of water from the water conservancy district for the  
12189 benefit of:

12190 (i) land owned by the private water user; or

12191 (ii) land within the public water user's boundaries that is also within the boundaries of  
12192 the water conservancy district.

12193 (j) "Water user" means a private water user or a public water user.

12194 (2) A water conservancy district may levy a contract assessment as provided in this  
12195 section.

12196 (3) (a) The governing body of a public petitioner may authorize its chief executive  
12197 officer to submit a written petition on behalf of the public petitioner to a water conservancy  
12198 district requesting to enter into a water contract.

12199 (b) A private petitioner may submit a written petition to a water conservancy district  
12200 requesting to enter into a water contract.

12201 (c) Each petition under this Subsection (3) shall include:

12202 (i) the petitioner's name;

12203 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

12204 (iii) a description of the land upon which the water will be used;

12205 (iv) the price to be paid for the water;

12206 (v) the amount of any service, turnout, connection, distribution system, or other charge  
12207 to be paid;

12208 (vi) whether payment will be made in cash or annual installments;

12209 (vii) a provision requiring the contract assessment to become a lien on the land for  
12210 which the water is petitioned and is to be allotted; and

12211 (viii) an agreement that the petitioner is bound by the provisions of this part and the  
12212 rules and regulations of the water conservancy district board of trustees.

12213 (4) (a) If the board of a water conservancy district desires to consider a petition  
12214 submitted by a petitioner under Subsection (3), the board shall:

12215 (i) publish notice of the petition and of the hearing required under Subsection (4)(a)(ii)  
12216 at least once a week in two successive weeks in a newspaper of general circulation within the  
12217 county in which the political subdivision or private petitioner's land, as the case may be, is  
12218 located; and

12219 (ii) hold a public hearing on the petition.

12220 (b) Each notice under Subsection (4)(a)(i) shall:

12221 (i) state that a petition has been filed and that the district is considering levying a  
12222 contract assessment; and

12223 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

12224 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the  
12225 water conservancy district shall:

12226 (A) allow any interested person to appear and explain why the petition should not be  
12227 granted; and

12228 (B) consider each written objection to the granting of the petition that the board  
12229 receives before or at the hearing.

12230 (ii) The board of trustees may adjourn and reconvene the hearing as the board considers  
12231 appropriate.

12232 (d) (i) Any interested person may file with the board of the water conservancy district,  
12233 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting  
12234 a petition.

12235 (ii) Each person who fails to submit a written objection within the time provided under  
12236 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and  
12237 levying a contract assessment.

12238 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of  
12239 trustees of a water conservancy district may:

12240 (a) deny the petition; or

12241 (b) grant the petition, if the board considers granting the petition to be in the best

12242 interests of the district.  
12243 (6) The board of a water conservancy district that grants a petition under this section  
12244 may:  
12245 (a) make an allotment of water for the benefit of assessed land;  
12246 (b) authorize any necessary construction to provide for the use of water upon the terms  
12247 and conditions stated in the water contract;  
12248 (c) divide the district into units and fix a different rate for water purchased or otherwise  
12249 acquired and for other charges within each unit, if the rates and charges are equitable although  
12250 not equal and uniform for similar classes of services throughout the district; and  
12251 (d) levy a contract assessment on assessed land.  
12252 (7) (a) The board of trustees of each water conservancy district that levies a contract  
12253 assessment under this section shall:  
12254 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment  
12255 to be recorded in the office of the recorder of each county in which assessed land is located;  
12256 and  
12257 (ii) on or before July 1 of each year after levying the contract assessment, certify to the  
12258 auditor of each county in which assessed land is located the amount of the contract assessment.  
12259 (b) Upon the recording of the resolution or ordinance under Subsection (7)(a)(i), the  
12260 contract assessment associated with allotting water to the assessed land under the water  
12261 contract becomes a perpetual lien on the assessed land.  
12262 (c) Each county in which assessed land is located shall collect the contract assessment  
12263 in the same manner as taxes levied by the county.  
12264 (8) Each resolution, ordinance, or order under which a water conservancy district  
12265 levied a Class B, Class C, or Class D assessment before April 30, 2007 under the law in effect  
12266 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district  
12267 may continue to levy the assessment according to the terms of the resolution, ordinance, or  
12268 order.  
12269 Section 362. Section **17B-2a-1008** is enacted to read:  
12270 **17B-2a-1008. Subdistricts to become water conservancy districts.**  
12271 Each water conservancy subdistrict, created and operating under the law in effect before  
12272 April 30, 2007 and existing on April 30, 2007, shall, on that date, become a water conservancy

12273 district.

12274 Section 363. Section **17C-1-102** is amended to read:

12275 **17C-1-102. Definitions.**

12276 As used in this title:

12277 (1) "Adjusted tax increment" means:

12278 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under

12279 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

12280 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under

12281 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

12282 (2) "Affordable housing" means housing to be owned or occupied by persons and

12283 families of low or moderate income, as determined by resolution of the agency.

12284 (3) "Agency" or "community development and renewal agency" means a separate body

12285 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under

12286 previous law, that is a political subdivision of the state, that is created to undertake or promote

12287 urban renewal, economic development, or community development, or any combination of

12288 them, as provided in this title, and whose geographic boundaries are coterminous with:

12289 (a) for an agency created by a county, the unincorporated area of the county; and

12290 (b) for an agency created by a city or town, the boundaries of the city or town.

12291 (4) "Annual income" has the meaning as defined under regulations of the U.S.

12292 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as

12293 superseded by replacement regulations.

12294 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

12295 (6) "Base taxable value" means the taxable value of the property within a project area

12296 from which tax increment will be collected, as shown upon the assessment roll last equalized

12297 before:

12298 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan; or

12299 (b) for a post-June 30, 1993 project area plan:

12300 (i) the date of the taxing entity committee's approval of the first project area budget; or

12301 (ii) if no taxing entity committee approval is required for the project area budget, the

12302 later of:

12303 (A) the date the project area plan is adopted by the community legislative body; and

- 12304 (B) the date the agency adopts the first project area budget.
- 12305 (7) "Basic levy" means the portion of a school district's tax levy constituting the  
12306 minimum basic levy under Section 59-2-902.
- 12307 (8) "Blight" or "blighted" means the condition of an area that meets the requirements of  
12308 Subsection 17C-2-303(1).
- 12309 (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1) (a)(iii) and  
12310 Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed urban  
12311 renewal project area.
- 12312 (10) "Blight study" means a study to determine the existence or nonexistence of blight  
12313 within a survey area as provided in Section 17C-2-301.
- 12314 (11) "Board" means the governing body of an agency, as provided in Section  
12315 17C-1-203.
- 12316 (12) "Budget hearing" means the public hearing on a draft project area budget required  
12317 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection  
12318 17C-3-201(2)(d) for an economic development project area budget.
- 12319 (13) "Combined incremental value" means the combined total of all incremental values  
12320 from all urban renewal project areas, except project areas that contain some or all of a military  
12321 installation or inactive industrial site, within the agency's boundaries under adopted project area  
12322 plans and adopted project area budgets at the time that a project area budget for a new urban  
12323 renewal project area is being considered.
- 12324 (14) "Community" means a county, city, or town.
- 12325 (15) "Community development" means development activities within a community,  
12326 including the encouragement, promotion, or provision of development.
- 12327 (16) "Economic development" means to promote the creation or retention of public or  
12328 private jobs within the state through:
- 12329 (a) planning, design, development, construction, rehabilitation, business relocation, or  
12330 any combination of these, within a community; and
- 12331 (b) the provision of office, industrial, manufacturing, warehousing, distribution,  
12332 parking, public, or other facilities, or other improvements that benefit the state or a community.
- 12333 (17) "Fair share ratio" means the ratio derived by:
- 12334 (a) for a city or town, comparing the percentage of all housing units within the city or

12335 town that are publicly subsidized income targeted housing units to the percentage of all housing  
12336 units within the whole county that are publicly subsidized income targeted housing units; or

12337 (b) for the unincorporated part of a county, comparing the percentage of all housing  
12338 units within the unincorporated county that are publicly subsidized income targeted housing  
12339 units to the percentage of all housing units within the whole county that are publicly subsidized  
12340 income targeted housing units.

12341 (18) "Family" has the meaning as defined under regulations of the U.S. Department of  
12342 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by  
12343 replacement regulations.

12344 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

12345 (20) "Housing funds" means the funds allocated in an urban renewal project area  
12346 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

12347 (21) (a) "Inactive industrial site" means land that:

12348 (i) consists of at least 1,000 acres;

12349 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial  
12350 facility; and

12351 (iii) requires remediation because of the presence of hazardous or solid waste as  
12352 defined in Subsection 17B-4-604(1)(a)(iii)(I), as last amended by Chapter 292, Laws of Utah  
12353 2005.

12354 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land  
12355 described in Subsection (21)(a).

12356 (22) "Income targeted housing" means housing to be owned or occupied by a family  
12357 whose annual income is at or below 80% of the median annual income for the county in which  
12358 the housing is located.

12359 (23) "Incremental value" means a figure derived by multiplying the marginal value of  
12360 the property located within an urban renewal project area on which tax increment is collected  
12361 by a number that represents the percentage of adjusted tax increment from that project area that  
12362 is paid to the agency.

12363 (24) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
12364 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

12365 (25) "Marginal value" means the difference between actual taxable value and base

12366 taxable value.

12367 (26) "Military installation project area" means a project area or a portion of a project  
12368 area located within a federal military installation ordered closed by the federal Defense Base  
12369 Realignment and Closure Commission.

12370 (27) "Plan hearing" means the public hearing on a draft project area plan required  
12371 under Subsection 17C-2-102(1)(a)(viii) for an urban renewal project area plan, Subsection  
12372 17C-3-102(1)(d) for an economic development project area plan, and Subsection  
12373 17C-4-102(1)(d) for a community development project area plan.

12374 (28) "Post-June 30, 1993 project area plan" means a project area plan adopted on or  
12375 after July 1, 1993, whether or not amended subsequent to its adoption.

12376 (29) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July  
12377 1, 1993, whether or not amended subsequent to its adoption.

12378 (30) "Private," with respect to real property, means:

12379 (a) not owned by the United States or any agency of the federal government, a public  
12380 entity, or any other governmental entity; and

12381 (b) not dedicated to public use.

12382 (31) "Project area" means the geographic area described in a project area plan or draft  
12383 project area plan where the urban renewal, economic development, or community  
12384 development, as the case may be, set forth in the project area plan or draft project area plan  
12385 takes place or is proposed to take place.

12386 (32) "Project area budget" means a multiyear projection of annual or cumulative  
12387 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic  
12388 development project area that includes:

12389 (a) the base taxable value of property in the project area;

12390 (b) the projected tax increment expected to be generated within the project area;

12391 (c) the amount of tax increment expected to be shared with other taxing entities;

12392 (d) the amount of tax increment expected to be used to implement the project area plan,  
12393 including the estimated amount of tax increment to be used for land acquisition, public  
12394 improvements, infrastructure improvements, and loans, grants, or other incentives to private  
12395 and public entities;

12396 (e) the tax increment expected to be used to cover the cost of administering the project



12397 area plan;  
12398 (f) if the area from which tax increment is to be collected is less than the entire project  
12399 area:

12400 (i) the tax identification numbers of the parcels from which tax increment will be  
12401 collected; or  
12402 (ii) a legal description of the portion of the project area from which tax increment will  
12403 be collected; and

12404 (g) for property that the agency owns and expects to sell, the expected total cost of the  
12405 property to the agency and the expected selling price.

12406 (33) "Project area plan" means a written plan under Part 4, Project Area Plan, that, after  
12407 its effective date, guides and controls the urban renewal, economic development, or community  
12408 development activities within a project area.

12409 (34) "Property tax" includes privilege tax and each levy on an ad valorem basis on  
12410 tangible or intangible personal or real property.

12411 (35) "Public entity" means:

12412 (a) the state, including any of its departments or agencies; or

12413 (b) a political subdivision of the state, including a county, city, town, school district,  
12414 [~~special district,~~] local district, special service district, or interlocal cooperation entity.

12415 (36) "Publicly owned infrastructure and improvements" means water, sewer, storm  
12416 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,  
12417 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,  
12418 and improvements benefitting the public and to be publicly owned or publicly maintained or  
12419 operated.

12420 (37) "Record property owner" or "record owner of property" means the owner of real  
12421 property as shown on the records of the recorder of the county in which the property is located  
12422 and includes a purchaser under a real estate contract if the contract is recorded in the office of  
12423 the recorder of the county in which the property is located or the purchaser gives written notice  
12424 of the real estate contract to the agency.

12425 (38) "Superfund site":

12426 (a) means an area included in the National Priorities List under the Comprehensive  
12427 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

12428 (b) includes an area formerly included in the National Priorities List, as described in  
12429 Subsection (38)(a), but removed from the list following remediation that leaves on site the  
12430 waste that caused the area to be included in the National Priorities List.

12431 (39) "Survey area" means an area designated by a survey area resolution for study to  
12432 determine whether one or more urban renewal projects within the area are feasible.

12433 (40) "Survey area resolution" means a resolution adopted by the agency board under  
12434 Subsection 17C-2-101(1)(a) designating a survey area.

12435 (41) "Taxable value" means the value of property as shown on the last equalized  
12436 assessment roll as certified by the county assessor.

12437 (42) (a) "Tax increment" means, except as provided in Subsection (42)(b), the  
12438 difference between:

12439 (i) the amount of property tax revenues generated each tax year by all taxing entities  
12440 from the area within a project area designated in the project area plan as the area from which  
12441 tax increment is to be collected, using the current assessed value of the property; and

12442 (ii) the amount of property tax revenues that would be generated from that same area  
12443 using the base taxable value of the property.

12444 (b) "Tax increment" does not include taxes levied and collected under Section  
12445 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

12446 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
12447 area plan was subsequently amended; and

12448 (ii) the taxes were pledged to support bond indebtedness or other contractual  
12449 obligations of the agency.

12450 (43) "Taxing entity" means a public entity that levies a tax on property within a  
12451 community.

12452 (44) "Taxing entity committee" means a committee representing the interests of taxing  
12453 entities, created as provided in Section 17C-1-402.

12454 (45) "Unincorporated" means not within a city or town.

12455 (46) (a) "Urban renewal" means the development activities under a project area plan  
12456 within an urban renewal project area, including:

12457 (i) planning, design, development, demolition, clearance, construction, rehabilitation,  
12458 or any combination of these, of part or all of a project area;

12459 (ii) the provision of residential, commercial, industrial, public, or other structures or  
12460 spaces, including recreational and other facilities incidental or appurtenant to them;

12461 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or  
12462 any combination of these, existing structures in a project area;

12463 (iv) providing open space, including streets and other public grounds and space around  
12464 buildings;

12465 (v) providing public or private buildings, infrastructure, structures, and improvements;  
12466 and

12467 (vi) providing improvements of public or private recreation areas and other public  
12468 grounds.

12469 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before  
12470 May 1, 2006, if the context requires.

12471 Section 364. Section **19-3-301** is amended to read:

12472 **19-3-301. Restrictions on nuclear waste placement in state.**

12473 (1) The placement, including transfer, storage, decay in storage, treatment, or disposal,  
12474 within the exterior boundaries of Utah of high-level nuclear waste or greater than class C  
12475 radioactive waste is prohibited.

12476 (2) Notwithstanding Subsection (1) the governor, after consultation with the county  
12477 executive and county legislative body of the affected county and with concurrence of the  
12478 Legislature, may specifically approve the placement as provided in this part, but only if:

12479 (a) (i) the federal Nuclear Regulatory Commission issues a license, pursuant to the  
12480 Nuclear Waste Policy Act, 42 U.S.C.A. 10101 et seq., or the Atomic Energy Act, 42 U.S.C.A.  
12481 2011 et seq., for the placement within the exterior boundaries of Utah of high-level nuclear  
12482 waste or greater than class C radioactive waste; and

12483 (ii) the authority of the federal Nuclear Regulatory Commission to grant a license under  
12484 Subsection (2)(a)(i) is clearly upheld by a final judgment of a court of competent jurisdiction;  
12485 or

12486 (b) an agency of the federal government is transporting the waste, and all state and  
12487 federal requirements to proceed with the transportation have been met.

12488 (3) The requirement for the approval of a final court of competent jurisdiction shall be  
12489 met in all of the following categories, in order for a state license proceeding regarding waste to

12490 begin:

- 12491 (a) transfer or transportation, by rail, truck, or other mechanisms;  
12492 (b) storage, including any temporary storage at a site away from the generating reactor;  
12493 (c) decay in storage;  
12494 (d) treatment; and  
12495 (e) disposal.

12496 (4) (a) Upon satisfaction of the requirements of Subsection (2)(a), for each category  
12497 listed in Subsection (3), or satisfaction of the requirements under Subsection (2)(b), the  
12498 governor, with the concurrence of the attorney general, shall certify in writing to the executive  
12499 director of the Department of Environmental Quality that all of the requirements have been  
12500 met, and that any necessary state licensing processes may begin.

12501 (b) Separate certification under this Subsection (4) shall be given for each category in  
12502 Subsection (3).

12503 (5) (a) The department shall make, by rule, a determination of the dollar amount of the  
12504 health and economic costs expected to result from a reasonably foreseeable accidental release  
12505 of waste involving a transfer facility or storage facility, or during transportation of waste,  
12506 within the exterior boundaries of the state. The department may initiate rulemaking under this  
12507 Subsection (5)(a) on or after March 15, 2001.

12508 (b) (i) The department shall also determine the dollar amount currently available to  
12509 cover the costs as determined in Subsection (5)(a):

- 12510 (A) under nuclear industry self-insurance;  
12511 (B) under federal insurance requirements; and  
12512 (C) in federal monies.

12513 (ii) The department may not include any calculations of federal monies that may be  
12514 appropriated in the future in determining the amount under Subsection (5)(b)(i).

12515 (c) The department shall use the information compiled under Subsections (5)(a) and (b)  
12516 to determine the amount of unfunded potential liability in the event of a release of waste from a  
12517 storage or transfer facility, or a release during the transportation of waste.

12518 (6) (a) State agencies may not, for the purpose of providing any goods, services, or  
12519 municipal-type services to a storage facility or transfer facility, or to any organization engaged  
12520 in the transportation of waste, enter into any contracts or any other agreements prior to:

12521 (i) the satisfaction of the conditions in Subsection (4); and  
12522 (ii) the executive director of the department having certified that the requirements of  
12523 Sections 19-3-304 through 19-3-308 have been met for the purposes of a license application  
12524 proceeding for a storage facility or transfer facility.

12525 (b) Political subdivisions of the state may not enter into any contracts or any other  
12526 agreements for the purpose of providing any goods, services, or municipal-type services to a  
12527 storage facility or transfer facility, or to any organization engaged in the transportation of  
12528 waste.

12529 (c) This Subsection (6) does not prohibit a state agency from exercising the regulatory  
12530 authority granted to it by law.

12531 (7) (a) Notwithstanding any other provision of law, any political subdivision may not  
12532 be formed pursuant to the laws of Utah for the purpose of providing any goods, services, or  
12533 municipal-type services to a storage facility or transfer facility prior to the satisfaction of the  
12534 conditions in Subsection (4). These political subdivisions include:

12535 (i) a cooperative;

12536 (ii) a ~~[special]~~ local district authorized by Title ~~[17A, Special Districts]~~ 17B, Limited  
12537 Purposed Local Government Entities - Local Districts;

12538 (iii) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
12539 District Act;

12540 ~~[(iii)]~~ (iv) a limited purpose local governmental entities authorized by Title 17,  
12541 Counties;

12542 ~~[(iv)]~~ (v) any joint power agreement authorized by Title 11, Cities, Counties, and Local  
12543 Taxing Units; and

12544 ~~[(v)]~~ (vi) the formation of a municipality, or any authority of a municipality authorized  
12545 by Title 10, Utah Municipal Code.

12546 (b) (i) Subsection (7)(a) shall be strictly interpreted. Any political subdivision  
12547 authorized and formed under the laws of the state on or after March 15, 2001 which  
12548 subsequently contracts to, or in any manner agrees to provide, or does provide goods, services,  
12549 or municipal-type services to a storage facility or transfer facility is formed in violation of  
12550 Subsection (7)(a).

12551 (ii) If the conditions of Subsection (7)(b)(i) apply, the persons who formed the political

12552 subdivision are considered to have knowingly violated a provision of this part, and the  
12553 penalties of Section 19-3-312 apply.

12554 (8) (a) An organization may not be formed for the purpose of providing any goods,  
12555 services, or municipal-type services to a storage facility or transfer facility prior to:

12556 (i) the satisfaction of the conditions in Subsection (4); and

12557 (ii) the executive director of the department having certified that the requirements of  
12558 Sections 19-3-304 through 19-3-308 have been met.

12559 (b) A foreign organization may not be registered to do business in the state for the  
12560 purpose of providing any goods, services, or municipal-type services to a storage facility or  
12561 transfer facility prior to:

12562 (i) the satisfaction of the conditions in Subsection (4); and

12563 (ii) the executive director of the department having certified that the requirements of  
12564 Sections 19-3-304 through 19-3-308 have been met.

12565 (c) The prohibitions of Subsections (8)(a) and (b) shall be strictly applied, and:

12566 (i) the formation of a new organization or registration of a foreign organization within  
12567 the state, any of whose purposes are to provide goods, services, or municipal-type services to a  
12568 storage facility or transfer facility may not be licensed or registered in the state, and the local or  
12569 foreign organization is void and does not have authority to operate within the state;

12570 (ii) any organization which is formed or registered on or after March 15, 2001, and  
12571 which subsequently contracts to, or in any manner agrees to provide, or does provide goods,  
12572 services, or municipal-type services to a storage facility or transfer facility has been formed or  
12573 registered in violation of Subsection (8)(a) or (b) respectively; and

12574 (iii) if the conditions of Subsection (8)(c)(ii) apply, the persons who formed the  
12575 organization or the principals of the foreign organization, are considered to have knowingly  
12576 violated a provision of this part, and are subject to the penalties in Section 19-3-312.

12577 (9) (a) (i) Any contract or agreement to provide any goods, services, or municipal-type  
12578 services to any organization engaging in, or attempting to engage in the placement of high-level  
12579 nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility  
12580 within the state are declared to be against the greater public interest, health, and welfare of the  
12581 state, by promoting an activity which has the great potential to cause extreme public harm.

12582 (ii) These contracts or agreements under Subsection (9)(a)(i), whether formal or

12583 informal, are declared to be void from inception, agreement, or execution as against public  
12584 policy.

12585 (b) (i) Any contract or other agreement to provide goods, services, or municipal-type  
12586 services to storage or transfer facilities may not be executed within the state.

12587 (ii) Any contract or other agreement, existing or executed on or after March 15, 2001,  
12588 is considered void from the time of agreement or execution.

12589 (10) (a) All contracts and agreements under Subsection (10)(b) are assessed an annual  
12590 transaction fee of 75% of the gross value of the contract to the party providing the goods,  
12591 services, or municipal-type services to the storage facility or transfer facility or transportation  
12592 entity. The fee shall be assessed per calendar year, and is payable on a prorated basis on or  
12593 before the last day of each month in accordance with rules established under Subsection  
12594 (10)(d), and as follows:

12595 (i) 25% of the gross value of the contract to the department; and

12596 (ii) 50% of the gross value of the contract to the Department of Community and  
12597 Culture, to be used by the Utah Division of Indian Affairs as provided in Subsection (11).

12598 (b) Contracts and agreements subject to the fee under Subsection (10)(a) are those  
12599 contracts and agreements to provide goods, services, or municipal-type services to a storage or  
12600 transfer facility, or to any organization engaged in the transportation of high-level nuclear  
12601 waste or greater than class C radioactive waste to a transfer facility or storage facility, and  
12602 which:

12603 (i) are in existence on March 15, 2001; or

12604 (ii) become effective notwithstanding Subsection (9)(a).

12605 (c) Any governmental agency which regulates the charges to consumers for services  
12606 provided by utilities or other organizations shall require the regulated utility or organization to  
12607 include the fees under Subsection (10)(a) in the rates charged to the purchaser of the goods,  
12608 services, or municipal-type services affected by Subsection (10)(b).

12609 (d) (i) The department, in consultation with the State Tax Commission, shall establish  
12610 rules for the valuation of the contracts and assessment and collection of the fees, and other  
12611 rules as necessary to determine the amount of and collection of the fee under Subsection  
12612 (10)(a). The department may initiate rulemaking under this Subsection (10)(d)(i) on or after  
12613 March 15, 2001.

12614 (ii) Persons and organizations holding contracts affected by Subsection (10)(b) shall  
12615 make a good faith estimate of the fee under Subsection (10)(a) for calendar year 2001, and  
12616 remit that amount to the department on or before July 31, 2001.

12617 (11) (a) The portion of the fees imposed under Subsection (10) which is to be paid to  
12618 the Department of Community and Culture for use by the Utah Division of Indian Affairs shall  
12619 be used for establishment of a statewide community and economic development program for  
12620 the tribes of Native American people within the exterior boundaries of the state who have by  
12621 tribal procedure established a position rejecting siting of any nuclear waste facility on their  
12622 reservation lands.

12623 (b) The program under Subsection (11)(a) shall include:

- 12624 (i) educational services and facilities;
- 12625 (ii) health care services and facilities;
- 12626 (iii) programs of economic development;
- 12627 (iv) utilities;
- 12628 (v) sewer;
- 12629 (vi) street lighting;
- 12630 (vii) roads and other infrastructure; and
- 12631 (viii) oversight and staff support for the program.

12632 (12) It is the intent of the Legislature that this part does not prohibit or interfere with a  
12633 person's exercise of the rights under the First Amendment to the Constitution of the United  
12634 States or under Utah Constitution Article I, Sec. 15, by an organization attempting to site a  
12635 storage facility or transfer facility within the borders of the state for the placement of high-level  
12636 nuclear waste or greater than class C radioactive waste.

12637 Section 365. Section **19-4-111** is amended to read:

12638 **19-4-111. Fluorine added to or removed from water -- Election required.**

12639 (1) (a) Except as provided in Subsection 19-4-104(1)(a)(i), public water supplies,  
12640 whether state, county, municipal, or district, may not have fluorine or any of its derivatives or  
12641 compounds added to or removed from them without the approval of a majority of voters in an  
12642 election in the area affected.

12643 (b) An election shall be held:

- 12644 (i) upon the filing of an initiative petition requesting the action in accordance with state



12645 law governing initiative petitions;

12646 (ii) in the case of a municipal, [~~special~~] local district, special service district, or county  
12647 water system which is functionally separate from any other water system, upon the passage of a  
12648 resolution by the legislative body or [~~special~~] local district or special service district board  
12649 representing the affected voters, submitting the question to the affected voters at a municipal  
12650 general election; or

12651 (iii) in a county of the first or second class, upon the passage of a resolution by the  
12652 county legislative body to place an opinion question relating to all public water systems within  
12653 the county, except as provided in Subsection (2), on the ballot at a general election.

12654 (2) If a majority of voters on an opinion question under Subsection (1)(b)(iii) approve  
12655 the addition of fluorine to or the removal of fluorine from the public water supplies within the  
12656 county, the local health departments shall require the addition of fluorine to or the removal of  
12657 fluorine from all public water supplies within that county other than those systems:

12658 (a) that are functionally separate from any other public water systems in that county;  
12659 and

12660 (b) where a majority of the voters served by the public water system voted against the  
12661 addition or removal of fluorine on the opinion question under Subsection (1)(b)(iii).

12662 (3) Nothing contained in this section prohibits the addition of chlorine or other water  
12663 purifying agents.

12664 (4) Any political subdivision which, prior to November 2, 1976, decided to and was  
12665 adding fluorine or any of its derivatives or compounds to the drinking water is considered to  
12666 have complied with Subsection (1).

12667 (5) In an election held pursuant to Subsections (1)(b)(i), (ii), or (iii), where a majority  
12668 of the voters approve the addition to or removal of fluorine from the public water supplies, no  
12669 election to consider removing fluorine from or adding fluorine to the public water supplies  
12670 shall be held for a period of four years from the date of approval by the majority of voters  
12671 beginning with elections held in November 2000.

12672 (6) For purposes of this section, "removal" means ceasing to add fluorine to a public  
12673 water supply, the addition having been previously approved by the voters of a political  
12674 subdivision.

12675 Section 366. Section **19-6-502** is amended to read:

12676 **19-6-502. Definitions.**

12677 As used in this part:

12678 (1) "Governing body" means the governing board, commission, or council of a public  
12679 entity.

12680 (2) "Jurisdiction" means the area within the incorporated limits of a municipality,  
12681 special service district, municipal-type service district, county service area, or all of the  
12682 territorial area of a county not lying within a city or town.

12683 (3) "Long-term agreement" means an agreement or contract having a term of more than  
12684 five years and less than 50 years.

12685 (4) "Public entity" means a county, municipality, special service district, [~~or county~~]  
12686 created under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or service area  
12687 created under Title [~~17A~~] 17B, Chapter [~~2, Independent Special Districts~~], 2a, Part 9, Service  
12688 Area Act and a municipal-type service district created under Title 17, Chapter 34,  
12689 Municipal-type Services to Unincorporated Areas.

12690 (5) "Resource recovery" means the separation, extraction, recycling, or recovery of  
12691 usable materials, energy, fuel, or heat from solid waste and the disposition of it.

12692 (6) "Short-term agreement" means any contract or agreement having a term of five  
12693 years or less.

12694 (7) "Solid waste" means all putrescible and nonputrescible materials or substances  
12695 discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the  
12696 time of discard or rejection, including garbage, refuse, industrial and commercial waste,  
12697 sludges from air or water control facilities, rubbish, ashes, contained gaseous material,  
12698 incinerator residue, demolition, and construction debris, discarded automobiles and offal, but  
12699 not including sewage and other highly diluted water carried materials or substances and those  
12700 in gaseous form.

12701 (8) "Solid waste management" means the purposeful and systematic collection,  
12702 transportation, storage, processing, recovery, and disposal of solid waste.

12703 (9) "Solid waste management facility" means any facility employed for solid waste  
12704 management, including transfer stations, transport systems, baling facilities, landfills,  
12705 processing systems, including resource recovery facilities or other facilities for reducing solid  
12706 waste volume, plants and facilities for compacting, composting, or pyrolyzation of solid wastes,

12707 incinerators and other solid waste disposal, reduction, or conversion facilities, and facilities for  
12708 resource recovery of energy consisting of:

12709 (a) facilities for the production, transmission, distribution, and sale of heat and  
12710 steam[;]; and

12711 (b) facilities for the generation and sale of electric energy to a public utility or  
12712 municipality or other public entity which owns and operates an electric power system on March  
12713 15, 1982, and for the generation, sale, and transmission of electric energy on an emergency  
12714 basis only to a military installation of the United States; provided, that solid waste management  
12715 facilities are not a public utility as defined in Section 54-2-1.

12716 Section 367. Section **20A-1-102** is amended to read:

12717 **20A-1-102. Definitions.**

12718 As used in this title:

12719 (1) "Active voter" means a registered voter who has not been classified as an inactive  
12720 voter by the county clerk.

12721 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
12722 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

12723 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon  
12724 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and  
12725 secrecy envelopes.

12726 (4) "Ballot sheet":

12727 (a) means a ballot that:

12728 (i) consists of paper or a card where the voter's votes are marked or recorded; and

12729 (ii) can be counted using automatic tabulating equipment; and

12730 (b) includes punch card ballots, and other ballots that are machine-countable.

12731 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that  
12732 contain the names of offices and candidates and statements of ballot propositions to be voted  
12733 on and which are used in conjunction with ballot sheets that do not display that information.

12734 (6) "Ballot proposition" means opinion questions specifically authorized by the  
12735 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions  
12736 that are submitted to the voters for their approval or rejection.

12737 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and

12738 20A-4-306 to canvass election returns.

12739 (8) "Bond election" means an election held for the purpose of approving or rejecting  
12740 the proposed issuance of bonds by a government entity.

12741 (9) "Book voter registration form" means voter registration forms contained in a bound  
12742 book that are used by election officers and registration agents to register persons to vote.

12743 (10) "By-mail voter registration form" means a voter registration form designed to be  
12744 completed by the voter and mailed to the election officer.

12745 (11) "Canvass" means the review of election returns and the official declaration of  
12746 election results by the board of canvassers.

12747 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
12748 the canvass.

12749 (13) "Convention" means the political party convention at which party officers and  
12750 delegates are selected.

12751 (14) "Counting center" means one or more locations selected by the election officer in  
12752 charge of the election for the automatic counting of ballots.

12753 (15) "Counting judge" means a poll worker designated to count the ballots during  
12754 election day.

12755 (16) "Counting poll watcher" means a person selected as provided in Section  
12756 20A-3-201 to witness the counting of ballots.

12757 (17) "Counting room" means a suitable and convenient private place or room,  
12758 immediately adjoining the place where the election is being held, for use by the counting judges  
12759 to count ballots during election day.

12760 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

12761 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

12762 (20) "County officers" means those county officers that are required by law to be  
12763 elected.

12764 (21) "Election" means a regular general election, a municipal general election, a  
12765 statewide special election, a local special election, a regular primary election, a municipal  
12766 primary election, and a [~~special~~] local district election.

12767 (22) "Election Assistance Commission" means the commission established by Public  
12768 Law 107-252, the Help America Vote Act of 2002.

12769 (23) "Election cycle" means the period beginning on the first day persons are eligible to  
12770 file declarations of candidacy and ending when the canvass is completed.

12771 (24) "Election judge" means each canvassing judge, counting judge, and receiving  
12772 judge.

12773 (25) "Election officer" means:

12774 (a) the lieutenant governor, for all statewide ballots;

12775 (b) the county clerk or clerks for all county ballots and for certain ballots and elections  
12776 as provided in Section 20A-5-400.5;

12777 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
12778 provided in Section 20A-5-400.5;

12779 (d) the [~~special~~] local district clerk or chief executive officer for certain ballots and  
12780 elections as provided in Section 20A-5-400.5; and

12781 (e) the business administrator or superintendent of a school district for certain ballots  
12782 or elections as provided in Section 20A-5-400.5.

12783 (26) "Election official" means any election officer, election judge, poll worker, or  
12784 satellite registrar.

12785 (27) "Election results" means, for bond elections, the count of those votes cast for and  
12786 against the bond proposition plus any or all of the election returns that the board of canvassers  
12787 may request.

12788 (28) "Election returns" includes the pollbook, all affidavits of registration, the military  
12789 and overseas absentee voter registration and voting certificates, one of the tally sheets, any  
12790 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
12791 spoiled ballots, the ballot disposition form, and the total votes cast form.

12792 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
12793 device or other voting device that records and stores ballot information by electronic means.

12794 (30) "Electronic voting system" means a system in which a voting device is used in  
12795 conjunction with ballots so that votes recorded by the voter are counted and tabulated by  
12796 automatic tabulating equipment.

12797 (31) "Inactive voter" means a registered voter who has been sent the notice required by  
12798 Section 20A-2-306 and who has failed to respond to that notice.

12799 (32) "Inspecting poll watcher" means a person selected as provided in this title to

12800 witness the receipt and safe deposit of voted and counted ballots.

12801 (33) "Judicial office" means the office filled by any judicial officer.

12802 (34) "Judicial officer" means any justice or judge of a court of record or any county  
12803 court judge.

12804 (35) "Local district" means those local government entities created under the authority  
12805 of Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes  
12806 special service districts under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

12807 (36) "Local district officers" means those local district officers that are required by law  
12808 to be elected.

12809 [~~(35)~~] (37) "Local election" means a regular municipal election, a local special election,  
12810 a [~~special~~] local district election, and a bond election.

12811 [~~(36)~~] (38) "Local political subdivision" means a county, a municipality, a [~~special~~]  
12812 local district, or a local school district.

12813 [~~(37)~~] (39) "Local special election" means a special election called by the governing  
12814 body of a local political subdivision in which all registered voters of the local political  
12815 subdivision may vote.

12816 [~~(38)~~] (40) "Municipal executive" means:

12817 (a) the city council or town council in the traditional management arrangement  
12818 established by Title 10, Chapter 3, Part 1, Governing Body;

12819 (b) the mayor in the council-mayor optional form of government defined in Section  
12820 10-3-101; and

12821 (c) the manager in the council-manager optional form of government defined in  
12822 Section 10-3-101.

12823 [~~(39)~~] (41) "Municipal general election" means the election held in municipalities and  
12824 [~~special~~] local districts on the first Tuesday after the first Monday in November of each  
12825 odd-numbered year for the purposes established in Section 20A-1-202.

12826 [~~(40)~~] (42) "Municipal legislative body" means:

12827 (a) the city council or town council in the traditional management arrangement  
12828 established by Title 10, Chapter 3, Part 1, Governing Body;

12829 (b) the municipal council in the council-mayor optional form of government defined in  
12830 Section 10-3-101; and

12831 (c) the municipal council in the council-manager optional form of government defined  
12832 in Section 10-3-101.

12833 [~~(41)~~] (43) "Municipal officers" means those municipal officers that are required by  
12834 law to be elected.

12835 [~~(42)~~] (44) "Municipal primary election" means an election held to nominate  
12836 candidates for municipal office.

12837 [~~(43)~~] (45) "Official ballot" means the ballots distributed by the election officer to the  
12838 poll workers to be given to voters to record their votes.

12839 [~~(44)~~] (46) "Official endorsement" means:

12840 (a) the information on the ballot that identifies:

12841 (i) the ballot as an official ballot;

12842 (ii) the date of the election; and

12843 (iii) the facsimile signature of the election officer; and

12844 (b) the information on the ballot stub that identifies:

12845 (i) the poll worker's initials; and

12846 (ii) the ballot number.

12847 [~~(45)~~] (47) "Official register" means the official record furnished to election officials  
12848 by the election officer that contains the information required by Section 20A-5-401.

12849 [~~(46)~~] (48) "Paper ballot" means a paper that contains:

12850 (a) the names of offices and candidates and statements of ballot propositions to be  
12851 voted on; and

12852 (b) spaces for the voter to record his vote for each office and for or against each ballot  
12853 proposition.

12854 [~~(47)~~] (49) "Political party" means an organization of registered voters that has  
12855 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,  
12856 Political Party Formation and Procedures.

12857 [~~(48)~~] (50) (a) "Poll worker" means a person assigned by an election official to assist  
12858 with an election, voting, or counting votes.

12859 (b) "Poll worker" includes election judges.

12860 (c) "Poll worker" does not include a watcher.

12861 [~~(49)~~] (51) "Pollbook" means a record of the names of voters in the order that they

12862 appear to cast votes.

12863           ~~[(50)]~~ (52) "Polling place" means the building where voting is conducted.

12864           ~~[(51)]~~ (53) "Position" means a square, circle, rectangle, or other geometric shape on a  
12865 ballot in which the voter marks his choice.

12866           ~~[(52)]~~ (54) "Provisional ballot" means a ballot voted provisionally by a person:

12867           (a) whose name is not listed on the official register at the polling place;

12868           (b) whose legal right to vote is challenged as provided in this title; or

12869           (c) whose identity was not sufficiently established by an election judge.

12870           ~~[(53)]~~ (55) "Provisional ballot envelope" means an envelope printed in the form  
12871 required by Section 20A-6-105 that is used to identify provisional ballots and to provide  
12872 information to verify a person's legal right to vote.

12873           ~~[(54)]~~ (56) "Primary convention" means the political party conventions at which  
12874 nominees for the regular primary election are selected.

12875           ~~[(55)]~~ (57) "Protective counter" means a separate counter, which cannot be reset, that is  
12876 built into a voting machine and records the total number of movements of the operating lever.

12877           ~~[(56)]~~ (58) "Qualify" or "qualified" means to take the oath of office and begin  
12878 performing the duties of the position for which the person was elected.

12879           ~~[(57)]~~ (59) "Receiving judge" means the poll worker that checks the voter's name in the  
12880 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
12881 after the voter has voted.

12882           ~~[(58)]~~ (60) "Registration days" means the days designated in Section 20A-2-203 when  
12883 a voter may register to vote with a satellite registrar.

12884           ~~[(59)]~~ (61) "Registration form" means a book voter registration form and a by-mail  
12885 voter registration form.

12886           ~~[(60)]~~ (62) "Regular ballot" means a ballot that is not a provisional ballot.

12887           ~~[(61)]~~ (63) "Regular general election" means the election held throughout the state on  
12888 the first Tuesday after the first Monday in November of each even-numbered year for the  
12889 purposes established in Section 20A-1-201.

12890           ~~[(62)]~~ (64) "Regular primary election" means the election on the fourth Tuesday of  
12891 June of each even-numbered year, at which candidates of political parties and nonpolitical  
12892 groups are voted for nomination.



12893            ~~[(63)]~~ (65) "Resident" means a person who resides within a specific voting precinct in  
12894 Utah.

12895            ~~[(64)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot  
12896 printed and distributed as provided in Section 20A-5-405.

12897            ~~[(65)]~~ (67) "Satellite registrar" means a person appointed under Section 20A-5-201 to  
12898 register voters and perform other duties.

12899            ~~[(66)]~~ (68) "Scratch vote" means to mark or punch the straight party ticket and then  
12900 mark or punch the ballot for one or more candidates who are members of different political  
12901 parties.

12902            ~~[(67)]~~ (69) "Secrecy envelope" means the envelope given to a voter along with the  
12903 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy  
12904 of the voter's vote.

12905            ~~[(68) "Special district" means those local government entities created under the  
12906 authority of Title 17A.]~~

12907            ~~[(69) "Special district officers" means those special district officers that are required by  
12908 law to be elected.]~~

12909            (70) "Special election" means an election held as authorized by Section 20A-1-204.

12910            (71) "Spoiled ballot" means each ballot that:

12911            (a) is spoiled by the voter;

12912            (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

12913            (c) lacks the official endorsement.

12914            (72) "Statewide special election" means a special election called by the governor or the  
12915 Legislature in which all registered voters in Utah may vote.

12916            (73) "Stub" means the detachable part of each ballot.

12917            (74) "Substitute ballots" means replacement ballots provided by an election officer to  
12918 the poll workers when the official ballots are lost or stolen.

12919            (75) "Ticket" means each list of candidates for each political party or for each group of  
12920 petitioners.

12921            (76) "Transfer case" means the sealed box used to transport voted ballots to the  
12922 counting center.

12923            (77) "Vacancy" means the absence of a person to serve in any position created by

12924 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
12925 or other cause.

12926 (78) "Valid voter identification" means:

12927 (a) a form of identification that bears the name and photograph of the voter which may  
12928 include:

12929 (i) a currently valid Utah driver license;

12930 (ii) a currently valid identification card that is issued by:

12931 (A) the state;

12932 (B) a local government within the state; or

12933 (C) a branch, department, or agency of the United States;

12934 (iii) an identification card that is issued by an employer for an employee;

12935 (iv) a currently valid identification card that is issued by a college, university, technical  
12936 school, or professional school that is located within the state;

12937 (v) a currently valid Utah permit to carry a concealed weapon;

12938 (vi) a currently valid United States passport; or

12939 (vii) a valid tribal identification card; or

12940 (b) two forms of identification that bear the name of the voter and provide evidence  
12941 that the voter resides in the voting precinct, which may include:

12942 (i) a voter identification card;

12943 (ii) a current utility bill or a legible copy thereof;

12944 (iii) a bank or other financial account statement, or a legible copy thereof;

12945 (iv) a certified birth certificate;

12946 (v) a valid Social Security card;

12947 (vi) a check issued by the state or the federal government or a legible copy thereof;

12948 (vii) a paycheck from the voter's employer, or a legible copy thereof;

12949 (viii) a currently valid Utah hunting or fishing license;

12950 (ix) a currently valid United States military identification card;

12951 (x) certified naturalization documentation;

12952 (xi) a currently valid license issued by an authorized agency of the United States;

12953 (xii) a certified copy of court records showing the voter's adoption or name change;

12954 (xiii) a Bureau of Indian Affairs card;

12955 (xiv) a tribal treaty card;  
12956 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or  
12957 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a  
12958 photograph, but establishes the name of the voter and provides evidence that the voter resides  
12959 in the voting precinct.

12960 (79) "Valid write-in candidate" means a candidate who has qualified as a write-in  
12961 candidate by following the procedures and requirements of this title.

12962 (80) "Voter" means a person who meets the requirements for voting in an election,  
12963 meets the requirements of election registration, is registered to vote, and is listed in the official  
12964 register book.

12965 (81) "Voter registration deadline" means the registration deadline provided in Section  
12966 20A-2-102.5.

12967 (82) "Voting area" means the area within six feet of the voting booths, voting  
12968 machines, and ballot box.

12969 (83) "Voting booth" means:

12970 (a) the space or compartment within a polling place that is provided for the preparation  
12971 of ballots, including the voting machine enclosure or curtain; or

12972 (b) a voting device that is free standing.

12973 (84) "Voting device" means:

12974 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
12975 piercing the ballots by the voter;

12976 (b) a device for marking the ballots with ink or another substance;

12977 (c) a device used to make selections and cast a ballot electronically, or any component  
12978 thereof;

12979 (d) an automated voting system under Section 20A-5-302; or

12980 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
12981 by means of automatic tabulating equipment.

12982 (85) "Voting machine" means a machine designed for the sole purpose of recording and  
12983 tabulating votes cast by voters at an election.

12984 (86) "Voting poll watcher" means a person appointed as provided in this title to witness  
12985 the distribution of ballots and the voting process.

12986 (87) "Voting precinct" means the smallest voting unit established as provided by law  
12987 within which qualified voters vote at one polling place.

12988 (88) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
12989 poll watcher, and a testing watcher.

12990 (89) "Western States Presidential Primary" means the election established in Title 20A,  
12991 Chapter 9, Part 8.

12992 (90) "Write-in ballot" means a ballot containing any write-in votes.

12993 (91) "Write-in vote" means a vote cast for a person whose name is not printed on the  
12994 ballot according to the procedures established in this title.

12995 Section 368. Section **20A-1-201.5** is amended to read:

12996 **20A-1-201.5. Primary election dates.**

12997 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
12998 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for  
12999 national, state, school board, and county offices.

13000 (2) A municipal primary election shall be held, if necessary, on the Tuesday following  
13001 the first Monday in October before the regular municipal election to nominate persons for  
13002 municipal and [~~special~~] local district offices.

13003 (3) The Western States Presidential Primary election shall be held throughout the state  
13004 on the first Tuesday in February in the year in which a presidential election will be held.

13005 Section 369. Section **20A-1-202** is amended to read:

13006 **20A-1-202. Date and purpose of local elections.**

13007 (1) A municipal general election shall be held in municipalities and [~~special~~] local  
13008 districts on the first Tuesday after the first Monday in November of each odd-numbered year.

13009 (2) At the municipal general election, the voters shall:

13010 (a) (i) choose persons to serve as municipal officers; and

13011 (ii) choose persons to serve as [~~special~~] local district officers; and

13012 (b) approve or reject:

13013 (i) any proposed initiatives or referenda that have qualified for the ballot as provided by  
13014 law; and

13015 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah  
13016 Code.

13017 Section 370. Section **20A-1-512** is amended to read:

13018 **20A-1-512. Midterm vacancies on local district boards.**

13019 (1) (a) Whenever a vacancy occurs on any [~~special~~] local district board for any reason,  
13020 a replacement to serve out the unexpired term shall be appointed as provided in this section by:

13021 (i) the [~~special~~] local district board, if the person vacating the position was elected; or

13022 (ii) the appointing authority, if the person vacating the position was appointed.

13023 (b) Before acting to fill the vacancy, the [~~special~~] local district board shall:

13024 (i) give public notice of the vacancy at least two weeks before the [~~special~~] local  
13025 district board meets to fill the vacancy;

13026 (ii) identify, in the notice:

13027 (A) the date, time, and place of the meeting where the vacancy will be filled; and

13028 (B) the person to whom a person interested in being appointed to fill the vacancy may  
13029 submit his name for consideration and any deadline for submitting it.

13030 (2) If the [~~special~~] local district board fails to appoint a person to complete an elected  
13031 board member's term within 90 days, the county or municipality that created the [~~special~~] local  
13032 district shall fill the vacancy.

13033 Section 371. Section **20A-2-101** is amended to read:

13034 **20A-2-101. Eligibility for registration.**

13035 (1) Except as provided in Subsection (2), any person may apply to register to vote in an  
13036 election who:

13037 (a) is a citizen of the United States;

13038 (b) has been a resident of Utah for at least the 30 days immediately before the election;

13039 and

13040 (c) will be at least 18 years old on the day of the election.

13041 (2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or  
13042 other facility within a voting precinct is not a resident of that voting precinct and may not  
13043 register to vote in that voting precinct unless the person was a resident of that voting precinct  
13044 before the confinement or incarceration.

13045 (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident  
13046 of the voting precinct in which the person resided before the confinement or incarceration.

13047 (b) A person who has been convicted of a felony whose right to vote has not been

13048 restored as provided by law may not register to vote.

13049 (3) Any person who is eligible or qualified to vote may register and vote in a regular  
13050 general election, a regular primary election, a municipal general election, a municipal primary  
13051 election, a statewide [~~special~~] local election, a local special election, a special district election,  
13052 and a bond election unless that person resides outside the geographic boundaries of the entity in  
13053 which the election is held.

13054 Section 372. Section **20A-3-101** is amended to read:

13055 **20A-3-101. Residency and age requirements of voters.**

13056 (1) A person may vote in any regular general election or statewide special election if  
13057 that person:

13058 (a) is a citizen of the United States;

13059 (b) is a resident of Utah;

13060 (c) will, on the date of that election:

13061 (i) be at least 18 years old; and

13062 (ii) have been a resident of Utah for 30 days immediately before that election; and

13063 (d) has registered to vote.

13064 (2) A person may vote in the Western States Presidential Primary election or a regular  
13065 primary election if that person:

13066 (a) is a citizen of the United States;

13067 (b) is a resident of Utah;

13068 (c) will, on the date of that election:

13069 (i) be at least 18 years old; and

13070 (ii) have been a resident of Utah for 30 days immediately before that election;

13071 (d) has registered to vote; and

13072 (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the  
13073 election.

13074 (3) A person may vote in a municipal general election, municipal primary, in a local  
13075 special election, in a [~~special~~] local district election, and in a bond election if that person:

13076 (a) is a citizen of the United States;

13077 (b) is a resident of Utah;

13078 (c) is a resident of the local entity that is holding the election;

13079 (d) will, on the date of the election:

13080 (i) be at least 18 years old; and

13081 (ii) have been a resident of Utah for 30 days immediately before the election; and

13082 (e) has registered to vote.

13083 Section 373. Section **20A-3-102** is amended to read:

13084 **20A-3-102. Voting by secret ballot.**

13085 All voting at each regular and municipal general election, at each statewide or local  
13086 special election, at each primary election, at each [~~special~~] local district election, and at each  
13087 bond election shall be by secret ballot.

13088 Section 374. Section **20A-3-501** is amended to read:

13089 **20A-3-501. Polling place -- Prohibited activities.**

13090 (1) As used in this section:

13091 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to  
13092 refrain from voting or to vote for or vote against any candidate or issue; and

13093 (b) "polling place" means the physical place where ballots and absentee ballots are cast  
13094 and includes the county clerk's office or city hall during the period in which absentee ballots  
13095 may be cast there.

13096 (2) (a) A person may not, within a polling place or in any public area within 150 feet of  
13097 the building where a polling place is located:

13098 (i) do any electioneering;

13099 (ii) circulate cards or handbills of any kind;

13100 (iii) solicit signatures to any kind of petition; or

13101 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts  
13102 the administration of the polling place.

13103 (b) A county, municipality, school district, or [~~special~~] local district may not prohibit  
13104 electioneering that occurs more than 150 feet from the building where a polling place is  
13105 located, but may regulate the place and manner of that electioneering to protect the public  
13106 safety.

13107 (3) (a) A person may not obstruct the doors or entries to a building in which a polling  
13108 place is located or prevent free access to and from any polling place.

13109 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the

13110 obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

13111 (4) A person may not:

13112 (a) remove any ballot from the polling place before the closing of the polls, except as  
13113 provided in Section 20A-4-101; or

13114 (b) solicit any voter to show his ballot.

13115 (5) A person may not receive a voted ballot from any voter or deliver an unused ballot  
13116 to a voter unless that person is an election judge.

13117 (6) Any person who violates any provision of this section is guilty of a class A  
13118 misdemeanor.

13119 (7) A political subdivision may not prohibit political signs that are located more than  
13120 150 feet away from a polling place, but may regulate their placement to protect public safety.

13121 Section 375. Section **20A-4-301** is amended to read:

13122 **20A-4-301. Board of canvassers.**

13123 (1) (a) Each county legislative body is the board of county canvassers for:

13124 (i) the county; and

13125 (ii) each [~~special~~] local district whose election is conducted by the county.

13126 (b) (i) Except as provided in Subsection (1)(b)(ii), the board of county canvassers shall  
13127 meet to canvass the returns at the usual place of meeting of the county legislative body, at a  
13128 date and time determined by the county clerk that is no sooner than seven days after the  
13129 election and no later than 14 days after the election.

13130 (ii) When canvassing returns for the Western States Presidential Primary, the board of  
13131 county canvassers shall meet to canvass the returns at the usual place of meeting of the county  
13132 legislative body, at noon on the Tuesday after the election.

13133 (c) If one or more of the county legislative body fails to attend the meeting of the board  
13134 of county canvassers, the remaining members shall replace the absent member by appointing in  
13135 the order named:

13136 (i) the county treasurer;

13137 (ii) the county assessor; or

13138 (iii) the county sheriff.

13139 (d) The board of county canvassers shall always consist of three acting members.

13140 (e) The county clerk is the clerk of the board of county canvassers.



13141 (2) (a) The mayor and the municipal legislative body are the board of municipal  
13142 canvassers for the municipality.

13143 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
13144 place of meeting of the municipal legislative body:

13145 (i) for canvassing of returns from a municipal general election, no sooner than seven  
13146 days after the election and no later than 14 days after the election; or

13147 (ii) for canvassing of returns from a municipal primary election, no sooner than three  
13148 days after the election and no later than seven days after the election.

13149 (3) (a) The legislative body of the entity authorizing a bond election is the board of  
13150 canvassers for each bond election.

13151 (b) The board of canvassers for the bond election shall comply with the canvassing  
13152 procedures and requirements of Section 11-14-207.

13153 Section 376. Section **20A-4-304** is amended to read:

13154 **20A-4-304. Declaration of results -- Canvassers' report.**

13155 (1) Each board of canvassers shall:

13156 (a) declare "elected" or "nominated" those persons who:

13157 (i) had the highest number of votes; and

13158 (ii) sought election or nomination to an office completely within the board's  
13159 jurisdiction;

13160 (b) declare:

13161 (i) "approved" those ballot propositions that:

13162 (A) had more "yes" votes than "no" votes; and

13163 (B) were submitted only to the voters within the board's jurisdiction;

13164 (ii) "rejected" those ballot propositions that:

13165 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
13166 votes; and

13167 (B) were submitted only to the voters within the board's jurisdiction;

13168 (c) certify the vote totals for persons and for and against ballot propositions that were  
13169 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
13170 the lieutenant governor; and

13171 (d) if applicable, certify the results of each [~~special~~] local district election to the

13172 [~~special~~] local district clerk.

13173 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the  
13174 result, which shall contain:

13175 (i) the total number of votes cast in the board's jurisdiction;

13176 (ii) the names of each candidate whose name appeared on the ballot;

13177 (iii) the title of each ballot proposition that appeared on the ballot;

13178 (iv) each office that appeared on the ballot;

13179 (v) from each voting precinct:

13180 (A) the number of votes for each candidate; and

13181 (B) the number of votes for and against each ballot proposition;

13182 (vi) the total number of votes given in the board's jurisdiction to each candidate, and  
13183 for and against each ballot proposition; and

13184 (vii) a statement certifying that the information contained in the report is accurate.

13185 (b) The election officer and the board of canvassers shall:

13186 (i) review the report to ensure that it is correct; and

13187 (ii) sign the report.

13188 (c) The election officer shall:

13189 (i) record or file the certified report in a book kept for that purpose;

13190 (ii) prepare and transmit a certificate of nomination or election under the officer's seal  
13191 to each nominated or elected candidate;

13192 (iii) publish a copy of the certified report in a newspaper with general circulation in the  
13193 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and

13194 (iv) file a copy of the certified report with the lieutenant governor.

13195 (3) When there has been a regular general or a statewide special election for statewide  
13196 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
13197 or more county ballot proposition, each board of canvassers shall:

13198 (a) prepare a separate report detailing the number of votes for each candidate and the  
13199 number of votes for and against each ballot proposition; and

13200 (b) transmit it by registered mail to the lieutenant governor.

13201 (4) In each county election, municipal election, school election, [~~special~~] local district  
13202 election, and local special election, the election officer shall transmit the reports to the

13203 lieutenant governor within 14 days after the date of the election.

13204 (5) In regular primary elections and in the Western States Presidential Primary, the  
13205 board shall transmit to the lieutenant governor:

13206 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
13207 governor:

13208 (i) not later than the second Tuesday after the primary election for the regular primary  
13209 election; and

13210 (ii) not later than the Tuesday following the election for the Western States Presidential  
13211 Primary; and

13212 (b) a complete tabulation showing voting totals for all primary races, precinct by  
13213 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
13214 primary election.

13215 Section 377. Section **20A-4-305** is amended to read:

13216 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

13217 Within ten days after the canvass of a November municipal election, [~~special~~] local  
13218 district election, bond election, or special election, the clerk or recorder shall transmit the  
13219 checked official register and pollbook to the county clerk.

13220 Section 378. Section **20A-4-401** is amended to read:

13221 **20A-4-401. Recounts -- Procedure.**

13222 (1) (a) (i) For any regular primary, regular general, or municipal general election, or the  
13223 Western States Presidential primary, when any candidate loses by not more than a total of one  
13224 vote per voting precinct, the candidate may file a request for a recount within seven days after  
13225 the canvass with:

13226 (A) the municipal clerk, if the election is a municipal election;

13227 (B) the [~~special~~] local district clerk, if the election is a [~~special~~] local district election;

13228 (C) the county clerk, for races or ballot propositions voted on entirely within a single  
13229 county; or

13230 (D) the lieutenant governor, for statewide races and ballot propositions and for  
13231 multicounty races and ballot propositions.

13232 (ii) For any municipal primary election, when any candidate loses by not more than a  
13233 total of one vote per voting precinct, the candidate may file a request for a recount with the

13234 appropriate election officer within three days after the canvass.

13235 (b) The election officer shall:

13236 (i) supervise the recount;

13237 (ii) recount all ballots cast for that office;

13238 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part

13239 3, Absentee Voting; and

13240 (iv) declare elected the person receiving the highest number of votes on the recount.

13241 (2) (a) Any ten voters who voted in an election when any ballot proposition or bond

13242 proposition was on the ballot may file a request for a recount with the appropriate election

13243 officer within seven days of the canvass.

13244 (b) The election officer shall:

13245 (i) supervise the recount;

13246 (ii) recount all ballots cast for that ballot proposition or bond proposition;

13247 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part

13248 3, Absentee Voting; and

13249 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"

13250 based upon the results of the recount.

13251 (c) Proponents and opponents of the ballot proposition or bond proposition may

13252 designate representatives to witness the recount.

13253 (d) The voters requesting the recount shall pay the costs of the recount.

13254 (3) Costs incurred by recount under Subsection (1) may not be assessed against the

13255 person requesting the recount.

13256 (4) (a) Upon completion of the recount, the election officer shall immediately convene

13257 the board of canvassers.

13258 (b) The board of canvassers shall:

13259 (i) canvass the election returns for the race or proposition that was the subject of the

13260 recount; and

13261 (ii) with the assistance of the election officer, prepare and sign the report required by

13262 Section 20A-4-304 or Section 20A-4-306.

13263 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,

13264 the board of county canvassers shall prepare and transmit a separate report to the lieutenant

13265 governor as required by Subsection 20A-4-304(3).

13266 (d) The canvassers' report prepared as provided in this Subsection (4) is the official  
13267 result of the race or proposition that is the subject of the recount.

13268 Section 379. Section **20A-5-101** is amended to read:

13269 **20A-5-101. Notice of election.**

13270 (1) On or before February 1 in each regular general election year, the lieutenant  
13271 governor shall prepare and transmit a written notice to each county clerk that:

13272 (a) designates the offices to be filled at the regular general election;

13273 (b) identifies the dates for filing a declaration of candidacy for those offices; and

13274 (c) contains a description of any ballot propositions to be decided by the voters that  
13275 have qualified for the ballot as of that date.

13276 (2) (a) No later than February 10, each county clerk shall:

13277 (i) publish a notice once in a newspaper published in that county; or

13278 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to  
13279 give notice of the election to the voters in each voting precinct within the county; and

13280 (B) prepare an affidavit of that posting, showing a copy of the notice and the places  
13281 where the notice was posted.

13282 (b) The notice required by Subsection (2)(a) shall:

13283 (i) designate the offices to be voted on in that election in that county, other than  
13284 [~~special~~] local district offices; and

13285 (ii) identify the dates for filing a declaration of candidacy for those offices.

13286 (3) Before each election, the election officer shall give written or printed notice of:

13287 (a) the date and place of election;

13288 (b) the hours during which the polls will be open;

13289 (c) the polling places for each voting precinct; and

13290 (d) the qualifications for persons to vote in the election.

13291 (4) To provide the notice required by Subsection (3), the election officer shall publish  
13292 the notice at least two days before the election in a newspaper of general circulation common to  
13293 the area or in which the election is being held.

13294 Section 380. Section **20A-5-201** is amended to read:

13295 **20A-5-201. Satellite registrars -- Appointment.**

13296 (1) Each county legislative body shall appoint one or more persons to act as satellite  
13297 registrars for each satellite location.

13298 (2) (a) The county legislative body shall appoint satellite registrars every two years at  
13299 the regular meeting of the county legislative body held nearest to the first day of the May before  
13300 the regular general election.

13301 (b) The county legislative body shall appoint satellite registrars to serve two-year  
13302 terms, but may remove them at any time for cause.

13303 (c) The county legislative body may not appoint a person who is a candidate for, or  
13304 who holds, an elective state, county, municipal, school district, [~~special~~] local district, or other  
13305 public office to be a satellite registrar.

13306 (d) A person who is a candidate for, or who holds, an elective state, county, municipal,  
13307 school district, [~~special~~] local district, or other public office may not act as a satellite registrar.

13308 (e) A satellite registrar may also serve as an election judge.

13309 (f) The county clerk shall provide each satellite registrar with written notice of his  
13310 appointment.

13311 (3) (a) Each county legislative body shall provide each satellite registrar with all books,  
13312 stationery, and other supplies necessary to carry out the provisions of this chapter.

13313 (b) The satellite registrar shall return all remaining materials to the county clerk, or to a  
13314 person designated by the county clerk, when his appointment ends.

13315 (4) A satellite registrar who resigns shall:

13316 (a) notify the county clerk of that fact; and

13317 (b) deliver to the county clerk, or to another person designated by the county clerk, the  
13318 books, forms, maps, and materials in the agent's possession that pertain to the office.

13319 (5) (a) (i) The county clerk, upon receipt of notice of the death, disqualification, or  
13320 resignation of any satellite registrar after the opening and before the closing of the registration  
13321 books, shall immediately, without giving notice, appoint some competent person to fill the  
13322 vacancy.

13323 (ii) The person appointed shall qualify within two days after receiving notice of the  
13324 appointment.

13325 (b) (i) If a satellite registrar is sick or otherwise unable to serve on a designated  
13326 registration day, the satellite registrar shall select a responsible adult to perform the agent's

- 13327 duties on that day.
- 13328 (ii) The county clerk shall approve the substituted adult.
- 13329 (iii) The substitute shall use the original designated satellite location.
- 13330 (6) (a) Before entering upon the duties prescribed in this chapter, each satellite registrar
- 13331 shall:
- 13332 (i) take and subscribe the oath of office required by Article IV, Sec. 10, Utah
- 13333 Constitution, before any person authorized to administer an oath; and
- 13334 (ii) file the oath with the county clerk.
- 13335 (b) Each county legislative body shall establish a per diem as compensation for all
- 13336 services provided by satellite registrars.
- 13337 (7) The county clerk shall make detailed entries of all proceedings had under this
- 13338 chapter and notify in writing the satellite registrars of their appointment.
- 13339 Section 381. Section **20A-5-302** is amended to read:
- 13340 **20A-5-302. Automated voting system.**
- 13341 (1) Any county or municipal legislative body or [~~special~~] local district board may:
- 13342 (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
- 13343 automated voting system that meets the requirements of this section; and
- 13344 (b) use that system in any election, in all or a part of the voting precincts within its
- 13345 boundaries, or in combination with paper ballots.
- 13346 (2) (a) Each automated voting system shall:
- 13347 (i) provide for voting in secrecy, except in the case of voters who have received
- 13348 assistance as authorized by Section 20A-3-108;
- 13349 (ii) permit each voter at any election to:
- 13350 (A) vote for all persons and offices for whom and for which that voter is lawfully
- 13351 entitled to vote;
- 13352 (B) vote for as many persons for an office as that voter is entitled to vote; and
- 13353 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;
- 13354 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
- 13355 candidates of that party for president, vice president, and for their presidential electors;
- 13356 (iv) permit each voter, at any regular general election, to vote for all the candidates of
- 13357 one registered political party by making one mark or punch;

- 13358 (v) permit each voter to scratch vote;
- 13359 (vi) at elections other than primary elections, permit each voter to vote for the  
13360 nominees of one or more parties and for independent candidates;
- 13361 (vii) at primary elections:
- 13362 (A) permit each voter to vote for candidates of the political party of his choice; and  
13363 (B) reject any votes cast for candidates of another party;
- 13364 (viii) prevent the voter from voting for the same person more than once for the same  
13365 office;
- 13366 (ix) provide the opportunity for each voter to change the ballot and to correct any error  
13367 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.  
13368 L. No. 107-252;
- 13369 (x) include automatic tabulating equipment that rejects choices recorded on a voter's  
13370 ballot if the number of the voter's recorded choices is greater than the number which the voter  
13371 is entitled to vote for the office or on the measure;
- 13372 (xi) be of durable construction, suitably designed so that it may be used safely,  
13373 efficiently, and accurately in the conduct of elections and counting ballots;
- 13374 (xii) when properly operated, record correctly and count accurately each vote cast;
- 13375 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper  
13376 record that:
- 13377 (A) shall be available as an official record for any recount or election contest conducted  
13378 with respect to an election where the voting equipment is used;
- 13379 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling  
13380 place; and
- 13381 (II) shall permit the voter to inspect the record of the voter's selections independently  
13382 only if reasonably practicable commercial methods permitting independent inspection are  
13383 available at the time of certification of the voting equipment by the lieutenant governor;
- 13384 (C) shall include, at a minimum, human readable printing that shows a record of the  
13385 voter's selections;
- 13386 (D) may also include machine readable printing which may be the same as the human  
13387 readable printing; and
- 13388 (E) allows voting poll watchers and counting poll watchers to observe the election



13389 process to ensure its integrity; and

13390 (xiv) meet the requirements of Section 20A-5-402.5.

13391 (b) For the purposes of a recount or an election contest, if the permanent paper record  
13392 contains a conflict or inconsistency between the human readable printing and the machine  
13393 readable printing, the human readable printing shall supercede the machine readable printing  
13394 when determining the intent of the voter.

13395 (c) Notwithstanding any other provisions of this section, the election officers shall  
13396 ensure that the ballots to be counted by means of electronic or electromechanical devices are of  
13397 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
13398 for use in the counting devices in which they are intended to be placed.

13399 Section 382. Section **20A-5-400.5** is amended to read:

13400 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

13401 (1) When a voted leeway or bond election is held on the regular general election date or  
13402 regular primary election date, the county clerk shall serve as the election officer to conduct and  
13403 administer that election.

13404 (2) (a) When a voted leeway or bond election is held on the municipal general election  
13405 date or any other election date permitted for special elections under Section 20A-1-204, and the  
13406 local political subdivision calling the election is entirely within the boundaries of the  
13407 unincorporated county, the county clerk shall serve as the election officer to conduct and  
13408 administer that election subject to Subsection (3).

13409 (b) When a voted leeway or bond election is held on the municipal general election  
13410 date or any other election date permitted for special elections under Section 20A-1-204, and the  
13411 local political subdivision calling the election is entirely within the boundaries of a  
13412 municipality, the municipal clerk for that municipality shall, except as provided in Subsection  
13413 (3), serve as the election officer to conduct and administer that election.

13414 (c) When a voted leeway or bond election is held on the municipal general election  
13415 date or any other election date permitted for special elections under Section 20A-1-204, and the  
13416 local political subdivision calling the election extends beyond the boundaries of a single  
13417 municipality:

13418 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election  
13419 officer to conduct and administer the election for those portions of the local political

13420 subdivision where the municipal general election or other election is being held; and  
13421 (ii) except as provided in Subsection (3), the county clerk shall serve as the election  
13422 officer to conduct and administer the election for the unincorporated county and for those  
13423 portions of any municipality where no municipal general election or other election is being  
13424 held.

13425 (3) When a voted leeway or bond election is held on a date when no other election,  
13426 other than another voted leeway or bond election, is being held in the entire area comprising the  
13427 municipality calling the voted leeway or bond election:

13428 (a) the clerk or chief executive officer of a [~~special~~] local district or the business  
13429 administrator or superintendent of the school district, as applicable, shall serve as the election  
13430 officer to conduct and administer the bond election for those portions of the municipality in  
13431 which no other election, other than another voted leeway or bond election, is being held, unless  
13432 the [~~special~~] local district or school district has designated the county clerk, municipal clerk, or  
13433 both, to serve as the election officer; and

13434 (b) the county clerk, municipal clerk, or both, as determined by the municipality  
13435 holding the bond election, shall serve as the election officer to conduct and administer the bond  
13436 election for those portions of the municipality in which another election, other than another  
13437 voted leeway or bond election is being held.

13438 (4) (a) In conducting elections under this section:

13439 (i) the local political subdivision shall provide and pay for election notices; and  
13440 (ii) the election officer shall determine polling locations and compile, prepare, and  
13441 count the ballots.

13442 (b) The county clerk, the municipal clerk, or both shall:

13443 (i) establish fees for conducting voted leeway and bond elections for local political  
13444 subdivisions; and  
13445 (ii) bill each local political subdivision for the cost of conducting the voted leeway or  
13446 bond election.

13447 (5) An election officer administering and conducting a voted leeway or bond election is  
13448 authorized to appoint or employ agents and professional services to assist in conducting and  
13449 administering the voted leeway or bond election.

13450 (6) The election officer in a voted leeway or bond election shall conduct its procedures

13451 under the direction of the local political subdivision calling the voted leeway or bond election.

13452 Section 383. Section **20A-5-401** is amended to read:

13453 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

13454 (1) (a) Before the registration days for each regular general, municipal general, regular  
13455 primary, municipal primary, or Western States Presidential Primary election, each county clerk  
13456 shall prepare an official register of voters for each voting precinct that will participate in the  
13457 election.

13458 (b) The county clerk shall ensure that the official register is prepared for the  
13459 alphabetical entry of names and contains entry fields to provide for the following information:

13460 (i) registered voter's name;

13461 (ii) party affiliation;

13462 (iii) grounds for challenge;

13463 (iv) name of person challenging a voter;

13464 (v) primary, November, special;

13465 (vi) date of birth;

13466 (vii) place of birth;

13467 (viii) place of current residence;

13468 (ix) street address;

13469 (x) zip code;

13470 (xi) identification and provisional ballot information as required under Subsection

13471 (1)(d); and

13472 (xii) space for the voter to sign his name for each election.

13473 (c) When preparing the official register for the Western States Presidential Primary, the  
13474 county clerk shall include:

13475 (i) an entry field to record the name of the political party whose ballot the voter voted;

13476 and

13477 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

13478 (d) When preparing the official register for any regular general election, municipal  
13479 general election, statewide special election, local special election, regular primary election,  
13480 municipal primary election, [~~special~~] local district election, or election for federal office, the  
13481 county clerk shall include:

- 13482 (i) an entry field that indicates if the voter is required to show identification before
- 13483 voting;
- 13484 (ii) an entry field for the poll worker to record the type of identification provided by the
- 13485 voter;
- 13486 (iii) a column for the poll worker to record the provisional envelope ballot number for
- 13487 voters who receive a provisional ballot; and
- 13488 (iv) a space for the poll worker to record the type of identification that was provided by
- 13489 voters who receive a provisional ballot.

13490 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal

13491 elections, ~~special~~ local district elections, and bond elections, the county clerk shall make an

13492 official register only for voting precincts affected by the primary, municipal, ~~special~~ local

13493 district, or bond election.

13494 (ii) If a polling place to be used in a bond election serves both voters residing in the

13495 local political subdivision calling the bond election and voters residing outside of that local

13496 political subdivision, the official register shall designate whether each voter resides in or

13497 outside of the local political subdivision.

13498 (iii) Each county clerk, with the assistance of the clerk of each affected ~~special~~ local

13499 district, shall provide a detailed map or an indication on the registration list or other means to

13500 enable a poll worker to determine the voters entitled to vote at an election of ~~special~~ local

13501 district officers.

13502 (b) Municipalities shall pay the costs of making the official register for municipal

13503 elections.

13504 Section 384. Section **20A-5-403** is amended to read:

13505 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**

13506 **Arrangements.**

- 13507 (1) Each election officer shall:
- 13508 (a) designate polling places for each voting precinct in the jurisdiction; and
- 13509 (b) obtain the approval of the county or municipal legislative body or ~~special~~ local
- 13510 district governing board for those polling places.

13511 (2) (a) For each polling place, the election officer shall provide:

- 13512 (i) an American flag;

- 13513 (ii) a sufficient number of voting booths or compartments;
- 13514 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,
- 13515 write-in ballots, and any other records and supplies necessary to enable a voter to vote;
- 13516 (iv) the constitutional amendment cards required by Part 1, Election Notices and
- 13517 Instructions;
- 13518 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
- 13519 Information Pamphlet; and
- 13520 (vi) the instruction cards required by Section 20A-5-102.
- 13521 (b) Each election officer shall ensure that:
- 13522 (i) each voting booth is at a convenient height for writing, and is arranged so that the
- 13523 voter can prepare his ballot screened from observation;
- 13524 (ii) there are a sufficient number of voting booths or voting devices to accommodate
- 13525 the voters at that polling place; and
- 13526 (iii) there is at least one voting booth or voting device that is configured to
- 13527 accommodate persons with disabilities.
- 13528 (c) Each county clerk shall provide a ballot box for each polling place that is large
- 13529 enough to properly receive and hold the ballots to be cast.
- 13530 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
- 13531 access by a person with a disability.
- 13532 (b) Any issues concerning inaccessibility to polling places by a person with a disability
- 13533 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
- 13534 clerk shall be:
- 13535 (i) forwarded to the Office of the Lieutenant Governor; and
- 13536 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
- 13537 either:
- 13538 (A) remedied at the particular location by the county clerk;
- 13539 (B) the county clerk shall designate an alternative accessible location for the particular
- 13540 precinct; or
- 13541 (C) if no practical solution can be identified, file with the Office of the Lieutenant
- 13542 Governor a written explanation identifying the reasons compliance cannot reasonably be met.
- 13543 (4) The municipality in which the election is held shall pay the cost of conducting each

13544 municipal election, including the cost of printing and supplies.

13545 (5) The county clerk shall make detailed entries of all proceedings had under this  
13546 chapter.

13547 Section 385. Section **20A-5-407** is amended to read:

13548 **20A-5-407. Election officer to provide ballot boxes.**

13549 (1) Except as provided in Subsection (3), each election officer shall:

13550 (a) provide one ballot box with a lock and key for each polling place; and

13551 (b) deliver the ballot boxes, locks, and keys to the polling place or the election judges  
13552 of each voting precinct no later than noon on the day before the election.

13553 (2) Election officers for municipalities and [~~special~~] local districts may obtain ballot  
13554 boxes from the county clerk's office.

13555 (3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

13556 Section 386. Section **20A-5-602** is amended to read:

13557 **20A-5-602. Election judges -- Appointment for local elections.**

13558 (1) At least 15 days before the date scheduled for any local election, the municipal  
13559 legislative body or [~~special~~] local district board shall appoint or provide for the appointment of:

13560 (a) in jurisdictions using paper ballots:

13561 (i) three registered voters, or two registered voters and one person 17 years old who  
13562 will be 18 years old by the date of the regular municipal election, from their jurisdiction to  
13563 serve as election judges for each voting precinct when the ballots will be counted after the polls  
13564 close; or

13565 (ii) three registered voters, or two registered voters and one person 17 years old who  
13566 will be 18 years old by the date of the regular municipal election, from their jurisdiction to  
13567 serve as receiving judges in each voting precinct and three registered voters, or two registered  
13568 voters and one person 17 years old who will be 18 years old by the date of the regular  
13569 municipal election, from their jurisdiction to serve as counting judges in each voting precinct  
13570 when ballots will be counted throughout election day;

13571 (b) in jurisdictions using automated tabulating equipment, three registered voters, or  
13572 two registered voters and one person 17 years old who will be 18 years old by the date of the  
13573 regular municipal election, from their jurisdiction to serve as election judges for each voting  
13574 precinct;

13575 (c) in jurisdictions using voting machines, four registered voters, or three registered  
13576 voters and one person 17 years old who will be 18 years old by the date of the regular  
13577 municipal election, from their jurisdiction to serve as election judges for each voting precinct;  
13578 and

13579 (d) in all jurisdictions:

13580 (i) at least one registered voter from their jurisdiction to serve as canvassing judge, if  
13581 necessary; and

13582 (ii) as many alternate judges as needed to replace appointed judges who are unable to  
13583 serve.

13584 (2) The municipal legislative body and [~~special~~] local district board may not appoint  
13585 any candidate's parent, sibling, spouse, child, or in-law to serve as an election judge in the  
13586 voting precinct where the candidate resides.

13587 (3) The clerk shall:

13588 (a) prepare and file a list containing the name, address, voting precinct, and telephone  
13589 number of each person appointed; and

13590 (b) make the list available in the clerk's office for inspection, examination, and copying  
13591 during business hours.

13592 (4) (a) The municipal legislative body and [~~special~~] local district board shall  
13593 compensate election judges for their services.

13594 (b) The municipal legislative body and [~~special~~] local district board may not  
13595 compensate their election judges at a rate higher than that paid by the county to its election  
13596 judges.

13597 Section 387. Section **20A-9-101** is amended to read:

13598 **20A-9-101. Definitions.**

13599 As used in this chapter:

13600 (1) (a) "Candidates for elective office" means persons selected by a registered political  
13601 party as party candidates to run in a regular general election.

13602 (b) "Candidates for elective office" does not mean candidates for:

13603 (i) justice or judge of court of record or not of record;

13604 (ii) presidential elector;

13605 (iii) any political party offices; and

- 13606 (iv) municipal or [~~special~~] local district offices.
- 13607 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
13608 attorney general, state auditor, and state treasurer.
- 13609 (3) (a) "County office" means an elective office where the office holder is selected by  
13610 voters entirely within one county.
- 13611 (b) "County office" does not mean:
- 13612 (i) the office of justice or judge of any court of record or not of record;
- 13613 (ii) the office of presidential elector;
- 13614 (iii) any political party offices;
- 13615 (iv) any municipal or [~~special~~] local district offices; and
- 13616 (v) the office of United States Senator and United States Representative.
- 13617 (4) "Federal office" means an elective office for United States Senator and United  
13618 States Representative.
- 13619 (5) "Filing officer" means:
- 13620 (a) the lieutenant governor, for:
- 13621 (i) offices whose political division contains territory in two or more counties;
- 13622 (ii) the office of United States Senator and United States Representative; and
- 13623 (iii) all constitutional offices;
- 13624 (b) the county clerk, for county offices and local school district offices;
- 13625 (c) the city or town clerk, for municipal offices; and
- 13626 (d) the [~~special~~] local district clerk, for [~~special~~] local district offices.
- 13627 (6) "Local district office" means an elected office in a local district.
- 13628 [~~(6)~~] (7) "Local government office" includes county offices, municipal offices, and  
13629 [~~special~~] local district offices and other elective offices selected by the voters from a political  
13630 division entirely within one county.
- 13631 [~~(7)~~] (8) (a) "Multi-county office" means an elective office where the office holder is  
13632 selected by the voters from more than one county.
- 13633 (b) "Multi-county office" does not mean:
- 13634 (i) a county office;
- 13635 (ii) a federal office;
- 13636 (iii) the office of justice or judge of any court of record or not of record;



13637 (iv) the office of presidential elector;

13638 (v) any political party offices; and

13639 (vi) any municipal or [~~special~~] local district offices.

13640 [~~(8)~~] (9) "Municipal office" means an elective office in a municipality.

13641 [~~(9)~~] (10) (a) "Political division" means a geographic unit from which an office holder  
13642 is elected and that an office holder represents.

13643 (b) "Political division" includes a county, a city, a town, a [~~special~~] local district, a  
13644 school district, a legislative district, and a county prosecution district.

13645 [~~(10) "Special district office" means an elected office in a special district.]~~

13646 Section 388. Section **20A-9-503** is amended to read:

13647 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

13648 (1) After the certificate of nomination has been certified, executed, and acknowledged  
13649 by the county clerk, the candidate shall:

13650 (a) between March 7 and March 17 of the year in which the regular general election  
13651 will be held, file the petition in person with:

13652 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or  
13653 a federal office; or

13654 (ii) the county clerk, if the office the candidate seeks is a county office; and

13655 (iii) pay the filing fee; or

13656 (b) not later than the sixth Tuesday before the primary election date, file the petition in  
13657 person with:

13658 (i) the municipal clerk, if the candidate seeks an office in a city or town;

13659 (ii) the [~~special~~] local district clerk, if the candidate seeks an office in a [~~special~~] local  
13660 district; and

13661 (iii) pay the filing fee.

13662 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall  
13663 read the constitutional and statutory requirements for candidacy to the candidate.

13664 (b) If the candidate states that he does not meet the requirements, the filing officer may  
13665 not accept the petition.

13666 (3) Persons filing a certificate of nomination for President of the United States under  
13667 this section shall pay a filing fee of \$500.

13668 Section 389. Section **20A-11-1202** is amended to read:

13669 **20A-11-1202. Definitions.**

13670 As used in this chapter:

13671 (1) "Ballot proposition" means constitutional amendments, initiatives, referenda,  
13672 judicial retention questions, opinion questions, bond approvals, or other questions submitted to  
13673 the voters for their approval or rejection.

13674 (2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation  
13675 agency that receives its revenues from conduct of its commercial operations.

13676 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
13677 cooperation agency that receives some or all of its revenues from:

13678 (i) government appropriations;

13679 (ii) taxes;

13680 (iii) government fees imposed for regulatory or revenue raising purposes; or

13681 (iv) interest earned on public funds or other returns on investment of public funds.

13682 (3) "Expenditure" means:

13683 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
13684 or anything of value made for political purposes;

13685 (b) an express, legally enforceable contract, promise, or agreement to make any  
13686 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
13687 value for political purposes;

13688 (c) a transfer of funds between a public entity and a candidate's personal campaign  
13689 committee;

13690 (d) a transfer of funds between a public entity and a political issues committee; or

13691 (e) goods or services provided to or for the benefit of a candidate, a candidate's  
13692 personal campaign committee, or a political issues committee for political purposes at less  
13693 than fair market value.

13694 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation  
13695 agency that receives some or all of its revenues from:

13696 (a) government appropriations;

13697 (b) taxes;

13698 (c) government fees imposed for regulatory or revenue raising purposes; or

13699 (d) interest earned on public funds or other returns on investment of public funds.

13700 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.

13701 (b) "Influence" does not mean providing a brief statement about a public entity's  
13702 position on a ballot proposition and the reason for that position.

13703 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement  
13704 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

13705 (7) "Local district" means each entity created under the authority of Title 17B, Limited  
13706 Purposed Local Government Entities - Local Districts, and includes a special service district  
13707 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

13708 [~~(7)~~] (8) (a) "Political issues committee" means an entity, or any group of individuals  
13709 or entities within or outside this state, that solicits or receives contributions from any other  
13710 person, group, or entity and makes expenditures from these contributions to influence, or to  
13711 intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on  
13712 the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to  
13713 vote for or to vote against any ballot proposition.

13714 (b) "Political issues committee" does not mean an entity that provides goods or services  
13715 to an individual or committee in the regular course of its business at the same price that would  
13716 be provided to the general public.

13717 [~~(8)~~] (9) "Political purposes" means an act done with the intent or in a way to influence  
13718 or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
13719 against any candidate for public office at any caucus, political convention, primary, or election.

13720 [~~(9)~~] (10) (a) "Public entity" includes the state, each state agency, each county,  
13721 municipality, school district, [~~special~~] local district, governmental interlocal cooperation  
13722 agency, and each administrative subunit of each of them.

13723 (b) "Public entity" does not include a commercial interlocal cooperation agency.

13724 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,  
13725 Local Health Departments.

13726 [~~(10)~~] (11) (a) "Public funds" means any monies received by a public entity from  
13727 appropriations, taxes, fees, interest, or other returns on investment.

13728 (b) "Public funds" does not include monies donated to a public entity by a person or  
13729 entity.

13730 [(H)] (12) (a) "Public official" means an elected or appointed member of government  
13731 with authority to make or determine public policy.

13732 (b) "Public official" includes the person or group that:

13733 (i) has supervisory authority over the personnel and affairs of a public entity; and

13734 (ii) approves the expenditure of funds for the public entity.

13735 [~~(12) "Special district" means each entity created under the authority of Title 17A,  
13736 Special Districts.]~~

13737 (13) (a) "State agency" means each department, commission, board, council, agency,  
13738 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
13739 unit, bureau, panel, or other administrative unit of the state.

13740 (b) "State agency" includes the legislative branch, the Board of Regents, the  
13741 institutional councils of each higher education institution, and each higher education  
13742 institution.

13743 Section 390. Section ~~26-8a-405.1~~ is amended to read:

13744 **26-8a-405.1. Selection of provider by political subdivision.**

13745 (1) For purposes of this section and Sections 26-8a-405.2 and 26-8a-405.3:

13746 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911  
13747 paramedic service, or both and:

13748 (i) means a 911 call received by a designated dispatch center that receives 911 or E911  
13749 calls; and

13750 (ii) does not mean a seven digit telephone call received directly by an ambulance  
13751 provider licensed under this chapter.

13752 (b) "Governing body" means:

13753 (i) in the case of a municipality or county, the elected council, commission, or other  
13754 legislative body that is vested with the legislative power of the municipality;

13755 (ii) in the case of a special service district, local service district, or county service area,  
13756 each elected council, commission, or other legislative body that is vested with the legislative  
13757 power of the municipalities or counties that are members of the district or service area; and

13758 (iii) in the case of a ~~[special] local district or special service district~~ for fire protection  
13759 or interlocal entity, the board or other body vested with the power to adopt, amend, and repeal  
13760 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its

13761 business.

13762 (c) "Political subdivision" means:

13763 (i) a city or town located in a county of the first or second class as defined in Section

13764 17-50-501;

13765 (ii) a county of the first or second class;

13766 (iii) the following districts [~~or service areas~~] located in a county of the first or second

13767 class:

13768 (A) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special

13769 Service District Act; and

13770 (B) a local district created under Title 17B, [~~Chapter 2, Local Districts~~] Limited

13771 Purpose Local Government Entities - Local Districts, for the purpose of providing fire

13772 protection, paramedic, and emergency services; [~~and~~] or

13773 [~~(C) a county service area created under Title 17A, Chapter 2, Part 4, County Service~~

13774 ~~Area Act, for the purpose of providing fire protection, paramedic, and emergency services; or~~]

13775 (iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);

13776 (v) municipalities and counties joining together pursuant to Title 11, Chapter 13,

13777 Interlocal Cooperation Act; or

13778 (vi) a special service district for fire protection as defined in Section 17A-2-1304.

13779 (2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request

13780 for a proposal for 911 ambulance or paramedic services issued in accordance with Section

13781 26-8a-405.2 by a political subdivision.

13782 (b) A response to a request for proposal is subject to the maximum rates established by

13783 the department under Section 26-8a-403.

13784 (c) A political subdivision may award a contract to an applicant for the provision of

13785 911 ambulance or paramedic services:

13786 (i) in accordance with Section 26-8a-405.2; and

13787 (ii) subject to Subsection (3).

13788 (3) (a) The department shall issue a license to an applicant selected by a political

13789 subdivision under Subsection (2) unless the department finds that issuing a license to that

13790 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic

13791 service area.

- 13792 (b) A license issued under this Subsection (3):
- 13793 (i) is for the exclusive geographic service area approved by the department in
- 13794 accordance with Subsection 26-8a-405.2(2);
- 13795 (ii) is valid for four years;
- 13796 (iii) is not subject to a request for license from another applicant under the provisions
- 13797 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
- 13798 license is revoked under Section 26-8a-504; and
- 13799 (iv) is subject to supervision by the department under Sections 26-8a-503 and
- 13800 26-8a-504.
- 13801 (4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections
- 13802 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.
- 13803 Section 391. Section **32A-2-103** is amended to read:
- 13804 **32A-2-103. Operational restrictions.**
- 13805 (1) Liquor may not be sold from a state store except in a sealed package. The package
- 13806 may not be opened on the premises of any state store.
- 13807 (2) (a) An officer, agent, clerk, or employee of a state store may not consume or allow
- 13808 to be consumed by any person any alcoholic beverage on the premises of a state store.
- 13809 (b) Violation of this Subsection (2) is a class B misdemeanor.
- 13810 (3) All liquor sold shall be in packages that are properly marked and labeled in
- 13811 accordance with the rules adopted under this title.
- 13812 (4) Liquor may not be sold except at prices fixed by the commission.
- 13813 (5) Liquor may not be sold, delivered, or furnished to any:
- 13814 (a) minor;
- 13815 (b) person actually, apparently, or obviously intoxicated;
- 13816 (c) known habitual drunkard; or
- 13817 (d) known interdicted person.
- 13818 (6) Sale or delivery of liquor may not be made on or from the premises of any state
- 13819 store, nor may any state store be kept open for the sale of liquor:
- 13820 (a) on Sunday;
- 13821 (b) on any state or federal legal holiday;
- 13822 (c) on any day on which any regular general election, regular primary election, or

13823 statewide special election is held;

13824 (d) on any day on which any municipal, [~~special~~] local district, special service district,  
13825 or school election is held, but only within the boundaries of the municipality, [~~special~~] local  
13826 district, special service district, or school district holding the election and only if the  
13827 municipality, [~~special~~] local district, special service district or school district in which the  
13828 election is being held notifies the department at least 30 days prior to the date of the election; or

13829 (e) except on days and during hours as the commission may direct by rule or order.

13830 (7) Each state store shall display in a prominent place in the store a sign in large letters  
13831 stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is  
13832 prosecuted aggressively in Utah."

13833 (8) (a) A minor may not be admitted into, or be on the premises of a state store unless  
13834 accompanied by a person who is:

13835 (i) 21 years of age or older; and

13836 (ii) the minor's parent, legal guardian, or spouse.

13837 (b) Any state store employee that has reason to believe that a person who is on the  
13838 premises of a state store is under the age of 21 and is not accompanied by a person described in  
13839 Subsection (8)(a) may:

13840 (i) ask the suspected minor for proof of age;

13841 (ii) ask the person who accompanied the suspected minor for proof of age; and

13842 (iii) ask the suspected minor or the person who accompanied the suspected minor for  
13843 proof of parental, guardianship, or spousal relationship.

13844 (c) Any state store employee shall refuse to sell liquor to the suspected minor and to the  
13845 person who accompanied the suspected minor into the state store if they fail to provide any of  
13846 the information specified in Subsection (8)(b).

13847 (d) Any state store employee shall require the suspected minor and the person who  
13848 accompanied the suspected minor into the state store to immediately leave the premises of the  
13849 state store if they fail to provide any of the information specified in Subsection (8)(b).

13850 Section 392. Section **32A-3-106** is amended to read:

13851 **32A-3-106. Operational restrictions.**

13852 (1) (a) A package agency may not be operated until a package agency agreement has  
13853 been entered into by the package agent and the department.

13854 (b) The agreement shall state the conditions of operation by which the package agent  
13855 and the department are bound.

13856 (c) If the package agent violates the conditions, terms, or covenants contained in the  
13857 agreement, or violates any provisions of this title, the department may take whatever action  
13858 against the agent that is allowed by the package agency agreement.

13859 (d) Actions against the package agent are governed solely by the agreement and may  
13860 include suspension or revocation of the agency.

13861 (2) (a) A package agency may not purchase liquor from any person except from the  
13862 department.

13863 (b) At the discretion of the department, liquor may be provided by the department to a  
13864 package agency for sale on consignment.

13865 (3) The department may pay or otherwise remunerate a package agent on any basis  
13866 including sales or volume of business done by the agency.

13867 (4) Liquor may not be sold from any package agency except in a sealed package. The  
13868 package may not be opened on the premises of a package agency.

13869 (5) All liquor sold shall be in packages that are properly marked and labeled in  
13870 accordance with the rules adopted under this title.

13871 (6) A package agency may not display liquor or price lists in windows or showcases  
13872 visible to passersby.

13873 (7) (a) An officer, agent, clerk, or employee of a package agency may not consume or  
13874 allow to be consumed by any person any alcoholic beverage on the premises of a package  
13875 agency.

13876 (b) Violation of this Subsection (7) is a class B misdemeanor.

13877 (8) Liquor may not be sold except at prices fixed by the commission.

13878 (9) Liquor may not be sold, delivered, or furnished to any:

13879 (a) minor;

13880 (b) person actually, apparently, or obviously intoxicated;

13881 (c) known habitual drunkard; or

13882 (d) known interdicted person.

13883 (10) (a) Subject to Subsection (10)(b), sale or delivery of liquor may not be made on or  
13884 from the premises of any package agency nor may any package agency be kept open for the sale



13885 of liquor:

13886 (i) on Sunday;

13887 (ii) on any state or federal legal holiday;

13888 (iii) on any day on which any regular general election, regular primary election, or

13889 statewide special election is held until after the polls are closed;

13890 (iv) on any day on which any municipal, [~~special~~] local district, special service district,

13891 or school election is held until after the polls are closed, but only within the boundaries of the

13892 municipality, [~~special~~] local district, special service district, or school district holding the

13893 election and only if the municipality, [~~special~~] local district, special service district, or school

13894 district in which the election is being held notifies the department at least 30 days prior to the

13895 date of the election; or

13896 (v) except on days and during hours as the commission may direct by rule or order.

13897 (b) The restrictions in Subsections (10)(a)(i) and (ii) govern unless:

13898 (i) the package agency is located at a winery licensed under Chapter 8, Manufacturing

13899 Licenses;

13900 (ii) the winery licensed under Chapter 8, Manufacturing Licenses, holds:

13901 (A) a restaurant liquor license under Chapter 4, Part 1, Restaurant Liquor Licenses; or

13902 (B) a limited restaurant license under Chapter 4, Part 3, Limited Restaurant Licenses;

13903 (iii) the restaurant described in Subsection (10)(b)(ii) is located at the winery;

13904 (iv) the restaurant described in Subsection (10)(b)(ii) sells wines produced at the

13905 winery;

13906 (v) the winery described in Subsection (10)(b)(i):

13907 (A) owns the restaurant; or

13908 (B) operates the restaurant;

13909 (vi) the package agency only sells wine produced at the winery; and

13910 (vii) the package agency's days and hours of sale are the same as the days and hours of

13911 sale at the restaurant described in Subsection (10)(b)(ii).

13912 (11) The package agency certificate issued by the commission shall be permanently

13913 posted in a conspicuous place in the package agency.

13914 (12) Each package agent shall display in a prominent place in the package agency a

13915 sign in large letters stating: "Warning: Driving under the influence of alcohol or drugs is a

13916 serious crime that is prosecuted aggressively in Utah."

13917 (13) (a) A package agency may not close or cease operation for a period longer than 72  
13918 hours, unless:

13919 (i) the package agency notifies the department in writing at least seven days before the  
13920 closing; and

13921 (ii) the closure or cessation of operation is first approved by the department.

13922 (b) Notwithstanding Subsection (13)(a), in the case of emergency closure, immediate  
13923 notice of closure shall be made to the department by telephone.

13924 (c) (i) The department may authorize a closure or cessation of operation for a period  
13925 not to exceed 60 days.

13926 (ii) The department may extend the initial period an additional 30 days upon written  
13927 request of the package agency and upon a showing of good cause.

13928 (iii) A closure or cessation of operation may not exceed a total of 90 days without  
13929 commission approval.

13930 (d) The notice required by Subsection (13)(a) shall include:

13931 (i) the dates of closure or cessation of operation;

13932 (ii) the reason for the closure or cessation of operation; and

13933 (iii) the date on which the agency will reopen or resume operation.

13934 (e) Failure of the agency to provide notice and to obtain department authorization prior  
13935 to closure or cessation of operation shall result in an automatic termination of the package  
13936 agency contract effective immediately.

13937 (f) Failure of the agency to reopen or resume operation by the approved date shall  
13938 result in an automatic termination of the package agency contract effective on that date.

13939 (14) Liquor may not be stored or sold in any place other than as designated in the  
13940 package agent's application, unless the package agent first applies for and receives approval  
13941 from the department for a change of location within the package agency premises.

13942 (15) (a) Except to the extent authorized by commission rule, a minor may not be  
13943 admitted into, or be on the premises of a package agency unless accompanied by a person who  
13944 is:

13945 (i) 21 years of age or older; and

13946 (ii) the minor's parent, legal guardian, or spouse.

13947 (b) Any package agent or employee of the package agency that has reason to believe  
13948 that a person who is on the premises of a package agency store is under the age of 21 and is not  
13949 accompanied by a person described in Subsection (15)(a) may:

- 13950 (i) ask the suspected minor for proof of age;
- 13951 (ii) ask the person who accompanied the suspected minor for proof of age; and
- 13952 (iii) ask the suspected minor or the person who accompanied the suspected minor for  
13953 proof of parental, guardianship, or spousal relationship.

13954 (c) Any package agent or employee of a package agency shall refuse to sell liquor to  
13955 the suspected minor and to the person who accompanied the suspected minor into the package  
13956 agency if they fail to provide any of the information specified in Subsection (15)(b).

13957 (d) Any package agent or employee of a package agency shall require the suspected  
13958 minor and the person who accompanied the suspected minor into the package agency to  
13959 immediately leave the premises of the package agency if they fail to provide any of the  
13960 information specified in Subsection (15)(b).

13961 (16) A package agency may not transfer its operations from one location to another  
13962 without prior written approval of the commission.

13963 (17) (a) A person, having been granted a package agency, may not sell, transfer, assign,  
13964 exchange, barter, give, or attempt in any way to dispose of the package agency to any other  
13965 person, whether for monetary gain or not.

13966 (b) A package agency has no monetary value for the purpose of any type of disposition.

13967 Section 393. Section **32A-4-106** is amended to read:

13968 **32A-4-106. Operational restrictions.**

13969 Each person granted a restaurant liquor license and the employees and management  
13970 personnel of the restaurant shall comply with the following conditions and requirements.  
13971 Failure to comply may result in a suspension or revocation of the license or other disciplinary  
13972 action taken against individual employees or management personnel.

13973 (1) (a) Liquor may not be purchased by a restaurant liquor licensee except from state  
13974 stores or package agencies.

13975 (b) Liquor purchased may be transported by the restaurant liquor licensee from the  
13976 place of purchase to the licensed premises.

13977 (c) Payment for liquor shall be made in accordance with rules established by the

13978 commission.

13979           (2) A restaurant liquor licensee may sell or provide a primary spirituous liquor only in a  
13980 quantity not to exceed one ounce per beverage dispensed through a calibrated metered  
13981 dispensing system approved by the department in accordance with commission rules adopted  
13982 under this title, except that:

13983           (a) spirituous liquor need not be dispensed through a calibrated metered dispensing  
13984 system if used as a secondary flavoring ingredient in a beverage subject to the following  
13985 restrictions:

13986           (i) the secondary ingredient may be dispensed only in conjunction with the purchase of  
13987 a primary spirituous liquor;

13988           (ii) the secondary ingredient is not the only spirituous liquor in the beverage;

13989           (iii) the restaurant liquor licensee shall designate a location where flavorings are stored  
13990 on the floor plan provided to the department; and

13991           (iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

13992           (b) spirituous liquor need not be dispensed through a calibrated metered dispensing  
13993 system if used:

13994           (i) as a flavoring on desserts; and

13995           (ii) in the preparation of flaming food dishes, drinks, and desserts;

13996           (c) each restaurant patron may have no more than 2.75 ounces of spirituous liquor at a  
13997 time; and

13998           (d) each restaurant patron may have no more than one spirituous liquor drink at a time  
13999 before the patron.

14000           (3) (a) (i) Wine may be sold and served by the glass or in an individual portion not to  
14001 exceed five ounces per glass or individual portion.

14002           (ii) An individual portion of wine may be served to a patron in more than one glass as  
14003 long as the total amount of wine does not exceed five ounces.

14004           (iii) An individual portion of wine is considered to be one alcoholic beverage under  
14005 Subsection (7)(e).

14006           (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices  
14007 fixed by the commission to tables of four or more persons.

14008           (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by

14009 the commission to tables of less than four persons.

14010 (c) A wine service may be performed and a service charge assessed by the restaurant as  
14011 authorized by commission rule for wine purchased at the restaurant.

14012 (4) (a) Heavy beer may be served in original containers not exceeding one liter at prices  
14013 fixed by the commission.

14014 (b) A service charge may be assessed by the restaurant as authorized by commission  
14015 rule for heavy beer purchased at the restaurant.

14016 (5) (a) (i) Subject to Subsection (5)(a)(ii), a restaurant licensed to sell liquor may sell  
14017 beer for on-premise consumption:

14018 (A) in an open container; and

14019 (B) on draft.

14020 (ii) Beer sold pursuant to Subsection (5)(a)(i) shall be in a size of container that does  
14021 not exceed two liters, except that beer may not be sold to an individual patron in a size of  
14022 container that exceeds one liter.

14023 (b) A restaurant licensed under this chapter that sells beer pursuant to Subsection  
14024 (5)(a):

14025 (i) may do so without obtaining a separate on-premise beer retailer license from the  
14026 commission; and

14027 (ii) shall comply with all appropriate operational restrictions under Chapter 10, Beer  
14028 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are  
14029 inconsistent with or less restrictive than the operational restrictions under this part.

14030 (c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer  
14031 Licenses, required by Subsection (5)(b) may result in a suspension or revocation of the  
14032 restaurant's:

14033 (i) state liquor license; and

14034 (ii) alcoholic beverage license issued by the local authority.

14035 (6) Alcoholic beverages may not be stored, served, or sold in any place other than as  
14036 designated in the licensee's application, unless the licensee first applies for and receives  
14037 approval from the department for a change of location within the restaurant.

14038 (7) (a) (i) A patron may only make alcoholic beverage purchases in the restaurant from  
14039 and be served by a person employed, designated, and trained by the licensee to sell and serve

14040 alcoholic beverages.

14041 (ii) Notwithstanding Subsection (7)(a)(i), a patron who has purchased bottled wine  
14042 from an employee of the restaurant or has carried bottled wine onto the premises of the  
14043 restaurant pursuant to Subsection (14) may thereafter serve wine from the bottle to the patron  
14044 or others at the patron's table.

14045 (b) Alcoholic beverages shall be delivered by a server to the patron.

14046 (c) Any alcoholic beverage may only be consumed at the patron's table or counter.

14047 (d) Alcoholic beverages may not be served to or consumed by a patron at a bar.

14048 (e) Each restaurant patron may have no more than two alcoholic beverages of any kind  
14049 at a time before the patron, subject to the limitation in Subsection (2)(d).

14050 (8) The liquor storage area shall remain locked at all times other than those hours and  
14051 days when liquor sales are authorized by law.

14052 (9) (a) Liquor may not be sold, offered for sale, served, or otherwise furnished at a  
14053 restaurant during the following days or hours:

14054 (i) until after the polls are closed on the day of any:

14055 (A) regular general election;

14056 (B) regular primary election; or

14057 (C) statewide special election;

14058 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,  
14059 special service district, or school election, but only:

14060 (A) within the boundaries of the municipality, [~~special~~] local district, special service  
14061 district, or school district; and

14062 (B) if required by local ordinance; and

14063 (iii) on any other day after 12 midnight and before 12 noon.

14064 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer  
14065 Licenses, for on-premise beer licensees.

14066 (10) Alcoholic beverages may not be sold except in connection with an order for food  
14067 prepared, sold, and served at the restaurant.

14068 (11) Alcoholic beverages may not be sold, served, or otherwise furnished to any:

14069 (a) minor;

14070 (b) person actually, apparently, or obviously intoxicated;

- 14071 (c) known habitual drunkard; or
- 14072 (d) known interdicted person.
- 14073 (12) (a) (i) Liquor may be sold only at prices fixed by the commission.
- 14074 (ii) Liquor may not be sold at discount prices on any date or at any time.
- 14075 (b) An alcoholic beverage may not be sold at less than the cost of the alcoholic
- 14076 beverage to the licensee.
- 14077 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
- 14078 over consumption or intoxication.
- 14079 (d) An alcoholic beverage may not be sold at a special or reduced price for only certain
- 14080 hours of the restaurant's business day such as a "happy hour."
- 14081 (e) The sale or service of more than one alcoholic beverage for the price of a single
- 14082 alcoholic beverage is prohibited.
- 14083 (f) The sale or service of an indefinite or unlimited number of alcoholic beverages
- 14084 during any set period for a fixed price is prohibited.
- 14085 (g) A restaurant licensee may not engage in a public promotion involving or offering
- 14086 free alcoholic beverages to the general public.
- 14087 (13) Alcoholic beverages may not be purchased for a patron of a restaurant by:
- 14088 (a) the licensee; or
- 14089 (b) any employee or agent of the licensee.
- 14090 (14) (a) A person may not bring onto the premises of a restaurant liquor licensee any
- 14091 alcoholic beverage for on-premise consumption, except a person may bring, subject to the
- 14092 discretion of the licensee, bottled wine onto the premises of any restaurant liquor licensee for
- 14093 on-premise consumption.
- 14094 (b) Except bottled wine under Subsection (14)(a), a restaurant liquor licensee or its
- 14095 officers, managers, employees, or agents may not allow:
- 14096 (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise
- 14097 consumption; or
- 14098 (ii) consumption of any such alcoholic beverage on its premises.
- 14099 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server
- 14100 or other representative of the licensee upon entering the restaurant.
- 14101 (d) A wine service may be performed and a service charge assessed by the restaurant as

14102 authorized by commission rule for wine carried in by a patron.

14103 (15) (a) Except as provided in Subsection (15)(b), a restaurant licensee and its  
14104 employees may not permit a restaurant patron to carry from the restaurant premises an open  
14105 container that:

14106 (i) is used primarily for drinking purposes; and

14107 (ii) contains any alcoholic beverage.

14108 (b) Notwithstanding Subsection (15)(a), a restaurant patron may remove from the  
14109 restaurant the unconsumed contents of a bottle of wine purchased in the restaurant, or brought  
14110 onto the premises of the restaurant in accordance with Subsection (14), provided the bottle has  
14111 been recorked or recapped before removal.

14112 (16) (a) A minor may not be employed by a restaurant licensee to sell or dispense  
14113 alcoholic beverages.

14114 (b) Notwithstanding Subsection (16)(a), a minor may be employed to enter the sale at a  
14115 cash register or other sales recording device.

14116 (17) An employee of a restaurant liquor licensee, while on duty, may not:

14117 (a) consume an alcoholic beverage; or

14118 (b) be intoxicated.

14119 (18) Any charge or fee made in connection with the sale, service, or consumption of  
14120 liquor may be stated in food or alcoholic beverage menus including:

14121 (a) a set-up charge;

14122 (b) a service charge; or

14123 (c) a chilling fee.

14124 (19) Each restaurant liquor licensee shall display in a prominent place in the restaurant:

14125 (a) the liquor license that is issued by the department;

14126 (b) a list of the types and brand names of liquor being served through its calibrated  
14127 metered dispensing system; and

14128 (c) a sign in large letters stating: "Warning: Driving under the influence of alcohol or  
14129 drugs is a serious crime that is prosecuted aggressively in Utah."

14130 (20) The following acts or conduct in a restaurant licensed under this chapter are  
14131 considered contrary to the public welfare and morals, and are prohibited upon the premises:

14132 (a) employing or using any person in the sale or service of alcoholic beverages while



14133 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the  
14134 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
14135 buttocks, vulva, or genitals;

14136 (b) employing or using the services of any person to mingle with the patrons while the  
14137 person is unclothed or in attire, costume, or clothing described in Subsection (20)(a);

14138 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,  
14139 buttocks, anus, or genitals of any other person;

14140 (d) permitting any employee or person to wear or use any device or covering, exposed  
14141 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

14142 (e) permitting any person to use artificial devices or inanimate objects to depict any of  
14143 the prohibited activities described in this Subsection (20);

14144 (f) permitting any person to remain in or upon the premises who exposes to public  
14145 view any portion of that person's genitals or anus; or

14146 (g) showing films, still pictures, electronic reproductions, or other visual reproductions  
14147 depicting:

14148 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral  
14149 copulation, flagellation, or any sexual acts prohibited by Utah law;

14150 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or  
14151 genitals;

14152 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or  
14153 drawings are used to portray, any of the prohibited activities described in this Subsection (20);  
14154 or

14155 (iv) scenes wherein a person displays the vulva or the anus or the genitals.

14156 (21) Nothing in Subsection (20) precludes a local authority from being more restrictive  
14157 of acts or conduct of the type prohibited in Subsection (20).

14158 (22) (a) Although live entertainment is permitted on the premises of a restaurant liquor  
14159 licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by  
14160 Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation,  
14161 flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or the  
14162 displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon a  
14163 stage or at a designated area approved by the commission.

14164 (b) Nothing in Subsection (22)(a) precludes a local authority from being more  
14165 restrictive of acts or conduct of the type prohibited in Subsection (22)(a).

14166 (23) A restaurant liquor licensee may not engage in or permit any form of gambling, or  
14167 have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11,  
14168 Gambling, on the premises of the restaurant liquor licensee.

14169 (24) (a) Each restaurant liquor licensee shall maintain an expense ledger or record  
14170 showing in detail:

14171 (i) quarterly expenditures made separately for:

14172 (A) malt or brewed beverages;

14173 (B) set-ups;

14174 (C) liquor;

14175 (D) food; and

14176 (E) all other items required by the department; and

14177 (ii) sales made separately for:

14178 (A) malt or brewed beverages;

14179 (B) set-ups;

14180 (C) food; and

14181 (D) all other items required by the department.

14182 (b) The record required by Subsection (24)(a) shall be kept:

14183 (i) in a form approved by the department; and

14184 (ii) current for each three-month period.

14185 (c) Each expenditure shall be supported by:

14186 (i) delivery tickets;

14187 (ii) invoices;

14188 (iii) receipted bills;

14189 (iv) canceled checks;

14190 (v) petty cash vouchers; or

14191 (vi) other sustaining data or memoranda.

14192 (d) In addition to a ledger or record required under Subsection (24)(a), a restaurant  
14193 liquor licensee shall maintain accounting and other records and documents as the department  
14194 may require.

14195 (e) Any restaurant or person acting for the restaurant, who knowingly forges, falsifies,  
14196 alters, cancels, destroys, conceals, or removes the entries in any of the books of account or  
14197 other documents of the restaurant required to be made, maintained, or preserved by this title or  
14198 the rules of the commission for the purpose of deceiving the commission or the department, or  
14199 any of their officials or employees, is subject to:

- 14200 (i) the suspension or revocation of the restaurant's liquor license; and
- 14201 (ii) possible criminal prosecution under Chapter 12, Criminal Offenses.

14202 (25) (a) A restaurant liquor licensee may not close or cease operation for a period  
14203 longer than 240 hours, unless:

- 14204 (i) the restaurant liquor licensee notifies the department in writing at least seven days  
14205 before the closing; and
- 14206 (ii) the closure or cessation of operation is first approved by the department.

14207 (b) Notwithstanding Subsection (25)(a), in the case of emergency closure, immediate  
14208 notice of closure shall be made to the department by telephone.

14209 (c) The department may authorize a closure or cessation of operation for a period not to  
14210 exceed 60 days. The department may extend the initial period an additional 30 days upon  
14211 written request of the restaurant licensee and upon a showing of good cause. A closure or  
14212 cessation of operation may not exceed a total of 90 days without commission approval.

14213 (d) Any notice shall include:

- 14214 (i) the dates of closure or cessation of operation;
- 14215 (ii) the reason for the closure or cessation of operation; and
- 14216 (iii) the date on which the licensee will reopen or resume operation.

14217 (e) Failure of the licensee to provide notice and to obtain department authorization  
14218 prior to closure or cessation of operation shall result in an automatic forfeiture of:

- 14219 (i) the license; and
- 14220 (ii) the unused portion of the license fee for the remainder of the license year effective  
14221 immediately.

14222 (f) Failure of the licensee to reopen or resume operation by the approved date shall  
14223 result in an automatic forfeiture of:

- 14224 (i) the license; and
- 14225 (ii) the unused portion of the license fee for the remainder of the license year.

14226 (26) Each restaurant liquor licensee shall maintain at least 70% of its total restaurant  
14227 business from the sale of food, which does not include mix for alcoholic beverages or service  
14228 charges.

14229 (27) A restaurant liquor license may not be transferred from one location to another,  
14230 without prior written approval of the commission.

14231 (28) (a) A person, having been granted a restaurant liquor license may not sell, transfer,  
14232 assign, exchange, barter, give, or attempt in any way to dispose of the license to any other  
14233 person whether for monetary gain or not.

14234 (b) A restaurant liquor license has no monetary value for the purpose of any type of  
14235 disposition.

14236 (29) Each server of alcoholic beverages in a licensee's establishment shall keep a  
14237 written beverage tab for each table or group that orders or consumes alcoholic beverages on the  
14238 premises. The beverage tab shall list the type and amount of alcoholic beverages ordered or  
14239 consumed.

14240 (30) A person's willingness to serve alcoholic beverages may not be made a condition  
14241 of employment as a server with a restaurant that has a restaurant liquor license.

14242 Section 394. Section **32A-4-307** is amended to read:

14243 **32A-4-307. Operational restrictions.**

14244 Each person granted a limited restaurant license and the employees and management  
14245 personnel of the restaurant shall comply with the following conditions and requirements.  
14246 Failure to comply may result in a suspension or revocation of the license or other disciplinary  
14247 action taken against individual employees or management personnel.

14248 (1) (a) Wine and heavy beer may not be purchased by a limited restaurant licensee  
14249 except from state stores or package agencies.

14250 (b) Wine and heavy beer purchased in accordance with Subsection (1)(a) may be  
14251 transported by the licensee from the place of purchase to the licensed premises.

14252 (c) Payment for wine and heavy beer shall be made in accordance with rules  
14253 established by the commission.

14254 (2) (a) A limited restaurant licensee may not sell, serve, or allow consumption of  
14255 spirituous liquor on the premises of the restaurant.

14256 (b) Spirituous liquor may not be on the premises of the restaurant except for use:

- 14257 (i) as a flavoring on desserts; and
- 14258 (ii) in the preparation of flaming food dishes, drinks, and desserts.
- 14259 (3) (a) (i) Wine may be sold and served by the glass or an individual portion not to
- 14260 exceed five ounces per glass or individual portion.
- 14261 (ii) An individual portion may be served to a patron in more than one glass as long as
- 14262 the total amount of wine does not exceed five ounces.
- 14263 (iii) An individual portion of wine is considered to be one alcoholic beverage under
- 14264 Subsection (7)(e).
- 14265 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices
- 14266 fixed by the commission to tables of four or more persons.
- 14267 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by
- 14268 the commission to tables of less than four persons.
- 14269 (c) A wine service may be performed and a service charge assessed by the limited
- 14270 restaurant as authorized by commission rule for wine purchased at the limited restaurant.
- 14271 (4) (a) Heavy beer may be served in original containers not exceeding one liter at prices
- 14272 fixed by the commission.
- 14273 (b) A service charge may be assessed by the limited restaurant as authorized by
- 14274 commission rule for heavy beer purchased at the restaurant.
- 14275 (5) (a) (i) Subject to Subsection (5)(a)(ii), a limited restaurant licensee may sell beer for
- 14276 on-premise consumption:
- 14277 (A) in an open container; and
- 14278 (B) on draft.
- 14279 (ii) Beer sold pursuant to Subsection (5)(a)(i) shall be in a size of container that does
- 14280 not exceed two liters, except that beer may not be sold to an individual patron in a size of
- 14281 container that exceeds one liter.
- 14282 (b) A limited restaurant licensee that sells beer pursuant to Subsection (5)(a):
- 14283 (i) may do so without obtaining a separate on-premise beer retailer license from the
- 14284 commission; and
- 14285 (ii) shall comply with all appropriate operational restrictions under Chapter 10, Beer
- 14286 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are
- 14287 inconsistent with or less restrictive than the operational restrictions under this part.

14288 (c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer  
14289 Licenses, required by Subsection (5)(b) may result in a suspension or revocation of the  
14290 restaurant's:

- 14291 (i) limited restaurant license; and
- 14292 (ii) alcoholic beverage license issued by the local authority.

14293 (6) Wine, heavy beer, and beer may not be stored, served, or sold in any place other  
14294 than as designated in the licensee's application, unless the licensee first applies for and receives  
14295 approval from the department for a change of location within the restaurant.

14296 (7) (a) (i) A patron may only make alcoholic beverage purchases in the limited  
14297 restaurant from and be served by a person employed, designated, and trained by the licensee to  
14298 sell and serve alcoholic beverages.

14299 (ii) Notwithstanding Subsection (7)(a)(i), a patron who has purchased bottled wine  
14300 from an employee of the restaurant or has carried bottled wine onto the premises of the  
14301 restaurant pursuant to Subsection (14) may thereafter serve wine from the bottle to the patron  
14302 or others at the patron's table.

14303 (b) Alcoholic beverages shall be delivered by a server to the patron.

14304 (c) Any alcoholic beverage may only be consumed at the patron's table or counter.

14305 (d) Alcoholic beverages may not be served to or consumed by a patron at a bar.

14306 (e) Each restaurant patron may have no more than two alcoholic beverages of any kind  
14307 at a time before the patron.

14308 (8) The alcoholic beverage storage area shall remain locked at all times other than  
14309 those hours and days when alcoholic beverage sales are authorized by law.

14310 (9) (a) Wine and heavy beer may not be sold, offered for sale, served, or otherwise  
14311 furnished at a limited restaurant during the following days or hours:

14312 (i) until after the polls are closed on the day of any:

14313 (A) regular general election;

14314 (B) regular primary election; or

14315 (C) statewide special election;

14316 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,  
14317 special service district, or school election, but only:

14318 (A) within the boundaries of the municipality, [~~special~~] local district, special service

- 14319 district, or school district; and
- 14320 (B) if required by local ordinance; and
- 14321 (iii) on any other day after 12 midnight and before 12 noon.
- 14322 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer
- 14323 Licenses, for on-premise beer licensees.
- 14324 (10) Alcoholic beverages may not be sold except in connection with an order of food
- 14325 prepared, sold, and served at the restaurant.
- 14326 (11) Wine, heavy beer, and beer may not be sold, served, or otherwise furnished to any:
- 14327 (a) minor;
- 14328 (b) person actually, apparently, or obviously intoxicated;
- 14329 (c) known habitual drunkard; or
- 14330 (d) known interdicted person.
- 14331 (12) (a) (i) Wine and heavy beer may be sold only at prices fixed by the commission.
- 14332 (ii) Wine and heavy beer may not be sold at discount prices on any date or at any time.
- 14333 (b) Alcoholic beverages may not be sold at less than the cost of the alcoholic beverages
- 14334 to the licensee.
- 14335 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
- 14336 over consumption or intoxication.
- 14337 (d) An alcoholic beverage may not be sold at a special or reduced price for only certain
- 14338 hours of the limited restaurant's business day such as a "happy hour."
- 14339 (e) The sale or service of more than one alcoholic beverage for the price of a single
- 14340 alcoholic beverage is prohibited.
- 14341 (f) The sale or service of an indefinite or unlimited number of alcoholic beverages
- 14342 during any set period for a fixed price is prohibited.
- 14343 (g) A limited restaurant licensee may not engage in a public promotion involving or
- 14344 offering free alcoholic beverages to the general public.
- 14345 (13) Alcoholic beverages may not be purchased for a patron of the restaurant by:
- 14346 (a) the licensee; or
- 14347 (b) any employee or agent of the licensee.
- 14348 (14) (a) A person may not bring onto the premises of a limited restaurant licensee any
- 14349 alcoholic beverage for on-premise consumption, except a person may bring, subject to the

14350 discretion of the licensee, bottled wine onto the premises of any limited restaurant licensee for  
14351 on-premise consumption.

14352 (b) Except bottled wine under Subsection (14)(a), a limited restaurant licensee or its  
14353 officers, managers, employees, or agents may not allow:

14354 (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise  
14355 consumption; or

14356 (ii) consumption of any alcoholic beverage described in Subsection (14)(b)(i) on its  
14357 premises.

14358 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server  
14359 or other representative of the licensee upon entering the restaurant.

14360 (d) A wine service may be performed and a service charge assessed by the restaurant as  
14361 authorized by commission rule for wine carried in by a patron.

14362 (15) (a) Except as provided in Subsection (15)(b), a limited restaurant licensee and its  
14363 employees may not permit a restaurant patron to carry from the restaurant premises an open  
14364 container that:

14365 (i) is used primarily for drinking purposes; and

14366 (ii) contains any alcoholic beverage.

14367 (b) Notwithstanding Subsection (15)(a), a patron may remove the unconsumed contents  
14368 of a bottle of wine if before removal the bottle has been recorked or recapped.

14369 (16) (a) A minor may not be employed by a limited restaurant licensee to sell or  
14370 dispense alcoholic beverages.

14371 (b) Notwithstanding Subsection (16)(a), a minor may be employed to enter the sale at a  
14372 cash register or other sales recording device.

14373 (17) An employee of a limited restaurant licensee, while on duty, may not:

14374 (a) consume an alcoholic beverage; or

14375 (b) be intoxicated.

14376 (18) A charge or fee made in connection with the sale, service, or consumption of wine  
14377 or heavy beer may be stated in food or alcoholic beverage menus including:

14378 (a) a service charge; or

14379 (b) a chilling fee.

14380 (19) Each limited restaurant licensee shall display in a prominent place in the



14381 restaurant:

14382 (a) the license that is issued by the department; and

14383 (b) a sign in large letters stating: "Warning: Driving under the influence of alcohol or  
14384 drugs is a serious crime that is prosecuted aggressively in Utah."

14385 (20) The following acts or conduct in a restaurant licensed under this part are  
14386 considered contrary to the public welfare and morals, and are prohibited upon the premises:

14387 (a) employing or using any person in the sale or service of alcoholic beverages while  
14388 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the  
14389 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
14390 buttocks, vulva, or genitals;

14391 (b) employing or using the services of any person to mingle with the patrons while the  
14392 person is unclothed or in attire, costume, or clothing described in Subsection (20)(a);

14393 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,  
14394 buttocks, anus, or genitals of any other person;

14395 (d) permitting any employee or person to wear or use any device or covering, exposed  
14396 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

14397 (e) permitting any person to use artificial devices or inanimate objects to depict any of  
14398 the prohibited activities described in this Subsection (20);

14399 (f) permitting any person to remain in or upon the premises who exposes to public  
14400 view any portion of that person's genitals or anus; or

14401 (g) showing films, still pictures, electronic reproductions, or other visual reproductions  
14402 depicting:

14403 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral  
14404 copulation, flagellation, or any sexual acts prohibited by Utah law;

14405 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or  
14406 genitals;

14407 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or  
14408 drawings are used to portray, any of the prohibited activities described in this Subsection (20);

14409 or

14410 (iv) scenes wherein a person displays the vulva, anus, or the genitals.

14411 (21) Nothing in Subsection (20) precludes a local authority from being more restrictive

14412 of acts or conduct of the type prohibited in Subsection (20).

14413 (22) (a) Although live entertainment is permitted on the premises of a limited  
14414 restaurant licensee, a licensee may not allow any person to perform or simulate sexual acts  
14415 prohibited by Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral  
14416 copulation, flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or  
14417 genitals, or the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform  
14418 only upon a stage or at a designated area approved by the commission.

14419 (b) Nothing in Subsection (22)(a) precludes a local authority from being more  
14420 restrictive of acts or conduct of the type prohibited in Subsection (22)(a).

14421 (23) A limited restaurant licensee may not engage in or permit any form of gambling,  
14422 or have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11,  
14423 Gambling, on the premises of the restaurant.

14424 (24) (a) Each limited restaurant licensee shall maintain an expense ledger or record  
14425 showing in detail:

14426 (i) quarterly expenditures made separately for:

14427 (A) wine;

14428 (B) heavy beer;

14429 (C) beer;

14430 (D) food; and

14431 (E) all other items required by the department; and

14432 (ii) sales made separately for:

14433 (A) wine;

14434 (B) heavy beer;

14435 (C) beer;

14436 (D) food; and

14437 (E) all other items required by the department.

14438 (b) The record required by Subsection (24)(a) shall be kept:

14439 (i) in a form approved by the department; and

14440 (ii) current for each three-month period.

14441 (c) Each expenditure shall be supported by:

14442 (i) delivery tickets;

- 14443 (ii) invoices;
- 14444 (iii) receipted bills;
- 14445 (iv) canceled checks;
- 14446 (v) petty cash vouchers; or
- 14447 (vi) other sustaining data or memoranda.
- 14448 (d) In addition to the ledger or record maintained under Subsections (24)(a) through
- 14449 (c), a limited restaurant licensee shall maintain accounting and other records and documents as
- 14450 the department may require.
- 14451 (e) Any restaurant or person acting for the restaurant, who knowingly forges, falsifies,
- 14452 alters, cancels, destroys, conceals, or removes the entries in any of the books of account or
- 14453 other documents of the restaurant required to be made, maintained, or preserved by this title or
- 14454 the rules of the commission for the purpose of deceiving the commission or department, or any
- 14455 of their officials or employees, is subject to:
  - 14456 (i) the suspension or revocation of the limited restaurant's license; and
  - 14457 (ii) possible criminal prosecution under Chapter 12, Criminal Offenses.
- 14458 (25) (a) A limited restaurant licensee may not close or cease operation for a period
- 14459 longer than 240 hours, unless:
  - 14460 (i) the limited restaurant licensee notifies the department in writing at least seven days
  - 14461 before the closing; and
  - 14462 (ii) the closure or cessation of operation is first approved by the department.
- 14463 (b) Notwithstanding Subsection (25)(a), in the case of emergency closure, immediate
- 14464 notice of closure shall be made to the department by telephone.
- 14465 (c) (i) Subject to Subsection (25)(c)(iii), the department may authorize a closure or
- 14466 cessation of operation for a period not to exceed 60 days.
  - 14467 (ii) The department may extend the initial period an additional 30 days upon:
    - 14468 (A) written request of the limited restaurant licensee; and
    - 14469 (B) a showing of good cause.
  - 14470 (iii) A closure or cessation of operation may not exceed a total of 90 days without
  - 14471 commission approval.
- 14472 (d) Any notice required by Subsection (25)(a) shall include:
  - 14473 (i) the dates of closure or cessation of operation;

14474 (ii) the reason for the closure or cessation of operation; and  
14475 (iii) the date on which the licensee will reopen or resume operation.

14476 (e) Failure of the licensee to provide notice and to obtain department authorization  
14477 before closure or cessation of operation shall result in an automatic forfeiture of:

14478 (i) the license; and  
14479 (ii) the unused portion of the license fee for the remainder of the license year effective  
14480 immediately.

14481 (f) Failure of the licensee to reopen or resume operation by the approved date shall  
14482 result in an automatic forfeiture of:

14483 (i) the license; and  
14484 (ii) the unused portion of the license fee for the remainder of the license year.

14485 (26) Each limited restaurant licensee shall maintain at least 70% of its total restaurant  
14486 business from the sale of food, which does not include service charges.

14487 (27) A limited restaurant license may not be transferred from one location to another,  
14488 without prior written approval of the commission.

14489 (28) (a) A limited restaurant licensee may not sell, transfer, assign, exchange, barter,  
14490 give, or attempt in any way to dispose of the license to any other person whether for monetary  
14491 gain or not.

14492 (b) A limited restaurant license has no monetary value for the purpose of any type of  
14493 disposition.

14494 (29) (a) Each server of wine, heavy beer, and beer in a limited restaurant licensee's  
14495 establishment shall keep a written beverage tab for each table or group that orders or consumes  
14496 alcoholic beverages on the premises.

14497 (b) The beverage tab required by Subsection (29)(a) shall list the type and amount of  
14498 alcoholic beverages ordered or consumed.

14499 (30) A limited restaurant licensee may not make a person's willingness to serve  
14500 alcoholic beverages a condition of employment as a server with the restaurant.

14501 Section 395. Section **32A-5-107** is amended to read:

14502 **32A-5-107. Operational restrictions.**

14503 Each club granted a private club license and the employees, management personnel, and  
14504 members of the club shall comply with the following conditions and requirements. Failure to

14505 comply may result in a suspension or revocation of the license or other disciplinary action  
14506 taken against individual employees or management personnel.

14507 (1) Each private club shall have a governing body that:

14508 (a) consists of three or more members of the club; and

14509 (b) holds regular meetings to:

14510 (i) review membership applications; and

14511 (ii) conduct any other business as required by the bylaws or house rules of the private  
14512 club.

14513 (2) (a) Each private club may admit an individual as a member only on written  
14514 application signed by the applicant, subject to:

14515 (i) the applicant paying an application fee as required by Subsection (4); and

14516 (ii) investigation, vote, and approval of a quorum of the governing body.

14517 (b) (i) Admissions shall be recorded in the official minutes of a regular meeting of the  
14518 governing body.

14519 (ii) An application, whether approved or disapproved, shall be filed as a part of the  
14520 official records of the licensee.

14521 (c) Notwithstanding Subsection (2)(a), a private club, in its discretion, may admit an  
14522 applicant and immediately accord the applicant temporary privileges of a member until the  
14523 governing body completes its investigation and votes on the application, subject to the  
14524 following conditions:

14525 (i) the applicant shall:

14526 (A) submit a written application; and

14527 (B) pay the application fee required by Subsection (4);

14528 (ii) the governing body votes on the application at its next meeting which shall take  
14529 place no later than 31 days following the day on which the application was submitted; and

14530 (iii) the applicant's temporary membership privileges are terminated if the governing  
14531 body disapproves the application.

14532 (d) The spouse of a member of any class of private club is entitled to all the rights and  
14533 privileges of the member:

14534 (i) to the extent permitted by the bylaws or house rules of the private club; and

14535 (ii) except to the extent restricted by this title.

14536 (e) The minor child of a member of a class A private club is entitled to all the rights  
14537 and privileges of the member:

14538 (i) to the extent permitted by the bylaws or house rules of the private club; and

14539 (ii) except to the extent restricted by this title.

14540 (3) (a) Each private club shall maintain a current and complete membership record  
14541 showing:

14542 (i) the date of application of each proposed member;

14543 (ii) each member's address;

14544 (iii) the date the governing body approved a member's admission;

14545 (iv) the date initiation fees and dues were assessed and paid; and

14546 (v) the serial number of the membership card issued to each member.

14547 (b) A current record shall also be kept indicating when members are dropped or  
14548 resigned.

14549 (4) (a) Each private club shall establish in the club bylaws or house rules application  
14550 fees and membership dues:

14551 (i) as established by commission rules; and

14552 (ii) which are collected from all members.

14553 (b) An application fee:

14554 (i) shall not be less than \$4;

14555 (ii) shall be paid when the applicant applies for membership; and

14556 (iii) at the discretion of the private club, may be credited toward membership dues if  
14557 the governing body approves the applicant as a member.

14558 (5) (a) Each private club may, in its discretion, allow an individual to be admitted to or  
14559 use the club premises as a guest only under the following conditions:

14560 (i) each guest must be previously authorized by one of the following who agrees to host  
14561 the guest into the club:

14562 (A) an active member of the club; or

14563 (B) a holder of a current visitor card;

14564 (ii) each guest must be known by the guest's host based on a preexisting bonafide  
14565 business or personal relationship with the host prior to the guest's admittance to the club;

14566 (iii) each guest must be accompanied by the guest's host for the duration of the guest's

- 14567 visit to the club;
- 14568 (iv) each guest's host must remain on the club premises for the duration of the guest's  
14569 visit to the club;
- 14570 (v) each guest's host is responsible for the cost of all services extended to the guest;
- 14571 (vi) each guest enjoys only those privileges derived from the guest's host for the  
14572 duration of the guest's visit to the club;
- 14573 (vii) an employee of the club, while on duty, may not act as a host for a guest;
- 14574 (viii) an employee of the club, while on duty, may not attempt to locate a member or  
14575 current visitor card holder to serve as a host for a guest with whom the member or visitor card  
14576 holder has no acquaintance based on a preexisting bonafide business or personal relationship  
14577 prior to the guest's arrival at the club; and
- 14578 (ix) a club and its employees may not enter into an agreement or arrangement with a  
14579 club member or holder of a current visitor card to indiscriminately host members of the general  
14580 public into the club as guests.
- 14581 (b) Notwithstanding Subsection (5)(a), previous authorization is not required if:
- 14582 (i) the licensee is a class B private club; and
- 14583 (ii) the guest is a member of the same fraternal organization as the private club  
14584 licensee.
- 14585 (6) Each private club may, in its discretion, issue visitor cards to allow individuals to  
14586 enter and use the club premises on a temporary basis under the following conditions:
- 14587 (a) each visitor card shall be issued for a period not to exceed three weeks;
- 14588 (b) a fee of not less than \$4 shall be assessed for each visitor card issued;
- 14589 (c) a visitor card shall not be issued to a minor;
- 14590 (d) a holder of a visitor card may not host more than seven guests at one time;
- 14591 (e) each visitor card issued shall include:
- 14592 (i) the visitor's full name and signature;
- 14593 (ii) the date the card was issued;
- 14594 (iii) the date the card expires;
- 14595 (iv) the club's name; and
- 14596 (v) the serial number of the card; and
- 14597 (f) (i) the club shall maintain a current record of the issuance of each visitor card on the

14598 club premises; and

14599 (ii) the record described in Subsection (6)(f)(i) shall:

14600 (A) be available for inspection by the department; and

14601 (B) include:

14602 (I) the name of the person to whom the card was issued;

14603 (II) the date the card was issued;

14604 (III) the date the card expires; and

14605 (IV) the serial number of the card.

14606 (7) A private club may not sell alcoholic beverages to or allow any patron to be

14607 admitted to or use the club premises other than:

14608 (a) a member;

14609 (b) a visitor who holds a valid visitor card issued under Subsection (6); or

14610 (c) a guest of:

14611 (i) a member; or

14612 (ii) a holder of a current visitor card.

14613 (8) (a) A minor may not be:

14614 (i) a member, officer, director, or trustee of a private club;

14615 (ii) issued a visitor card;

14616 (iii) admitted into, use, or be on the premises of a class D private club except to the

14617 extent authorized under Subsections (8)(b) through (g);

14618 (iv) admitted into, use, or be on the premises of any lounge or bar area, as defined by

14619 commission rule, of any private club except to the extent authorized under Subsection

14620 (8)(c)(ii); or

14621 (v) admitted into, use, or be on the premises of any private club that:

14622 (A) provides sexually oriented adult entertainment as defined by commission rule or by

14623 local ordinance; or

14624 (B) operates as a sexually oriented business as defined by commission rule or by local

14625 ordinance.

14626 (b) At the discretion of a class D private club, a minor may be admitted into, use, or be

14627 on the premises of a class D private club under the following circumstances:

14628 (i) during periods when no alcoholic beverages are sold, served, otherwise furnished, or



- 14629 consumed on the premises, but in no event later than 1 p.m.;
- 14630 (ii) when accompanied at all times by a member or holder of a current visitor card who
- 14631 is the minor's parent, legal guardian, or spouse; and
- 14632 (iii) the private club has a full kitchen and is licensed by the local jurisdiction as a food
- 14633 service provider.
- 14634 (c) A minor may be employed by a class D private club on the premises of the club if:
- 14635 (i) the parent or legal guardian of the minor owns or operates the class D private club;
- 14636 or
- 14637 (ii) the minor performs maintenance and cleaning services during the hours when the
- 14638 club is not open for business.
- 14639 (d) (i) Subject to Subsection (8)(d)(ii), a minor who is at least 18 years of age may be
- 14640 admitted into, use, or be on the premises of a dance or concert hall if:
- 14641 (A) the dance or concert hall is located:
- 14642 (I) on the premises of a class D private club; or
- 14643 (II) on the property that immediately adjoins the premises of and is operated by a class
- 14644 D private club; and
- 14645 (B) the commission has issued the class D private club a permit to operate a minor
- 14646 dance or concert hall based on the criteria described in Subsection (8)(d)(iii).
- 14647 (ii) If the dance or concert hall is located on the premises of a class D private club, a
- 14648 minor must be properly hosted in accordance with Subsection (5) by:
- 14649 (A) a member; or
- 14650 (B) a holder of a current visitor card.
- 14651 (iii) The commission may issue a minor dance or concert hall permit if:
- 14652 (A) the club's lounge, bar, and alcoholic beverage consumption area is:
- 14653 (I) not accessible to minors;
- 14654 (II) clearly defined; and
- 14655 (III) separated from the dance or concert hall area by walls, multiple floor levels, or
- 14656 other substantial physical barriers;
- 14657 (B) any bar or dispensing area is not visible to minors;
- 14658 (C) no consumption of alcoholic beverages may occur in:
- 14659 (I) the dance or concert hall area; or

- 14660 (II) any area of the club accessible to a minor;
- 14661 (D) the club maintains sufficient security personnel to prevent the passing of beverages
- 14662 from the club's lounge, bar, or alcoholic beverage consumption areas to:
- 14663 (I) the dance or concert hall area; or
- 14664 (II) any area of the club accessible to a minor;
- 14665 (E) there are separate entrances, exits, and restroom facilities from the club's lounge,
- 14666 bar, and alcoholic beverage consumption areas than for:
- 14667 (I) the dance or concert hall area; or
- 14668 (II) any area accessible to a minor; and
- 14669 (F) the club complies with any other restrictions imposed by the commission by rule.
- 14670 (e) A minor under 18 years of age who is accompanied at all times by a parent or legal
- 14671 guardian who is a member or holder of a current visitor card may be admitted into, use, or be
- 14672 on the premises of a concert hall described in Subsection (8)(d)(i) if:
- 14673 (i) all requirements of Subsection (8)(d) are met; and
- 14674 (ii) all signage, product, and dispensing equipment containing recognition of alcoholic
- 14675 beverages is not visible to the minor.
- 14676 (f) A minor under 18 years of age but who is 14 years of age or older who is not
- 14677 accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of a
- 14678 concert hall described in Subsection (8)(d)(i) if:
- 14679 (i) all requirements of Subsections (8)(d) and (8)(e)(ii) are met; and
- 14680 (ii) there is no alcoholic beverage, sales, service, or consumption on the premises of the
- 14681 class D private club.
- 14682 (g) The commission may suspend or revoke a minor dance or concert permit issued to a
- 14683 class D private club and suspend or revoke the license of the class D private club if:
- 14684 (i) the club fails to comply with the restrictions in Subsection (8)(d), (e), or (f);
- 14685 (ii) the club sells, serves, or otherwise furnishes alcoholic beverages to a minor;
- 14686 (iii) the licensee or a supervisory or managerial level employee of the private club is
- 14687 convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities
- 14688 that occurred on:
- 14689 (A) the licensed premises; or
- 14690 (B) the dance or concert hall that is located on property that immediately adjoins the

- 14691 premises of and is operated by the class D private club;
- 14692 (iv) there are three or more convictions of patrons of the private club under Title 58,
- 14693 Chapter 37, Utah Controlled Substances Act, based on activities that occurred on:
- 14694 (A) the licensed premises; or
- 14695 (B) the dance or concert hall that is located on property that immediately adjoins the
- 14696 premises of and is operated by the class D private club;
- 14697 (v) there is more than one conviction:
- 14698 (A) of:
- 14699 (I) the licensee;
- 14700 (II) an employee of the licensee;
- 14701 (III) an entertainer contracted by the licensee; or
- 14702 (IV) a patron of the private club; and
- 14703 (B) made on the basis of lewd acts or lewd entertainment prohibited by this title that
- 14704 occurred on:
- 14705 (I) the licensed premises; or
- 14706 (II) the dance or concert hall that is located on property that immediately adjoins the
- 14707 premises of and is operated by the class D private club; or
- 14708 (vi) the commission finds acts or conduct contrary to the public welfare and morals
- 14709 involving lewd acts or lewd entertainment prohibited by this title that occurred on:
- 14710 (A) the licensed premises; or
- 14711 (B) the dance or concert hall that is located on property that immediately adjoins the
- 14712 premises of and is operated by the class D private club.
- 14713 (h) Nothing in this Subsection (8) shall prohibit a class D private club from selling,
- 14714 serving, or otherwise furnishing alcoholic beverages in a dance or concert area located on the
- 14715 club premises on days and times when the club does not allow minors into those areas.
- 14716 (i) Nothing in Subsections (8)(a) through (g) precludes a local authority from being
- 14717 more restrictive of a minor's admittance to, use of, or presence on the premises of any private
- 14718 club.
- 14719 (9) An employee of a club, while on duty, may not:
- 14720 (a) consume an alcoholic beverage;
- 14721 (b) be intoxicated; or

- 14722 (c) act as a host for a guest.
- 14723 (10) (a) Each private club shall maintain an expense ledger or record showing in detail
- 14724 all expenditures separated by payments for:
- 14725 (i) malt or brewed beverages;
- 14726 (ii) liquor;
- 14727 (iii) food;
- 14728 (iv) detailed payroll;
- 14729 (v) entertainment;
- 14730 (vi) rent;
- 14731 (vii) utilities;
- 14732 (viii) supplies; and
- 14733 (ix) all other expenditures.
- 14734 (b) The record required by this Subsection (10) shall be:
- 14735 (i) kept in a form approved by the department; and
- 14736 (ii) balanced each month.
- 14737 (c) Each expenditure shall be supported by:
- 14738 (i) delivery tickets;
- 14739 (ii) invoices;
- 14740 (iii) receipted bills;
- 14741 (iv) canceled checks;
- 14742 (v) petty cash vouchers; or
- 14743 (vi) other sustaining data or memoranda.
- 14744 (d) All invoices and receipted bills for the current calendar or fiscal year documenting
- 14745 purchases made by the club shall also be maintained.
- 14746 (11) (a) Each private club shall maintain a minute book that is posted currently by the
- 14747 club.
- 14748 (b) The minute book required by this Subsection (11) shall contain the minutes of all
- 14749 regular and special meetings of the governing body.
- 14750 (c) Membership lists shall also be maintained.
- 14751 (12) (a) Each private club shall maintain current copies of the club's current bylaws and
- 14752 current house rules.

14753 (b) Changes in the bylaws or house rules:  
14754 (i) are not effective unless submitted to the department within ten days after adoption;

14755 and

14756 (ii) become effective 15 days after received by the department unless rejected by the  
14757 department before the expiration of the 15-day period.

14758 (13) Each private club shall maintain accounting and other records and documents as  
14759 the department may require.

14760 (14) Any club or person acting for the club, who knowingly forges, falsifies, alters,  
14761 cancels, destroys, conceals, or removes the entries in any of the books of account or other  
14762 documents of the club required to be made, maintained, or preserved by this title or the rules of  
14763 the commission for the purpose of deceiving the commission or the department, or any of their  
14764 officials or employees, is subject to:

14765 (a) the suspension or revocation of the club's license; and

14766 (b) possible criminal prosecution under Chapter 12, Criminal Offenses.

14767 (15) (a) Each private club shall maintain and keep all the records required by this  
14768 section and all other books, records, receipts, and disbursements maintained or used by the  
14769 licensee, as the department requires, for a minimum period of three years.

14770 (b) All records, books, receipts, and disbursements are subject to inspection by  
14771 authorized representatives of the commission and the department.

14772 (c) The club shall allow the department, through its auditors or examiners, to audit all  
14773 records of the club at times the department considers advisable.

14774 (d) The department shall audit the records of the licensee at least once annually.

14775 (16) Each private club shall own or lease premises suitable for the club's activities.

14776 (17) (a) A private club may not maintain facilities in any manner that barricades or  
14777 conceals the club operation.

14778 (b) Any member of the commission, authorized department personnel, or any peace  
14779 officer shall, upon presentation of credentials, be admitted immediately to the club and  
14780 permitted without hindrance or delay to inspect completely the entire club premises and all  
14781 books and records of the licensee, at any time during which the same are open for the  
14782 transaction of business to its members.

14783 (18) Any public advertising related to a private club by the following shall clearly

14784 identify a club as being "a private club for members":

14785 (a) the private club;

14786 (b) the employees or agents of the private club; or

14787 (c) any person under a contract or agreement with the club.

14788 (19) A private club must have food available at all times when alcoholic beverages are  
14789 sold, served, or consumed on the premises.

14790 (20) (a) Liquor may not be purchased by a private club licensee except from state stores  
14791 or package agencies.

14792 (b) Liquor purchased in accordance with Subsection (20)(a) may be transported by the  
14793 licensee from the place of purchase to the licensed premises.

14794 (c) Payment for liquor shall be made in accordance with rules established by the  
14795 commission.

14796 (21) A private club licensee may sell or provide any primary spirituous liquor only in a  
14797 quantity not to exceed one ounce per beverage dispensed through a calibrated metered  
14798 dispensing system approved by the department in accordance with commission rules adopted  
14799 under this title, except that:

14800 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing  
14801 system if used as a secondary flavoring ingredient in a beverage subject to the following  
14802 restrictions:

14803 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of  
14804 a primary spirituous liquor;

14805 (ii) the secondary ingredient is not the only spirituous liquor in the beverage;

14806 (iii) the private club licensee shall designate a location where flavorings are stored on  
14807 the floor plan provided to the department; and

14808 (iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

14809 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing  
14810 system if used:

14811 (i) as a flavoring on desserts; and

14812 (ii) in the preparation of flaming food dishes, drinks, and desserts; and

14813 (c) each club patron may have no more than 2.75 ounces of spirituous liquor at a time  
14814 before the patron.

14815 (22) (a) (i) Wine may be sold and served by the glass or an individual portion not to  
14816 exceed five ounces per glass or individual portion.

14817 (ii) An individual portion may be served to a patron in more than one glass as long as  
14818 the total amount of wine does not exceed five ounces.

14819 (iii) An individual portion of wine is considered to be one alcoholic beverage under  
14820 Subsection (26)(c).

14821 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices  
14822 fixed by the commission to tables of four or more persons.

14823 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by  
14824 the commission to tables of less than four persons.

14825 (c) A wine service may be performed and a service charge assessed by the private club  
14826 as authorized by commission rule for wine purchased at the private club.

14827 (23) (a) Heavy beer may be served in original containers not exceeding one liter at  
14828 prices fixed by the commission.

14829 (b) A service charge may be assessed by the private club for heavy beer purchased at  
14830 the private club.

14831 (24) (a) (i) Subject to Subsection (24)(a)(ii), a private club licensed to sell liquor may  
14832 sell beer for on-premise consumption:

14833 (A) in an open container; and

14834 (B) on draft.

14835 (ii) Beer sold pursuant to Subsection (24)(a)(i) shall be in a size of container that does  
14836 not exceed two liters, except that beer may not be sold to an individual patron in a size of  
14837 container that exceeds one liter.

14838 (b) (i) A private club licensed under this chapter that sells beer pursuant to Subsection  
14839 (24)(a):

14840 (A) may do so without obtaining a separate on-premise beer retailer license from the  
14841 commission; and

14842 (B) shall comply with all appropriate operational restrictions under Chapter 10, Beer  
14843 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are  
14844 inconsistent with or less restrictive than the operational restrictions under this chapter.

14845 (ii) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer

14846 Licenses, required by Subsection (24)(b)(i) may result in a suspension or revocation of the  
14847 private club's:

14848 (A) state liquor license; and

14849 (B) alcoholic beverage license issued by the local authority.

14850 (25) Alcoholic beverages may not be stored, served, or sold in any place other than as  
14851 designated in the licensee's application, unless the licensee first applies for and receives  
14852 approval from the department for a change of location within the private club.

14853 (26) (a) A patron may only make alcoholic beverage purchases in the private club from  
14854 and be served by a person employed, designated, and trained by the licensee to sell, dispense,  
14855 and serve alcoholic beverages.

14856 (b) Notwithstanding Subsection (26)(a), a patron who has purchased bottled wine from  
14857 an employee of the private club or has carried bottled wine onto the premises of the private  
14858 club pursuant to Subsection (32) may thereafter serve wine from the bottle to the patron or  
14859 others at the patron's table.

14860 (c) Each club patron may have no more than two alcoholic beverages of any kind at a  
14861 time before the patron.

14862 (27) The liquor storage area shall remain locked at all times other than those hours and  
14863 days when liquor sales and service are authorized by law.

14864 (28) (a) Liquor may not be sold, offered for sale, served, or otherwise furnished at a  
14865 private club during the following days or hours:

14866 (i) until after the polls are closed on the day of any:

14867 (A) regular general election;

14868 (B) regular primary election; or

14869 (C) statewide special election;

14870 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,  
14871 special service district, or school election, but only:

14872 (A) within the boundaries of the municipality, [~~special~~] local district, special service  
14873 district, or school district; and

14874 (B) if required by local ordinance; and

14875 (iii) on any other day after 1 a.m. and before 10 a.m.

14876 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer



- 14877 Licenses, for on-premise beer licenses.
- 14878 (c) (i) Notwithstanding Subsections (28)(a) and (b), a private club shall remain open
- 14879 for one hour after the private club ceases the sale and service of alcoholic beverages during
- 14880 which time a patron of the club may finish consuming:
- 14881 (A) any single drink containing spirituous liquor;
- 14882 (B) a single serving of wine not exceeding five ounces;
- 14883 (C) a single serving of heavy beer; or
- 14884 (D) a single serving of beer not exceeding 26 ounces.
- 14885 (ii) A club is not required to remain open:
- 14886 (A) after all patrons have vacated the premises; or
- 14887 (B) during an emergency.
- 14888 (d) Between the hours of 2 a.m. and 10 a.m. on any day a private club may not allow a
- 14889 patron to remain on the premises to consume alcoholic beverages on the premises.
- 14890 (29) Alcoholic beverages may not be sold, served, or otherwise furnished to any:
- 14891 (a) minor;
- 14892 (b) person actually, apparently, or obviously intoxicated;
- 14893 (c) known habitual drunkard; or
- 14894 (d) known interdicted person.
- 14895 (30) (a) (i) Liquor may be sold only at prices fixed by the commission.
- 14896 (ii) Liquor may not be sold at discount prices on any date or at any time.
- 14897 (b) Alcoholic beverages may not be sold at less than the cost of the alcoholic beverage
- 14898 to the licensee.
- 14899 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
- 14900 over consumption or intoxication.
- 14901 (d) The price of a single serving of a primary spirituous liquor shall be the same
- 14902 whether served as a single drink or in conjunction with another alcoholic beverage.
- 14903 (e) An alcoholic beverage may not be sold at a special or reduced price for only certain
- 14904 hours of the private club's business day such as a "happy hour."
- 14905 (f) The sale or service of more than one alcoholic beverage for the price of a single
- 14906 alcoholic beverage is prohibited.
- 14907 (g) The sale or service of an indefinite or unlimited number of alcoholic beverages

14908 during any set period for a fixed price is prohibited.

14909 (h) A private club licensee may not engage in a promotion involving or offering free  
14910 alcoholic beverages to patrons of the club.

14911 (31) Alcoholic beverages may not be purchased for a patron of the private club by:

14912 (a) the licensee; or

14913 (b) any employee or agent of the licensee.

14914 (32) (a) A person may not bring onto the premises of a private club licensee any  
14915 alcoholic beverage for on-premise consumption, except a person may bring, subject to the  
14916 discretion of the licensee, bottled wine onto the premises of any private club licensee for  
14917 on-premise consumption.

14918 (b) Except bottled wine under Subsection (32)(a), a private club or its officers,  
14919 managers, employees, or agents may not allow:

14920 (i) a person to bring onto the private club premises any alcoholic beverage for  
14921 consumption on the private club premises; or

14922 (ii) consumption of alcoholic beverages described in Subsection (32)(b)(i) on the  
14923 premises of the private club.

14924 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server  
14925 or other representative of the licensee upon entering the private club.

14926 (d) A wine service may be performed and a service charge assessed by the private club  
14927 as authorized by commission rule for wine carried in by a patron.

14928 (33) (a) Except as provided in Subsection (33)(b), a private club and its employees may  
14929 not permit a patron of the club to carry from the club premises an open container that:

14930 (i) is used primarily for drinking purposes; and

14931 (ii) contains any alcoholic beverage.

14932 (b) A patron may remove the unconsumed contents of a bottle of wine if before  
14933 removal the bottle has been recorked or recapped.

14934 (34) (a) A minor may not be employed by any class A, B, or C private club to sell,  
14935 dispense, or handle any alcoholic beverage.

14936 (b) Notwithstanding Subsection (34)(a), a minor may be employed by a class A or C  
14937 private club to enter the sale at a cash register or other sales recording device.

14938 (c) Except to the extent authorized in Subsection (8)(c), a minor may not be employed

14939 by or be on the premises of any class D private club.

14940 (d) A minor may not be employed to work in any lounge or bar area of any class A, B,  
14941 or C private club.

14942 (35) An employee of a private club, while on duty, may not:

14943 (a) consume an alcoholic beverage; or

14944 (b) be intoxicated.

14945 (36) (a) A private club may not charge for the service or supply of glasses, ice, or  
14946 mixers unless:

14947 (i) the charges are fixed in the house rules of the club; and

14948 (ii) a copy of the house rules is kept on the club premises and available at all times for  
14949 examination by patrons of the club.

14950 (b) A charge or fee made in connection with the sale, service, or consumption of liquor  
14951 may be stated in food or alcoholic beverage menus including:

14952 (i) a set-up charge;

14953 (ii) a service charge; or

14954 (iii) a chilling fee.

14955 (37) Each private club licensee shall display in a prominent place in the private club:

14956 (a) the private club license that is issued by the department;

14957 (b) a list of the types and brand names of liquor being served through its calibrated  
14958 metered dispensing system; and

14959 (c) a sign in large letters stating: "Warning: Driving under the influence of alcohol or  
14960 drugs is a serious crime that is prosecuted aggressively in Utah."

14961 (38) The following acts or conduct in a private club licensed under this chapter are  
14962 considered contrary to the public welfare and morals, and are prohibited upon the premises:

14963 (a) employing or using any person in the sale or service of alcoholic beverages while  
14964 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the  
14965 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
14966 buttocks, vulva, or genitals;

14967 (b) employing or using the services of any person to mingle with the patrons while the  
14968 person is unclothed or in attire, costume, or clothing described in Subsection (38)(a);

14969 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,

14970 buttocks, anus, or genitals of any other person;

14971 (d) permitting any employee or person to wear or use any device or covering, exposed  
14972 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

14973 (e) permitting any person to use artificial devices or inanimate objects to depict any of  
14974 the prohibited activities described in this Subsection (38);

14975 (f) permitting any person to remain in or upon the premises who exposes to public  
14976 view any portion of his or her genitals or anus; or

14977 (g) showing films, still pictures, electronic reproductions, or other visual reproductions  
14978 depicting:

14979 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral  
14980 copulation, flagellation, or any sexual acts prohibited by Utah law;

14981 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or  
14982 genitals;

14983 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or  
14984 drawings are used to portray, any of the prohibited activities described in this Subsection (38);  
14985 or

14986 (iv) scenes wherein a person displays the vulva or the anus or the genitals.

14987 (39) Nothing in Subsection (38) precludes a local authority from being more restrictive  
14988 of acts or conduct of the type prohibited in Subsection (38).

14989 (40) (a) Although live entertainment is permitted on the premises of a club liquor  
14990 licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by  
14991 Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation,  
14992 flagellation, or the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or  
14993 the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon  
14994 a stage or at a designated area approved by the commission.

14995 (b) Nothing in Subsection (40)(a) precludes a local authority from being more  
14996 restrictive of acts or conduct of the type prohibited in Subsection (40)(a).

14997 (41) A private club may not engage in or permit any form of gambling, or have any  
14998 video gaming device, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling, on  
14999 the premises of the private club.

15000 (42) (a) A private club may not close or cease operation for a period longer than 240

15001 hours, unless:

15002 (i) the private club licensee notifies the department in writing at least seven days before

15003 the closing; and

15004 (ii) the closure or cessation of operation is first approved by the department.

15005 (b) Notwithstanding Subsection (42)(a), in the case of emergency closure, immediate

15006 notice of closure shall be made to the department by telephone.

15007 (c) The department may authorize a closure or cessation of operation for a period not to

15008 exceed 60 days. The department may extend the initial period an additional 30 days upon

15009 written request of the private club and upon a showing of good cause. A closure or cessation of

15010 operation may not exceed a total of 90 days without commission approval.

15011 (d) The notice required by Subsection (42)(a) shall include:

15012 (i) the dates of closure or cessation of operation;

15013 (ii) the reason for the closure or cessation of operation; and

15014 (iii) the date on which the licensee will reopen or resume operation.

15015 (e) Failure of the licensee to provide notice and to obtain department authorization

15016 prior to closure or cessation of operation shall result in an automatic forfeiture of:

15017 (i) the license; and

15018 (ii) the unused portion of the license fee for the remainder of the license year effective

15019 immediately.

15020 (f) Failure of the licensee to reopen or resume operation by the approved date shall

15021 result in an automatic forfeiture of:

15022 (i) the license; and

15023 (ii) the unused portion of the club's license fee for the remainder of the license year.

15024 (43) A private club license may not be transferred from one location to another,

15025 without prior written approval of the commission.

15026 (44) (a) A private club licensee, may not sell, transfer, assign, exchange, barter, give, or

15027 attempt in any way to dispose of the license to any other person, whether for monetary gain or

15028 not.

15029 (b) A private club license has no monetary value for the purpose of any type of

15030 disposition.

15031 Section 396. Section **34-30-14** is amended to read:

15032 **34-30-14. Public works -- Wages.**

15033 (1) For purposes of this section:

15034 (a) "Political subdivision" means a county, city, town, school district, ~~[special]~~ local  
15035 district, special service district, public corporation, institution of higher education of the state,  
15036 public agency of any political subdivision, or other entity that expends public funds for  
15037 construction, maintenance, repair or improvement of public works.

15038 (b) "Public works" or "public works project" means a building, road, street, sewer,  
15039 storm drain, water system, irrigation system, reclamation project, or other facility owned or to  
15040 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in  
15041 part with tax revenue paid by residents of the state.

15042 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,  
15043 the state or any political subdivision that contracts for the construction, maintenance, repair, or  
15044 improvement of public works may not require that a contractor, subcontractor, or material  
15045 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public  
15046 works pay its employees:

15047 (i) a predetermined amount of wages or wage rate; or

15048 (ii) a type, amount, or rate of employee benefits.

15049 (b) Subsection (2)(a) does not apply when federal law requires the payment of  
15050 prevailing or minimum wages to persons working on projects funded in whole or in part by  
15051 federal funds.

15052 (3) The state or any political subdivision that contracts for the construction,  
15053 maintenance, repair, or improvement of public works may not require that a contractor,  
15054 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair  
15055 or improvement of public works execute or otherwise become a party to any project labor  
15056 agreement, collective bargaining agreement, prehire agreement, or any other agreement with  
15057 employees, their representatives, or any labor organization as a condition of bidding,  
15058 negotiating, being awarded, or performing work on a public works project.

15059 (4) This section applies to any contract executed after May 1, 1995.

15060 Section 397. Section **34-32-1.1** is amended to read:

15061 **34-32-1.1. Prohibiting public employers from making payroll deductions for**  
15062 **political purposes.**

15063 (1) As used in this section:

15064 (a) (i) "Labor organization" means a lawful organization of any kind that is composed,  
15065 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing  
15066 with employers concerning grievances, labor disputes, wages, rates of pay, hours of  
15067 employment, or other terms and conditions of employment.

15068 (ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each  
15069 employee association and union for public employees.

15070 (iii) "Labor organization" does not include organizations governed by the National  
15071 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151  
15072 et seq.

15073 (b) "Political purposes" means an act done with the intent or in a way to influence or  
15074 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
15075 against any candidate for public office at any caucus, political convention, primary, or election.

15076 (c) "Public employee" means a person employed by:

15077 (i) the state of Utah or any administrative subunit of the state;

15078 (ii) a state institution of higher education; or

15079 (iii) a municipal corporation, a county, a municipality, a school district, a [~~special~~]  
15080 local district, a special service district, or any other political subdivision of the state.

15081 (d) "Public employer" means an employer that is:

15082 (i) the state of Utah or any administrative subunit of the state;

15083 (ii) a state institution of higher education; or

15084 (iii) a municipal corporation, a county, a municipality, a school district, a [~~special~~]  
15085 local district, a special service district, or any other political subdivision of the state.

15086 (e) "Union dues" means dues, fees, assessments, or other monies required as a  
15087 condition of membership or participation in a labor organization.

15088 (2) A public employer may not deduct from the wages of its employees any amounts to  
15089 be paid to:

15090 (a) a candidate as defined in Section 20A-11-101;

15091 (b) a personal campaign committee as defined in Section 20A-11-101;

15092 (c) a political action committee as defined in Section 20A-11-101;

15093 (d) a political issues committee as defined in Section 20A-11-101;

- 15094 (e) a registered political party as defined in Section 20A-11-101;
- 15095 (f) a political fund as defined in Section 20A-11-1402; or
- 15096 (g) any entity established by a labor organization to solicit, collect, or distribute monies
- 15097 primarily for political purposes as defined in this chapter.

15098 (3) The attorney general may bring an action to require a public employer to comply  
15099 with the requirements of this section.

15100 Section 398. Section **34-41-101** is amended to read:

15101 **34-41-101. Definitions.**

15102 As used in this chapter:

15103 (1) "Drug" means any substance recognized as a drug in the United States  
15104 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug  
15105 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to  
15106 any of those compendia.

15107 (2) "Drug testing" means the scientific analysis for the presence of drugs or their  
15108 metabolites in the human body in accordance with the definitions and terms of this chapter.

15109 (3) "Local governmental employee" means any person or officer in the service of a  
15110 local governmental entity or state institution of higher education for compensation.

15111 (4) (a) "Local governmental entity" means any political subdivision of Utah including  
15112 any county, municipality, local school district, [~~special~~] local district, special service district, or  
15113 any administrative subdivision of those entities.

15114 (b) "Local governmental entity" does not mean Utah state government or its  
15115 administrative subdivisions provided for in Sections 67-19-33 through 67-19-38.

15116 (5) "Periodic testing" means preselected and preannounced drug testing of employees  
15117 or volunteers conducted on a regular schedule.

15118 (6) "Prospective employee" means any person who has made a written or oral  
15119 application to become an employee of a local governmental entity or a state institution of  
15120 higher education.

15121 (7) "Random testing" means the unannounced drug testing of an employee or volunteer  
15122 who was selected for testing by using a method uninfluenced by any personal characteristics  
15123 other than job category.

15124 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the



15125 recorded specific facts and reasonable inferences drawn from those facts that a local  
15126 government employee or volunteer is in violation of the drug-free workplace policy.

15127 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as  
15128 part of a program of counseling, education, and treatment of an employee or volunteer in  
15129 conjunction with the drug-free workplace policy.

15130 (10) "Safety sensitive position" means any local governmental or state institution of  
15131 higher education position involving duties which directly affects the safety of governmental  
15132 employees, the general public, or positions where there is access to controlled substances, as  
15133 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of  
15134 performing job duties.

15135 (11) "Sample" means urine, blood, breath, saliva, or hair.

15136 (12) "State institution of higher education" means the institution as defined in Section  
15137 53B-3-102.

15138 (13) "Volunteer" means any person who donates services as authorized by the local  
15139 governmental entity or state institution of higher education without pay or other compensation  
15140 except expenses actually and reasonably incurred.

15141 Section 399. Section **36-12-13** is amended to read:

15142 **36-12-13. Office of Legislative Fiscal Analyst established -- Powers, functions,**  
15143 **and duties -- Qualifications.**

15144 (1) There is established an Office of Legislative Fiscal Analyst as a permanent staff  
15145 office for the Legislature.

15146 (2) The powers, functions, and duties of the Office of Legislative Fiscal Analyst under  
15147 the supervision of the fiscal analyst are:

15148 (a) to analyze in detail the executive budget before the convening of each legislative  
15149 session and make recommendations to the Legislature on each item or program appearing in  
15150 the executive budget;

15151 (b) to prepare cost estimates on all proposed bills that anticipate state government  
15152 expenditures;

15153 (c) to prepare cost estimates on all proposed bills that anticipate expenditures by  
15154 county, municipal, [~~or special~~] local district, or special service district governments;

15155 (d) to prepare cost estimates on all proposed bills that anticipate direct expenditures by

15156 any Utah resident, and the cost to the overall impacted Utah resident population;

15157 (e) to prepare a review and analysis of revenue estimates for existing and proposed  
15158 revenue acts;

15159 (f) to report instances in which the administration may be failing to carry out the  
15160 expressed intent of the Legislature;

15161 (g) to direct attention to each new proposed service contained in the governor's budget;

15162 (h) to direct attention to each budget item previously denied by the Legislature;

15163 (i) to propose and analyze statutory changes for more effective operational economies  
15164 or more effective administration;

15165 (j) to prepare, after each session of the Legislature, a summary showing the effect of  
15166 the final legislative program on the financial condition of the state;

15167 (k) to conduct organizational and management improvement studies;

15168 (l) to prepare and deliver upon request of any interim committee or the Legislative  
15169 Management Committee, reports on the finances of the state and on anticipated or proposed  
15170 requests for appropriations;

15171 (m) to recommend areas for research studies by the executive department or the interim  
15172 committees;

15173 (n) to assist in prescribing the format for the presentation of the governor's budget to  
15174 facilitate program and in-depth review of state expenditures in accordance with Sections  
15175 63-38-14 and 63-38-15;

15176 (o) to recommend to the appropriations subcommittees the agencies or programs for  
15177 which an in-depth budget review should be requested, and to recommend to the Legislative  
15178 Management Committee the priority in which the request should be made;

15179 (p) to appoint and develop a professional staff within budget limitations; and

15180 (q) to prepare and submit the annual budget request for the office.

15181 (3) The legislative fiscal analyst shall have a master's degree in public administration,  
15182 political science, economics, accounting, or the equivalent in academic or practical experience.

15183 (4) In carrying out the duties provided for in this section, the legislative fiscal analyst  
15184 may obtain access to all records, documents, and reports necessary to the scope of his duties  
15185 according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.  
15186 Section 400. Section **49-11-102** is amended to read:

15187 **49-11-102. Definitions.**

15188 As used in this title:

15189 (1) (a) "Active member" means a member who is employed or who has been employed  
15190 by a participating employer within the previous 120 days.

15191 (b) "Active member" does not include retirees.

15192 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the  
15193 basis of mortality tables as recommended by the actuary and adopted by the executive director,  
15194 including regular interest.15195 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and  
15196 adopted by the board upon which the funding of system costs and benefits are computed.

15197 (4) "Agency" means:

15198 (a) a department, division, agency, office, authority, commission, board, institution, or  
15199 hospital of the state;15200 (b) a county, municipality, school district, ~~[or special]~~ local district, or special service  
15201 district;

15202 (c) a state college or university; or

15203 (d) any other participating employer.

15204 (5) "Allowance" means the pension plus the annuity, including any cost of living or  
15205 other authorized adjustments to the pension and annuity.15206 (6) "Alternate payee" means a member's former spouse or family member eligible to  
15207 receive payments under a Domestic Relations Order in compliance with Section 49-11-612.

15208 (7) "Annuity" means monthly payments derived from member contributions.

15209 (8) "Appointive officer" means an employee appointed to a position for a definite and  
15210 fixed term of office by official and duly recorded action of a participating employer whose  
15211 appointed position is designated in the participating employer's charter, creation document, or  
15212 similar document, and who earns during the first full month of the term of office \$500 or more,  
15213 indexed as of January 1, 1990, as provided in Section 49-12-407.15214 (9) "Beneficiary" means any person entitled to receive a payment under this title  
15215 through a relationship with or designated by a member, participant, covered individual, or  
15216 alternate payee of a defined contribution plan.

15217 (10) "Board" means the Utah State Retirement Board established under Section

15218 49-11-202.

15219 (11) "Board member" means a person serving on the Utah State Retirement Board as  
15220 established under Section 49-11-202.

15221 (12) "Contributions" means the total amount paid by the participating employer and the  
15222 member into a system or to the Utah Governors' and Legislators' Retirement Plan under  
15223 Chapter 19, Utah Governor's and Legislators' Retirement Act.

15224 (13) "Council member" means a person serving on the Membership Council  
15225 established under Section 49-11-202.

15226 (14) "Covered individual" means any individual covered under Chapter 20, Public  
15227 Employees' Benefit and Insurance Program Act.

15228 (15) "Current service" means covered service as defined in Chapters 12, 13, 14, 15, 16,  
15229 17, 18, and 19.

15230 (16) "Defined contribution" or "defined contribution plan" means any defined  
15231 contribution plan authorized under the Internal Revenue Code and administered by the board.

15232 (17) "Educational institution" means a political subdivision or instrumentality of the  
15233 state or a combination thereof primarily engaged in educational activities or the administration  
15234 or servicing of educational activities, including:

15235 (a) the State Board of Education and its instrumentalities;

15236 (b) any institution of higher education and its branches;

15237 (c) any school district and its instrumentalities;

15238 (d) any vocational and technical school; and

15239 (e) any entity arising out of a consolidation agreement between entities described under  
15240 this Subsection (17).

15241 (18) (a) "Employer" means any department, educational institution, or political  
15242 subdivision of the state eligible to participate in a government-sponsored retirement system  
15243 under federal law.

15244 (b) "Employer" may also include an agency financed in whole or in part by public  
15245 funds.

15246 (19) "Exempt employee" means an employee working for a participating employer:

15247 (a) who is not eligible for service credit under Section 49-12-203, 49-13-203,

15248 49-14-203, 49-15-203, or 49-16-203; and

15249 (b) for whom a participating employer is not required to pay contributions or  
15250 nonelective contributions.

15251 (20) "Final average monthly salary" means the amount computed by dividing the  
15252 compensation received during the final average salary period under each system by the number  
15253 of months in the final average salary period.

15254 (21) "Fund" means any fund created under this title for the purpose of paying benefits  
15255 or costs of administering a system, plan, or program.

15256 (22) (a) "Inactive member" means a member who has not been employed by a  
15257 participating employer for a period of at least 120 days.

15258 (b) "Inactive member" does not include retirees.

15259 (23) (a) "Member" means a person, except a retiree, with contributions on deposit with  
15260 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, or with a  
15261 terminated system.

15262 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)  
15263 of the Internal Revenue Code, if the employees have contributions on deposit with the office.  
15264 If leased employees constitute less than 20% of the participating employer's work force that is  
15265 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,  
15266 "member" does not include leased employees covered by a plan described in Section 414(n)(5)  
15267 of the federal Internal Revenue Code.

15268 (24) "Member contributions" means the sum of the contributions paid to a system or  
15269 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a  
15270 system, and which are made by:

15271 (a) the member; and

15272 (b) the participating employer on the member's behalf under Section 414(h) of the  
15273 Internal Revenue Code.

15274 (25) "Nonelective contribution" means an amount contributed by a participating  
15275 employer into a participant's defined contribution account.

15276 (26) "Office" means the Utah State Retirement Office.

15277 (27) "Participant" means an individual with voluntary deferrals or nonelective  
15278 contributions on deposit with the defined contribution plans administered under this title.

15279 (28) "Participating employer" means a participating employer, as defined by Chapters

15280 12, 13, 14, 15, 16, 17, and 18, or an agency financed in whole or in part by public funds which  
15281 is participating in a system or plan as of January 1, 2002.

15282 (29) "Pension" means monthly payments derived from participating employer  
15283 contributions.

15284 (30) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by  
15285 Chapter 19 or the defined contribution plans created under Section 49-11-801.

15286 (31) (a) "Political subdivision" means any local government entity, including cities,  
15287 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally  
15288 separate and distinct from the state and only if its employees are not by virtue of their  
15289 relationship to the entity employees or the state.

15290 (b) "Political subdivision" includes [~~special~~] local districts, special service districts, or  
15291 authorities created by the Legislature or by local governments, including the office.

15292 (c) "Political subdivision" does not include a project entity created under Title 11,  
15293 Chapter 13, Interlocal Cooperation Act.

15294 (32) "Program" means the Public Employees' Insurance Program created under Chapter  
15295 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'  
15296 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term  
15297 Disability Act.

15298 (33) "Public funds" means those funds derived, either directly or indirectly, from public  
15299 taxes or public revenue, dues or contributions paid or donated by the membership of the  
15300 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,  
15301 the governmental, educational, and social programs and systems of the state or its political  
15302 subdivisions.

15303 (34) "Refund interest" means the amount accrued on member contributions at a rate  
15304 adopted by the board.

15305 (35) "Retiree" means an individual who has qualified for an allowance under this title.

15306 (36) "Retirement" means the status of an individual who has become eligible, applies  
15307 for, and is entitled to receive an allowance under this title.

15308 (37) "Retirement date" means the date selected by the member on which the member's  
15309 retirement becomes effective with the office.

15310 (38) "Service credit" means:

15311 (a) the period during which an employee is employed and compensated by a  
15312 participating employer and meets the eligibility requirements for membership in a system or the  
15313 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are  
15314 paid to the office; and

15315 (b) periods of time otherwise purchasable under this title.

15316 (39) "System" means the individual retirement systems created by Chapters 12, 13, 14,  
15317 15, 16, 17, and 18.

15318 (40) "Voluntary deferrals" means an amount contributed by a participant into that  
15319 participant's defined contribution account.

15320 Section 401. Section **51-4-2** is amended to read:

15321 **51-4-2. Deposits by political subdivisions.**

15322 (1) As used in this section:

15323 (a) "Officer" means each:

15324 (i) county treasurer, county auditor, county assessor, county clerk, clerk of the district  
15325 court, city treasurer, city clerk, justice court judge; and

15326 (ii) other officer of a political subdivision.

15327 (b) "Political subdivision" means a county, city, town, school district, ~~[and special]~~  
15328 local district, and special service district.

15329 (2) (a) Each officer shall deposit all public funds daily whenever practicable but not  
15330 later than three days after receipt.

15331 (b) Each officer shall deposit all public funds only in qualified depositories unless the  
15332 public funds need to be deposited in a bank outside Utah in order to provide for:

15333 (i) payment of maturing bonds or other evidences of indebtedness; or

15334 (ii) payment of the interest on bonds or other evidences of indebtedness.

15335 (3) (a) (i) Each officer shall require all checks to be made payable to the office of the  
15336 officer receiving funds or to the political subdivision's treasurer.

15337 (ii) An officer may not accept a check unless it is made payable to the office of the  
15338 officer receiving funds or to the political subdivision's treasurer.

15339 (b) Each officer shall deposit all monies he collects into an account controlled by his  
15340 political subdivision's treasurer.

15341 (4) (a) Except as provided in Subsection (4)(b) and unless a shorter time for depositing

15342 funds is otherwise required by law, each political subdivision that has collected funds that are  
15343 due to the state or to another political subdivision of the state shall, on or before the tenth day  
15344 of each month, pay all of those funds that were received during the last month:

- 15345 (i) to a qualified depository for the credit of the appropriate public treasurer; or
- 15346 (ii) to the appropriate public treasurer.

15347 (b) Property tax collections shall be apportioned and paid according to Section  
15348 59-2-1365.

15349 Section 402. Section **52-4-203** is amended to read:

15350 **52-4-203. Minutes of open meetings -- Public records -- Recording of meetings.**

15351 (1) Except as provided under Subsection (7), written minutes and a recording shall be  
15352 kept of all open meetings. The minutes and a recording shall include:

- 15353 (a) the date, time, and place of the meeting;
- 15354 (b) the names of members present and absent;
- 15355 (c) the substance of all matters proposed, discussed, or decided;
- 15356 (d) a record, by individual member, of votes taken;
- 15357 (e) the name of each person who provided testimony and the substance in brief of their  
15358 testimony; and
- 15359 (f) any other information that any member requests be entered in the minutes or  
15360 recording.

15361 (2) A recording of an open meeting shall be a complete and unedited record of all open  
15362 portions of the meeting from the commencement of the meeting through adjournment of the  
15363 meeting.

15364 (3) (a) The minutes and recordings of an open meeting are public records and shall be  
15365 available within a reasonable time after the meeting.

15366 (b) An open meeting record kept only by a recording must be converted to written  
15367 minutes within a reasonable time upon request.

15368 (4) All or any part of an open meeting may be independently recorded by any person in  
15369 attendance if the recording does not interfere with the conduct of the meeting.

15370 (5) Minutes or recordings of an open meeting that is required to be retained  
15371 permanently shall be maintained in or converted to a format that meets long-term records  
15372 storage requirements.



15373 (6) Written minutes and recordings of open meetings are public records under Title 63,  
 15374 Chapter 2, Government Records Access and Management Act, but written minutes shall be the  
 15375 official record of action taken at the meeting.

15376 (7) Either written minutes or a recording shall be kept of:

15377 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by  
 15378 the public body; and

15379 (b) an open meeting of [~~an independent special district as defined under Title 17A,~~  
 15380 ~~Special Districts, or~~] a local district under Title 17B, [~~Chapter 2, Local Districts,~~] Limited  
 15381 Purpose Local Government Entities - Local Districts, or special service district under Title  
 15382 17A, Chapter 2, Part 13, Utah Special Service District Act, if the district's annual budgeted  
 15383 expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

15384 Section 403. Section **53-3-207** is amended to read:

15385 **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
 15386 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
 15387 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

15388 (1) As used in this section:

15389 (a) "driving privilege" means the privilege granted under this chapter to drive a motor  
 15390 vehicle;

15391 (b) "driving privilege card" means the evidence of the privilege granted and issued  
 15392 under this chapter to drive a motor vehicle;

15393 (c) "governmental entity" means the state and its political subdivisions as defined in  
 15394 this Subsection (1);

15395 (d) "political subdivision" means any county, city, town, school district, public transit  
 15396 district, [~~redevelopment~~] community development and renewal agency, special improvement or  
 15397 taxing district, [~~special~~] local district, special service district, an entity created by an interlocal  
 15398 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
 15399 governmental subdivision or public corporation; and

15400 (e) "state" means this state, and includes any office, department, agency, authority,  
 15401 commission, board, institution, hospital, college, university, children's justice center, or other  
 15402 instrumentality of the state.

15403 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a

15404 license certificate or a driving privilege card indicating the type or class of motor vehicle the  
15405 person may drive.

15406 (b) A person may not drive a class of motor vehicle unless granted the privilege in that  
15407 class.

15408 (3) (a) Every license certificate or driving privilege card shall bear:

15409 (i) the distinguishing number assigned to the person by the division;

15410 (ii) the name, birth date, and Utah residence address of the person;

15411 (iii) a brief description of the person for the purpose of identification;

15412 (iv) any restrictions imposed on the license under Section 53-3-208;

15413 (v) a photograph of the person;

15414 (vi) a photograph or other facsimile of the person's signature; and

15415 (vii) an indication whether the person intends to make an anatomical gift under Title  
15416 26, Chapter 28, Uniform Anatomical Gift Act, unless the driving privilege is extended under  
15417 Subsection 53-3-214(3).

15418 (b) A new license certificate issued by the division may not bear the person's Social  
15419 Security number.

15420 (c) (i) The license certificate or driving privilege card shall be of an impervious  
15421 material, resistant to wear, damage, and alteration.

15422 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the license  
15423 certificate or driving privilege card shall be as prescribed by the commissioner.

15424 (iii) The commissioner may also prescribe the issuance of a special type of limited  
15425 license certificate or driving privilege card under Subsection 53-3-220(4) and may authorize  
15426 the issuance of a renewed or duplicate license certificate or driving privilege card without a  
15427 picture if the applicant is not then living in the state.

15428 (4) (a) (i) The division upon determining after an examination that an applicant is  
15429 mentally and physically qualified to be granted a driving privilege may issue to an applicant a  
15430 receipt for the fee.

15431 (ii) The receipt serves as a temporary license certificate or temporary driving privilege  
15432 card allowing the person to drive a motor vehicle while the division is completing its  
15433 investigation to determine whether the person is entitled to be granted a driving privilege.

15434 (b) The receipt shall be in the person's immediate possession while driving a motor

15435 vehicle, and it is invalid when the person's license certificate or driving privilege card has been  
15436 issued or when, for good cause, the privilege has been refused.

15437 (c) The division shall indicate on the receipt a date after which it is not valid as a  
15438 license certificate or driving privilege card.

15439 (5) (a) The division shall distinguish learner permits, temporary permits, license  
15440 certificates, and driving privilege cards issued to any person younger than 21 years of age by  
15441 use of plainly printed information or the use of a color or other means not used for other license  
15442 certificates or driving privilege cards.

15443 (b) The division shall distinguish a license certificate or driving privilege card issued to  
15444 any person:

15445 (i) younger than 21 years of age by use of a portrait-style format not used for other  
15446 license certificates or driving privilege cards and by plainly printing the date the license  
15447 certificate or driving privilege card holder is 21 years of age, which is the legal age for  
15448 purchasing an alcoholic beverage or product under Section 32A-12-203; and

15449 (ii) younger than 19 years of age, by plainly printing the date the license certificate or  
15450 driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco  
15451 products under Section 76-10-104.

15452 (6) (a) The division shall only issue a driving privilege card to a person whose privilege  
15453 was obtained without using a Social Security number as required under Subsection  
15454 53-3-205(9).

15455 (b) The division shall distinguish a driving privilege card from a license certificate by:

15456 (i) use of a format, color, font, or other means; and

15457 (ii) clearly displaying on the front of the driving privilege card a phrase substantially  
15458 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

15459 (7) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary  
15460 permit, or any other temporary permit or receipt issued by the division.

15461 (8) The division shall issue temporary license certificates or temporary driving  
15462 privilege cards of the same nature, except as to duration, as the license certificates or driving  
15463 privilege cards that they temporarily replace, as are necessary to implement applicable  
15464 provisions of this section and Section 53-3-223.

15465 (9) A governmental entity may not accept a driving privilege card as proof of personal

15466 identification.

15467 (10) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

15468 (11) Except as provided under this section, the provisions, requirements, classes,  
15469 endorsements, fees, restrictions, and sanctions under this code apply to a:

15470 (a) driving privilege in the same way as a license issued under this chapter; and

15471 (b) driving privilege card in the same way as a license certificate issued under this  
15472 chapter.

15473 Section 404. Section **53-7-104** is amended to read:

15474 **53-7-104. Enforcement of rules -- Division of authority and responsibility.**

15475 (1) The authority and responsibility for enforcing rules made under this chapter is  
15476 divided as provided in this section.

15477 (2) The fire officers of any city or county shall enforce the rules of the state fire  
15478 marshal in their respective areas.

15479 (3) The state fire marshal may enforce the rules in:

15480 (a) areas outside of corporate cities, fire protection districts, and [~~special~~] other local  
15481 districts or special service districts organized for fire protection purposes; and

15482 (b) state-owned property, school district owned property, and privately owned property  
15483 used for schools located within corporate cities and county fire protection districts, asylums,  
15484 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,  
15485 children's homes or institutions, or similar institutional type occupancy of any capacity.

15486 (4) The state fire marshal may enforce the rules in corporate cities, counties, [~~and~~] fire  
15487 protection districts, and special service districts organized for fire protection purposes upon  
15488 receiving a request from the chief fire official or the local governing body.

15489 Section 405. Section **53-10-605** is amended to read:

15490 **53-10-605. Use of money in fund -- Criteria -- Administration.**

15491 (1) Subject to an annual legislative appropriation from the fund to:

15492 (a) the committee, the committee shall:

15493 (i) authorize the use of the money in the fund, by grant to a local entity or state agency  
15494 in accordance with this Subsection (1) and Subsection (2);

15495 (ii) grant to state agencies and local entities an amount not to exceed the per month fee  
15496 levied on telephone services under Section 69-2-5.6 for installation, implementation, and

15497 maintenance of unified, statewide 911 emergency services and technology; and  
15498 (iii) in addition to any money under Subsection (1)(a)(ii), grant to counties of the third  
15499 through sixth class the amount dedicated for rural assistance, which is at least 3 cents per  
15500 month levied on telephone services under Section 69-2-5.6 to:

15501 (A) enhance the 911 emergency services with a focus on areas or counties that do not  
15502 have E-911 services; and

15503 (B) where needed, assist the counties, in cooperation with private industry, with the  
15504 creation or integration of wireless systems and location technology in rural areas of the state;  
15505 and

15506 (b) the committee, the committee shall:

15507 (i) include reimbursement to a provider of radio communications service, as defined in  
15508 Section 69-2-2, for costs as provided in Subsections (1)(b)(ii) and (iii);

15509 (ii) an agreement to reimburse costs to a provider of radio communications services  
15510 must be a written agreement among the committee, the local public safety answering point and  
15511 the carrier; and

15512 (iii) shall include reimbursement to the provider for the cost of design, development,  
15513 and implementation of equipment or software necessary to provide Phase I, wireless E-911  
15514 service to public service answering points, provided:

15515 (A) the reimbursement under this Subsection (1)(b) does not exceed the amount  
15516 allowed by Subsection 53-10-602(3);

15517 (B) the provider submits an invoice for the reimbursement to the committee; and

15518 (C) the provider has not been reimbursed by the consumer for the costs submitted to  
15519 the committee; and

15520 (c) the state's Automated Geographic Reference Center in the Division of Integrated  
15521 Technology of the Department of Technology Services, an amount equal to 1 cent per month  
15522 levied on telephone services under Section 69-2-5.6 shall be used to enhance and upgrade  
15523 statewide digital mapping standards.

15524 (2) (a) Beginning July 1, 2007, the committee may not grant the money in the fund to a  
15525 local entity unless the local entity is in compliance with Phase I, wireless E-911 service.

15526 (b) Beginning July 1, 2009, the committee may not grant money in the fund to a local  
15527 entity unless the local entity is in compliance with Phase II, wireless E-911 service.

15528 (3) A local entity must deposit any money it receives from the committee into a special  
15529 emergency telephone service fund in accordance with Subsection 69-2-5(4).

15530 (4) For purposes of this part, "local entity" means a county, city, town, [~~special~~  
15531 ~~district,~~] local district, special service district, or interlocal entity created under Title 11,  
15532 Chapter 13, Interlocal Cooperation Act.

15533 Section 406. Section **53-13-103** is amended to read:

15534 **53-13-103. Law enforcement officer.**

15535 (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an  
15536 employee of a law enforcement agency that is part of or administered by the state or any of its  
15537 political subdivisions, and whose primary and principal duties consist of the prevention and  
15538 detection of crime and the enforcement of criminal statutes or ordinances of this state or any of  
15539 its political subdivisions.

15540 (b) "Law enforcement officer" specifically includes the following:

15541 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any  
15542 county, city, or town;

15543 (ii) the commissioner of public safety and any member of the Department of Public  
15544 Safety certified as a peace officer;

15545 (iii) all persons specified in Sections 23-20-1.5 and 63-11-17.2;

15546 (iv) any police officer employed by any college or university;

15547 (v) investigators for the Motor Vehicle Enforcement Division;

15548 (vi) special agents or investigators employed by the attorney general, district attorneys,  
15549 and county attorneys;

15550 (vii) employees of the Department of Natural Resources designated as peace officers by  
15551 law;

15552 (viii) school district police officers as designated by the board of education for the  
15553 school district;

15554 (ix) the executive director of the Department of Corrections and any correctional  
15555 enforcement or investigative officer designated by the executive director and approved by the  
15556 commissioner of public safety and certified by the division;

15557 (x) correctional enforcement, investigative, or adult probation and parole officers  
15558 employed by the Department of Corrections serving on or before July 1, 1993;

15559 (xi) members of a law enforcement agency established by a private college or  
 15560 university provided that the college or university has been certified by the commissioner of  
 15561 public safety according to rules of the Department of Public Safety;

15562 (xii) airport police officers of any airport owned or operated by the state or any of its  
 15563 political subdivisions; and

15564 (xiii) transit police officers designated under Section [~~17A-2-1062~~] 17B-2a-823.

15565 (2) Law enforcement officers may serve criminal process and arrest violators of any  
 15566 law of this state and have the right to require aid in executing their lawful duties.

15567 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,  
 15568 but the authority extends to other counties, cities, or towns only when the officer is acting  
 15569 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is  
 15570 employed by the state.

15571 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law  
 15572 enforcement officers may exercise their peace officer authority to a certain geographic area.

15573 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise his  
 15574 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act  
 15575 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the  
 15576 limited geographic area.

15577 (c) The authority of law enforcement officers employed by the Department of  
 15578 Corrections is regulated by Title 64, Chapter 13, Department of Corrections -- State Prison.

15579 (4) A law enforcement officer shall, prior to exercising peace officer authority,  
 15580 satisfactorily complete:

15581 (a) the basic course at a certified law enforcement officer training academy or pass a  
 15582 certification examination as provided in Section 53-6-206, and be certified; and

15583 (b) annual certified training of at least 40 hours per year as directed by the director of  
 15584 the division, with the advice and consent of the council.

15585 Section 407. Section **53A-2-123** is amended to read:

15586 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**  
 15587 **certain property.**

15588 (1) As used in this section:

15589 (a) "Affected entity" means each county, municipality, [~~independent special district~~

15590 ~~under Title 17A, Chapter 2, Independent Special Districts,]~~ local district under Title 17B,  
15591 [~~Chapter 2, Local Districts,]~~ Limited Purpose Local Government Entities - Local Districts,  
15592 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,  
15593 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
15594 and specified public utility:

15595 (i) whose services or facilities are likely to require expansion or significant  
15596 modification because of an intended use of land; or

15597 (ii) that has filed with the school district a copy of the general or long-range plan of the  
15598 county, municipality, [~~independent special district,]~~ local district, special service district,  
15599 school district, interlocal cooperation entity, or specified public utility.

15600 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
15601 telephone corporation, as those terms are defined in Section 54-2-1.

15602 (2) (a) If a school district located in a county of the first or second class prepares a  
15603 long-range plan regarding its facilities proposed for the future or amends an already existing  
15604 long-range plan, the school district shall, before preparing a long-range plan or amendments to  
15605 an existing long-range plan, provide written notice, as provided in this section, of its intent to  
15606 prepare a long-range plan or to amend an existing long-range plan.

15607 (b) Each notice under Subsection (2)(a) shall:

15608 (i) indicate that the school district intends to prepare a long-range plan or to amend a  
15609 long-range plan, as the case may be;

15610 (ii) describe or provide a map of the geographic area that will be affected by the  
15611 long-range plan or amendments to a long-range plan;

15612 (iii) be sent to:

15613 (A) each county in whose unincorporated area and each municipality in whose  
15614 boundaries is located the land on which the proposed long-range plan or amendments to a  
15615 long-range plan are expected to indicate that the proposed facilities will be located;

15616 (B) each affected entity;

15617 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

15618 (D) each association of governments, established pursuant to an interlocal agreement  
15619 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
15620 described in Subsection (2)(b)(iii)(A) is a member; and



15621 (E) the state planning coordinator appointed under Section 63-38d-202;  
15622 (iv) with respect to the notice to counties and municipalities described in Subsection  
15623 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
15624 consider in the process of preparing, adopting, and implementing the long-range plan or  
15625 amendments to a long-range plan concerning:  
15626 (A) impacts that the use of land proposed in the proposed long-range plan or  
15627 amendments to a long-range plan may have on the county, municipality, or affected entity; and  
15628 (B) uses of land that the county, municipality, or affected entity is planning or  
15629 considering that may conflict with the proposed long-range plan or amendments to a long-range  
15630 plan; and  
15631 (v) include the address of an Internet website, if the school district has one, and the  
15632 name and telephone number of a person where more information can be obtained concerning  
15633 the school district's proposed long-range plan or amendments to a long-range plan.  
15634 (3) (a) Except as provided in Subsection (3)(d), each school district intending to  
15635 acquire real property in a county of the first or second class for the purpose of expanding the  
15636 district's infrastructure or other facilities shall provide written notice, as provided in this  
15637 Subsection (3), of its intent to acquire the property if the intended use of the property is  
15638 contrary to:  
15639 (i) the anticipated use of the property under the county or municipality's general plan;  
15640 or  
15641 (ii) the property's current zoning designation.  
15642 (b) Each notice under Subsection (3)(a) shall:  
15643 (i) indicate that the school district intends to acquire real property;  
15644 (ii) identify the real property; and  
15645 (iii) be sent to:  
15646 (A) each county in whose unincorporated area and each municipality in whose  
15647 boundaries the property is located; and  
15648 (B) each affected entity.  
15649 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
15650 63-2-304(7).  
15651 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district

15652 previously provided notice under Subsection (2) identifying the general location within the  
15653 municipality or unincorporated part of the county where the property to be acquired is located.

15654 (ii) If a school district is not required to comply with the notice requirement of  
15655 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall  
15656 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of  
15657 the real property.

15658 Section 408. Section **53B-16-104** is amended to read:

15659 **53B-16-104. Restrictions on higher education entities bidding on architect or**  
15660 **engineering services in public procurement projects.**

15661 (1) As used in this section:

15662 (a) "Architect-engineer services" means those professional services within the scope of  
15663 the practice of architecture as defined in Section 58-3a-102, or professional engineering as  
15664 defined in Section 58-22-102.

15665 (b) "Government entity" means a state agency, an institution of higher education, a  
15666 county, a municipality, a local school district, ~~[or a special]~~ a local district, or a special service  
15667 district.

15668 (2) When a government entity elects to obtain architect or engineering services by  
15669 using a competitive procurement process and has provided public notice of its competitive  
15670 procurement process:

15671 (a) a higher education entity, or any part of one, may not submit a proposal in response  
15672 to the government entity's competitive procurement process; and

15673 (b) the government entity may not award a contract to perform the architect or  
15674 engineering services solicited in the competitive procurement process to a higher education  
15675 entity or any part of one.

15676 (3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a  
15677 higher education entity may, in a private capacity, submit a proposal in response to the  
15678 competitive procurement process.

15679 (b) An employee of a higher education entity may not use any supplies, materials, or  
15680 other resources owned by, or any persons matriculating at, attending, or employed by, the  
15681 higher education entity in:

15682 (i) preparing a response to the competitive procurement process; or

15683 (ii) completing any work, assignment, or contract awarded to the employee resulting  
15684 from that competitive procurement process.

15685 Section 409. Section **54-3-28** is amended to read:

15686 **54-3-28. Notice required of certain public utilities before preparing or amending**  
15687 **a long-range plan or acquiring certain property.**

15688 (1) As used in this section:

15689 (a) (i) "Affected entity" means each county, municipality, [~~independent special district~~  
15690 ~~under Title 17A, Chapter 2, Independent Special Districts;~~] local district under Title 17B,  
15691 [~~Chapter 2, Local Districts;~~] Limited Purpose Local Government Entities - Local Districts,  
15692 special service district, school district, interlocal cooperation entity established under Title 11,  
15693 Chapter 13, Interlocal Cooperation Act, and specified public utility:

15694 (A) whose services or facilities are likely to require expansion or significant  
15695 modification because of expected uses of land under a proposed long-range plan or under  
15696 proposed amendments to a long-range plan; or

15697 (B) that has filed with the specified public utility a copy of the general or long-range  
15698 plan of the county, municipality, [~~independent special district;~~] local district, special service  
15699 district, school district, interlocal cooperation entity, or specified public utility.

15700 (ii) "Affected entity" does not include the specified public utility that is required under  
15701 Subsection (2) to provide notice.

15702 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
15703 telephone corporation, as those terms are defined in Section 54-2-1.

15704 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities  
15705 proposed for the future in a county of the first or second class or amends an already existing  
15706 long-range plan, the specified public utility shall, before preparing a long-range plan or  
15707 amendments to an existing long-range plan, provide written notice, as provided in this section,  
15708 of its intent to prepare a long-range plan or to amend an existing long-range plan.

15709 (b) Each notice under Subsection (2) shall:

15710 (i) indicate that the specified public utility intends to prepare a long-range plan or to  
15711 amend a long-range plan, as the case may be;

15712 (ii) describe or provide a map of the geographic area that will be affected by the  
15713 long-range plan or amendments to a long-range plan;

15714 (iii) be sent to:

15715 (A) each county in whose unincorporated area and each municipality in whose

15716 boundaries is located the land on which the proposed long-range plan or amendments to a

15717 long-range plan are expected to indicate that the proposed facilities will be located;

15718 (B) each affected entity;

15719 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

15720 (D) each association of governments, established pursuant to an interlocal agreement

15721 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality

15722 described in Subsection (2)(b)(iii)(A) is a member; and

15723 (E) the state planning coordinator appointed under Section 63-38d-202;

15724 (iv) with respect to the notice to counties and municipalities described in Subsection

15725 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public

15726 utility to consider in the process of preparing, adopting, and implementing the long-range plan

15727 or amendments to a long-range plan concerning:

15728 (A) impacts that the use of land proposed in the proposed long-range plan or

15729 amendments to a long-range plan may have on the county, municipality, or affected entity; and

15730 (B) uses of land that the county, municipality, or affected entity is planning or

15731 considering that may conflict with the proposed long-range plan or amendments to a long-range

15732 plan; and

15733 (v) include the address of an Internet website, if the specified public utility has one, and

15734 the name and telephone number of a person where more information can be obtained

15735 concerning the specified public utility's proposed long-range plan or amendments to a

15736 long-range plan.

15737 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending

15738 to acquire real property in a county of the first or second class for the purpose of expanding its

15739 infrastructure or other facilities used for providing the services that the specified public utility

15740 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its

15741 intent to acquire the property if the intended use of the property is contrary to:

15742 (i) the anticipated use of the property under the county or municipality's general plan;

15743 or

15744 (ii) the property's current zoning designation.

15745 (b) Each notice under Subsection (3)(a) shall:

15746 (i) indicate that the specified public utility intends to acquire real property;

15747 (ii) identify the real property; and

15748 (iii) be sent to:

15749 (A) each county in whose unincorporated area and each municipality in whose

15750 boundaries the property is located; and

15751 (B) each affected entity.

15752 (c) A notice under this Subsection (3) is a protected record as provided in Subsection

15753 63-2-304(7).

15754 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified

15755 public utility previously provided notice under Subsection (2) identifying the general location

15756 within the municipality or unincorporated part of the county where the property to be acquired

15757 is located.

15758 (ii) If a specified public utility is not required to comply with the notice requirement of

15759 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility

15760 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition

15761 of the real property.

15762 Section 410. Section **54-8c-1** is amended to read:

15763 **54-8c-1. Definitions.**

15764 As used in this chapter:

15765 (1) "Authorized person" means an employee or agent:

15766 (a) of a public utility that:

15767 (i) generates, transmits, or delivers electricity; or

15768 (ii) provides and whose work relates to communication services;

15769 (b) of an industrial plant whose work relates to the electrical system of the industrial

15770 plant;

15771 (c) of a cable television or communication services company, or of a contractor of

15772 cable television or communication services company, if specifically and expressly authorized

15773 by the owner of the poles to make cable television or communication services attachments; or

15774 (d) of a state, county, or municipal agency which has or whose work relates to:

15775 (i) overhead electrical lines;

- 15776 (ii) overhead lighting systems;
- 15777 (iii) authorized overhead circuit construction;
- 15778 (iv) conductors on poles; or
- 15779 (v) structures of any type.
- 15780 (2) "Business day" means any day other than Saturday, Sunday, or a legal holiday.
- 15781 (3) "High voltage" means voltage in excess of six hundred volts measured between:
- 15782 (a) conductors; or
- 15783 (b) a conductor and the ground.
- 15784 (4) "Overhead line" means all bare or insulated electrical conductors installed above
- 15785 the ground.
- 15786 (5) "Public utility" means any entity that generates, transmits, or distributes electrical
- 15787 energy, including any:
- 15788 (a) public utility as defined in Title 54, Chapter 2;
- 15789 (b) municipality as defined in Title 10;
- 15790 (c) agricultural cooperative association as defined in Title 3;
- 15791 (d) [county] improvement district as defined in [~~Title 17A, Chapter 2, Part 3~~] Section
- 15792 17B-1-102; or
- 15793 (e) entity created pursuant to Title 11, Chapter 13.
- 15794 (6) "Responsible party" means any person who contracts to perform, is responsible for
- 15795 the performance of, or has control over, any function or activity at any location.
- 15796 Section 411. Section **54-14-103** is amended to read:
- 15797 **54-14-103. Definitions.**
- 15798 As used in this chapter:
- 15799 (1) "Actual excess cost" means the difference in cost between the standard cost of a
- 15800 facility and the actual cost of the facility, including any necessary right-of-way, as determined
- 15801 in accordance with Section 54-14-203.
- 15802 (2) "Board" means the Electrical Facility Review Board.
- 15803 (3) "Commencement of construction of a facility" includes the ordering of materials
- 15804 necessary to construct the facility.
- 15805 (4) "Estimated excess cost" means any material difference in estimated cost between
- 15806 the costs of a facility, including any necessary right-of-way, if constructed in accordance with

15807 the requirements of a local government and the standard cost of the facility.

15808 (5) "Facility" means a transmission line or a substation.

15809 (6) "Local government" means a city or town as defined in Section 10-1-104 or a  
15810 county. If a facility is proposed to be located in more than one local government jurisdiction,  
15811 "local government" may refer to one or more of the local governments in whose jurisdiction the  
15812 facility is located.

15813 (7) "Pay" includes, in reference to a local government paying the actual excess cost of a  
15814 facility, payment by:

15815 (a) a ~~[special]~~ local district ~~[created by the local government]~~ under Title 17B, Limited  
15816 Purposed Local Government Entities - Local Districts; [or]

15817 (b) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
15818 District Act; or

15819 ~~[(b)]~~ (c) a private entity other than the public utility pursuant to a regulation or decision  
15820 of the local government.

15821 (8) (a) "Standard cost" means the estimated cost of a facility, including any necessary  
15822 right-of-way, if constructed in accordance with:

15823 (i) the public utility's normal practices; and

15824 (ii) zoning, subdivision, and building code regulations of a local government, including  
15825 siting, setbacks, screening, and landscaping requirements:

15826 (A) imposed on similar land uses in the same zone; and

15827 (B) that do not impair the ability of the public utility to provide service to its customers  
15828 in a safe, reliable, adequate, and efficient manner.

15829 (b) With respect to a transmission line, standard cost is the cost of any overhead line  
15830 constructed in accordance with the public utility's normal practices.

15831 (9) (a) "Substation" means a separate space within which electric supply equipment is  
15832 located for the purpose of switching, regulating, transforming, or otherwise modifying the  
15833 characteristics of electricity, including:

15834 (i) electrical equipment such as transformers, circuit breakers, voltage regulating  
15835 equipment, buses, switches, capacitor banks, reactors, protection and control equipment, and  
15836 other related equipment;

15837 (ii) the site at which the equipment is located, any foundations, support structures,

15838 buildings, or driveways necessary to locate, operate, and maintain the equipment at the site; and

15839 (iii) the structure intended to restrict access to the equipment to qualified persons.

15840 (b) "Substation" does not include a distribution pole-mounted or pad-mounted

15841 transformer that is used for the final transformation of power to the voltage level utilized by the

15842 customer.

15843 (10) "Transmission line" means an electrical line, including structures, equipment,

15844 plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000

15845 volts or above.

15846 Section 412. Section **57-8-27** is amended to read:

15847 **57-8-27. Separate taxation.**

15848 (1) Each unit and its percentage of undivided interest in the common areas and

15849 facilities shall be considered to be a parcel and shall be subject to separate assessment and

15850 taxation by each assessing unit [~~and special~~], local district, and special service district for all

15851 types of taxes authorized by law, including ad valorem levies and special assessments. Neither

15852 the building or buildings, the property, nor any of the common areas and facilities may be

15853 considered a parcel.

15854 (2) In the event any of the interests in real property made subject to this chapter by the

15855 declaration are leasehold interests, if the lease creating these interests is of record in the office

15856 of the county recorder, if the balance of the term remaining under the lease is at least 40 years

15857 at the time the leasehold interest is made subject to this chapter, if units are situated or are to be

15858 situated on or within the real property covered by the lease, and if the lease provides that the

15859 lessee shall pay all taxes and assessments imposed by governmental authority, then until ten

15860 years prior to the date that the leasehold is to expire or until the lease is terminated, whichever

15861 first occurs, all taxes and assessments on the real property covered by the lease shall be levied

15862 against the owner of the lessee's interest. If the owner of the reversion under the lease has

15863 executed the declaration and condominium plat, until ten years prior to the date that the

15864 leasehold is to expire, or until the lease is terminated, whichever first occurs, all taxes and

15865 assessments on the real property covered by the lease shall be separately levied against the unit

15866 owners having an interest in the lease, with each unit owner for taxation purposes being

15867 considered the owner of a parcel consisting of his undivided condominium interest in the fee of

15868 the real property affected by the lease.



15869 (3) No forfeiture or sale of the improvements or the property as a whole for delinquent  
15870 real estate taxes, special assessments, or charges shall divest or in anywise affect the title to an  
15871 individual unit if the real estate taxes or duly levied share of the assessments and charges on the  
15872 individual unit are currently paid.

15873 (4) Any exemption from taxes that may exist on real property or the ownership of the  
15874 property may not be denied by virtue of the submission of the property to this chapter.

15875 (5) Timeshare interests and timeshare estates, as defined in Subsection 57-19-2(17),  
15876 may not be separately taxed but shall be valued, assessed, and taxed at the unit level. The value  
15877 of timeshare interests and timeshare estates, for purposes of ad valorem taxation, shall be  
15878 determined by valuing the real property interest associated with the timeshare interest or  
15879 timeshare estate, exclusive of the value of any intangible property and rights associated with  
15880 the acquisition, operation, ownership, and use of the timeshare interest or timeshare estate,  
15881 including the fees and costs associated with the sale of timeshare interests and timeshare estates  
15882 that exceed those fees and costs normally incurred in the sale of other similar properties, the  
15883 fees and costs associated with the operation, ownership, and use of timeshare interests and  
15884 timeshare estates, vacation exchange rights, vacation conveniences and services, club  
15885 memberships, and any other intangible rights and benefits available to a timeshare unit owner.  
15886 Nothing in this section shall be construed as requiring the assessment of any real property  
15887 interest associated with a timeshare interest or timeshare estate at less than its fair market  
15888 value. Notice of assessment, delinquency, sale, or any other purpose required by law is  
15889 considered sufficient for all purposes if the notice is given to the management committee.

15890 Section 413. Section **59-2-102** is amended to read:

15891 **59-2-102. Definitions.**

15892 As used in this chapter and title:

15893 (1) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of  
15894 engaging in dispensing activities directly affecting agriculture or horticulture with an  
15895 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or  
15896 rotorcraft's use for agricultural and pest control purposes.

15897 (2) "Air charter service" means an air carrier operation which requires the customer to  
15898 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled  
15899 trip.

15900 (3) "Air contract service" means an air carrier operation available only to customers  
15901 who engage the services of the carrier through a contractual agreement and excess capacity on  
15902 any trip and is not available to the public at large.

15903 (4) "Aircraft" is as defined in Section 72-10-102.

15904 (5) "Airline" means any air carrier operating interstate routes on a scheduled basis  
15905 which offers to fly passengers or cargo on the basis of available capacity on regularly scheduled  
15906 routes.

15907 (6) "Assessment roll" means a permanent record of the assessment of property as  
15908 assessed by the county assessor and the commission and may be maintained manually or as a  
15909 computerized file as a consolidated record or as multiple records by type, classification, or  
15910 categories.

15911 (7) "Certified revenue levy" means a property tax levy that provides the same amount  
15912 of ad valorem property tax revenue as was collected for the prior year, plus new growth, but  
15913 exclusive of revenue from collections from redemptions, interest, and penalties.

15914 (8) "County-assessed commercial vehicle" means:

15915 (a) any commercial vehicle, trailer, or semitrailer which is not apportioned under  
15916 Section 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or  
15917 property in furtherance of the owner's commercial enterprise;

15918 (b) any passenger vehicle owned by a business and used by its employees for  
15919 transportation as a company car or vanpool vehicle; and

15920 (c) vehicles which are:

15921 (i) especially constructed for towing or wrecking, and which are not otherwise used to  
15922 transport goods, merchandise, or people for compensation;

15923 (ii) used or licensed as taxicabs or limousines;

15924 (iii) used as rental passenger cars, travel trailers, or motor homes;

15925 (iv) used or licensed in this state for use as ambulances or hearses;

15926 (v) especially designed and used for garbage and rubbish collection; or

15927 (vi) used exclusively to transport students or their instructors to or from any private,  
15928 public, or religious school or school activities.

15929 (9) (a) Except as provided in Subsection (9)(b), for purposes of Section 59-2-801,  
15930 "designated tax area" means a tax area created by the overlapping boundaries of only the

15931 following taxing entities:

15932           (i) a county; and

15933           (ii) a school district.

15934           (b) Notwithstanding Subsection (9)(a), "designated tax area" includes a tax area created

15935 by the overlapping boundaries of:

15936           (i) the taxing entities described in Subsection (9)(a); and

15937           (ii) (A) a city or town if the boundaries of the school district under Subsection (9)(a)

15938 and the boundaries of the city or town are identical; or

15939           (B) a special service district if the boundaries of the school district under Subsection

15940 (9)(a) are located entirely within the special service district.

15941           (10) "Eligible judgment" means a final and unappealable judgment or order under

15942 Section 59-2-1330:

15943           (a) that became a final and unappealable judgment or order no more than 14 months

15944 prior to the day on which the notice required by Subsection 59-2-919(4) is required to be

15945 mailed; and

15946           (b) for which a taxing entity's share of the final and unappealable judgment or order is

15947 greater than or equal to the lesser of:

15948           (i) \$5,000; or

15949           (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the

15950 previous fiscal year.

15951           (11) (a) "Escaped property" means any property, whether personal, land, or any

15952 improvements to the property, subject to taxation and is:

15953           (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed

15954 to the wrong taxpayer by the assessing authority;

15955           (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to

15956 comply with the reporting requirements of this chapter; or

15957           (iii) undervalued because of errors made by the assessing authority based upon

15958 incomplete or erroneous information furnished by the taxpayer.

15959           (b) Property which is undervalued because of the use of a different valuation

15960 methodology or because of a different application of the same valuation methodology is not

15961 "escaped property."

15962           (12) "Fair market value" means the amount at which property would change hands  
15963 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell  
15964 and both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair  
15965 market value" shall be determined using the current zoning laws applicable to the property in  
15966 question, except in cases where there is a reasonable probability of a change in the zoning laws  
15967 affecting that property in the tax year in question and the change would have an appreciable  
15968 influence upon the value.

15969           (13) "Farm machinery and equipment," for purposes of the exemption provided under  
15970 Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed  
15971 handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage  
15972 tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or  
15973 equipment used primarily for agricultural purposes; but does not include vehicles required to be  
15974 registered with the Motor Vehicle Division or vehicles or other equipment used for business  
15975 purposes other than farming.

15976           (14) "Geothermal fluid" means water in any form at temperatures greater than 120  
15977 degrees centigrade naturally present in a geothermal system.

15978           (15) "Geothermal resource" means:

15979           (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;

15980 and

15981           (b) the energy, in whatever form, including pressure, present in, resulting from, created  
15982 by, or which may be extracted from that natural heat, directly or through a material medium.

15983           (16) (a) "Goodwill" means:

15984           (i) acquired goodwill that is reported as goodwill on the books and records:

15985           (A) of a taxpayer; and

15986           (B) that are maintained for financial reporting purposes; or

15987           (ii) the ability of a business to:

15988           (A) generate income that exceeds a normal rate of return on assets; or

15989           (B) obtain an economic or competitive advantage resulting from:

15990           (I) superior management skills;

15991           (II) reputation;

15992           (III) customer relationships;

- 15993 (IV) patronage; or
- 15994 (V) a factor similar to Subsections (16)(a)(ii)(B)(I) through (IV).
- 15995 (b) "Goodwill" does not include:
- 15996 (i) the intangible property described in Subsection [~~(19)~~] (20)(a) or (b);
- 15997 (ii) locational attributes of real property, including:
- 15998 (A) zoning;
- 15999 (B) location;
- 16000 (C) view;
- 16001 (D) a geographic feature;
- 16002 (E) an easement;
- 16003 (F) a covenant;
- 16004 (G) proximity to raw materials;
- 16005 (H) the condition of surrounding property; or
- 16006 (I) proximity to markets;
- 16007 (iii) value attributable to the identification of an improvement to real property,
- 16008 including:
- 16009 (A) reputation of the designer, builder, or architect of the improvement;
- 16010 (B) a name given to, or associated with, the improvement; or
- 16011 (C) the historic significance of an improvement; or
- 16012 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 16013 of the existing tangible property in place working together as a unit.
- 16014 (17) "Governing body" means:
- 16015 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 16016 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -
- 16017 Local Districts, the local district's board of trustees;
- 16018 (c) for a school district, the local board of education; or
- 16019 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special
- 16020 Service District Act:
- 16021 (i) the governing body of the county or municipality that created the special service
- 16022 district, if no administrative control board has been established under Section 17A-2-1326; or
- 16023 (ii) the administrative control board, if one has been established under Section

16024 17A-2-1326.

16025 [~~17~~] (18) (a) For purposes of Section 59-2-103:

16026 (i) "household" means the association of persons who live in the same dwelling,  
16027 sharing its furnishings, facilities, accommodations, and expenses; and

16028 (ii) "household" includes married individuals, who are not legally separated, that have  
16029 established domiciles at separate locations within the state.

16030 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
16031 commission may make rules defining the term "domicile."

16032 [~~18~~] (19) (a) Except as provided in Subsection [~~18~~] (19)(c), "improvement" means a  
16033 building, structure, fixture, fence, or other item that is permanently attached to land, regardless  
16034 of whether the title has been acquired to the land, if:

16035 (i) (A) attachment to land is essential to the operation or use of the item; and

16036 (B) the manner of attachment to land suggests that the item will remain attached to the  
16037 land in the same place over the useful life of the item; or

16038 (ii) removal of the item would:

16039 (A) cause substantial damage to the item; or

16040 (B) require substantial alteration or repair of a structure to which the item is attached.

16041 (b) "Improvement" includes:

16042 (i) an accessory to an item described in Subsection [~~18~~] (19)(a) if the accessory is:

16043 (A) essential to the operation of the item described in Subsection [~~18~~] (19)(a); and

16044 (B) installed solely to serve the operation of the item described in Subsection [~~18~~]

16045 (19)(a); and

16046 (ii) an item described in Subsection [~~18~~] (19)(a) that:

16047 (A) is temporarily detached from the land for repairs; and

16048 (B) remains located on the land.

16049 (c) Notwithstanding Subsections [~~18~~] (19)(a) and (b), "improvement" does not  
16050 include:

16051 (i) an item considered to be personal property pursuant to rules made in accordance  
16052 with Section 59-2-107;

16053 (ii) a moveable item that is attached to land:

16054 (A) for stability only; or

16055 (B) for an obvious temporary purpose;

16056 (iii) (A) manufacturing equipment and machinery; or

16057 (B) essential accessories to manufacturing equipment and machinery;

16058 (iv) an item attached to the land in a manner that facilitates removal without substantial

16059 damage to:

16060 (A) the land; or

16061 (B) the item; or

16062 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that

16063 transportable factory-built housing unit is considered to be personal property under Section

16064 59-2-1503.

16065 [~~(19)~~] (20) "Intangible property" means:

16066 (a) property that is capable of private ownership separate from tangible property,

16067 including:

16068 (i) moneys;

16069 (ii) credits;

16070 (iii) bonds;

16071 (iv) stocks;

16072 (v) representative property;

16073 (vi) franchises;

16074 (vii) licenses;

16075 (viii) trade names;

16076 (ix) copyrights; and

16077 (x) patents;

16078 (b) a low-income housing tax credit; or

16079 (c) goodwill.

16080 [~~(20)~~] (21) "Low-income housing tax credit" means:

16081 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;

16082 or

16083 (b) a low-income housing tax credit under:

16084 (i) Section 59-7-607; or

16085 (ii) Section 59-10-1010.

16086            [~~(21)~~] (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and  
16087 uranium.

16088            [~~(22)~~] (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous  
16089 valuable mineral.

16090            [~~(23)~~] (24) "Mining" means the process of producing, extracting, leaching, evaporating,  
16091 or otherwise removing a mineral from a mine.

16092            [~~(24)~~] (25) (a) "Mobile flight equipment" means tangible personal property that is:

16093            (i) owned or operated by an:

16094            (A) air charter service;

16095            (B) air contract service; or

16096            (C) airline; and

16097            (ii) (A) capable of flight;

16098            (B) attached to an aircraft that is capable of flight; or

16099            (C) contained in an aircraft that is capable of flight if the tangible personal property is  
16100 intended to be used:

16101            (I) during multiple flights;

16102            (II) during a takeoff, flight, or landing; and

16103            (III) as a service provided by an air charter service, air contract service, or airline.

16104            (b) (i) "Mobile flight equipment" does not include a spare part other than a spare  
16105 engine that is rotated:

16106            (A) at regular intervals; and

16107            (B) with an engine that is attached to the aircraft.

16108            (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
16109 commission may make rules defining the term "regular intervals."

16110            [~~(25)~~] (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal,  
16111 salts, sand, rock, gravel, and all carboniferous materials.

16112            [~~(26)~~] (27) "Personal property" includes:

16113            (a) every class of property as defined in Subsection [~~(27)~~] (28) which is the subject of  
16114 ownership and not included within the meaning of the terms "real estate" and "improvements";

16115            (b) gas and water mains and pipes laid in roads, streets, or alleys;

16116            (c) bridges and ferries;



16117 (d) livestock which, for the purposes of the exemption provided under Section  
16118 59-2-1112, means all domestic animals, honeybees, poultry, fur-bearing animals, and fish; and

16119 (e) outdoor advertising structures as defined in Section 72-7-502.

16120 [~~27~~] (28) (a) "Property" means property that is subject to assessment and taxation  
16121 according to its value.

16122 (b) "Property" does not include intangible property as defined in this section.

16123 [~~28~~] (29) "Public utility," for purposes of this chapter, means the operating property  
16124 of a railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline  
16125 company, electrical corporation, telephone corporation, sewerage corporation, or heat  
16126 corporation where the company performs the service for, or delivers the commodity to, the  
16127 public generally or companies serving the public generally, or in the case of a gas corporation  
16128 or an electrical corporation, where the gas or electricity is sold or furnished to any member or  
16129 consumers within the state for domestic, commercial, or industrial use. Public utility also  
16130 means the operating property of any entity or person defined under Section 54-2-1 except water  
16131 corporations.

16132 [~~29~~] (30) "Real estate" or "real property" includes:

16133 (a) the possession of, claim to, ownership of, or right to the possession of land;

16134 (b) all mines, minerals, and quarries in and under the land, all timber belonging to  
16135 individuals or corporations growing or being on the lands of this state or the United States, and  
16136 all rights and privileges appertaining to these; and

16137 (c) improvements.

16138 [~~30~~] (31) "Residential property," for the purposes of the reductions and adjustments  
16139 under this chapter, means any property used for residential purposes as a primary residence. It  
16140 does not include property used for transient residential use or condominiums used in rental  
16141 pools.

16142 [~~31~~] (32) For purposes of Subsection 59-2-801(1)(e), "route miles" means the number  
16143 of miles calculated by the commission that is:

16144 (a) measured in a straight line by the commission; and

16145 (b) equal to the distance between a geographical location that begins or ends:

16146 (i) at a boundary of the state; and

16147 (ii) where an aircraft:

16148 (A) takes off; or

16149 (B) lands.

16150 [~~(32)~~] (33) (a) "State-assessed commercial vehicle" means:

16151 (i) any commercial vehicle, trailer, or semitrailer which operates interstate or intrastate  
16152 to transport passengers, freight, merchandise, or other property for hire; or

16153 (ii) any commercial vehicle, trailer, or semitrailer which operates interstate and  
16154 transports the vehicle owner's goods or property in furtherance of the owner's commercial  
16155 enterprise.

16156 (b) "State-assessed commercial vehicle" does not include vehicles used for hire which  
16157 are specified in Subsection (8)(c) as county-assessed commercial vehicles.

16158 [~~(33)~~] (34) "Taxable value" means fair market value less any applicable reduction  
16159 allowed for residential property under Section 59-2-103.

16160 [~~(34)~~] (35) "Tax area" means a geographic area created by the overlapping boundaries  
16161 of one or more taxing entities.

16162 [~~(35)~~] (36) "Taxing entity" means any county, city, town, school district, special taxing  
16163 district, local district under Title 17B, Limited Purpose Local Government Entities - Local  
16164 Districts, or [~~any~~] other political subdivision of the state with the authority to levy a tax on  
16165 property.

16166 [~~(36)~~] (37) "Tax roll" means a permanent record of the taxes charged on property, as  
16167 extended on the assessment roll and may be maintained on the same record or records as the  
16168 assessment roll or may be maintained on a separate record properly indexed to the assessment  
16169 roll. It includes tax books, tax lists, and other similar materials.

16170 Section 414. Section **59-2-912** is amended to read:

16171 **59-2-912. Time for adoption of levy -- Certification to county auditor.**

16172 (1) The [~~county legislative~~] governing body of each taxing entity shall[;]:

16173 (a) before June 22 of each year, adopt a proposed or, if the tax rate is not more than the  
16174 certified tax rate, a final tax rate for the taxing entity[~~-. The county legislative body shall~~]; and

16175 (b) report the rate and levy, and submit the statement required under Section 59-2-913  
16176 and any other information prescribed by rules of the commission for the preparation, review,  
16177 and certification of the rate, to the county auditor of the county in which the taxing entity is  
16178 located.

16179           (2) (a) If the [~~county legislative~~] governing body of any taxing entity fails to comply  
 16180 with [~~this section;~~] Subsection (1), the [~~county executive~~] auditor of the county in which the  
 16181 taxing entity is located shall notify the taxing entity by certified mail of the deficiency and  
 16182 forward all available documentation to the commission. [~~The~~]

16183           (b) Upon receipt of the notice and documentation from the county auditor under  
 16184 Subsection (2)(a), the commission shall hold a hearing on the matter and certify an appropriate  
 16185 rate.

16186           Section 415. Section **59-2-511** is amended to read:

16187           **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**  
 16188 **tax -- One-time in lieu fee payment -- Passage of title.**

16189           (1) For purposes of this section, "governmental entity" means:

16190           (a) the United States;

16191           (b) the state;

16192           (c) a political subdivision of the state, including:

16193           (i) a county;

16194           (ii) a city;

16195           (iii) a town;

16196           (iv) a school district; [~~or~~]

16197           (v) a [~~special~~] local district; or

16198           (vi) a special service district; or

16199           (d) an entity created by the state or the United States, including:

16200           (i) an agency;

16201           (ii) a board;

16202           (iii) a bureau;

16203           (iv) a commission;

16204           (v) a committee;

16205           (vi) a department;

16206           (vii) a division;

16207           (viii) an institution;

16208           (ix) an instrumentality; or

16209           (x) an office.

16210 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
16211 entity is subject to the rollback tax imposed by this part if:

16212 (i) prior to the governmental entity acquiring the land, the land is assessed under this  
16213 part; and

16214 (ii) after the governmental entity acquires the land, the land does not meet the  
16215 requirements of Section 59-2-503 for assessment under this part.

16216 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
16217 rollback tax imposed by this part if:

16218 (i) a portion of the public right-of-way is located within a subdivision as defined in  
16219 Section 10-9a-103; or

16220 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
16221 receives:

16222 (A) money; or

16223 (B) other consideration.

16224 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is  
16225 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee  
16226 payment as provided in Subsection (3)(b), if:

16227 (i) the governmental entity acquires the land by eminent domain;

16228 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

16229 (B) the governmental entity provides written notice of the proceedings to the owner; or

16230 (iii) the land is donated to the governmental entity.

16231 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the  
16232 governmental entity shall make a one-time in lieu fee payment:

16233 (A) to the county treasurer of the county in which the land is located; and

16234 (B) in an amount equal to the amount of rollback tax calculated under Section  
16235 59-2-506.

16236 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the  
16237 governmental entity shall make a one-time in lieu fee payment:

16238 (A) to the county treasurer of the county in which the land is located; and

16239 (B) (I) if the land remaining after the acquisition by the governmental entity meets the  
16240 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section

16241 59-2-506 on the land acquired by the governmental entity; or

16242 (II) if the land remaining after the acquisition by the governmental entity is less than  
16243 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired  
16244 by the governmental entity and the land remaining after the acquisition by the governmental  
16245 entity.

16246 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the  
16247 governmental entity" includes other eligible acreage that is used in conjunction with the land  
16248 remaining after the acquisition by the governmental entity.

16249 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute  
16250 the revenues generated by the payment:

16251 (i) to the taxing entities in which the land is located; and

16252 (ii) in the same proportion as the revenue from real property taxes is distributed.

16253 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity  
16254 is made subject to a conservation easement in accordance with Section 59-2-506.5:

16255 (a) the land is not subject to the rollback tax imposed by this part; and

16256 (b) the governmental entity acquiring the land is not required to make an in lieu fee  
16257 payment under Subsection (3)(b).

16258 (5) If a governmental entity acquires land subject to assessment under this part, title to  
16259 the land may not pass to the governmental entity until the following are paid to the county  
16260 treasurer:

16261 (a) any tax due under this part;

16262 (b) any one-time in lieu fee payment due under this part; and

16263 (c) any interest due under this part.

16264 Section 416. Section **59-2-924** is amended to read:

16265 **59-2-924. Report of valuation of property to county auditor and commission --**  
16266 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**  
16267 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

16268 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to  
16269 the county auditor and the commission the following statements:

16270 (i) a statement containing the aggregate valuation of all taxable property in each taxing  
16271 entity; and

16272 (ii) a statement containing the taxable value of any additional personal property  
16273 estimated by the county assessor to be subject to taxation in the current year.

16274 (b) The county auditor shall, on or before June 8, transmit to the governing body of  
16275 each taxing entity:

16276 (i) the statements described in Subsections (1)(a)(i) and (ii);

16277 (ii) an estimate of the revenue from personal property;

16278 (iii) the certified tax rate; and

16279 (iv) all forms necessary to submit a tax levy request.

16280 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad  
16281 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the  
16282 prior year.

16283 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not  
16284 include:

16285 (A) collections from redemptions;

16286 (B) interest; and

16287 (C) penalties.

16288 (iii) (A) Except as provided in Subsection (2)(a)(v), the certified tax rate shall be  
16289 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the  
16290 taxing entity by the amount calculated under Subsection (2)(a)(iii)(B).

16291 (B) For purposes of Subsection (2)(a)(iii)(A), the legislative body of a taxing entity  
16292 shall calculate an amount as follows:

16293 (I) calculate for the taxing entity the difference between:

16294 (Aa) the aggregate taxable value of all property taxed; and

16295 (Bb) any redevelopment adjustments for the current calendar year;

16296 (II) after making the calculation required by Subsection (2)(a)(iii)(B)(I), calculate an  
16297 amount determined by increasing or decreasing the amount calculated under Subsection  
16298 (2)(a)(iii)(B)(I) by the average of the percentage net change in the value of taxable property for  
16299 the equalization period for the three calendar years immediately preceding the current calendar  
16300 year;

16301 (III) after making the calculation required by Subsection (2)(a)(iii)(B)(II), calculate the  
16302 product of:

- 16303 (Aa) the amount calculated under Subsection (2)(a)(iii)(B)(II); and
- 16304 (Bb) the percentage of property taxes collected for the five calendar years immediately
- 16305 preceding the current calendar year; and
- 16306 (IV) after making the calculation required by Subsection (2)(a)(iii)(B)(III), calculate an
- 16307 amount determined by subtracting from the amount calculated under Subsection
- 16308 (2)(a)(iii)(B)(III) any new growth as defined in this section:
- 16309 (Aa) within the taxing entity; and
- 16310 (Bb) for the current calendar year.
- 16311 (C) For purposes of Subsection (2)(a)(iii)(B)(I), the aggregate taxable value of all
- 16312 property taxed includes:
- 16313 (I) the total taxable value of the real and personal property contained on the tax rolls;
- 16314 and
- 16315 (II) the taxable value of any additional personal property estimated by the county
- 16316 assessor to be subject to taxation in the current year.
- 16317 (D) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
- 16318 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
- 16319 year.
- 16320 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
- 16321 Act, the commission shall make rules determining the calculation of ad valorem property tax
- 16322 revenues budgeted by a taxing entity.
- 16323 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues
- 16324 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax
- 16325 revenues are calculated for purposes of Section 59-2-913.
- 16326 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)
- 16327 shall be calculated as follows:
- 16328 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified
- 16329 tax rate is zero;
- 16330 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 16331 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
- 16332 services under Sections 17-34-1 and 17-36-9; and
- 16333 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county

16334 purposes and such other levies imposed solely for the municipal-type services identified in  
16335 Section 17-34-1 and Subsection 17-36-3(22); and

16336 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy  
16337 imposed by that section, except that the certified tax rates for the following levies shall be  
16338 calculated in accordance with Section 59-2-913 and this section:

16339 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,  
16340 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

16341 (II) levies to pay for the costs of state legislative mandates or judicial or administrative  
16342 orders under Section 59-2-906.3.

16343 (vi) (A) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be  
16344 established at that rate which is sufficient to generate only the revenue required to satisfy one or  
16345 more eligible judgments, as defined in Section 59-2-102.

16346 (B) The ad valorem property tax revenue generated by the judgment levy shall not be  
16347 considered in establishing the taxing entity's aggregate certified tax rate.

16348 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use  
16349 the taxable value of property on the assessment roll.

16350 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the  
16351 assessment roll does not include new growth as defined in Subsection (2)(b)(iii).

16352 (iii) "New growth" means:

16353 (A) the difference between the increase in taxable value of the taxing entity from the  
16354 previous calendar year to the current year; minus

16355 (B) the amount of an increase in taxable value described in Subsection (2)(b)(iv).

16356 (iv) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

16357 (A) the amount of increase to locally assessed real property taxable values resulting  
16358 from factoring, reappraisal, or any other adjustments; or

16359 (B) the amount of an increase in the taxable value of property assessed by the  
16360 commission under Section 59-2-201 resulting from a change in the method of apportioning the  
16361 taxable value prescribed by:

16362 (I) the Legislature;

16363 (II) a court;

16364 (III) the commission in an administrative rule; or



16365 (IV) the commission in an administrative order.

16366 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from  
16367 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,  
16368 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter  
16369 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax  
16370 rate to offset the increased revenues.

16371 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under  
16372 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

16373 (A) decreased on a one-time basis by the amount of the estimated sales and use tax  
16374 revenue to be distributed to the county under Subsection 59-12-1102(3); and

16375 (B) increased by the amount necessary to offset the county's reduction in revenue from  
16376 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,  
16377 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection  
16378 (2)(d)(i)(A).

16379 (ii) The commission shall determine estimates of sales and use tax distributions for  
16380 purposes of Subsection (2)(d)(i).

16381 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort  
16382 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be  
16383 decreased on a one-time basis by the amount necessary to offset the first 12 months of  
16384 estimated revenue from the additional resort communities sales and use tax imposed under  
16385 Section 59-12-402.

16386 (f) For the calendar year beginning on January 1, 1999, and ending on December 31,  
16387 1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the  
16388 adjustment in revenues from uniform fees on tangible personal property under Section  
16389 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under  
16390 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.

16391 (g) For purposes of Subsections (2)(h) through (j):

16392 (i) "1998 actual collections" means the amount of revenues a taxing entity actually  
16393 collected for the calendar year beginning on January 1, 1998, under Section 59-2-405 for:

16394 (A) motor vehicles required to be registered with the state that weigh 12,000 pounds or  
16395 less; and

16396 (B) state-assessed commercial vehicles required to be registered with the state that  
16397 weigh 12,000 pounds or less.

16398 (ii) "1999 actual collections" means the amount of revenues a taxing entity actually  
16399 collected for the calendar year beginning on January 1, 1999, under Section 59-2-405.1.

16400 (h) For the calendar year beginning on January 1, 2000, the commission shall make the  
16401 following adjustments:

16402 (i) the commission shall make the adjustment described in Subsection (2)(i)(i) if, for  
16403 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
16404 greater than the sum of:

16405 (A) the taxing entity's 1999 actual collections; and

16406 (B) any adjustments the commission made under Subsection (2)(f);

16407 (ii) the commission shall make the adjustment described in Subsection (2)(i)(ii) if, for  
16408 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
16409 greater than the taxing entity's 1999 actual collections, but the taxing entity's 1998 actual  
16410 collections were less than the sum of:

16411 (A) the taxing entity's 1999 actual collections; and

16412 (B) any adjustments the commission made under Subsection (2)(f); and

16413 (iii) the commission shall make the adjustment described in Subsection (2)(i)(iii) if, for  
16414 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
16415 less than the taxing entity's 1999 actual collections.

16416 (i) (i) For purposes of Subsection (2)(h)(i), the commission shall increase a taxing  
16417 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
16418 Section 59-2-906.1 by the amount necessary to offset the difference between:

16419 (A) the taxing entity's 1998 actual collections; and

16420 (B) the sum of:

16421 (I) the taxing entity's 1999 actual collections; and

16422 (II) any adjustments the commission made under Subsection (2)(f).

16423 (ii) For purposes of Subsection (2)(h)(ii), the commission shall decrease a taxing  
16424 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
16425 Section 59-2-906.1 by the amount necessary to offset the difference between:

16426 (A) the sum of:

- 16427 (I) the taxing entity's 1999 actual collections; and  
16428 (II) any adjustments the commission made under Subsection (2)(f); and  
16429 (B) the taxing entity's 1998 actual collections.
- 16430 (iii) For purposes of Subsection (2)(h)(iii), the commission shall decrease a taxing  
16431 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
16432 Section 59-2-906.1 by the amount of any adjustments the commission made under Subsection  
16433 (2)(f).
- 16434 (j) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for  
16435 purposes of Subsections (2)(f) through (i), the commission may make rules establishing the  
16436 method for determining a taxing entity's 1998 actual collections and 1999 actual collections.
- 16437 (k) (i) (A) For fiscal year 2000, the certified tax rate of each county required under  
16438 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the  
16439 unincorporated area of the county shall be decreased by the amount necessary to reduce  
16440 revenues in that fiscal year by an amount equal to the difference between the amount the county  
16441 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services  
16442 countywide and the amount the county spent during fiscal year 2000 for those services,  
16443 excluding amounts spent from a municipal services fund for those services.
- 16444 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection  
16445 (2)(k)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal  
16446 year by the amount that the county spent during fiscal year 2000 for advanced life support and  
16447 paramedic services countywide, excluding amounts spent from a municipal services fund for  
16448 those services.
- 16449 (ii) (A) A city or town located within a county of the first class to which Subsection  
16450 (2)(k)(i) applies may increase its certified tax rate by the amount necessary to generate within  
16451 the city or town the same amount of revenues as the county would collect from that city or  
16452 town if the decrease under Subsection (2)(k)(i) did not occur.
- 16453 (B) An increase under Subsection (2)(k)(ii)(A), whether occurring in a single fiscal  
16454 year or spread over multiple fiscal years, is not subject to the notice and hearing requirements  
16455 of Sections 59-2-918 and 59-2-919.
- 16456 (l) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to  
16457 provide detective investigative services to the unincorporated area of the county shall be

16458 decreased:

16459 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year  
16460 by at least \$4,400,000; and

16461 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year  
16462 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in  
16463 revenues under Subsection (2)(1)(i)(A).

16464 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a  
16465 county to which Subsection (2)(1)(i) applies may increase its certified tax rate to generate  
16466 within the city or town the same amount of revenue as the county would have collected during  
16467 county fiscal year 2001 from within the city or town except for Subsection (2)(1)(i)(A).

16468 (II) Beginning with municipal fiscal year 2003, a city or town located within a county  
16469 to which Subsection (2)(1)(i) applies may increase its certified tax rate to generate within the  
16470 city or town the same amount of revenue as the county would have collected during county  
16471 fiscal year 2002 from within the city or town except for Subsection (2)(1)(i)(B).

16472 (B) (I) Except as provided in Subsection (2)(1)(ii)(B)(II), an increase in the city or  
16473 town's certified tax rate under Subsection (2)(1)(ii)(A), whether occurring in a single fiscal year  
16474 or spread over multiple fiscal years, is subject to the notice and hearing requirements of  
16475 Sections 59-2-918 and 59-2-919.

16476 (II) For an increase under this Subsection (2)(1)(ii) that generates revenue that does not  
16477 exceed the same amount of revenue as the county would have collected except for Subsection  
16478 (2)(1)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

16479 (Aa) publishes a notice that meets the size, type, placement, and frequency  
16480 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed  
16481 by the county to one imposed by the city or town, and explains how the revenues from the tax  
16482 increase will be used; and

16483 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the  
16484 city or town's regular budget hearing.

16485 (m) (i) This Subsection (2)(m) applies to each county that:

16486 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part  
16487 13, Utah Special Service District Act, to provide jail service, as provided in Subsection  
16488 17A-2-1304(1)(a)(x); and

16489 (B) levies a property tax on behalf of the special service district under Section  
16490 17A-2-1322.

16491 (ii) (A) The certified tax rate of each county to which this Subsection (2)(m) applies  
16492 shall be decreased by the amount necessary to reduce county revenues by the same amount of  
16493 revenues that will be generated by the property tax imposed on behalf of the special service  
16494 district.

16495 (B) Each decrease under Subsection (2)(m)(ii)(A) shall occur contemporaneously with  
16496 the levy on behalf of the special service district under Section 17A-2-1322.

16497 (n) (i) As used in this Subsection (2)(n):

16498 (A) "Annexing county" means a county whose unincorporated area is included within a  
16499 fire district by annexation.

16500 (B) "Annexing municipality" means a municipality whose area is included within a fire  
16501 district by annexation.

16502 (C) "Equalized fire protection tax rate" means the tax rate that results from:

16503 (I) calculating, for each participating county and each participating municipality, the  
16504 property tax revenue necessary to cover all of the costs associated with providing fire  
16505 protection, paramedic, and emergency services:

16506 (Aa) for a participating county, in the unincorporated area of the county; and

16507 (Bb) for a participating municipality, in the municipality; and

16508 (II) adding all the amounts calculated under Subsection (2)(n)(i)(C)(I) for all  
16509 participating counties and all participating municipalities and then dividing that sum by the  
16510 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

16511 (Aa) for participating counties, in the unincorporated area of all participating counties;  
16512 and

16513 (Bb) for participating municipalities, in all the participating municipalities.

16514 (D) "Fire district" means a [county] service area under Title [17A] 17B, Chapter [2] 2a,  
16515 Part [4, County] 9, Service Area Act, in the creation of which an election was not required  
16516 under Subsection [17B-2-214] 17B-1-214(3)(c).

16517 (E) "Fire protection tax rate" means:

16518 (I) for an annexing county, the property tax rate that, when applied to taxable property  
16519 in the unincorporated area of the county, generates enough property tax revenue to cover all the

16520 costs associated with providing fire protection, paramedic, and emergency services in the  
16521 unincorporated area of the county; and

16522 (II) for an annexing municipality, the property tax rate that generates enough property  
16523 tax revenue in the municipality to cover all the costs associated with providing fire protection,  
16524 paramedic, and emergency services in the municipality.

16525 (F) "Participating county" means a county whose unincorporated area is included  
16526 within a fire district at the time of the creation of the fire district.

16527 (G) "Participating municipality" means a municipality whose area is included within a  
16528 fire district at the time of the creation of the fire district.

16529 (ii) In the first year following creation of a fire district, the certified tax rate of each  
16530 participating county and each participating municipality shall be decreased by the amount of  
16531 the equalized fire protection tax rate.

16532 (iii) In the first year following annexation to a fire district, the certified tax rate of each  
16533 annexing county and each annexing municipality shall be decreased by the fire protection tax  
16534 rate.

16535 (iv) Each tax levied under this section by a fire district shall be considered to be levied  
16536 by:

16537 (A) each participating county and each annexing county for purposes of the county's  
16538 tax limitation under Section 59-2-908; and

16539 (B) each participating municipality and each annexing municipality for purposes of the  
16540 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a  
16541 city.

16542 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.  
16543 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county  
16544 auditor of:

16545 (i) its intent to exceed the certified tax rate; and  
16546 (ii) the amount by which it proposes to exceed the certified tax rate.

16547 (c) The county auditor shall notify all property owners of any intent to exceed the  
16548 certified tax rate in accordance with Subsection 59-2-919(2).

16549 (4) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be  
16550 reduced for any year to the extent necessary to provide a community development and renewal

16551 agency established under Title 17C, Limited Purpose Local Government Entities - Community  
 16552 Development and Renewal Agencies, with approximately the same amount of money the  
 16553 agency would have received without a reduction in the county's certified tax rate if:

16554 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or  
 16555 (2)(d)(i);

16556 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the  
 16557 previous year; and

16558 (iii) the decrease results in a reduction of the amount to be paid to the agency under  
 16559 Section 17C-1-403 or 17C-1-404.

16560 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any  
 16561 year to the extent necessary to provide a community development and renewal agency with  
 16562 approximately the same amount of money as the agency would have received without an  
 16563 increase in the certified tax rate that year if:

16564 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to  
 16565 a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

16566 (ii) The certified tax rate of a city, school district, ~~[or special]~~ local district, or special  
 16567 district increases independent of the adjustment to the taxable value of the base year.

16568 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or  
 16569 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a community  
 16570 development and renewal agency established under Title 17C, Limited Purpose Local  
 16571 Government Entities - Community Development and Renewal Agencies, for the payment of  
 16572 bonds or other contract indebtedness, but not for administrative costs, may not be less than that  
 16573 amount would have been without a decrease in the certified tax rate under Subsection (2)(c) or  
 16574 (2)(d)(i).

16575 Section 417. Section **59-2-1101** is amended to read:

16576 **59-2-1101. Exemption of certain property -- Proportional payments for certain**  
 16577 **property -- County legislative body authority to adopt rules or ordinances.**

16578 (1) For purposes of this section:

16579 (a) "exclusive use exemption" means a property tax exemption under Subsection  
 16580 (3)(d), for property owned by a nonprofit entity that is used exclusively for religious, charitable,  
 16581 or educational purposes;

16582 (b) "government exemption" means a property tax exemption provided under  
16583 Subsection (3)(a), (b), or (c); and

16584 (c) "tax relief" means an exemption, deferral, or abatement that is authorized by this  
16585 part.

16586 (2) (a) Except as provided in Subsection (2)(b) or (c), tax relief may be allowed only if  
16587 the claimant is the owner of the property as of January 1 of the year the exemption is claimed.

16588 (b) Notwithstanding Subsection (2)(a), a claimant shall collect and pay a proportional  
16589 tax based upon the length of time that the property was not owned by the claimant if:

16590 (i) the claimant is a federal, state, or political subdivision entity described in  
16591 Subsection (3)(a), (b), or (c); or

16592 (ii) pursuant to Subsection (3)(d):

16593 (A) the claimant is a nonprofit entity; and

16594 (B) the property is used exclusively for religious, charitable, or educational purposes.

16595 (c) Notwithstanding Subsection (2)(a), a claimant may be allowed a veteran's  
16596 exemption in accordance with Sections 59-2-1104 and 59-2-1105 regardless of whether the  
16597 claimant is the owner of the property as of January 1 of the year the exemption is claimed if the  
16598 claimant is:

16599 (i) the unmarried surviving spouse of:

16600 (A) a deceased disabled veteran as defined in Section 59-2-1104; or

16601 (B) a veteran who was killed in action or died in the line of duty as defined in Section  
16602 59-2-1104; or

16603 (ii) a minor orphan of:

16604 (A) a deceased disabled veteran as defined in Section 59-2-1104; or

16605 (B) a veteran who was killed in action or died in the line of duty as defined in Section  
16606 59-2-1104.

16607 (3) The following property is exempt from taxation:

16608 (a) property exempt under the laws of the United States;

16609 (b) property of:

16610 (i) the state;

16611 (ii) school districts; and

16612 (iii) public libraries;



- 16613 (c) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, property of:
- 16614 (i) counties;
- 16615 (ii) cities;
- 16616 (iii) towns;
- 16617 (iv) [~~special~~] local districts; [~~and~~]
- 16618 (v) special service districts; and
- 16619 [~~(v)~~] (vi) all other political subdivisions of the state;
- 16620 (d) property owned by a nonprofit entity which is used exclusively for religious,
- 16621 charitable, or educational purposes;
- 16622 (e) places of burial not held or used for private or corporate benefit;
- 16623 (f) farm equipment and machinery;
- 16624 (g) intangible property; and
- 16625 (h) the ownership interest of an out-of-state public agency, as defined in Section
- 16626 11-13-103:
- 16627 (i) if that ownership interest is in property providing additional project capacity, as
- 16628 defined in Section 11-13-103; and
- 16629 (ii) on which a fee in lieu of ad valorem property tax is payable under Section
- 16630 11-13-302.
- 16631 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or
- 16632 a government exemption ceases to qualify for the exemption because of a change in the
- 16633 ownership of the property:
- 16634 (a) the new owner of the property shall pay a proportional tax based upon the period of
- 16635 time:
- 16636 (i) beginning on the day that the new owner acquired the property; and
- 16637 (ii) ending on the last day of the calendar year during which the new owner acquired
- 16638 the property; and
- 16639 (b) the new owner of the property and the person from whom the new owner acquires
- 16640 the property shall notify the county assessor, in writing, of the change in ownership of the
- 16641 property within 30 days from the day that the new owner acquires the property.
- 16642 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection
- 16643 (4)(a):

16644 (a) is subject to any exclusive use exemption or government exemption that the  
16645 property is entitled to under the new ownership of the property; and

16646 (b) applies only to property that is acquired after December 31, 2005.

16647 (6) A county legislative body may adopt rules or ordinances to:

16648 (a) effectuate the exemptions, deferrals, abatements, or other relief from taxation  
16649 provided in this part; and

16650 (b) designate one or more persons to perform the functions given the county under this  
16651 part.

16652 Section 418. Section **59-12-501** is amended to read:

16653 **59-12-501. Public transit tax -- Base -- Rate -- Voter approval.**

16654 (1) (a) (i) In addition to other sales and use taxes, any county, city, or town within a  
16655 transit district organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public  
16656 Transit District Act, may impose a sales and use tax of up to .25% on the transactions described  
16657 in Subsection 59-12-103(1) located within the county, city, or town, to fund a public  
16658 transportation system.

16659 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax  
16660 under this section on:

16661 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
16662 are exempt from taxation under Section 59-12-104; and

16663 (B) any amounts paid or charged by a seller that collects a tax under Subsection  
16664 59-12-107(1)(b).

16665 (b) For purposes of this Subsection (1), the location of a transaction shall be  
16666 determined in accordance with Section 59-12-207.

16667 (c) (i) A county, city, or town may impose a tax under this section only if the governing  
16668 body of the county, city, or town, by resolution, submits the proposal to all the qualified voters  
16669 within the county, city, or town for approval at a general or special election conducted in the  
16670 manner provided by statute.

16671 (ii) An election under Subsection [~~17B-2-512~~] 17B-1-412(3)(a)(ii) approving the  
16672 annexation of an area to a public transit district or local district and approving for that annexed  
16673 area the sales and use tax authorized by this section satisfies the election requirement of  
16674 Subsection (1)(c)(i) for the area to be annexed to the public transit district or local district.

16675 (2) (a) If only a portion of a county is included within a public transit district, the  
16676 proposal may be submitted only to the qualified voters residing within the boundaries of the  
16677 proposed or existing public transit district.

16678 (b) Notice of any such election shall be given by the county, city, or town governing  
16679 body 15 days in advance in the manner prescribed by statute.

16680 (c) If a majority of the voters voting in such election approve the proposal, it shall  
16681 become effective on the date provided by the county, city, or town governing body.

16682 (3) This section may not be construed to require an election in jurisdictions where  
16683 voters have previously approved a public transit sales or use tax.

16684 Section 419. Section **59-12-502** is amended to read:

16685 **59-12-502. Additional public transit tax for expanded system and fixed guideway**  
16686 **and interstate improvements -- Base -- Rate -- Voter approval.**

16687 (1) (a) (i) In addition to other sales and use taxes, including the public transit district tax  
16688 authorized by Section 59-12-501, a county, city, or town within a transit district organized  
16689 under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act, may  
16690 impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)  
16691 located within the county, city, or town, to fund a fixed guideway and expanded public  
16692 transportation system.

16693 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax  
16694 under this section on:

16695 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
16696 are exempt from taxation under Section 59-12-104; and

16697 (B) any amounts paid or charged by a seller that collects a tax under Subsection  
16698 59-12-107(1)(b).

16699 (b) For purposes of this Subsection (1), the location of a transaction shall be  
16700 determined in accordance with Section 59-12-207.

16701 (c) (i) A county, city, or town may impose the tax under this section only if the  
16702 governing body of the county, city, or town submits, by resolution, the proposal to all the  
16703 qualified voters within the county, city, or town for approval at a general or special election  
16704 conducted in the manner provided by statute.

16705 (ii) Notice of the election under Subsection (1)(c)(i) shall be given by the county, city,

16706 or town governing body 15 days in advance in the manner prescribed by statute.

16707 (2) If the majority of the voters voting in this election approve the proposal, it shall  
16708 become effective on the date provided by the county, city, or town governing body.

16709 (3) (a) This section may not be construed to require an election in jurisdictions where  
16710 voters have previously approved a public transit sales or use tax.

16711 (b) This section shall be construed to require an election to impose the sales and use  
16712 tax authorized by this section, including jurisdictions where the voters have previously  
16713 approved the sales and use tax authorized by Section 59-12-501, but this section may not be  
16714 construed to affect the sales and use tax authorized by Section 59-12-501.

16715 (4) No public funds shall be spent to promote the required election.

16716 (5) (a) Notwithstanding the designated use of revenues in Subsection (1), of the  
16717 revenues generated by the tax imposed under this section by any county of the first class:

16718 (i) 75% shall be allocated to fund a fixed guideway and expanded public transportation  
16719 system; and

16720 (ii) except as provided in Subsection (5)(b), 25% shall be allocated to fund new  
16721 construction, major renovations, and improvements to Interstate 15 and state highways within  
16722 the county and to pay any debt service and bond issuance costs related to those projects.

16723 (b) Notwithstanding the designated use of revenues in Subsection (1), beginning on  
16724 July 1, 2006, and ending on July 1, 2007, a county of the first class may expend an amount not  
16725 to exceed \$3,500,000 of the revenues described in Subsection (5)(a)(ii) for expenses relating to  
16726 reconfiguring railroad curves within that county to reduce rail congestion.

16727 (6) A county of the first class may, through an interlocal agreement, authorize the  
16728 deposit or transfer of the portion of the revenues described in Subsection (5)(a)(ii) to the Public  
16729 Transportation System Tax Highway Fund created in Section 72-2-121.

16730 Section 420. Section **59-12-1001** is amended to read:

16731 **59-12-1001. Authority to impose tax for highways or to fund a system for public**  
16732 **transit -- Base -- Rate -- Ordinance requirements -- Voter approval requirements --**  
16733 **Election requirements -- Notice of election requirements -- Exceptions to voter approval**  
16734 **requirements -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

16735 (1) (a) A city or town in which the transactions described in Subsection 59-12-103(1)  
16736 are not subject to a sales and use tax under Section 59-12-501 may as provided in this part

- 16737 impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)  
16738 located within the city or town.
- 16739 (b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this  
16740 section on:
- 16741 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
16742 exempt from taxation under Section 59-12-104; and
- 16743 (ii) any amounts paid or charged by a seller that collects a tax under Subsection  
16744 59-12-107(1)(b).
- 16745 (c) For purposes of this Subsection (1), the location of a transaction shall be  
16746 determined in accordance with Section 59-12-207.
- 16747 (2) (a) A city or town imposing a tax under this part may use the revenues generated by  
16748 the tax:
- 16749 (i) for the construction and maintenance of highways under the jurisdiction of the city  
16750 or town imposing the tax;
- 16751 (ii) subject to Subsection (2)(b), to fund a system for public transit; or  
16752 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).
- 16753 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection  
16754 (2)(b)(ii), "public transit" is as defined in Section [~~17A-2-1004~~] 17B-2a-802.
- 16755 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed  
16756 guideway system.
- 16757 (3) To impose a tax under this part, the governing body of the city or town shall:
- 16758 (a) pass an ordinance approving the tax; and  
16759 (b) except as provided in Subsection (7), obtain voter approval for the tax as provided  
16760 in Subsection (4).
- 16761 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:
- 16762 (a) hold an election during:
- 16763 (i) a regular general election; or  
16764 (ii) a municipal general election; and  
16765 (b) publish notice of the election:
- 16766 (i) 15 days or more before the day on which the election is held; and  
16767 (ii) in a newspaper of general circulation in the city or town.

16768 (5) An ordinance approving a tax under this part shall provide an effective date for the  
16769 tax as provided in Subsection (6).

16770 (6) (a) For purposes of this Subsection (6):

16771 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part  
16772 4, Annexation.

16773 (ii) "Annexing area" means an area that is annexed into a city or town.

16774 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a city  
16775 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:

16776 (A) on the first day of a calendar quarter; and

16777 (B) after a 90-day period beginning on the date the commission receives notice meeting  
16778 the requirements of Subsection (6)(b)(ii) from the city or town.

16779 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

16780 (A) that the city or town will enact or repeal a tax under this part;

16781 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

16782 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

16783 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of  
16784 the tax.

16785 (c) (i) Notwithstanding Subsection (6)(b)(i), for a transaction described in Subsection  
16786 (6)(c)(iii), the enactment of a tax shall take effect on the first day of the first billing period:

16787 (A) that begins after the effective date of the enactment of the tax; and

16788 (B) if the billing period for the transaction begins before the effective date of the  
16789 enactment of the tax under Subsection (1).

16790 (ii) Notwithstanding Subsection (6)(b)(i), for a transaction described in Subsection  
16791 (6)(c)(iii), the repeal of a tax shall take effect on the first day of the last billing period:

16792 (A) that began before the effective date of the repeal of the tax; and

16793 (B) if the billing period for the transaction begins before the effective date of the repeal  
16794 of the tax imposed under Subsection (1).

16795 (iii) Subsections (6)(c)(i) and (ii) apply to transactions subject to a tax under:

16796 (A) Subsection 59-12-103(1)(b);

16797 (B) Subsection 59-12-103(1)(c);

16798 (C) Subsection 59-12-103(1)(d);

- 16799 (D) Subsection 59-12-103(1)(e);
- 16800 (E) Subsection 59-12-103(1)(f);
- 16801 (F) Subsection 59-12-103(1)(g);
- 16802 (G) Subsection 59-12-103(1)(h);
- 16803 (H) Subsection 59-12-103(1)(i);
- 16804 (I) Subsection 59-12-103(1)(j); or
- 16805 (J) Subsection 59-12-103(1)(k).
- 16806 (d) (i) Notwithstanding Subsection (6)(b)(i), if a tax due under this chapter on a
- 16807 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
- 16808 enactment or repeal of a tax described in Subsection (6)(b)(i) takes effect:
- 16809 (A) on the first day of a calendar quarter; and
- 16810 (B) beginning 60 days after the effective date of the enactment or repeal under
- 16811 Subsection (6)(b)(i).
- 16812 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 16813 commission may by rule define the term "catalogue sale."
- 16814 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
- 16815 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
- 16816 part for an annexing area, the enactment or repeal shall take effect:
- 16817 (A) on the first day of a calendar quarter; and
- 16818 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 16819 the requirements of Subsection (6)(e)(ii) from the city or town that annexes the annexing area.
- 16820 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
- 16821 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
- 16822 repeal of a tax under this part for the annexing area;
- 16823 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
- 16824 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
- 16825 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
- 16826 (f) (i) Notwithstanding Subsection (6)(e)(i), for a transaction described in Subsection
- 16827 (6)(f)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 16828 (A) that begins after the effective date of the enactment of the tax; and
- 16829 (B) if the billing period for the transaction begins before the effective date of the

16830 enactment of the tax under Subsection (1).

16831           (ii) Notwithstanding Subsection (6)(e)(i), for a transaction described in Subsection

16832 (6)(f)(iii), the repeal of a tax shall take effect on the first day of the last billing period:

16833           (A) that began before the effective date of the repeal of the tax; and

16834           (B) if the billing period for the transaction begins before the effective date of the repeal

16835 of the tax imposed under Subsection (1).

16836           (iii) Subsections (6)(f)(i) and (ii) apply to transactions subject to a tax under:

16837           (A) Subsection 59-12-103(1)(b);

16838           (B) Subsection 59-12-103(1)(c);

16839           (C) Subsection 59-12-103(1)(d);

16840           (D) Subsection 59-12-103(1)(e);

16841           (E) Subsection 59-12-103(1)(f);

16842           (F) Subsection 59-12-103(1)(g);

16843           (G) Subsection 59-12-103(1)(h);

16844           (H) Subsection 59-12-103(1)(i);

16845           (I) Subsection 59-12-103(1)(j); or

16846           (J) Subsection 59-12-103(1)(k).

16847           (g) (i) Notwithstanding Subsection (6)(e)(i), if a tax due under this chapter on a

16848 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an

16849 enactment or repeal of a tax described in Subsection (6)(e)(i) takes effect:

16850           (A) on the first day of a calendar quarter; and

16851           (B) beginning 60 days after the effective date of the enactment or repeal under

16852 Subsection (6)(e)(i).

16853           (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

16854 commission may by rule define the term "catalogue sale."

16855           (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the voter

16856 approval requirements of Subsection (3)(b) if:

16857           (i) on or before January 1, 1996, the city or town imposed a license fee or tax on

16858 businesses based on gross receipts pursuant to Section 10-1-203; or

16859           (ii) the city or town:

16860           (A) on or before June 30, 2002, obtained voter approval in accordance with Subsection



16861 (3)(b) to impose a tax under this part for a purpose described in Subsection (2)(a)(i); and

16862 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a  
16863 purpose described in Subsection (2)(a).

16864 (b) Notwithstanding Subsection (7)(a), the exception from the voter approval  
16865 requirements in Subsection (7)(a)(i) does not apply to a city or town that, on or before January  
16866 1, 1996, imposed a license fee or tax on only one class of businesses based on gross receipts  
16867 pursuant to Section 10-1-203.

16868 Section 421. Section **59-12-1502** is amended to read:

16869 **59-12-1502. Definitions.**

16870 As used in this part:

16871 (1) "Annexation" means an annexation to a county under Title 17, Chapter 2,  
16872 Annexation to County.

16873 (2) "Annexing area" means an area that is annexed into a county.

16874 (3) "Qualifying county" means a county in which a sales and use tax authorized by  
16875 Section 59-12-502 is not imposed by:

16876 (a) the county;

16877 (b) a city within the county; or

16878 (c) a town within the county.

16879 (4) "State highway" means a highway designated as a state highway under Title 72,  
16880 Chapter 4, Designation of State Highways Act.

16881 (5) (a) Except as provided in Subsection (5)(b), "public transit" is as defined in Section  
16882 [~~17A-2-1004~~] 17B-2a-802.

16883 (b) Notwithstanding Subsection (5)(a), "public transit" does not include a fixed  
16884 guideway system.

16885 Section 422. Section **59-12-1503** is amended to read:

16886 **59-12-1503. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of**  
16887 **tax revenues -- Administration, collection, and enforcement of tax by commission --**  
16888 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**

16889 (1) (a) Beginning on or after April 1, 2004, and subject to the other provisions of this  
16890 part, the county legislative body of a qualifying county may impose a sales and use tax of .25%:

16891 (i) on the transactions:

- 16892 (A) described in Subsection 59-12-103(1); and
- 16893 (B) within the county, including the cities and towns within the county;
- 16894 (ii) for the purposes determined by the county legislative body in accordance with
- 16895 Subsection (2); and
- 16896 (iii) in addition to any other sales and use tax authorized under this chapter.
- 16897 (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a
- 16898 tax under this section on:
  - 16899 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are
  - 16900 exempt from taxation under Section 59-12-104; or
  - 16901 (ii) any amounts paid or charged by a seller that collects a tax under Subsection
  - 16902 59-12-107(1)(b).
  - 16903 (c) For purposes of this Subsection (1), the location of a transaction shall be
  - 16904 determined in accordance with Section 59-12-207.
- 16905 (2) (a) Subject to Subsection (2)(b), before obtaining the approval required by
- 16906 Subsection (3), a county legislative body shall adopt a resolution specifying the percentage of
- 16907 revenues the county will receive from the tax under this part that will be allocated to fund one
- 16908 or more of the following:
  - 16909 (i) a project or service relating to a fixed guideway system:
    - 16910 (A) for the portion of the project or service that is performed within the county; and
    - 16911 (B) if the fixed guideway system is owned and operated by a public transit district
    - 16912 organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act;
  - 16913 (ii) a project or service relating to a system for public transit:
    - 16914 (A) for the portion of the project or service that is performed within the county; and
    - 16915 (B) if the system for public transit is owned and operated by a public transit district
    - 16916 organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act;
    - 16917 or
  - 16918 (iii) the following relating to a state highway within the county:
    - 16919 (A) a project beginning on or after the day on which a county legislative body imposes
    - 16920 a tax under this part only within the county involving:
      - 16921 (I) new construction;
      - 16922 (II) a renovation;

- 16923 (III) an improvement; or
- 16924 (IV) an environmental study;
- 16925 (B) debt service on a project described in Subsections (2)(a)(iii)(A)(I) through (IV); or
- 16926 (C) bond issuance costs relating to a project described in Subsections (2)(a)(iii)(A)(I)
- 16927 through (IV).
- 16928 (b) (i) A county legislative body shall in the resolution required by Subsection (2)(a)
- 16929 allocate as required by Subsection (2)(a) 100% of the revenues the county will receive from the
- 16930 tax under this part.
- 16931 (ii) For purposes of this Subsection (2)(b), the revenues a county will receive from the
- 16932 tax under this part do not include amounts retained by the commission in accordance with
- 16933 Subsection (8).
- 16934 (3) (a) Before imposing a tax under this part, a county legislative body shall:
- 16935 (i) obtain approval from a majority of the members of the county legislative body to:
- 16936 (A) impose the tax; and
- 16937 (B) allocate the revenues the county will receive from the tax in accordance with the
- 16938 resolution adopted in accordance with Subsection (2); and
- 16939 (ii) subject to Subsection (3)(b), submit an opinion question to the county's registered
- 16940 voters voting on the imposition of the tax so that each registered voter has the opportunity to
- 16941 express the registered voter's opinion on whether a tax should be imposed under this part.
- 16942 (b) The opinion question required by Subsection (3)(a)(ii) shall state the allocations
- 16943 specified in the resolution:
- 16944 (i) adopted in accordance with Subsection (2); and
- 16945 (ii) approved by the county legislative body in accordance with Subsection (3)(a).
- 16946 (c) The election required by this Subsection (3) shall be held:
- 16947 (i) (A) at a regular general election; and
- 16948 (B) in accordance with the procedures and requirements of Title 20A, Election Code,
- 16949 governing regular general elections; or
- 16950 (ii) (A) at a special election called by the county legislative body;
- 16951 (B) only on the date of a municipal general election provided in Subsection
- 16952 20A-1-202(1); and
- 16953 (C) in accordance with the procedures and requirements of Section 20A-1-203.

16954 (4) (a) Subject to Subsection (8), if a county legislative body determines that a majority  
16955 of the county's registered voters voting on the imposition of the tax have voted in favor of the  
16956 imposition of the tax in accordance with Subsection (3), the county legislative body may  
16957 impose the tax by a majority vote of all of the members of the county legislative body.

16958 (b) If a county legislative body imposes a tax under Subsection (4)(a), the revenues  
16959 generated by the tax shall be:

16960 (i) allocated in accordance with the allocations specified in the resolution under  
16961 Subsection (2); and

16962 (ii) expended as provided in this part.

16963 (5) If a county legislative body allocates revenues generated by the tax for a project  
16964 described in Subsection (2)(a)(iii)(A), before beginning the project the county legislative body  
16965 shall:

16966 (a) obtain approval from the Transportation Commission to complete the project; and

16967 (b) enter into an interlocal agreement:

16968 (i) established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

16969 (ii) with the Department of Transportation; and

16970 (iii) to complete the project.

16971 (6) (a) If after a county legislative body imposes a tax under Subsection (4) the county  
16972 legislative body seeks to change the allocation of the tax specified in the resolution under  
16973 Subsection (2), the county legislative body may change the allocation of the tax by:

16974 (i) adopting a resolution in accordance with Subsection (2) specifying the percentage of  
16975 revenues the county will receive from the tax under this part that will be allocated to fund one  
16976 or more of the systems or projects described in Subsection (2);

16977 (ii) obtaining approval to change the allocation of the tax from a majority of the  
16978 members of the county legislative body; and

16979 (iii) (A) submitting an opinion question to the county's registered voters voting on  
16980 changing the allocation of the tax so that each registered voter has the opportunity to express  
16981 the registered voter's opinion on whether the allocation of the tax should be changed; and

16982 (B) obtaining approval to change the allocation of the tax from a majority of the  
16983 county's registered voters voting on changing the allocation of the tax.

16984 (b) (i) The opinion question required by Subsection (6)(a)(iii) shall state the allocations

16985 specified in the resolution:

16986 (A) adopted in accordance with Subsection (6)(a)(i); and

16987 (B) approved by the county legislative body in accordance with Subsection (6)(a)(ii).

16988 (ii) The election required by Subsection (6)(a)(iii) shall follow the procedures and  
16989 requirements of Title 11, Chapter 14, Local Government Bonding Act.

16990 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), revenues generated by a tax  
16991 under this part that are allocated for a purpose described in Subsection (2)(a)(i) or (ii) shall be  
16992 transmitted:

16993 (A) by the commission;

16994 (B) to the county;

16995 (C) monthly; and

16996 (D) by electronic funds transfer.

16997 (ii) Notwithstanding Subsection (7)(a)(i), a county may request that the commission  
16998 transfer the revenues described in Subsection (7)(a)(i):

16999 (A) directly to a public transit district:

17000 (I) organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit  
17001 District Act; and

17002 (II) designated by the county; and

17003 (B) by providing written notice to the commission:

17004 (I) requesting the revenues to be transferred directly to a public transit district as  
17005 provided in Subsection (7)(a)(ii)(A); and

17006 (II) designating the public transit district to which the revenues are requested to be  
17007 transferred.

17008 (b) Revenues generated by a tax under this part that are allocated for a purpose  
17009 described in Subsection (2)(a)(iii) shall be:

17010 (i) deposited into the State Highway Projects Within Counties Fund created by Section  
17011 72-2-121.1; and

17012 (ii) expended as provided in Section 72-2-121.1.

17013 (8) (a) (i) Except as provided in Subsection (8)(a)(ii), the tax authorized under this part  
17014 shall be administered, collected, and enforced in accordance with:

17015 (A) the same procedures used to administer, collect, and enforce the tax under:

- 17016 (I) Part 1, Tax Collection; or
- 17017 (II) Part 2, Local Sales and Use Tax Act; and
- 17018 (B) Chapter 1, General Taxation Policies.
- 17019 (ii) Notwithstanding Subsection (8)(a)(i), a tax under this part is not subject to
- 17020 Subsections 59-12-205(2) through (7).
- 17021 (b) (i) The commission may retain an amount of tax collected under this part of not to
- 17022 exceed the lesser of:
- 17023 (A) 1.5%; or
- 17024 (B) an amount equal to the cost to the commission of administering this part.
- 17025 (ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:
- 17026 (A) placed in the Sales and Use Tax Administrative Fees Account; and
- 17027 (B) used as provided in Subsection 59-12-206(2).
- 17028 (9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after July 1, 2004, a
- 17029 county enacts or repeals a tax under this part, the enactment or repeal shall take effect:
- 17030 (A) on the first day of a calendar quarter; and
- 17031 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 17032 the requirements of Subsection (9)(a)(ii) from the county.
- 17033 (ii) The notice described in Subsection (9)(a)(i)(B) shall state:
- 17034 (A) that the county will enact or repeal a tax under this part;
- 17035 (B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);
- 17036 (C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and
- 17037 (D) if the county enacts the tax described in Subsection (9)(a)(ii)(A), the rate of the tax.
- 17038 (b) (i) Notwithstanding Subsection (9)(a)(i), for a transaction described in Subsection
- 17039 (9)(b)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 17040 (A) that begins after the effective date of the enactment of the tax; and
- 17041 (B) if the billing period for the transaction begins before the effective date of the
- 17042 enactment of the tax under Subsection (1).
- 17043 (ii) Notwithstanding Subsection (9)(a)(i), for a transaction described in Subsection
- 17044 (9)(b)(iii), the repeal of a tax shall take effect on the first day of the last billing period:
- 17045 (A) that began before the effective date of the repeal of the tax; and
- 17046 (B) if the billing period for the transaction begins before the effective date of the repeal

- 17047 of the tax imposed under Subsection (1).
- 17048 (iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:
- 17049 (A) Subsection 59-12-103(1)(b);
- 17050 (B) Subsection 59-12-103(1)(c);
- 17051 (C) Subsection 59-12-103(1)(d);
- 17052 (D) Subsection 59-12-103(1)(e);
- 17053 (E) Subsection 59-12-103(1)(f);
- 17054 (F) Subsection 59-12-103(1)(g);
- 17055 (G) Subsection 59-12-103(1)(h);
- 17056 (H) Subsection 59-12-103(1)(i);
- 17057 (I) Subsection 59-12-103(1)(j); or
- 17058 (J) Subsection 59-12-103(1)(k).
- 17059 (c) (i) Notwithstanding Subsection (9)(a)(i), if a tax due under this chapter on a
- 17060 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
- 17061 enactment or repeal of a tax described in Subsection (9)(a)(i) takes effect:
- 17062 (A) on the first day of a calendar quarter; and
- 17063 (B) beginning 60 days after the effective date of the enactment or repeal under
- 17064 Subsection (9)(a)(i).
- 17065 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 17066 commission may by rule define the term "catalogue sale."
- 17067 (d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs
- 17068 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
- 17069 part for an annexing area, the enactment or repeal shall take effect:
- 17070 (A) on the first day of a calendar quarter; and
- 17071 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 17072 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.
- 17073 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:
- 17074 (A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment
- 17075 or repeal of a tax under this part for the annexing area;
- 17076 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
- 17077 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and

17078 (D) the rate of the tax described in Subsection (9)(d)(ii)(A).  
17079 (e) (i) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection  
17080 (9)(e)(iii), the enactment of a tax shall take effect on the first day of the first billing period:  
17081 (A) that begins after the effective date of the enactment of the tax; and  
17082 (B) if the billing period for the transaction begins before the effective date of the  
17083 enactment of the tax under Subsection (1).  
17084 (ii) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection  
17085 (9)(e)(iii), the repeal of a tax shall take effect on the first day of the last billing period:  
17086 (A) that began before the effective date of the repeal of the tax; and  
17087 (B) if the billing period for the transaction begins before the effective date of the repeal  
17088 of the tax imposed under Subsection (1).  
17089 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:  
17090 (A) Subsection 59-12-103(1)(b);  
17091 (B) Subsection 59-12-103(1)(c);  
17092 (C) Subsection 59-12-103(1)(d);  
17093 (D) Subsection 59-12-103(1)(e);  
17094 (E) Subsection 59-12-103(1)(f);  
17095 (F) Subsection 59-12-103(1)(g);  
17096 (G) Subsection 59-12-103(1)(h);  
17097 (H) Subsection 59-12-103(1)(i);  
17098 (I) Subsection 59-12-103(1)(j); or  
17099 (J) Subsection 59-12-103(1)(k).  
17100 (f) (i) Notwithstanding Subsection (9)(d)(i), if a tax due under this chapter on a  
17101 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an  
17102 enactment or repeal of a tax described in Subsection (9)(d)(i) takes effect:  
17103 (A) on the first day of a calendar quarter; and  
17104 (B) beginning 60 days after the effective date of the enactment or repeal under  
17105 Subsection (9)(d)(i).  
17106 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17107 commission may by rule define the term "catalogue sale."  
17108 Section 423. Section **59-12-1703** is amended to read:



17109           **59-12-1703. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of**  
17110 **tax revenues -- Administration, collection, and enforcement of tax by commission --**  
17111 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**

17112           (1) (a) Beginning on or after April 1, 2007, and subject to the other provisions of this  
17113 part, a county legislative body may impose a sales and use tax of up to .25%:

17114           (i) on the transactions:

17115           (A) described in Subsection 59-12-103(1); and

17116           (B) within the county, including the cities and towns within the county;

17117           (ii) for the purposes described in Subsection (4); and

17118           (iii) in addition to any other sales and use tax authorized under this chapter.

17119           (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a  
17120 tax under this section on:

17121           (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
17122 exempt from taxation under Section 59-12-104; or

17123           (ii) any amounts paid or charged by a seller that collects a tax under Subsection  
17124 59-12-107(1)(b).

17125           (c) For purposes of this Subsection (1), the location of a transaction shall be  
17126 determined in accordance with Section 59-12-207.

17127           (2) (a) Except as provided in Subsection (2)(d), before imposing a tax under this part, a  
17128 county legislative body shall:

17129           (i) obtain approval from a majority of the members of the county legislative body to  
17130 impose the tax; and

17131           (ii) submit an opinion question to the county's registered voters voting on the  
17132 imposition of the tax so that each registered voter has the opportunity to express the registered  
17133 voter's opinion on whether a tax should be imposed under this part.

17134           (b) (i) In a county of the first or second class, the opinion question required by  
17135 Subsection (2)(a)(ii) shall state the following:

17136           "Shall (insert the name of the county), Utah, be authorized to impose a (insert the  
17137 amount of the sales and use tax up to .25%) sales and use tax for corridor preservation,  
17138 congestion mitigation, or to expand capacity for regionally significant transportation facilities?"

17139           (ii) In a county of the third, fourth, fifth, or sixth class, the opinion question required by

17140 Subsection (2)(a)(ii) shall state the following:

17141 "Shall (insert the name of the county), Utah, be authorized to impose a (insert the  
17142 amount of the sales and use tax up to .25%) sales and use tax for transportation projects,  
17143 corridor preservation, congestion mitigation, or to expand capacity for regionally significant  
17144 transportation facilities?"

17145 (c) Except as provided in Subsection (2)(d), the election required by this Subsection (2)  
17146 shall be held:

17147 (i) at a regular general election conducted in accordance with the procedures and  
17148 requirements of Title 20A, Election Code, governing regular elections; or

17149 (ii) at a special election called by the county legislative body that is:

17150 (A) held only on the date of a municipal general election as provided in Subsection  
17151 20A-1-202(1); and

17152 (B) authorized in accordance with the procedures and requirements of Section  
17153 20A-1-203.

17154 (d) Notwithstanding Subsection (2)(a) or (c), if a county seeks to impose a tax under  
17155 this part on or after April 1, 2007, but on or before December 31, 2007, the county legislative  
17156 body shall:

17157 (i) obtain the approval required by Subsection (2)(a)(i) within five calendar days of  
17158 September 20, 2006;

17159 (ii) direct the county clerk to submit the opinion question required by Subsection  
17160 (2)(a)(ii) during the November 7, 2006 general election; and

17161 (iii) hold the election required by this section on November 7, 2006.

17162 (3) If a county legislative body determines that a majority of the county's registered  
17163 voters voting on the imposition of the tax have voted in favor of the imposition of the tax in  
17164 accordance with Subsection (2), the county legislative body shall impose the tax in accordance  
17165 with this section.

17166 (4) (a) Subject to Subsections (5) and (6), the revenues generated by a tax under this  
17167 part may only be expended for:

17168 (i) a project or service:

17169 (A) relating to a regionally significant transportation facility;

17170 (B) for the portion of the project or service that is performed within the county;

17171 (C) for new capacity or congestion mitigation if the project or service is performed  
17172 within a county:

- 17173 (I) of the first class;
- 17174 (II) of the second class; or
- 17175 (III) that is part of an area metropolitan planning organization;
- 17176 (D) (I) if the project or service is a principal arterial highway or a minor arterial  
17177 highway in a county of the first or second class, that is part of the county and municipal master  
17178 plan and part of:
  - 17179 (Aa) the statewide long-range plan; or
  - 17180 (Bb) the regional transportation plan of the area metropolitan planning organization if a  
17181 metropolitan planning organization exists for the area; or
  - 17182 (II) if the project or service is for a fixed guideway or an airport, that is part of the  
17183 regional transportation plan of the area metropolitan planning organization if a metropolitan  
17184 planning organization exists for the area; and
  - 17185 (E) that is on a priority list:
    - 17186 (I) created by the county's council of governments in accordance with Subsection (5);  
17187 and
    - 17188 (II) approved by the county legislative body in accordance with Subsection (6);
    - 17189 (ii) corridor preservation for a project described in Subsection (4)(a)(i) as provided in  
17190 Subsection (7)(b); or
    - 17191 (iii) any debt service and bond issuance costs related to a project described in  
17192 Subsection (4)(a)(i) or (ii).
  - 17193 (b) In a county of the first or second class, a regionally significant transportation  
17194 facility project or service described in Subsection (4)(a)(i)(A) must have a funded year priority  
17195 designation on a Statewide Transportation Improvement Program and Transportation  
17196 Improvement Program if the project or service described in Subsection (4)(a)(i) is:
    - 17197 (i) a principal arterial highway as defined in Section 72-4-102.5;
    - 17198 (ii) a minor arterial highway as defined in Section 72-4-102.5; or
    - 17199 (iii) a major collector highway:
      - 17200 (A) as defined in Section 72-4-102.5; and
      - 17201 (B) in a rural area.

17202 (c) Notwithstanding the designated use of revenues in Subsection (4)(a), of the  
17203 revenues generated by the tax imposed under this section by any county of the first or second  
17204 class, 25% or more shall be expended for the purpose described in Subsection (4)(a)(ii).

17205 (d) For purposes of this Subsection (4), the revenues a county will receive from a tax  
17206 under this part do not include amounts retained by the commission in accordance with  
17207 Subsection (8).

17208 (5) (a) The county's council of governments shall create a priority list of regionally  
17209 significant transportation facility projects described in Subsection (4)(a) using the process  
17210 described in Subsection (5)(b) and present the priority list to the county's legislative body for  
17211 approval as described in Subsection (6).

17212 (b) Subject to Sections 59-12-1704 and 59-12-1705, a council of governments shall  
17213 establish a council of governments' endorsement process which includes prioritization and  
17214 application procedures for use of the revenues a county will receive from a tax under this part.

17215 (6) (a) The council of governments shall submit the priority list described in  
17216 Subsection (5) to the county's legislative body and obtain approval of the list from a majority of  
17217 the members of the county legislative body.

17218 (b) A county's council of governments may only submit one priority list per calendar  
17219 year.

17220 (c) A county legislative body may only consider and approve one priority list per  
17221 calendar year.

17222 (7) (a) (i) Except as provided in Subsections (7)(a)(ii) and (7)(b), revenues described in  
17223 Subsection (4) shall be transmitted:

- 17224 (A) by the commission;
- 17225 (B) to the county;
- 17226 (C) monthly; and
- 17227 (D) by electronic funds transfer.

17228 (ii) A county may request that the commission transfer a portion of the revenues  
17229 described in Subsection (4):

17230 (A) directly to a public transit district:

17231 (I) organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit  
17232 District Act; and

17233 (II) designated by the county; and  
17234 (B) by providing written notice to the commission:  
17235 (I) requesting the revenues to be transferred directly to a public transit district as  
17236 provided in Subsection (7)(a)(ii)(A); and  
17237 (II) designating the public transit district to which the revenues are requested to be  
17238 transferred.  
17239 (b) (i) Except as provided in Subsection (7)(b)(ii), revenues generated by a tax under  
17240 this part that are allocated for a purpose described in Subsection (4)(a)(ii) shall be:  
17241 (A) deposited in or transferred to the Local Transportation Corridor Preservation Fund  
17242 created by Section 72-2-117.5; and  
17243 (B) expended as provided in Section 72-2-117.5.  
17244 (ii) In a county of the first class, revenues generated by a tax under this part that are  
17245 allocated for a purpose described in Subsection (4)(a)(ii) shall be:  
17246 (A) deposited in or transferred to the Public Transportation System Tax Highway Fund  
17247 created by Section 72-2-121; and  
17248 (B) expended as provided in Section 72-2-121.  
17249 (8) (a) (i) Except as provided in Subsection (8)(b), the tax authorized under this part  
17250 shall be administered, collected, and enforced in accordance with:  
17251 (A) the same procedures used to administer, collect, and enforce the tax under:  
17252 (I) Part 1, Tax Collection; or  
17253 (II) Part 2, Local Sales and Use Tax Act; and  
17254 (B) Chapter 1, General Taxation Policies.  
17255 (ii) A tax under this part is not subject to Subsections 59-12-205(2) through (7).  
17256 (b) (i) The commission may retain an amount of tax collected under this part of not to  
17257 exceed the lesser of:  
17258 (A) 1.5%; or  
17259 (B) an amount equal to the cost to the commission of administering this part.  
17260 (ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:  
17261 (A) placed in the Sales and Use Tax Administrative Fees Account; and  
17262 (B) used as provided in Subsection 59-12-206(2).  
17263 (9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after April 1, 2007, a

17264 county enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal,  
17265 or change shall take effect:

17266 (A) on the first day of a calendar quarter; and

17267 (B) after a 90-day period beginning on the date the commission receives notice meeting  
17268 the requirements of Subsection (9)(a)(ii) from the county.

17269 (ii) The notice described in Subsection (9)(a)(i)(B) shall state:

17270 (A) that the county will enact, repeal, or change the rate of a tax under this part;

17271 (B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);

17272 (C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and

17273 (D) if the county enacts the tax or changes the rate of the tax described in Subsection  
17274 (9)(a)(ii)(A), the rate of the tax.

17275 (b) (i) For a transaction described in Subsection (9)(b)(iii), if the billing period for the  
17276 transaction begins before the effective date of the enactment of the tax or tax rate increase  
17277 under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first  
17278 day of the first billing period that begins after the effective date of the enactment of the tax or  
17279 the tax rate increase.

17280 (ii) For a transaction described in Subsection (9)(b)(iii), if the billing period for the  
17281 transaction begins before the effective date of the repeal of the tax or the tax rate decrease  
17282 imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the  
17283 first day of the last billing period that began before the effective date of the repeal of the tax or  
17284 the tax rate decrease.

17285 (iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:

17286 (A) Subsection 59-12-103(1)(b);

17287 (B) Subsection 59-12-103(1)(c);

17288 (C) Subsection 59-12-103(1)(d);

17289 (D) Subsection 59-12-103(1)(e);

17290 (E) Subsection 59-12-103(1)(f);

17291 (F) Subsection 59-12-103(1)(g);

17292 (G) Subsection 59-12-103(1)(h);

17293 (H) Subsection 59-12-103(1)(i);

17294 (I) Subsection 59-12-103(1)(j); or

- 17295 (J) Subsection 59-12-103(1)(k).
- 17296 (c) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
17297 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
17298 a tax described in Subsection (9)(a)(i) takes effect:
- 17299 (A) on the first day of a calendar quarter; and
- 17300 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
17301 rate of the tax under Subsection (9)(a)(i).
- 17302 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17303 commission may by rule define the term "catalogue sale."
- 17304 (d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs  
17305 on or after April 1, 2007, the annexation will result in the enactment, repeal, or change in the  
17306 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
17307 effect:
- 17308 (A) on the first day of a calendar quarter; and
- 17309 (B) after a 90-day period beginning on the date the commission receives notice meeting  
17310 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.
- 17311 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:
- 17312 (A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment,  
17313 repeal, or change in the rate of a tax under this part for the annexing area;
- 17314 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
- 17315 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and
- 17316 (D) if the county enacts the tax or changes the rate of the tax described in Subsection  
17317 (9)(d)(ii)(A), the rate of the tax.
- 17318 (e) (i) For a transaction described in Subsection (9)(e)(iii), if the billing period for the  
17319 transaction begins before the effective date of the enactment of the tax or a tax rate increase  
17320 under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first  
17321 day of the first billing period that begins after the effective date of the enactment of the tax or  
17322 the tax rate increase.
- 17323 (ii) For a transaction described in Subsection (9)(e)(iii), if the billing period for the  
17324 transaction begins before the effective date of the repeal of the tax or the tax rate decrease  
17325 imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the

17326 first day of the last billing period that began before the effective date of the repeal of the tax or  
17327 the tax rate decrease.

17328 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:

17329 (A) Subsection 59-12-103(1)(b);

17330 (B) Subsection 59-12-103(1)(c);

17331 (C) Subsection 59-12-103(1)(d);

17332 (D) Subsection 59-12-103(1)(e);

17333 (E) Subsection 59-12-103(1)(f);

17334 (F) Subsection 59-12-103(1)(g);

17335 (G) Subsection 59-12-103(1)(h);

17336 (H) Subsection 59-12-103(1)(i);

17337 (I) Subsection 59-12-103(1)(j); or

17338 (J) Subsection 59-12-103(1)(k).

17339 (f) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
17340 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
17341 a tax described in Subsection (9)(d)(i) takes effect:

17342 (A) on the first day of a calendar quarter; and

17343 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
17344 rate under Subsection (9)(d)(i).

17345 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
17346 commission may by rule define the term "catalogue sale."

17347 Section 424. Section **63-2-103** is amended to read:

17348 **63-2-103. Definitions.**

17349 As used in this chapter:

17350 (1) "Audit" means:

17351 (a) a systematic examination of financial, management, program, and related records  
17352 for the purpose of determining the fair presentation of financial statements, adequacy of  
17353 internal controls, or compliance with laws and regulations; or

17354 (b) a systematic examination of program procedures and operations for the purpose of  
17355 determining their effectiveness, economy, efficiency, and compliance with statutes and  
17356 regulations.



17357 (2) "Chronological logs" mean the regular and customary summary records of law  
17358 enforcement agencies and other public safety agencies that show:

17359 (a) the time and general nature of police, fire, and paramedic calls made to the agency;  
17360 (b) and any arrests or jail bookings made by the agency.

17361 (3) "Classification," "classify," and their derivative forms mean determining whether a  
17362 record series, record, or information within a record is public, private, controlled, protected, or  
17363 exempt from disclosure under Subsection 63-2-201(3)(b).

17364 (4) (a) "Computer program" means:

17365 (i) a series of instructions or statements that permit the functioning of a computer  
17366 system in a manner designed to provide storage, retrieval, and manipulation of data from the  
17367 computer system; and

17368 (ii) any associated documentation and source material that explain how to operate the  
17369 computer program.

17370 (b) "Computer program" does not mean:

17371 (i) the original data, including numbers, text, voice, graphics, and images;

17372 (ii) analysis, compilation, and other manipulated forms of the original data produced by  
17373 use of the program; or

17374 (iii) the mathematical or statistical formulas, excluding the underlying mathematical  
17375 algorithms contained in the program, that would be used if the manipulated forms of the  
17376 original data were to be produced manually.

17377 (5) (a) "Contractor" means:

17378 (i) any person who contracts with a governmental entity to provide goods or services  
17379 directly to a governmental entity; or

17380 (ii) any private, nonprofit organization that receives funds from a governmental entity.

17381 (b) "Contractor" does not mean a private provider.

17382 (6) "Controlled record" means a record containing data on individuals that is controlled  
17383 as provided by Section 63-2-303.

17384 (7) "Designation," "designate," and their derivative forms mean indicating, based on a  
17385 governmental entity's familiarity with a record series or based on a governmental entity's  
17386 review of a reasonable sample of a record series, the primary classification that a majority of  
17387 records in a record series would be given if classified and the classification that other records

17388 typically present in the record series would be given if classified.

17389 (8) "Elected official" means each person elected to a state office, county office,  
17390 municipal office, school board or school district office, [~~or special~~] local district office, or  
17391 special service district office but does not include judges.

17392 (9) "Explosive" means a chemical compound, device, or mixture:

17393 (a) commonly used or intended for the purpose of producing an explosion; and

17394 (b) that contains oxidizing or combustive units or other ingredients in proportions,  
17395 quantities, or packing so that:

17396 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
17397 compound or mixture may cause a sudden generation of highly heated gases; and

17398 (ii) the resultant gaseous pressures are capable of:

17399 (A) producing destructive effects on contiguous objects; or

17400 (B) causing death or serious bodily injury.

17401 (10) "Government audit agency" means any governmental entity that conducts an audit.

17402 (11) (a) "Governmental entity" means:

17403 (i) executive department agencies of the state, the offices of the governor, lieutenant  
17404 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,  
17405 the Board of Examiners, the National Guard, the Career Service Review Board, the State Board  
17406 of Education, the State Board of Regents, and the State Archives;

17407 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
17408 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative  
17409 committees, except any political party, group, caucus, or rules or sifting committee of the  
17410 Legislature;

17411 (iii) courts, the Judicial Council, the Office of the Court Administrator, and similar  
17412 administrative units in the judicial branch;

17413 (iv) any state-funded institution of higher education or public education; or

17414 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
17415 ordinance or a policy relating to information practices pursuant to Section 63-2-701, this  
17416 chapter shall apply to the political subdivision to the extent specified in Section 63-2-701 or as  
17417 specified in any other section of this chapter that specifically refers to political subdivisions.

17418 (b) "Governmental entity" also means every office, agency, board, bureau, committee,

17419 department, advisory board, or commission of an entity listed in Subsection (11)(a) that is  
17420 funded or established by the government to carry out the public's business.

17421 (12) "Gross compensation" means every form of remuneration payable for a given  
17422 period to an individual for services provided including salaries, commissions, vacation pay,  
17423 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
17424 similar benefit received from the individual's employer.

17425 (13) "Individual" means a human being.

17426 (14) (a) "Initial contact report" means an initial written or recorded report, however  
17427 titled, prepared by peace officers engaged in public patrol or response duties describing official  
17428 actions initially taken in response to either a public complaint about or the discovery of an  
17429 apparent violation of law, which report may describe:

17430 (i) the date, time, location, and nature of the complaint, the incident, or offense;

17431 (ii) names of victims;

17432 (iii) the nature or general scope of the agency's initial actions taken in response to the  
17433 incident;

17434 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

17435 (v) the name, address, and other identifying information about any person arrested or  
17436 charged in connection with the incident; or

17437 (vi) the identity of the public safety personnel, except undercover personnel, or  
17438 prosecuting attorney involved in responding to the initial incident.

17439 (b) Initial contact reports do not include follow-up or investigative reports prepared  
17440 after the initial contact report. However, if the information specified in Subsection (14)(a)  
17441 appears in follow-up or investigative reports, it may only be treated confidentially if it is  
17442 private, controlled, protected, or exempt from disclosure under Subsection 63-2-201(3)(b).

17443 (15) "Legislative body" means the Legislature.

17444 (16) "Notice of compliance" means a statement confirming that a governmental entity  
17445 has complied with a records committee order.

17446 (17) "Person" means:

17447 (a) an individual;

17448 (b) a nonprofit or profit corporation;

17449 (c) a partnership;

- 17450 (d) a sole proprietorship;
- 17451 (e) other type of business organization; or
- 17452 (f) any combination acting in concert with one another.
- 17453 (18) "Private provider" means any person who contracts with a governmental entity to
- 17454 provide services directly to the public.
- 17455 (19) "Private record" means a record containing data on individuals that is private as
- 17456 provided by Section 63-2-302.
- 17457 (20) "Protected record" means a record that is classified protected as provided by
- 17458 Section 63-2-304.
- 17459 (21) "Public record" means a record that is not private, controlled, or protected and that
- 17460 is not exempt from disclosure as provided in Subsection 63-2-201(3)(b).
- 17461 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
- 17462 card, tape, recording, electronic data, or other documentary material regardless of physical form
- 17463 or characteristics:
  - 17464 (i) that is prepared, owned, received, or retained by a governmental entity or political
  - 17465 subdivision; and
  - 17466 (ii) where all of the information in the original is reproducible by photocopy or other
  - 17467 mechanical or electronic means.
- 17468 (b) "Record" does not mean:
  - 17469 (i) a personal note or personal communication prepared or received by an employee or
  - 17470 officer of a governmental entity in the employee's or officer's private capacity;
  - 17471 (ii) a temporary draft or similar material prepared for the originator's personal use or
  - 17472 prepared by the originator for the personal use of an individual for whom the originator is
  - 17473 working;
  - 17474 (iii) material that is legally owned by an individual in the individual's private capacity;
  - 17475 (iv) material to which access is limited by the laws of copyright or patent unless the
  - 17476 copyright or patent is owned by a governmental entity or political subdivision;
  - 17477 (v) proprietary software;
  - 17478 (vi) junk mail or a commercial publication received by a governmental entity or an
  - 17479 official or employee of a governmental entity;
  - 17480 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections

- 17481 of a library open to the public;
- 17482 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
- 17483 of a library open to the public, regardless of physical form or characteristics of the material;
- 17484 (ix) a daily calendar or other personal note prepared by the originator for the
- 17485 originator's personal use or for the personal use of an individual for whom the originator is
- 17486 working;
- 17487 (x) a computer program that is developed or purchased by or for any governmental
- 17488 entity for its own use;
- 17489 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 17490 (A) a member of the judiciary;
- 17491 (B) an administrative law judge;
- 17492 (C) a member of the Board of Pardons and Parole; or
- 17493 (D) a member of any other body charged by law with performing a quasi-judicial
- 17494 function; or
- 17495 (xii) a telephone number or similar code used to access a mobile communication
- 17496 device that is used by an employee or officer of a governmental entity, provided that the
- 17497 employee or officer of the governmental entity has designated at least one business telephone
- 17498 number that is a public record as provided in Section 63-2-301.
- 17499 (23) "Record series" means a group of records that may be treated as a unit for
- 17500 purposes of designation, description, management, or disposition.
- 17501 (24) "Records committee" means the State Records Committee created in Section
- 17502 63-2-501.
- 17503 (25) "Records officer" means the individual appointed by the chief administrative
- 17504 officer of each governmental entity, or the political subdivision to work with state archives in
- 17505 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
- 17506 records.
- 17507 (26) "Schedule," "scheduling," and their derivative forms mean the process of
- 17508 specifying the length of time each record series should be retained by a governmental entity for
- 17509 administrative, legal, fiscal, or historical purposes and when each record series should be
- 17510 transferred to the state archives or destroyed.
- 17511 (27) "Sponsored research" means research, training, and other sponsored activities as

17512 defined by the federal Executive Office of the President, Office of Management and Budget:

17513 (a) conducted:

17514 (i) by an institution within the state system of higher education defined in Section  
17515 53B-1-102; and

17516 (ii) through an office responsible for sponsored projects or programs; and

17517 (b) funded or otherwise supported by an external:

17518 (i) person that is not created or controlled by the institution within the state system of  
17519 higher education; or

17520 (ii) federal, state, or local governmental entity.

17521 (28) "State archives" means the Division of Archives and Records Service created in  
17522 Section 63-2-901.

17523 (29) "State archivist" means the director of the state archives.

17524 (30) "Summary data" means statistical records and compilations that contain data  
17525 derived from private, controlled, or protected information but that do not disclose private,  
17526 controlled, or protected information.

17527 Section 425. Section **63-6-1 (Effective 07/01/07)** is amended to read:

17528 **63-6-1 (Effective 07/01/07). Members -- Functions.**

17529 (1) As used in this chapter:

17530 (a) "Political subdivision" means any county, city, town, school district, [~~public transit~~  
17531 ~~district, redevelopment~~] community development and renewal agency, special improvement or  
17532 taxing district, [~~special~~] local district, special service district, an entity created by an interlocal  
17533 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
17534 governmental subdivision or public corporation.

17535 (b) "State" means the state of Utah, and includes each office, department, division,  
17536 agency, authority, commission, board, institution, college, university, Children's Justice Center,  
17537 or other instrumentality of the state.

17538 (2) The governor, the state auditor, and the attorney general shall constitute a Board of  
17539 Examiners, with power to examine all claims against the state or a political subdivision, for the  
17540 payment of which funds appropriated by the Legislature or derived from any other source are  
17541 not available.

17542 (3) No claim against the state or a political subdivision, for the payment of which

17543 specifically designated funds are required to be appropriated by the Legislature shall be passed  
17544 upon by the Legislature without having been considered and acted upon by the Board of  
17545 Examiners.

17546 (4) The governor shall be the president, and the state auditor shall be the secretary of  
17547 the board, and in the absence of either an officer pro tempore may be elected from among the  
17548 members of the board.

17549 Section 426. Section **63-30d-102** is amended to read:

17550 **63-30d-102. Definitions.**

17551 As used in this chapter:

17552 (1) "Claim" means any asserted demand for or cause of action for money or damages,  
17553 whether arising under the common law, under state constitutional provisions, or under state  
17554 statutes, against a governmental entity or against an employee in the employee's personal  
17555 capacity.

17556 (2) (a) "Employee" includes:

17557 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

17558 (ii) members of a governing body;

17559 (iii) members of a government entity board;

17560 (iv) members of a government entity commission;

17561 (v) members of an advisory body, officers, and employees of a Children's Justice  
17562 Center created in accordance with Section 67-5b-104;

17563 (vi) student teachers holding a letter of authorization in accordance with Sections  
17564 53A-6-103 and 53A-6-104;

17565 (vii) educational aides;

17566 (viii) students engaged in providing services to members of the public in the course of  
17567 an approved medical, nursing, or other professional health care clinical training program;

17568 (ix) volunteers as defined by Subsection 67-20-2(3); and

17569 (x) tutors.

17570 (b) "Employee" includes all of the positions identified in Subsection (2)(a), whether or  
17571 not the individual holding that position receives compensation.

17572 (c) "Employee" does not include an independent contractor.

17573 (3) "Governmental entity" means the state and its political subdivisions as both are

17574 defined in this section.

17575 (4) (a) "Governmental function" means each activity, undertaking, or operation of a  
17576 governmental entity.

17577 (b) "Governmental function" includes each activity, undertaking, or operation  
17578 performed by a department, agency, employee, agent, or officer of a governmental entity.

17579 (c) "Governmental function" includes a governmental entity's failure to act.

17580 (5) "Injury" means death, injury to a person, damage to or loss of property, or any other  
17581 injury that a person may suffer to his person or estate, that would be actionable if inflicted by a  
17582 private person or his agent.

17583 (6) "Personal injury" means an injury of any kind other than property damage.

17584 (7) "Political subdivision" means any county, city, town, school district, [~~public transit~~  
17585 ~~district, redevelopment~~] community development and renewal agency, special improvement or  
17586 taxing district, [~~special~~] local district, special service district, an entity created by an interlocal  
17587 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other  
17588 governmental subdivision or public corporation.

17589 (8) "Property damage" means injury to, or loss of, any right, title, estate, or interest in  
17590 real or personal property.

17591 (9) "State" means the state of Utah, and includes each office, department, division,  
17592 agency, authority, commission, board, institution, hospital, college, university, Children's  
17593 Justice Center, or other instrumentality of the state.

17594 (10) "Willful misconduct" means the intentional doing of a wrongful act, or the  
17595 wrongful failure to act, without just cause or excuse, where the actor is aware that his conduct  
17596 will probably result in injury.

17597 Section 427. Section **63-30d-401** is amended to read:

17598 **63-30d-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**  
17599 **Appointment of guardian ad litem.**

17600 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of  
17601 limitations that would apply if the claim were against a private person begins to run.

17602 (b) The statute of limitations does not begin to run until a claimant knew, or with the  
17603 exercise of reasonable diligence should have known:

17604 (i) that the claimant had a claim against the governmental entity or its employee; and



- 17605 (ii) the identity of the governmental entity or the name of the employee.
- 17606 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.
- 17607 (2) Any person having a claim against a governmental entity, or against its employee
- 17608 for an act or omission occurring during the performance of the employee's duties, within the
- 17609 scope of employment, or under color of authority shall file a written notice of claim with the
- 17610 entity before maintaining an action, regardless of whether or not the function giving rise to the
- 17611 claim is characterized as governmental.
- 17612 (3) (a) The notice of claim shall set forth:
- 17613 (i) a brief statement of the facts;
- 17614 (ii) the nature of the claim asserted;
- 17615 (iii) the damages incurred by the claimant so far as they are known; and
- 17616 (iv) if the claim is being pursued against a governmental employee individually as
- 17617 provided in Subsection 63-30d-202(3)(c), the name of the employee.
- 17618 (b) The notice of claim shall be:
- 17619 (i) signed by the person making the claim or that person's agent, attorney, parent, or
- 17620 legal guardian; and
- 17621 (ii) directed and delivered by hand or by mail according to the requirements of Section
- 17622 68-3-8.5 to the office of:
- 17623 (A) the city or town clerk, when the claim is against an incorporated city or town;
- 17624 (B) the county clerk, when the claim is against a county;
- 17625 (C) the superintendent or business administrator of the board, when the claim is against
- 17626 a school district or board of education;
- 17627 (D) the presiding officer or secretary/clerk of the board, when the claim is against a
- 17628 ~~special~~ local district or special service district;
- 17629 (E) the attorney general, when the claim is against the State of Utah;
- 17630 (F) a member of the governing board, the executive director, or executive secretary,
- 17631 when the claim is against any other public board, commission, or body; or
- 17632 (G) the agent authorized by a governmental entity to receive the notice of claim by the
- 17633 governmental entity under Subsection (5)(e).
- 17634 (4) (a) If an injury that may reasonably be expected to result in a claim against a
- 17635 governmental entity is sustained by a claimant who is under the age of majority or mentally

17636 incompetent, that governmental entity may file a request with the court for the appointment of a  
17637 guardian ad litem for the potential claimant.

17638 (b) If a guardian ad litem is appointed, the time for filing a claim under Section  
17639 63-30d-402 begins when the order appointing the guardian is issued.

17640 (5) (a) Each governmental entity subject to suit under this chapter shall file a statement  
17641 with the Division of Corporations and Commercial Code within the Department of Commerce  
17642 containing:

17643 (i) the name and address of the governmental entity;

17644 (ii) the office or agent designated to receive a notice of claim; and

17645 (iii) the address at which it is to be directed and delivered.

17646 (b) Each governmental entity shall update its statement as necessary to ensure that the  
17647 information is accurate.

17648 (c) The Division of Corporations and Commercial Code shall develop a form for  
17649 governmental entities to complete that provides the information required by Subsection (5)(a).

17650 (d) (i) Newly incorporated municipalities shall file the statement required by  
17651 Subsection (5)(a) at the time that the statement of incorporation and boundaries is filed with the  
17652 lieutenant governor under Section 10-1-106.

17653 (ii) Newly incorporated [~~special~~] local districts shall file the statement required by  
17654 Subsection (5)(a) at the time that the written notice [~~of creation of the district~~] is filed with the  
17655 [~~State Tax Commission and State Auditor~~] lieutenant governor under [~~Sections 17A-1-102 and~~  
17656 ~~17B-3-215~~] Section 17B-1-215.

17657 (e) A governmental entity may, in its statement, identify an agent authorized by the  
17658 entity to accept notices of claim on its behalf.

17659 (6) The Division of Corporations and Commercial Code shall:

17660 (a) maintain an index of the statements required by this section arranged both  
17661 alphabetically by entity and by county of operation; and

17662 (b) make the indices available to the public both electronically and via hard copy.

17663 (7) A governmental entity may not challenge the validity of a notice of claim on the  
17664 grounds that it was not directed and delivered to the proper office or agent if the error is caused  
17665 by the governmental entity's failure to file or update the statement required by Subsection (5).

17666 Section 428. Section **63-38-3.3** is amended to read:

17667 **63-38-3.3. Payment of fees prerequisite to service -- Exception.**

17668 (1) (a) State and county officers required by law to charge fees may not perform any  
17669 official service unless the fees prescribed for that service are paid in advance.

17670 (b) When the fee is paid, the officer shall perform the services required.

17671 (c) An officer is liable upon the officer's official bond for every failure or refusal to  
17672 perform an official duty when the fees are tendered.

17673 (2) (a) Except as provided in Subsection (2)(b), no fees may be charged:

17674 (i) to the officer's state, or any county or subdivision of the state;

17675 (ii) to any public officer acting for the state, county, or subdivision;

17676 (iii) in cases of habeas corpus;

17677 (iv) in criminal causes before final judgment;

17678 (v) for administering and certifying the oath of office;

17679 (vi) for swearing pensioners and their witnesses; or

17680 (vii) for filing and recording bonds of public officers.

17681 (b) Fees may be charged for payment:

17682 (i) of recording fees for [~~county and municipal improvement district~~] assessment area  
17683 recordings in compliance with [~~Sections 17A-3-207 and 17A-3-307~~] Section 11-42-205;

17684 (ii) of recording fees for judgments recorded in compliance with Sections 57-3-106 and  
17685 78-5-119; and

17686 (iii) to the state engineer under Section 73-2-14.

17687 Section 429. Section **63-38d-102** is amended to read:

17688 **63-38d-102. Definitions.**

17689 As used in this chapter:

17690 (1) "Committee" means the Resource Development Coordinating Committee created  
17691 by this chapter.

17692 (2) "Director" means the chief administrative officer of the Governor's Office of  
17693 Planning and Budget appointed as provided in this chapter.

17694 (3) "Office" means the Governor's Office of Planning and Budget created by this  
17695 chapter.

17696 (4) "Political subdivision" means a county, municipality, [~~special~~] local district, special  
17697 service district, school district, interlocal cooperation agreement entity, or any administrative

17698 subunit of them.

17699 (5) "State planning coordinator" means the person appointed as planning coordinator as  
17700 provided in this chapter.

17701 Section 430. Section **63-38d-601** is amended to read:

17702 **63-38d-601. Definitions.**

17703 As used in this part:

17704 (1) "Coordinator" means the public lands policy coordinator appointed in this part.

17705 (2) "Council" means the Public Lands Policy Coordinating Council created by this part.

17706 (3) "Office" means the Public Lands Policy Coordinating Office created by this part.

17707 (4) "Political subdivision" means a county, municipality, [~~special~~] local district, special  
17708 service district, school district, interlocal cooperation agreement entity, or any administrative  
17709 subunit of them.

17710 (5) "State planning coordinator" means the person appointed under Subsection  
17711 63-38d-202(1)(a)(ii).

17712 Section 431. Section **63-38f-2002** is amended to read:

17713 **63-38f-2002. Definitions.**

17714 As used in this part:

17715 (1) "Board" means the Board of Business and Economic Development created by  
17716 Section 63-38f-301.

17717 (2) "Business incubator expense" means an expense relating to funding a program that  
17718 is:

17719 (a) designed to provide business support services and resources to one or more  
17720 business entities within a project area during the business entities' early stages of development;  
17721 and

17722 (b) determined to be a business incubator by the board.

17723 (3) "Business rehabilitation expense" means an expense relating to the renovation or  
17724 rehabilitation of an existing building within a project area as determined by the board.

17725 (4) "Debt service" means the payment of debt service on a bond issued to pay a:

17726 (a) business rehabilitation expense relating to a project; or

17727 (b) public infrastructure expense relating to a project.

17728 (5) "Eligible county" means a county of the third, fourth, fifth, or sixth class.

- 17729 (6) "Eligible expense" means an expense:
- 17730 (a) incurred by an eligible county;
- 17731 (b) relating to a project; and
- 17732 (c) that is:
- 17733 (i) a business incubator expense;
- 17734 (ii) debt service; or
- 17735 (iii) a public infrastructure expense.
- 17736 (7) "Project" means an economic development project:
- 17737 (a) as determined by the board; and
- 17738 (b) for which an eligible county applies to the board in accordance with this part for a
- 17739 loan or grant to assist the eligible county in paying an eligible expense.
- 17740 (8) "Project area" means the geographic area within which a project is implemented by
- 17741 an eligible county.
- 17742 (9) "Public infrastructure expense" means an expense relating to a publicly owned
- 17743 improvement located within a project area if:
- 17744 (a) the expense is:
- 17745 (i) incurred for:
- 17746 (A) construction;
- 17747 (B) demolition;
- 17748 (C) design;
- 17749 (D) engineering;
- 17750 (E) an environmental impact study;
- 17751 (F) environmental remediation; or
- 17752 (G) rehabilitation; or
- 17753 (ii) similar to an expense described in Subsection (9)(a)(i) as determined by the board;
- 17754 and
- 17755 (b) the publicly owned improvement is:
- 17756 (i) not a building as determined by the board; and
- 17757 (ii) necessary to support a project as determined by the board.
- 17758 (10) "Publicly owned improvement" means an improvement to real property if:
- 17759 (a) the real property is owned by:

- 17760 (i) the United States;
- 17761 (ii) the state; or
- 17762 (iii) a political subdivision:
- 17763 (A) as defined in Section [~~17B-2-101~~] 17B-1-102; and
- 17764 (B) of the state; and
- 17765 (b) the improvement relates to:
- 17766 (i) a sewage system including a system for collection, transport, storage, treatment,
- 17767 dispersal, effluent use, or discharge;
- 17768 (ii) a drainage or flood control system, including a system for collection, transport,
- 17769 diversion, storage, detention, retention, dispersal, use, or discharge;
- 17770 (iii) a water system including a system for production, collection, storage, treatment,
- 17771 transport, delivery, connection, or dispersal;
- 17772 (iv) a highway, street, or road system for vehicular use for travel, ingress, or egress;
- 17773 (v) a rail transportation system;
- 17774 (vi) a system for pedestrian use for travel, ingress, or egress;
- 17775 (vii) a public utility system including a system for electricity, gas, or
- 17776 telecommunications; or
- 17777 (viii) a system or device that is similar to a system or device described in Subsections
- 17778 (10)(b)(i) through (vii) as determined by the board.
- 17779 (11) "Restricted account" means the Business Development for Disadvantaged Rural
- 17780 Communities Restricted Account created by Section 63-38f-2003.
- 17781 Section 432. Section **63-51-2** is amended to read:
- 17782 **63-51-2. Definitions.**
- 17783 As used in this chapter:
- 17784 (1) "Commencement of construction" means any clearing of land, excavation, or
- 17785 construction but does not include preliminary site review, including soil tests, topographical
- 17786 surveys, exploratory drilling, boring or mining, or other preliminary tests.
- 17787 (2) "Developer" means any person engaged or to be engaged in industrial development
- 17788 or the development or utilization of natural resources in this state through a natural resource or
- 17789 industrial facility, including owners, contract purchases of owners, and persons who, as a lessee
- 17790 or under an agreement, are engaged or to be engaged in industrial development or the

17791 development or utilization of natural resources in this state through a natural resource or  
17792 industrial facility.

17793 (3) "Major developer" means any developer whose proposed new or additional natural  
17794 resource facility or industrial facility is projected:

17795 (a) To employ more than 500 people; or

17796 (b) To cause the population of an affected unit of local government to increase by more  
17797 than 5%, the increase to include the primary work force of the facility and their dependents and  
17798 the work force and dependents attributable to commercial and public service employment  
17799 created by the presence of the facility.

17800 (4) "Natural resource facility" or "industrial facility" means any land, structure,  
17801 building, plant, mine, road, installation, excavation, machinery, equipment, or device, or any  
17802 addition to, reconstruction, replacement, or improvement of, land or an existing structure,  
17803 building, plant, mine, road, installation, excavation, machinery, or device reasonably used,  
17804 erected, constructed, acquired, or installed by any person, if a substantial purpose of or result of  
17805 the use, erection, construction, acquisition, rental, lease, or installation is related to industrial  
17806 development or the development or utilization of the natural resources in this state.

17807 (5) "Person" includes any individual, firm, co-partnership, joint venture, corporation,  
17808 estate, trust, business trust, syndicate, or any group or combination acting as a unit.

17809 (6) "Unit of local government" means any county, municipality, school district,  
17810 ~~special~~ local district, special service district, or any other political subdivision of the state.

17811 Section 433. Section **63-56-102** is amended to read:

17812 **63-56-102. Application of chapter.**

17813 (1) This chapter applies only to contracts solicited or entered into after the effective  
17814 date of this chapter unless the parties agree to its application to a contract solicited or entered  
17815 into prior to the effective date.

17816 (2) Except as provided in Section 63-56-103, this chapter shall apply to every  
17817 expenditure of public funds irrespective of their source, including federal assistance, by any  
17818 state agency under any contract.

17819 (3) (a) Only the following sections shall apply to local public procurement units:  
17820 Sections 63-56-103, 63-56-105, 63-56-301, 63-56-303 through 63-56-420, 63-56-422,  
17821 63-56-501 through 63-56-602, 63-56-801 through 63-56-806, and 63-56-815 through

17822 63-56-819; provided, however, that, except as provided in Sections 63-56-906 and 63-56-907,  
17823 the jurisdiction of the procurement appeals board is limited to matters involving state agencies.

17824 (b) Subsections 63-56-208(1)(b), 63-56-503(4), and 63-56-504(2) also apply to local  
17825 public procurement units.

17826 (c) For the purpose of application of those sections and subsections to a local public  
17827 procurement unit, "state" shall mean "local public procurement unit," "chief procurement  
17828 officer" or "head of a purchasing agency" shall mean any person conducting procurement for a  
17829 local public procurement unit, and "rules and regulations" shall mean ordinances and rules and  
17830 regulations promulgated by a local public procurement unit to implement or supplement those  
17831 sections.

17832 (d) In addition to the sections and subsections listed above and except as provided in  
17833 [~~Section 17A-1-801~~] Subsection 17B-1-108(3) relating to [~~special~~] local districts, each local  
17834 public procurement unit shall adopt ordinances relating to the procurement of  
17835 architect-engineer services not inconsistent with the provisions of Part 7, Architect-Engineer  
17836 Services.

17837 (e) Any other section of this chapter, or its implementing regulations, may be adopted  
17838 by any local public procurement unit.

17839 (f) Any other implementing regulations adopted by local public procurement units may  
17840 not be inconsistent with the provisions of this chapter.

17841 (4) Unless otherwise provided by statute, this chapter does not apply to procurement of  
17842 real property.

17843 Section 434. Section **63-56-201** is amended to read:

17844 **63-56-201. Creation of procurement policy board.**

17845 (1) (a) There is created a state procurement policy board.

17846 (b) The policy board shall consist of eight members who shall be appointed as follows:

17847 (i) an employee of a state institution of higher education, appointed by the board of  
17848 regents;

17849 (ii) an employee of the Department of Human Services, appointed by the executive  
17850 director of that department;

17851 (iii) an employee of the Department of Transportation, appointed by the executive  
17852 director of that department;



17853 (iv) an employee of a school district appointed by a cooperative purchasing entity for  
17854 school districts;

17855 (v) an employee of the Division of Facilities Construction and Management appointed  
17856 by the director of that division;

17857 (vi) an employee of a county, appointed by the Utah Association of Counties;

17858 (vii) an employee of a city, appointed by the Utah League of Cities and Towns; and

17859 (viii) an employee of a [~~special~~] local district or special service district, appointed by  
17860 the Utah Association of Special Districts.

17861 (c) Members of the policy board shall be knowledgeable and experienced in, and have  
17862 supervisory responsibility for, procurement in their official positions.

17863 (2) Members shall be appointed to four-year staggered terms.

17864 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
17865 appointed for the unexpired term.

17866 (4) (a) The policy board shall:

17867 (i) adopt rules of procedure for conducting its business; and

17868 (ii) elect a chair to serve for one year.

17869 (b) The chair may be elected to succeeding terms.

17870 (c) The chief procurement officer shall serve as the nonvoting secretary to the policy  
17871 board.

17872 (5) (a) (i) Members who are not government employees shall receive no compensation  
17873 or benefits for their services, but may receive per diem and expenses incurred in the  
17874 performance of the member's official duties at the rates established by the Division of Finance  
17875 under Sections 63A-3-106 and 63A-3-107.

17876 (ii) Members may decline to receive per diem and expenses for their service.

17877 (b) (i) State government officer and employee members who do not receive salary, per  
17878 diem, or expenses from their agency for their service may receive per diem and expenses  
17879 incurred in the performance of their official duties from the board at the rates established by the  
17880 Division of Finance under Sections 63A-3-106 and 63A-3-107.

17881 (ii) State government officer and employee members may decline to receive per diem  
17882 and expenses for their service.

17883 (c) (i) Higher education members who do not receive salary, per diem, or expenses

17884 from the entity that they represent for their service may receive per diem and expenses incurred  
17885 in the performance of their official duties from the committee at the rates established by the  
17886 Division of Finance under Sections 63A-3-106 and 63A-3-107.

17887 (ii) Higher education members may decline to receive per diem and expenses for their  
17888 service.

17889 (d) (i) Local government members who do not receive salary, per diem, or expenses  
17890 from the entity that they represent for their service may receive per diem and expenses incurred  
17891 in the performance of their official duties at the rates established by the Division of Finance  
17892 under Sections 63A-3-106 and 63A-3-107.

17893 (ii) Local government members may decline to receive per diem and expenses for their  
17894 service.

17895 Section 435. Section **63-90a-1** is amended to read:

17896 **63-90a-1. Definitions.**

17897 As used in this chapter:

17898 (1) "Constitutional taking issues" means actions involving the physical taking or  
17899 exaction of private real property by a political subdivision that might require compensation to a  
17900 private real property owner because of:

17901 (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;

17902 (b) Article I, Section 22 of the Utah Constitution; or

17903 (c) any recent court rulings governing the physical taking or exaction of private real  
17904 property by a government entity.

17905 (2) "Political subdivision" means a county, municipality, [~~special~~] local district, special  
17906 service district, school district, or other local government entity.

17907 Section 436. Section **63-90b-102** is amended to read:

17908 **63-90b-102. Definitions.**

17909 As used in this chapter:

17910 (1) "Free exercise of religion" means an act or refusal to act that is substantially  
17911 motivated by sincere religious belief, whether or not the act or refusal is compulsory or central  
17912 to a larger system of religious belief, and includes the use, building, or conversion of real  
17913 property for the purpose of religious exercise.

17914 (2) "Government entity" means the state, a county, a municipality, a higher education

17915 institution, a ~~[special]~~ local district, a special service district, any other political subdivision of  
17916 the state, or any administrative subunit of any of them.

17917 (3) "Land use regulation" means any state or local law or ordinance, whether statutory  
17918 or otherwise, that limits or restricts a person's use or development of land or a structure affixed  
17919 to land.

17920 (4) "Person" means any individual, partnership, corporation, or other legal entity that  
17921 owns an interest in real property.

17922 Section 437. Section **63-91-102** is amended to read:

17923 **63-91-102. Definitions.**

17924 As used in this chapter:

17925 (1) "Agency head" means a cabinet officer, an elected official, an executive director, or  
17926 a board or commission vested with responsibility to administer or make policy for a state  
17927 agency.

17928 (2) "Agency internal audit director" or "audit director" means the person appointed by  
17929 the agency head, with the approval of the audit committee if one has been established, to direct  
17930 the internal audit function for the state agency.

17931 (3) "Appointing authority" means:

17932 (a) the governor, for state agencies;

17933 (b) the Judicial Council, for judicial branch agencies;

17934 (c) the Board of Regents, for higher education entities; and

17935 (d) the State Board of Education, for the State Office of Education.

17936 (4) "Audit committee" means a standing committee whose members are appointed by  
17937 an appointing authority:

17938 (a) from members of the agency governing board; and

17939 (b) from individuals who do not have administrative responsibilities within the agency  
17940 who have the expertise to provide effective oversight of and advice about internal audit  
17941 activities and services.

17942 (5) "Audit plan" means a list of audits to be performed by the internal audit  
17943 organization within a specified period of time.

17944 (6) "Agency governing board" is any board or commission that has policy making and  
17945 oversight responsibility over the agency, including the authority to appoint and remove the

17946 agency director.

17947 (7) "Higher education entity" means the board of regents, the institutional councils of  
17948 each higher education institution, and each higher education institution.

17949 (8) "Internal audit" means an independent appraisal activity established within a state  
17950 agency as a control system to examine and evaluate the adequacy and effectiveness of other  
17951 control systems within the agency.

17952 (9) "Judicial branch agency" means each administrative entity of the judicial branch.

17953 (10) (a) "State agency" means:

17954 (i) each department, commission, board, council, agency, institution, officer,  
17955 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,  
17956 or other administrative unit of the state; and

17957 (ii) each state public education entity.

17958 (b) "State agency" does not mean:

17959 (i) a legislative branch agency;

17960 (ii) an independent agency;

17961 (iii) a county, municipality, school district, [~~or special~~] local district, or special service  
17962 district; or

17963 (iv) any administrative subdivision of a county, municipality, school district, [~~or~~  
17964 ~~special~~] local district, or special service district.

17965 Section 438. Section **63-93-102** is amended to read:

17966 **63-93-102. Definitions.**

17967 As used in this chapter:

17968 (1) "Attribution" means to be responsible for the truth, correctness, and accuracy of a  
17969 report.

17970 (2) "Chief executive officer" means:

17971 (a) the governor, for the state;

17972 (b) the chair of the county commission or the county executive, for a county; and

17973 (c) the mayor, for a municipality, or if governed under a council-manager form of  
17974 government, the chair of the council.

17975 (3) "Government entity" includes the state, its agencies and institutions, each county,  
17976 municipality, school district, [~~and special~~] local district, and special service district in Utah.

17977 (4) "Promotional literature" means reports whose primary or secondary purpose is to  
17978 provide nonresidents with information about the government entity that produced the report.

17979 (5) (a) "Report" means each account, statement, record of proceedings, summary of  
17980 activities, and other written or printed document required by statute that is prepared or  
17981 produced by a government entity that is distributed to the public.

17982 (b) "Report" does not mean written or printed documents whose primary purpose is to  
17983 provide biographical information about government officials.

17984 Section 439. Section **63-96-102** is amended to read:

17985 **63-96-102. Definitions.**

17986 As used in this chapter:

17987 (1) (a) "Contribution" means any of the following:

17988 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
17989 value to a fund;

17990 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
17991 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
17992 anything of value to a fund; or

17993 (iii) any transfer of funds from another elected official or surrogate to the filing elected  
17994 official's or surrogate's fund.

17995 (b) "Contribution" does not include money lent to the elected official or surrogate by a  
17996 financial institution in the ordinary course of business.

17997 (2) "Disbursement" means monies, transfers, or other withdrawals from a fund for any  
17998 purpose.

17999 (3) "Elected official" means each person elected to a state office, county office,  
18000 municipal office, school board or school district office, [~~or special~~] local district office, or  
18001 special service district office, but does not include judges standing for retention election.

18002 (4) (a) "Fund" means any sum of money or other resources, however titled or  
18003 described, that is segregated, designated, or set aside for the use or benefit of an elected  
18004 official.

18005 (b) "Fund" does not mean:

18006 (i) an elected official's or surrogate's private money or public money; or

18007 (ii) campaign funds or accounts established by candidates under the authority of Title

18008 20A, Chapter 11, Part 2, State Office Candidates -- Campaign Organization and Financial  
18009 Reporting Requirements, Title 20A, Chapter 11, Part 3, Candidates for Legislative Office --  
18010 Campaign Organization and Financial Reporting Requirements, and Title 20A, Chapter 11,  
18011 Part 4, Officeholder Financial Reporting Requirement.

18012 (5) "Private money" means personal monies used to pay normal expenses for which an  
18013 elected official or surrogate is personally liable for state and federal taxes.

18014 (6) "Public money" means monies controlled by an elected official or surrogate in their  
18015 public capacity that are accounted for by a governmental entity.

18016 (7) "Surrogate" means any committee, party, organization, or other person or group  
18017 who holds or maintains a fund for the benefit of an elected official.

18018 Section 440. Section **63A-9-401** is amended to read:

18019 **63A-9-401. Division -- Duties.**

18020 (1) The division shall:

18021 (a) perform all administrative duties and functions related to management of state  
18022 vehicles;

18023 (b) coordinate all purchases of state vehicles;

18024 (c) establish one or more fleet automation and information systems for state vehicles;

18025 (d) make rules establishing requirements for:

18026 (i) maintenance operations for state vehicles;

18027 (ii) use requirements for state vehicles;

18028 (iii) fleet safety and loss prevention programs;

18029 (iv) preventative maintenance programs;

18030 (v) procurement of state vehicles, including vehicle standards, alternative fuel vehicle  
18031 requirements, short-term lease programs, equipment installation, and warranty recovery

18032 programs;

18033 (vi) fuel management programs;

18034 (vii) cost management programs;

18035 (viii) business and personal use practices, including commute standards;

18036 (ix) cost recovery and billing procedures;

18037 (x) disposal of state vehicles;

18038 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;

- 18039 (xii) standard use and rate structures for state vehicles; and  
18040 (xiii) insurance and risk management requirements;  
18041 (e) establish a parts inventory;  
18042 (f) create and administer a fuel dispensing services program that meets the  
18043 requirements of Subsection (2);  
18044 (g) emphasize customer service when dealing with agencies and agency employees;  
18045 (h) conduct an annual audit of all state vehicles for compliance with division  
18046 requirements;  
18047 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a  
18048 subscriber of services other than an executive branch agency:  
18049 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established  
18050 in Section 63A-1-114; and  
18051 (ii) obtain the approval of the Legislature as required by Section 63-38-3.5; and  
18052 (j) conduct a market analysis by July 1, 2005, and periodically thereafter, of proposed  
18053 rates and fees, which analysis shall include a comparison of the division's rates and fees with  
18054 the fees of other public or private sector providers where comparable services and rates are  
18055 reasonably available.  
18056 (2) The division shall operate a fuel dispensing services program in a manner that:  
18057 (a) reduces the risk of environmental damage and subsequent liability for leaks  
18058 involving state-owned underground storage tanks;  
18059 (b) eliminates fuel site duplication and reduces overall costs associated with fuel  
18060 dispensing;  
18061 (c) provides efficient fuel management and efficient and accurate accounting of  
18062 fuel-related expenses;  
18063 (d) where practicable, privatizes portions of the state's fuel dispensing system;  
18064 (e) provides central planning for fuel contingencies;  
18065 (f) establishes fuel dispensing sites that meet geographical distribution needs and that  
18066 reflect usage patterns;  
18067 (g) where practicable, uses alternative sources of energy; and  
18068 (h) provides safe, accessible fuel supplies in an emergency.  
18069 (3) The division shall:

18070 (a) ensure that the state and each of its agencies comply with state and federal law and  
18071 state and federal rules and regulations governing underground storage tanks;

18072 (b) coordinate the installation of new state-owned underground storage tanks and the  
18073 upgrading or retrofitting of existing underground storage tanks; and

18074 (c) ensure that counties, municipalities, school districts, [~~and special~~] local districts,  
18075 and special service districts subscribing to services provided by the division sign a contract  
18076 that:

18077 (i) establishes the duties and responsibilities of the parties;

18078 (ii) establishes the cost for the services; and

18079 (iii) defines the liability of the parties.

18080 (4) The executive director of the Department of Administrative Services may make  
18081 rules governing fuel dispensing according to the procedures and requirements of Title 63,  
18082 Chapter 46a, Utah Administrative Rulemaking Act.

18083 (5) (a) (i) Each state agency and each higher education institution shall subscribe to the  
18084 fuel dispensing services provided by the division.

18085 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,  
18086 systems, or products other than those provided by the division.

18087 (b) Counties, municipalities, school districts, [~~special~~] local districts, special service  
18088 districts, and federal agencies may subscribe to the fuel dispensing services provided by the  
18089 division if:

18090 (i) the county or municipal legislative body, the school district, or the [~~special~~] local  
18091 district or special service district board recommends that the county, municipality, school  
18092 district, [~~or special~~] local district, or special service district subscribe to the fuel dispensing  
18093 services of the division; and

18094 (ii) the division approves participation in the program by that government unit.

18095 (6) The director, with the approval of the executive director, may delegate functions to  
18096 institutions of higher education, by contract or other means authorized by law, if:

18097 (a) the agency or institution of higher education has requested the authority;

18098 (b) in the judgment of the director, the state agency or institution has the necessary  
18099 resources and skills to perform the delegated responsibilities; and

18100 (c) the delegation of authority is in the best interest of the state and the function



18101 delegated is accomplished according to provisions contained in law or rule.

18102 Section 441. Section **63C-7-103** is amended to read:

18103 **63C-7-103. Definitions.**

18104 As used in this chapter:

18105 (1) "Board" means the Utah Communications Agency Network Board created in  
18106 Section 63C-7-201.

18107 (2) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase  
18108 agreements, or other evidences of indebtedness or borrowing issued or incurred by the Utah  
18109 Communications Agency Network pursuant to this chapter.

18110 (3) "Communications network" means a regional or statewide public safety  
18111 governmental communications network and related facilities, including real property,  
18112 improvements, and equipment necessary for the acquisition, construction, and operation of the  
18113 services and facilities.

18114 (4) "Effective date" means the first date after which the Utah Communications Agency  
18115 Network is officially created and shall be the first date after which:

18116 (a) at least ten public agencies have submitted to the Utah Communications Agency  
18117 Network office the membership resolutions required to become a member; and

18118 (b) the governor has appointed the four state representatives to the executive  
18119 committee.

18120 (5) "Executive Committee" means the administrative body of the Utah  
18121 Communications Agency Network created in Section 63C-7-205.

18122 (6) "Lease" means any lease, lease purchase, sublease, operating, management, or  
18123 similar agreement.

18124 (7) "Member" means a public agency which:

18125 (a) adopts a membership resolution to be included within the Utah Communications  
18126 Agency Network; and

18127 (b) submits an originally executed copy of an authorizing resolution to the Utah  
18128 Communications Agency Network office.

18129 (8) "Member representative" means a person or that person's designee appointed by the  
18130 governing body of each member.

18131 (9) "Public agency" means any political subdivision of the state, including cities,

18132 towns, counties, school districts, [~~and special~~] local districts, and special service districts,  
18133 dispatched by a public safety answering point.

18134 (10) "Public safety answering point" means an organization, entity, or combination of  
18135 entities which have joined together to form a central answering point for the receipt,  
18136 management, and dissemination to the proper responding agency, of emergency and  
18137 nonemergency communications, including 911 calls, police, fire, emergency medical,  
18138 transportation, parks, wildlife, corrections, and any other governmental communications.

18139 (11) "State" means the state of Utah.

18140 (12) "State representative" means:

18141 (a) the four appointees of the governor or their designees; and

18142 (b) the Utah State Treasurer or his designee.

18143 Section 442. Section **63D-2-102** is amended to read:

18144 **63D-2-102. Definitions.**

18145 As used in this chapter:

18146 (1) (a) "Collect" means the gathering of personally identifiable information:

18147 (i) from a user of a governmental website; or

18148 (ii) about a user of the governmental website.

18149 (b) "Collect" includes use of any identifying code linked to a user of a governmental  
18150 website.

18151 (2) "Court website" means a website on the Internet that is operated by or on behalf of  
18152 any court created in Title 78, Judicial Code.

18153 (3) "Governmental entity" means:

18154 (a) an executive branch agency as defined in Section 63D-1a-102;

18155 (b) the legislative branch;

18156 (c) the judicial branch;

18157 (d) the State Board of Education;

18158 (e) the Board of Regents;

18159 (f) an institution of higher education; and

18160 (g) a political subdivision of the state:

18161 (i) as defined in Section [~~17B-2-101~~] 17B-1-102; and

18162 (ii) including a school district.

18163 (4) (a) "Governmental website" means a website on the Internet that is operated by or  
18164 on behalf of a governmental entity.

18165 (b) "Governmental website" includes a court website.

18166 (5) "Governmental website operator" means a governmental entity or person acting on  
18167 behalf of the governmental entity that:

18168 (a) operates a governmental website; and

18169 (b) collects or maintains personally identifiable information from or about a user of that  
18170 website.

18171 (6) "Personally identifiable information" means information that identifies:

18172 (a) a user by:

18173 (i) name;

18174 (ii) account number;

18175 (iii) physical address;

18176 (iv) email address;

18177 (v) telephone number;

18178 (vi) Social Security number;

18179 (vii) credit card information; or

18180 (viii) bank account information;

18181 (b) a user as having requested or obtained specific materials or services from a  
18182 governmental website;

18183 (c) Internet sites visited by a user; or

18184 (d) any of the contents of a user's data-storage device.

18185 (7) "User" means a person who accesses a governmental website.

18186 Section 443. Section **63E-1-102** is amended to read:

18187 **63E-1-102. Definitions.**

18188 As used in this title:

18189 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

18190 (2) "Committee" means the Retirement and Independent Entities Committee created in  
18191 Section 63E-1-201.

18192 (3) "Independent corporation" means a corporation incorporated in accordance with  
18193 Chapter 2, Independent Corporations Act.

18194 (4) (a) "Independent entity" means an entity having a public purpose relating to the  
18195 state or its citizens that is individually created by the state or is given by the state the right to  
18196 exist and conduct its affairs as an:

- 18197 (i) independent state agency; or
- 18198 (ii) independent corporation.

18199 (b) "Independent entity" includes the:

- 18200 (i) Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
- 18201 (ii) Heber Valley Railroad Authority created in Title 9, Chapter 3, Part 3, Heber Valley  
18202 Historic Railroad Authority;
- 18203 (iii) Utah Science Center Authority created in Title 9, Chapter 3, Part 4, Utah Science  
18204 Center Authority;
- 18205 (iv) Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing  
18206 Corporation Act;
- 18207 (v) Utah State Fair Corporation created in Title 9, Chapter 4, Part 11, Utah State Fair  
18208 Corporation Act;
- 18209 (vi) Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'  
18210 Compensation Fund;
- 18211 (vii) Utah State Retirement Office created in Title 49, Chapter 11, Utah State  
18212 Retirement Systems Administration;
- 18213 (viii) School and Institutional Trust Lands Administration created in Title 53C, Chapter  
18214 1, Part 2, School and Institutional Trust Lands Administration;
- 18215 (ix) Utah Communications Agency Network created in Title 63C, Chapter 7, Utah  
18216 Communications Agency Network Act; and
- 18217 (x) Utah Capital Investment Corporation created in Title 63, Chapter 38f, Part 12, Utah  
18218 Venture Capital Enhancement Act.

18219 (c) Notwithstanding this Subsection (4), "independent entity" does not include:

- 18220 (i) the Public Service Commission of Utah created in Section 54-1-1;
- 18221 (ii) an institution within the state system of higher education;
- 18222 (iii) a city, county, or town;
- 18223 (iv) a local school district;
- 18224 [~~(v) a special district created under the authority of Title 17A, Special Districts; or]~~

18225            [~~(vi)~~] (v) a local district created under the authority of Title 17B, Limited Purpose  
 18226 Local Government Entities[-] - Local Districts; or

18227            (vi) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service  
 18228 District Act.

18229            (5) "Independent state agency" means an entity that is created by the state, but is  
 18230 independent of the governor's direct supervisory control.

18231            (6) "Monies held in trust" means monies maintained for the benefit of:

18232            (a) one or more private individuals, including public employees;

18233            (b) one or more public or private entities; or

18234            (c) the owners of a quasi-public corporation.

18235            (7) "Public corporation" means an artificial person, public in ownership, individually  
 18236 created by the state as a body politic and corporate for the administration of a public purpose  
 18237 relating to the state or its citizens.

18238            (8) "Quasi-public corporation" means an artificial person, private in ownership,  
 18239 individually created as a corporation by the state which has accepted from the state the grant of  
 18240 a franchise or contract involving the performance of a public purpose relating to the state or its  
 18241 citizens.

18242            Section 444. Section **63F-1-507** is amended to read:

18243            **63F-1-507. State Geographic Information Database.**

18244            (1) There is created a State Geographic Information Database to be managed by the  
 18245 center.

18246            (2) The database shall:

18247            (a) serve as the central reference for all information contained in any GIS database by  
 18248 any state agency;

18249            (b) serve as a clearing house and repository for all data layers required by multiple  
 18250 users;

18251            (c) serve as a standard format for geographic information acquired, purchased, or  
 18252 produced by any state agency; and

18253            (d) include an accurate representation of all civil subdivision boundaries of the state.

18254            (3) Each state agency that acquires, purchases, or produces digital geographic  
 18255 information data shall:

- 18256 (a) inform the center of the existence of the data layers and their geographic extent;
- 18257 (b) allow the center access to all data classified public; and
- 18258 (c) comply with any database requirements established by the center.
- 18259 (4) At least annually, the State Tax Commission shall deliver to the center information
- 18260 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
- 18261 17-2-9, 17-3-3, [~~17A-1-102, 17B-2-215~~] 17B-1-215, and 17C-1-201 relating to the creation or
- 18262 modification of the boundaries of the political subdivisions that are the subject of those
- 18263 sections.

18264 Section 445. Section **67-1a-6.5** is amended to read:

18265 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**  
18266 **consolidation, division, dissolution, or boundary change.**

18267 (1) As used in this section:

18268 (a) "AGRC" means the Automated Geographic Reference Center created under Section  
18269 63F-1-506.

18270 (b) "Boundary change" means the adjustment of an entity's boundary either through  
18271 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary  
18272 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and  
18273 losing territory), or any other adjustment of the entity's boundary.

18274 (c) "Consolidation" means the combining of two or more entities into a single entity  
18275 such that the consolidated entity's boundary contains all of the territory of the original entities,  
18276 but no additional territory.

18277 (d) "County attorney" means the county attorney of each county which contains any  
18278 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary  
18279 change.

18280 (e) (i) "County auditor" means the county auditor of each county which contains any  
18281 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary  
18282 change.

18283 (ii) If the county does not have a county auditor, "county auditor" means the county  
18284 clerk or other government official acting as the county auditor.

18285 (f) "County recorder" means the county recorder of each county which contains any  
18286 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary

18287 change.

18288 (g) "County surveyor" means the county surveyor of each county which contains any  
18289 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary  
18290 change.

18291 (h) "Creation" means the forming of a new entity where that entity did not exist before  
18292 its creation.

18293 (i) "Dissolution" means the disbandment of an entity.

18294 (j) "Division" means the dividing of one entity into two or more entities such that the  
18295 original entity's boundary contains all of the territory of the resultant entities, but no additional  
18296 territory.

18297 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose  
18298 boundary is changed.

18299 (l) "Initiating body" means the county legislative body, municipal legislative body,  
18300 [~~special district board,~~] local district or special service district board, court, public official, or  
18301 other authorized person that initiates the creation, dissolution, consolidation, or boundary  
18302 change of an entity or entities.

18303 (m) "Notice of entity boundary change" means the notice the lieutenant governor  
18304 receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),  
18305 17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(e), 17A-2-1327(4), [~~17B-2-514~~]  
18306 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  
18307 entity's pending boundary change.

18308 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives  
18309 under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending  
18310 consolidation.

18311 (o) "Notice of entity creation" means the notice the lieutenant governor receives under  
18312 Subsection 10-1-116(1), 10-2-119(1), 10-2-125(6), 11-13-204(4), 11-13-205(6),  
18313 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  
18314 pending creation.

18315 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives  
18316 under Subsection 10-1-116(1), 10-2-712(2), 17A-2-1329(3), [~~17B-2-708~~] 17B-1-1308(4), or  
18317 17C-1-701(2)(a) of an entity's pending dissolution.

18318 (q) "Notice of entity division" means the notice the lieutenant governor receives under  
18319 Subsection 17-3-3(3) of an entity's pending division.

18320 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant  
18321 governor receives under Subsection 10-2-120(1).

18322 (s) "Lieutenant governor" means the lieutenant governor created in Article VII, Section  
18323 1 of the Utah Constitution.

18324 (t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah  
18325 Constitution.

18326 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,  
18327 Section 6 of the Utah Constitution.

18328 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor  
18329 shall:

18330 (a) issue a certificate of entity creation;

18331 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the  
18332 notice of entity creation, including the accompanying map or legal description, to the State Tax  
18333 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;  
18334 and

18335 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor; and

18336 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)  
18337 and a statement indicating completion of Subsection (2)(b).

18338 (3) Within ten days after receiving a notice of intention to file articles of incorporation,  
18339 the lieutenant governor shall:

18340 (a) issue a certificate indicating receipt of a notice of intention to file articles of  
18341 incorporation;

18342 (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the  
18343 notice of intention to file articles of incorporation, including the accompanying map or legal  
18344 description, to the State Tax Commission, AGRC, county recorder, county surveyor, county  
18345 auditor, and county attorney; and

18346 (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor; and

18347 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)  
18348 and a statement indicating completion of Subsection (3)(b).



- 18349           (4) Within ten days after receiving a notice of entity consolidation, the lieutenant  
18350 governor shall:
- 18351           (a) issue a certificate of entity consolidation;
- 18352           (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the  
18353 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county  
18354 surveyor, county auditor, and county attorney; and
- 18355           (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor; and
- 18356           (c) send to the initiating body and the entities being consolidated, if different from the  
18357 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement  
18358 indicating completion of Subsection (4)(b).
- 18359           (5) Within ten days after receiving a notice of entity division, the lieutenant governor  
18360 shall:
- 18361           (a) issue a certificate of entity division;
- 18362           (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the  
18363 notice of entity consolidation, including the accompanying map or legal description, to the  
18364 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county  
18365 attorney; and
- 18366           (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor; and
- 18367           (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)  
18368 and a statement indicating completion of Subsection (5)(b).
- 18369           (6) Within ten days after receiving a notice of entity dissolution, the lieutenant  
18370 governor shall:
- 18371           (a) issue a certificate of entity dissolution;
- 18372           (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the  
18373 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county  
18374 surveyor, county auditor, and county attorney; and
- 18375           (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor; and
- 18376           (c) send to the initiating body and the entity being dissolved, if different than the  
18377 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement  
18378 indicating completion of Subsection (6)(b).
- 18379           (7) Within ten days after receiving a notice of entity boundary change, the lieutenant

18380 governor shall:

18381 (a) issue a certificate of entity boundary change;

18382 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the  
18383 notice of entity boundary change, including the accompanying map or legal description, to the  
18384 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county  
18385 attorney; and

18386 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if  
18387 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a  
18388 statement indicating completion of Subsection (7)(b).

18389 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the  
18390 public certificates, notices, maps, and other documents necessary in performing the duties of  
18391 Subsections (2) through (7).

18392 (b) The lieutenant governor shall furnish a certified copy of documents to any person  
18393 who requests a certified copy.

18394 (c) The lieutenant governor may charge a reasonable fee for copies of documents or  
18395 certified copies of documents.

18396 Section 446. Section **67-3-1** is amended to read:

18397 **67-3-1. Functions and duties.**

18398 (1) (a) The state auditor is the auditor of public accounts and is independent of any  
18399 executive or administrative officers of the state.

18400 (b) The state auditor is not limited in the selection of personnel or in the determination  
18401 of the reasonable and necessary expenses of his office.

18402 (2) The state auditor shall examine and certify annually in respect to each fiscal year,  
18403 financial statements showing:

18404 (a) the condition of the state's finances;

18405 (b) the revenues received or accrued;

18406 (c) expenditures paid or accrued;

18407 (d) the amount of unexpended or unencumbered balances of the appropriations to the  
18408 agencies, departments, divisions, commissions, and institutions; and

18409 (e) the cash balances of the funds in the custody of the state treasurer.

18410 (3) (a) The state auditor shall:

18411 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of  
18412 any department of state government or any independent agency or public corporation as the law  
18413 requires, as the auditor determines is necessary, or upon request of the governor or the  
18414 Legislature;

18415 (ii) perform the audits in accordance with generally accepted auditing standards and  
18416 other auditing procedures as promulgated by recognized authoritative bodies;

18417 (iii) as the auditor determines is necessary, conduct the audits to determine:

18418 (A) honesty and integrity in fiscal affairs;

18419 (B) accuracy and reliability of financial statements;

18420 (C) effectiveness and adequacy of financial controls; and

18421 (D) compliance with the law.

18422 (b) If any state entity receives federal funding, the state auditor shall ensure that the  
18423 audit is performed in accordance with federal audit requirements.

18424 (c) (i) The costs of the federal compliance portion of the audit may be paid from an  
18425 appropriation to the state auditor from the General Fund.

18426 (ii) If an appropriation is not provided, or if the federal government does not  
18427 specifically provide for payment of audit costs, the costs of the federal compliance portions of  
18428 the audit shall be allocated on the basis of the percentage that each state entity's federal funding  
18429 bears to the total federal funds received by the state.

18430 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit  
18431 funds passed through the state to local governments and to reflect any reduction in audit time  
18432 obtained through the use of internal auditors working under the direction of the state auditor.

18433 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to  
18434 financial audits, and as the auditor determines is necessary, conduct performance and special  
18435 purpose audits, examinations, and reviews of any entity that receives public funds, including a  
18436 determination of any or all of the following:

18437 (i) the honesty and integrity of all its fiscal affairs;

18438 (ii) whether or not its administrators have faithfully complied with legislative intent;

18439 (iii) whether or not its operations have been conducted in an efficient, effective, and  
18440 cost-efficient manner;

18441 (iv) whether or not its programs have been effective in accomplishing the intended

18442 objectives; and

18443 (v) whether or not its management, control, and information systems are adequate and  
18444 effective.

18445 (b) The auditor may not conduct performance and special purpose audits,  
18446 examinations, and reviews of any entity that receives public funds if the entity:

18447 (i) has an elected auditor; and

18448 (ii) has, within the entity's last budget year, had its financial statements or performance  
18449 formally reviewed by another outside auditor.

18450 (5) The state auditor shall administer any oath or affirmation necessary to the  
18451 performance of the duties of the auditor's office, and may subpoena witnesses and documents,  
18452 whether electronic or otherwise, and examine into any matter that the auditor considers  
18453 necessary.

18454 (6) The state auditor may require all persons who have had the disposition or  
18455 management of any property of this state or its political subdivisions to submit statements  
18456 regarding it at the time and in the form that the auditor requires.

18457 (7) The state auditor shall:

18458 (a) except where otherwise provided by law, institute suits in Salt Lake County in  
18459 relation to the assessment, collection, and payment of its revenues against:

18460 (i) persons who by any means have become entrusted with public monies or property  
18461 and have failed to pay over or deliver those monies or property; and

18462 (ii) all debtors of the state;

18463 (b) collect and pay into the state treasury all fees received by the state auditor;

18464 (c) perform the duties of a member of all boards of which the state auditor is a member  
18465 by the constitution or laws of the state, and any other duties that are prescribed by the  
18466 constitution and by law;

18467 (d) stop the payment of the salary of any state official or state employee who:

18468 (i) refuses to settle accounts or provide required statements about the custody and  
18469 disposition of public funds or other state property;

18470 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling  
18471 board or department head with respect to the manner of keeping prescribed accounts or funds;

18472 or

18473 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the  
18474 official's or employee's attention;

18475 (e) establish accounting systems, methods, and forms for public accounts in all taxing  
18476 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

18477 (f) superintend the contractual auditing of all state accounts;

18478 (g) subject to Subsection (8), withhold state allocated funds or the disbursement of  
18479 property taxes from any state taxing or fee-assessing unit, if necessary, to ensure that officials  
18480 and employees in those taxing units of the state comply with state laws and procedures in the  
18481 budgeting, expenditures, and financial reporting of public funds; and

18482 (h) subject to Subsection (9), withhold the disbursement of tax monies from any  
18483 county, if necessary, to ensure that officials and employees in the county comply with Section  
18484 59-2-303.1.

18485 (8) Except as otherwise provided by law, the state auditor may not withhold funds  
18486 under Subsection (7)(g) until a taxing or fee-assessing unit has received formal written notice  
18487 of noncompliance from the auditor and has been given 60 days to make the specified  
18488 corrections.

18489 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has  
18490 received formal written notice of noncompliance from the auditor and has been given 60 days  
18491 to make the specified corrections.

18492 (10) The state auditor shall:

18493 (a) establish audit guidelines and procedures for audits of local mental health and  
18494 substance abuse authorities and their contract providers, conducted pursuant to Title 17,  
18495 Chapter 43, Parts 2, Local Substance Abuse Authorities and 3, Local Mental Health  
18496 Authorities, Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal  
18497 Organizations, and Other Local Entities Act, and Title 62A, Chapter 15, Substance Abuse and  
18498 Mental Health Act; and

18499 (b) ensure that those guidelines and procedures provide assurances to the state that:

18500 (i) state and federal funds appropriated to local mental health authorities are used for  
18501 mental health purposes;

18502 (ii) a private provider under an annual or otherwise ongoing contract to provide  
18503 comprehensive mental health programs or services for a local mental health authority is in

18504 compliance with state and local contract requirements, and state and federal law;  
18505 (iii) state and federal funds appropriated to local substance abuse authorities are used  
18506 for substance abuse programs and services; and  
18507 (iv) a private provider under an annual or otherwise ongoing contract to provide  
18508 comprehensive substance abuse programs or services for a local substance abuse authority is in  
18509 compliance with state and local contract requirements, and state and federal law.

18510 (11) The state auditor may, in accordance with the auditor's responsibilities for political  
18511 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political  
18512 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or  
18513 investigations of any political subdivision that are necessary to determine honesty and integrity  
18514 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of  
18515 financial controls and compliance with the law.

18516 (12) (a) The state auditor may not audit work that the state auditor performed before  
18517 becoming state auditor.

18518 (b) If the state auditor has previously been a responsible official in state government  
18519 whose work has not yet been audited, the Legislature shall:

- 18520 (i) designate how that work shall be audited; and
- 18521 (ii) provide additional funding for those audits, if necessary.

18522 (13) The state auditor shall:

18523 (a) with the assistance, advice, and recommendations of a local district advisory  
18524 committee appointed by the state auditor from among local district boards of trustees and  
18525 officers:

18526 (i) prepare a Uniform Accounting Manual for Local Districts that:

18527 (A) prescribes a uniform system of accounting and uniform budgeting and reporting  
18528 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -  
18529 Local Districts;

18530 (B) conforms with generally accepted accounting principles; and

18531 (C) prescribes reasonable exceptions and modifications for smaller districts to the  
18532 uniform system of accounting, budgeting, and reporting;

18533 (ii) maintain the manual under Subsection (13)(a) so that it continues to reflect  
18534 generally accepted accounting principles;

18535 (iii) conduct a continuing review and modification of procedures in order to improve  
18536 them;

18537 (iv) prepare and supply each local district with suitable budget and reporting forms;  
18538 and

18539 (v) prepare instructional materials, conduct training programs, and render other  
18540 services considered necessary to assist local districts in implementing the uniform accounting,  
18541 budgeting, and reporting procedures; and

18542 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices  
18543 and experiences of specific local districts selected by the state auditor and make the  
18544 information available to all local districts.

18545 ~~[(13)]~~ (14) (a) The following records in the custody or control of the state auditor are  
18546 protected records under Title 63, Chapter 2, Government Records Access and Management  
18547 Act:

18548 (i) records that would disclose information relating to allegations of personal  
18549 misconduct, gross mismanagement, or illegal activity of a past or present governmental  
18550 employee if the information or allegation cannot be corroborated by the state auditor through  
18551 other documents or evidence, and the records relating to the allegation are not relied upon by  
18552 the state auditor in preparing a final audit report;

18553 (ii) records and audit workpapers to the extent they would disclose the identity of a  
18554 person who during the course of an audit, communicated the existence of any waste of public  
18555 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation  
18556 adopted under the laws of this state, a political subdivision of the state, or any recognized entity  
18557 of the United States, if the information was disclosed on the condition that the identity of the  
18558 person be protected;

18559 (iii) before an audit is completed and the final audit report is released, records or drafts  
18560 circulated to a person who is not an employee or head of a governmental entity for their  
18561 response or information;

18562 (iv) records that would disclose an outline or part of any audit survey plans or audit  
18563 program; and

18564 (v) requests for audits, if disclosure would risk circumvention of an audit.

18565 (b) The provisions of Subsections ~~[(13)]~~ (14)(a)(i), (ii), and (iii) do not prohibit the

18566 disclosure of records or information that relate to a violation of the law by a governmental  
18567 entity or employee to a government prosecutor or peace officer.

18568 (c) The provisions of this Subsection [~~(13)~~] (14) do not limit the authority otherwise  
18569 given to the state auditor to classify a document as public, private, controlled, or protected  
18570 under Title 63, Chapter 2, Government Records Access and Management Act.

18571 Section 447. Section **67-11-2** is amended to read:

18572 **67-11-2. Definitions.**

18573 For the purposes of this chapter:

18574 (a) "Wages" means all remuneration for employment as defined herein, including the  
18575 cash value of all remuneration paid in any medium other than cash, except that such term shall  
18576 not include "sick pay" as that term is defined in this section and shall not include that part of  
18577 such remuneration which, even if it were for "employment" within the meaning of the Federal  
18578 Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

18579 (b) "Sick pay" means payments made to employees on account of sickness or accident  
18580 disability under a sick leave plan of the type outlined in Subsections 209(b) and 209(d) of the  
18581 Social Security Act.

18582 (c) "Employment" means any service performed by an employee in the employ of the  
18583 state, or any political subdivision thereof, for such employer, except:

18584 (1) service which in the absence of an agreement entered into under this chapter would  
18585 constitute "employment" as defined in the Social Security Act;

18586 (2) service which under the Social Security Act may not be included in an agreement  
18587 between the state and federal security administrator entered into under this act;

18588 (3) services of an emergency nature, service in any class or classes of positions the  
18589 compensation for which is on a fee basis, performed (A) by employees of the state, or (B) if so  
18590 provided in the plan submitted under Section 67-11-5, by a political subdivision of the state, by  
18591 an employee of such subdivision;

18592 (4) services performed by students employed by a public school, college, or university  
18593 at which they are enrolled and which they are attending on a full-time basis;

18594 (5) part-time services performed by election workers, i.e., judges of election and  
18595 registrars; or

18596 (6) services performed by voluntary firemen, except when such services are



18597 prescheduled for a specific period of duty.

18598 (d) "Employee" includes an elective or appointive officer or employee of a state or  
18599 political subdivision thereof.

18600 (e) "State agency" means the Division of Finance, referred to herein as the state agency.

18601 (f) "Federal security administrator" includes any individual to whom the federal  
18602 security administrator has delegated any of his functions under the Social Security Act with  
18603 respect to coverage under such act of employees of states and their political subdivisions.

18604 (g) "Political subdivision" includes an instrumentality of the state, of one or more of its  
18605 political subdivisions, or of the state and one or more of its political subdivisions, including  
18606 leagues or associations thereof, but only if such instrumentality is a juristic entity which is  
18607 legally separate and distinct from the state or subdivision and only if its employees are not by  
18608 virtue of their relation to such juristic entity employees of the state or subdivision. The term  
18609 shall include [~~special~~] local districts, special service districts, or authorities created by the  
18610 Legislature or local governments such as, but not limited to, mosquito abatement districts,  
18611 sewer or water districts, and libraries.

18612 (h) "Social Security Act" means the Act of Congress approved August 14, 1935,  
18613 Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations  
18614 and requirements issued pursuant thereto), as such act has been and may from time to time be  
18615 amended.

18616 (i) "Federal Insurance Contributions Act" means Chapter 21 of the federal Internal  
18617 Revenue Code as such Code may be amended.

18618 Section 448. Section **67-21-2** is amended to read:

18619 **67-21-2. Definitions.**

18620 As used in this chapter:

18621 (1) "Adverse action" means to discharge, threaten, or otherwise discriminate against an  
18622 employee in any manner that affects the employee's employment, including compensation,  
18623 terms, conditions, location, rights, immunities, promotions, or privileges.

18624 (2) "Communicate" means a verbal, written, broadcast, or other communicated report.

18625 (3) "Employee" means a person who performs a service for wages or other  
18626 remuneration under a contract of hire, written or oral, express or implied.

18627 (4) (a) "Employer" means the employing state agency or political subdivision of the

18628 state.

18629 (b) "Employer" includes an agent of an employer.

18630 (5) "Public body" means any of the following:

18631 (a) a state officer, employee, agency, department, division, bureau, board, commission,  
18632 council, authority, educational institution, or any other body in the executive branch of state  
18633 government;

18634 (b) an agency, board, commission, council, institution member, or employee of the  
18635 legislative branch of state government;

18636 (c) a county, city, town, regional governing body, council, school district, [~~special~~]  
18637 local district, special service district, or municipal corporation, board, department, commission,  
18638 council, agency, or any member or employee of them;

18639 (d) any other body that is created by state or local authority, or that is primarily funded  
18640 by or through state or local authority, or any member or employee of that body;

18641 (e) a law enforcement agency or any member or employee of a law enforcement  
18642 agency; and

18643 (f) the judiciary and any member or employee of the judiciary.

18644 Section 449. Section **71-8-1** is amended to read:

18645 **71-8-1. Definitions.**

18646 As used in this chapter:

18647 (1) "Council" means the Veterans' Advisory Council.

18648 (2) "Department" means the Utah National Guard.

18649 (3) "Director" means the director of the Division of Veterans' Affairs.

18650 (4) "Division" means the Division of Veterans' Affairs.

18651 (5) "Executive director" means the adjutant general of the Utah National Guard.

18652 (6) "Government entity" means the state and any county, municipality, [~~special~~] local  
18653 district, special service district, and any other political subdivision or administrative unit of the  
18654 state, including state institutions of education.

18655 (7) "Veteran" means:

18656 (a) an individual who has served on active duty in the armed forces for at least 180  
18657 consecutive days or was a member of a reserve component, and who has been separated or  
18658 retired under honorable conditions; or

18659 (b) any individual incurring an actual service-related injury or disability in the line of  
18660 duty whether or not that person completed 180 days of active duty.

18661 Section 450. Section **71-10-1** is amended to read:

18662 **71-10-1. Definitions.**

18663 As used in this chapter:

18664 (1) "Active duty" means active military duty and does not include active duty for  
18665 training, initial active duty for training, or inactive duty for training.

18666 (2) "Disabled veteran" means an individual who has:

18667 (a) been separated or retired from the armed forces under honorable conditions; and

18668 (b) established the existence of a service-connected disability or is receiving

18669 compensation, disability retirement benefits, or pension because of a public statute

18670 administered by the federal Department of Veterans Affairs or a military department.

18671 (3) "Government entity" means the state, any county, municipality, [~~special~~] local  
18672 district, special service district, or any other political subdivision or administrative unit of the  
18673 state, including state institutions of education.

18674 (4) "Preference eligible" means:

18675 (a) any individual who has served on active duty in the armed forces for more than 180  
18676 consecutive days, or was a member of a reserve component who served in a campaign or  
18677 expedition for which a campaign medal has been authorized and who has been separated under  
18678 honorable conditions;

18679 (b) a disabled veteran with any percentage of disability;

18680 (c) the spouse or unmarried widow or widower of a veteran;

18681 (d) a purple heart recipient; or

18682 (e) a retired member of the armed forces who retired below the rank of major or its  
18683 equivalent.

18684 (5) "Veteran" means:

18685 (a) an individual who has served on active duty in the armed forces for more than 180  
18686 consecutive days, or was a member of a reserve component who served in a campaign or  
18687 expedition for which a campaign medal has been authorized and who has been separated or  
18688 retired under honorable conditions; or

18689 (b) any individual incurring an actual service-related injury or disability in the line of

18690 duty whether or not that person completed 180 consecutive days of active duty.

18691 Section 451. Section **72-1-208** is amended to read:

18692 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**  
18693 **all state departments -- Inspection of work done by a public transit district.**

18694 (1) The department shall cooperate with the counties, cities, and towns in the  
18695 construction, maintenance, and use of the highways and in all related matters, and may provide  
18696 services to the counties, cities, and towns on terms mutually agreed upon.

18697 (2) The department, with the approval of the governor, shall cooperate with the federal  
18698 government in all federal-aid projects and with all state departments in all matters in  
18699 connection with the use of the highways.

18700 (3) The department:

18701 (a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,  
18702 Part 8, Public Transit District Act, relating to safety appliances and procedures; and

18703 (b) may make further additions or changes necessary for the purpose of safety to  
18704 employees and the general public.

18705 Section 452. Section **72-1-303** is amended to read:

18706 **72-1-303. Duties of commission.**

18707 The commission has the following duties:

18708 (1) determining priorities and funding levels of projects in the state transportation  
18709 systems for each fiscal year based on project lists compiled by the department;

18710 (2) determining additions and deletions to state highways under Chapter 4, Designation  
18711 of State Highways Act;

18712 (3) holding public hearings and otherwise providing for public input in transportation  
18713 matters;

18714 (4) making policies and rules in accordance with Title 63, Chapter 46a, Utah  
18715 Administrative Rulemaking Act, necessary to perform the commission's duties described under  
18716 this section;

18717 (5) in accordance with Section 63-46b-12, reviewing orders issued by the executive  
18718 director in adjudicative proceedings held in accordance with Title 63, Chapter 46b,  
18719 Administrative Procedures Act;

18720 (6) advising the department in state transportation systems policy;

- 18721 (7) approving settlement agreements of condemnation cases subject to Section
- 18722 63-38b-401;
- 18723 (8) in accordance with Section [~~17A-2-1038~~] 17B-2a-807, appointing a commissioner
- 18724 to serve as a nonvoting, ex officio member on the board of trustees of a public transit district;
- 18725 (9) in accordance with Section [~~17A-2-1039~~] 17B-2a-808, reviewing, at least annually,
- 18726 the short-term and long-range public transit plans; and
- 18727 (10) reviewing administrative rules made, amended, or repealed by the department.

18728 Section 453. Section **72-2-201** is amended to read:

18729 **72-2-201. Definitions.**

18730 As used in this part:

18731 (1) "Fund" means the Transportation Infrastructure Loan Fund created under Section  
18732 72-2-202.

18733 (2) "Infrastructure assistance" means any use of fund moneys, except an infrastructure  
18734 loan, to provide financial assistance for transportation projects, including to finance leases,  
18735 fund reserves, make grants, make interest buy-down grants, leases, or loans obtained by a  
18736 public entity to finance transportation projects.

18737 (3) "Infrastructure loan" means a loan of fund monies to finance a transportation  
18738 project.

18739 (4) "Public entity" means a state agency, county, municipality, [~~special~~] local district,  
18740 special service district, or an intergovernmental entity organized under state law.

18741 (5) "Transportation project" means a project to improve the state transportation systems  
18742 and includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping,  
18743 and fixturing.

18744 Section 454. Section **72-10-601** is amended to read:

18745 **72-10-601. Definitions.**

18746 As used in this part:

18747 (1) "City" means a municipality of the first class, as defined under Section 10-2-301,  
18748 that:

- 18749 (a) is authorized by statute to operate an airport; and
- 18750 (b) operates an airport with greater than ten million annual passengers.

18751 (2) "Division" means the Criminal Investigation and Technical Services Division of the

18752 Department of Public Safety, established in Section 53-10-103.

18753 (3) "Ground transportation service" means transporting passengers for hire or as a  
18754 courtesy in connection with a business over public streets pursuant to a license with the city.

18755 (4) (a) "Ground transportation service provider" means a driver who provides ground  
18756 transportation service where the pickup or drop-off of a passenger occurs at an airport under a  
18757 city's authority.

18758 (b) "Ground transportation service provider" includes:

18759 (i) a taxicab driver;

18760 (ii) a limousine or luxury car driver;

18761 (iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section  
18762 [~~17A-2-1004~~] 17B-2a-802;

18763 (iv) a courtesy vehicle or hotel vehicle driver;

18764 (v) a special transportation vehicle driver who transports disabled persons; and

18765 (vi) a van driver.

18766 Section 455. Section **73-1-4** is amended to read:

18767 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**  
18768 **five years -- Extension of time.**

18769 (1) In order to further the state policy of securing the maximum use and benefit of its  
18770 scarce water resources, a person entitled to the use of water has a continuing obligation to place  
18771 all of a water right to beneficial use. The forfeiture of all or part of any right to use water for  
18772 failure to place all or part of the water to beneficial use makes possible the allocation and use of  
18773 water consistent with long established beneficial use concepts. The provisions of Subsections  
18774 (2) through (6) shall be construed to carry out the purposes and policies set forth in this  
18775 Subsection (1).

18776 (2) As used in this section, "public water supply entity" means an entity that supplies  
18777 water as a utility service or for irrigation purposes and is also:

18778 (a) a municipality, water conservancy district, metropolitan water district, irrigation  
18779 district [~~created under Section 17A-2-701.5~~], or other public agency;

18780 (b) a water company regulated by the Public Service Commission; or

18781 (c) any other owner of a community water system.

18782 (3) (a) When an appropriator or the appropriator's successor in interest abandons or

18783 ceases to use all or a portion of a water right for a period of five years, the water right or the  
18784 unused portion of that water right ceases and the water reverts to the public, unless, before the  
18785 expiration of the five-year period, the appropriator or the appropriator's successor in interest  
18786 files a verified nonuse application with the state engineer.

18787 (b) (i) A nonuse application may be filed on all or a portion of the water right,  
18788 including water rights held by mutual irrigation companies.

18789 (ii) Public water supply entities that own stock in a mutual water company, after giving  
18790 written notice to the water company, may file nonuse applications with the state engineer on  
18791 the water represented by the stock.

18792 (c) (i) A water right or a portion of the water right may not be forfeited unless a judicial  
18793 action to declare the right forfeited is commenced within 15 years from the end of the latest  
18794 period of nonuse of at least five years.

18795 (ii) If forfeiture is asserted in an action for general determination of rights in  
18796 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year  
18797 limitation period shall commence to run back in time from the date the state engineer's  
18798 proposed determination of rights is served upon each claimant.

18799 (iii) A decree entered in an action for general determination of rights under Chapter 4,  
18800 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any  
18801 right determined to be valid in the decree, but shall not bar a claim for periods of nonuse that  
18802 occur after the entry of the decree.

18803 (iv) A proposed determination by the state engineer in an action for general  
18804 determination of rights under Chapter 4, Determination of Water Rights, shall bar any claim of  
18805 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has  
18806 been filed within the time allowed in Chapter 4, Determination of Water Rights.

18807 (d) The extension of time to resume the use of that water may not exceed five years  
18808 unless the time is further extended by the state engineer.

18809 (e) The provisions of this section are applicable whether the unused or abandoned  
18810 water or a portion of the water is permitted to run to waste or is used by others without right  
18811 with the knowledge of the water right holder, provided that the use of water pursuant to a lease  
18812 or other agreement with the appropriator or the appropriator's successor shall be considered to  
18813 constitute beneficial use.

- 18814 (f) The provisions of this section shall not apply:
- 18815 (i) to those periods of time when a surface water source fails to yield sufficient water to
- 18816 satisfy the water right, or when groundwater is not available because of a sustained drought;
- 18817 (ii) to water stored in reservoirs pursuant to an existing water right, where the stored
- 18818 water is being held in storage for present or future use; or
- 18819 (iii) when a water user has beneficially used substantially all of a water right within a
- 18820 five-year period, provided that this exemption shall not apply to the adjudication of a water
- 18821 right in a general determination of water rights under Chapter 4, Determination of Water
- 18822 Rights.
- 18823 (g) Groundwater rights used to supplement the quantity or quality of other water
- 18824 supplies may not be subject to loss or reduction under this section if not used during periods
- 18825 when the other water source delivers sufficient water so as to not require use of the
- 18826 supplemental groundwater.
- 18827 (4) (a) The state engineer shall furnish an application requiring the following
- 18828 information:
- 18829 (i) the name and address of the applicant;
- 18830 (ii) a description of the water right or a portion of the water right, including the point of
- 18831 diversion, place of use, and priority;
- 18832 (iii) the date the water was last diverted and placed to beneficial use;
- 18833 (iv) the quantity of water;
- 18834 (v) the period of use;
- 18835 (vi) the extension of time applied for;
- 18836 (vii) a statement of the reason for the nonuse of the water; and
- 18837 (viii) any other information that the state engineer requires.
- 18838 (b) Filing the application extends the time during which nonuse may continue until the
- 18839 state engineer issues his order on the nonuse application.
- 18840 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the
- 18841 application once a week for two successive weeks in a newspaper of general circulation in the
- 18842 county in which the source of the water supply is located and where the water is to be used.
- 18843 (ii) The notice shall:
- 18844 (A) state that an application has been made; and



18845 (B) specify where the interested party may obtain additional information relating to the  
18846 application.

18847 (d) Any interested person may file a written protest with the state engineer against the  
18848 granting of the application:

18849 (i) within 20 days after the notice is published, if the adjudicative proceeding is  
18850 informal; and

18851 (ii) within 30 days after the notice is published, if the adjudicative proceeding is  
18852 formal.

18853 (e) In any proceedings to determine whether the application for extension should be  
18854 approved or rejected, the state engineer shall follow the procedures and requirements of Title  
18855 63, Chapter 46b, Administrative Procedures Act.

18856 (f) After further investigation, the state engineer may approve or reject the application.

18857 (5) (a) Nonuse applications on all or a portion of a water right shall be granted by the  
18858 state engineer for periods not exceeding five years each, upon a showing of reasonable cause  
18859 for nonuse.

18860 (b) Reasonable causes for nonuse include:

18861 (i) demonstrable financial hardship or economic depression;

18862 (ii) the initiation of recognized water conservation or efficiency practices, or the  
18863 operation of a groundwater recharge recovery program approved by the state engineer;

18864 (iii) operation of legal proceedings;

18865 (iv) the holding of a water right or stock in a mutual water company without use by any  
18866 public water supply entity to meet the reasonable future requirements of the public;

18867 (v) situations where, in the opinion of the state engineer, the nonuse would assist in  
18868 implementing an existing, approved water management plan;

18869 (vi) situations where all or part of the land on which water is used is contracted under  
18870 an approved state agreement or federal conservation following program;

18871 (vii) the loss of capacity caused by deterioration of the water supply or delivery  
18872 equipment if the applicant submits, with the application, a specific plan to resume full use of  
18873 the water right by replacing, restoring, or improving the equipment; or

18874 (viii) any other reasonable cause.

18875 (6) (a) Sixty days before the expiration of any extension of time, the state engineer

18876 shall notify the applicant by registered mail or by any form of electronic communication  
18877 through which receipt is verifiable, of the date when the extension period will expire.

18878 (b) Before the date of expiration, the applicant shall either:

18879 (i) file a verified statement with the state engineer setting forth the date on which use of  
18880 the water was resumed, and whatever additional information is required by the state engineer;  
18881 or

18882 (ii) apply for a further extension of time in which to resume use of the water according  
18883 to the procedures and requirements of this section.

18884 (c) Upon receipt of the applicant's properly completed, verified statement, the state  
18885 engineer shall conduct investigations necessary to verify that beneficial use has resumed and, if  
18886 so, shall issue a certificate of resumption of use of the water as evidenced by the resumed  
18887 beneficial use.

18888 (7) The appropriator's water right or a portion of the water right ceases and the water  
18889 reverts to the public if the:

18890 (a) appropriator or the appropriator's successor in interest fails to apply for an  
18891 extension of time;

18892 (b) state engineer denies the nonuse application; or

18893 (c) appropriator or the appropriator's successor in interest fails to apply for a further  
18894 extension of time.

18895 Section 456. Section **73-2-1** is amended to read:

18896 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

18897 (1) There shall be a state engineer.

18898 (2) The state engineer shall:

18899 (a) be appointed by the governor with the consent of the Senate;

18900 (b) hold office for the term of four years and until a successor is appointed; and

18901 (c) have five years experience as a practical engineer or the theoretical knowledge,  
18902 practical experience, and skill necessary for the position.

18903 (3) (a) The state engineer shall be responsible for the general administrative  
18904 supervision of the waters of the state and the measurement, appropriation, apportionment, and  
18905 distribution of those waters.

18906 (b) The state engineer may secure the equitable apportionment and distribution of the

18907 water according to the respective rights of appropriators.

18908 (4) The state engineer shall make rules, in accordance with Title 63, Chapter 46a, Utah

18909 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,

18910 regarding:

18911 (a) reports of water right conveyances;

18912 (b) the construction of water wells and the licensing of water well drillers;

18913 (c) dam construction and safety;

18914 (d) the alteration of natural streams;

18915 (e) sewage effluent reuse;

18916 (f) geothermal resource conservation; and

18917 (g) enforcement orders and the imposition of fines and penalties.

18918 (5) The state engineer may make rules, in accordance with Title 63, Chapter 46a, Utah

18919 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,

18920 governing:

18921 (a) water distribution systems and water commissioners;

18922 (b) water measurement and reporting;

18923 (c) ground-water recharge and recovery;

18924 (d) the determination of water rights; and

18925 (e) the form and content of applications and related documents, maps, and reports.

18926 (6) The state engineer may bring suit in courts of competent jurisdiction to:

18927 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground

18928 water without first seeking redress through the administrative process;

18929 (b) prevent theft, waste, loss, or pollution of those waters;

18930 (c) enable him to carry out the duties of his office; and

18931 (d) enforce administrative orders and collect fines and penalties.

18932 (7) The state engineer may:

18933 (a) upon request from the board of trustees of an irrigation district under Title ~~[17A]~~

18934 17B, Chapter ~~[2]~~ 2a, Part ~~[7]~~ 5, Irrigation District Act, or ~~[a]~~ another local local district under

18935 Title 17B, ~~[Chapter 2,]~~ Limited Purpose Local Government Entities - Local Districts, or a

18936 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,

18937 that operates an irrigation water system, cause a water survey to be made of all lands proposed

18938 to be annexed to the district in order to determine and allot the maximum amount of water that  
18939 could be beneficially used on the land, with a separate survey and allotment being made for  
18940 each 40-acre or smaller tract in separate ownership; and

18941 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the  
18942 district board a return of the survey and report of the allotment.

18943 (8) (a) The state engineer may establish water distribution systems and define their  
18944 boundaries.

18945 (b) The water distribution systems shall be formed in a manner that:

18946 (i) secures the best protection to the water claimants; and

18947 (ii) is the most economical for the state to supervise.

18948 Section 457. Section **73-5-15** is amended to read:

18949 **73-5-15. Groundwater management plan.**

18950 (1) As used in this section:

18951 (a) "Critical management area" means a groundwater basin in which the groundwater  
18952 withdrawals consistently exceed the safe yield.

18953 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a  
18954 groundwater basin over a period of time without exceeding the long-term recharge of the basin  
18955 or unreasonably affecting the basin's physical and chemical integrity.

18956 (2) (a) The state engineer may regulate groundwater withdrawals within a specific  
18957 groundwater basin by adopting a groundwater management plan in accordance with this section  
18958 for any groundwater basin or aquifer or combination of hydrologically connected groundwater  
18959 basins or aquifers.

18960 (b) The objectives of a groundwater management plan are to:

18961 (i) limit groundwater withdrawals to safe yield;

18962 (ii) protect the physical integrity of the aquifer; and

18963 (iii) protect water quality.

18964 (c) The state engineer shall adopt a groundwater management plan for a groundwater  
18965 basin if more than 1/3 of the water right owners in the groundwater basin request that the state  
18966 engineer adopt a groundwater management plan.

18967 (3) (a) In developing a groundwater management plan, the state engineer may consider:

18968 (i) the hydrology of the groundwater basin;

- 18969 (ii) the physical characteristics of the groundwater basin;
- 18970 (iii) the relationship between surface water and groundwater, including whether the
- 18971 groundwater should be managed in conjunction with hydrologically connected surface waters;
- 18972 (iv) the geographic spacing and location of groundwater withdrawals;
- 18973 (v) water quality;
- 18974 (vi) local well interference; and
- 18975 (vii) other relevant factors.
- 18976 (b) The state engineer shall base the provisions of a groundwater management plan on
- 18977 the principles of prior appropriation.
- 18978 (c) (i) The state engineer shall use the best available scientific method to determine
- 18979 safe yield.
- 18980 (ii) As hydrologic conditions change or additional information becomes available, safe
- 18981 yield determinations made by the state engineer may be revised by following the procedures
- 18982 listed in Subsection (5).
- 18983 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
- 18984 groundwater basin shall be limited to the basin's safe yield.
- 18985 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
- 18986 shall:
- 18987 (A) determine the groundwater basin's safe yield; and
- 18988 (B) adopt a groundwater management plan for the groundwater basin.
- 18989 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
- 18990 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
- 18991 groundwater basin based on the priority date of the water rights under the groundwater
- 18992 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
- 18993 different distribution.
- 18994 (b) When adopting a groundwater management plan for a critical management area, the
- 18995 state engineer shall, based on economic and other impacts to an individual water user or a local
- 18996 community caused by the implementation of safe yield limits on withdrawals, allow gradual
- 18997 implementation of the groundwater management plan.
- 18998 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
- 18999 agree to participate in a voluntary arrangement for managing withdrawals at any time, either

19000 before or after a determination that groundwater withdrawals exceed the groundwater basin's  
19001 safe yield.

19002 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other  
19003 law.

19004 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than  
19005 all of the water users in a groundwater basin does not affect the rights of water users who do  
19006 not agree to the voluntary arrangement.

19007 (5) To adopt a groundwater management plan, the state engineer shall:

19008 (a) give notice as specified in Subsection (7) at least 30 days before the first public  
19009 meeting held in accordance with Subsection (5)(b):

19010 (i) that the state engineer proposes to adopt a groundwater management plan;

19011 (ii) describing generally the land area proposed to be included in the groundwater  
19012 management plan; and

19013 (iii) stating the location, date, and time of each public meeting to be held in accordance  
19014 with Subsection (5)(b);

19015 (b) hold one or more public meetings in the geographic area proposed to be included  
19016 within the groundwater management plan to:

19017 (i) address the need for a groundwater management plan;

19018 (ii) present any data, studies, or reports that the state engineer intends to consider in  
19019 preparing the groundwater management plan;

19020 (iii) address safe yield and any other subject that may be included in the groundwater  
19021 management plan;

19022 (iv) outline the estimated administrative costs, if any, that groundwater users are likely  
19023 to incur if the plan is adopted; and

19024 (v) receive any public comments and other information presented at the public meeting,  
19025 including comments from any of the entities listed in Subsection (7)(a)(iii);

19026 (c) receive and consider written comments concerning the proposed groundwater  
19027 management plan from any person for a period determined by the state engineer of not less than  
19028 60 days after the day on which the notice required by Subsection (5)(a) is given;

19029 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,  
19030 publish notice:

19031 (A) that a draft of the groundwater management plan has been proposed; and  
 19032 (B) specifying where a copy of the draft plan may be reviewed; and  
 19033 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of  
 19034 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and  
 19035 (e) provide notice of the adoption of the groundwater management plan.  
 19036 (6) A groundwater management plan shall become effective on the date notice of  
 19037 adoption is completed under Subsection (7), or on a later date if specified in the plan.  
 19038 (7) (a) A notice required by this section shall be:  
 19039 (i) published once a week for two successive weeks in a newspaper of general  
 19040 circulation in each county that encompasses a portion of the land area proposed to be included  
 19041 within the groundwater management plan;  
 19042 (ii) published conspicuously on the state engineer's Internet website; and  
 19043 (iii) mailed to each of the following that has within its boundaries a portion of the land  
 19044 area to be included within the proposed groundwater management plan:  
 19045 (A) county;  
 19046 (B) incorporated city or town;  
 19047 ~~[(C) any of the following type of independent special districts operating under Title~~  
 19048 ~~17A, Special Districts:]~~  
 19049 ~~[(F) county] (C) improvement district [providing water, sewerage, or flood control]~~  
 19050 ~~under Title 17B, Chapter 2a, Part 4, Improvement District Act;~~  
 19051 ~~[(H) county] (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;~~  
 19052 ~~[(HH) (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;~~  
 19053 ~~[(IV) (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;~~  
 19054 ~~[(V) (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan~~  
 19055 ~~Water District Act;~~  
 19056 ~~[(VI) (H) special service district providing water, sewer, drainage, or flood control~~  
 19057 ~~services, under Title 17A, Chapter 2, Part 13, Utah Special Service District Act; [and]~~  
 19058 ~~[(VII) (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water~~  
 19059 ~~Conservancy District Act; and~~  
 19060 ~~[(D) (J) soil conservation district, under Title 17A, Chapter 3, Part 8, Soil~~  
 19061 ~~Conservation Districts.~~

19062 (b) A notice required by this section is effective upon substantial compliance with  
19063 Subsections (7)(a)(i) through (iii).

19064 (8) A groundwater management plan may be amended in the same manner as a  
19065 groundwater management plan may be adopted under this section.

19066 (9) The existence of a groundwater management plan does not preclude any otherwise  
19067 eligible person from filing any application or challenging any decision made by the state  
19068 engineer within the affected groundwater basin.

19069 (10) (a) A person aggrieved by a groundwater management plan may challenge any  
19070 aspect of the groundwater management plan by filing a complaint within 60 days after the  
19071 adoption of the groundwater management plan in the district court for any county in which the  
19072 groundwater basin is found.

19073 (b) Notwithstanding Subsection (9), a person may challenge the components of a  
19074 groundwater management plan only in the manner provided by Subsection (10)(a).

19075 (c) An action brought under this Subsection (10) is reviewed de novo by the district  
19076 court.

19077 (d) A person challenging a groundwater management plan under this Subsection (10)  
19078 shall join the state engineer as a defendant in the action challenging the groundwater  
19079 management plan.

19080 (e) (i) Within 30 days after the day on which a person files an action challenging any  
19081 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action  
19082 shall publish notice of the action in a newspaper of general circulation in the county in which  
19083 the district court is located.

19084 (ii) The notice required by Subsection (10)(e)(i) shall be published once a week for two  
19085 consecutive weeks.

19086 (iii) The notice required by Subsection (10)(e)(i) shall:

19087 (A) identify the groundwater management plan the person is challenging;

19088 (B) identify the case number assigned by the district court;

19089 (C) state that a person affected by the groundwater management plan may petition the  
19090 district court to intervene in the action challenging the groundwater management plan; and

19091 (D) list the address for the clerk of the district court in which the action is filed.

19092 (iv) (A) Any person affected by the groundwater management plan may petition to



19093 intervene in the action within 60 days after the day on which notice is last published under  
19094 Subsections (10)(e)(i) and (ii).

19095 (B) The district court's treatment of a petition to intervene under this Subsection  
19096 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

19097 (v) A district court in which an action is brought under Subsection (10)(a) shall  
19098 consolidate all actions brought under that Subsection and include in the consolidated action any  
19099 person whose petition to intervene is granted.

19100 (11) A groundwater management plan adopted or amended in accordance with this  
19101 section is exempt from the requirements in Title 63, Chapter 46a, Utah Administrative  
19102 Rulemaking Act.

19103 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater  
19104 Recharge and Recovery Act, are exempted from this section.

19105 (13) Nothing in this section may be interpreted to require the development,  
19106 implementation, or consideration of a groundwater management plan as a prerequisite or  
19107 condition to the exercise of the state engineer's enforcement powers under other law, including  
19108 powers granted under Section 73-2-25.

19109 (14) A groundwater management plan adopted in accordance with this section may not  
19110 apply to the dewatering of a mine.

19111 (15) (a) A groundwater management plan adopted by the state engineer before May 1,  
19112 2006, remains in force and has the same legal effect as it had on the day on which it was  
19113 adopted by the state engineer.

19114 (b) If a groundwater management plan that existed before May 1, 2006, is amended on  
19115 or after May 1, 2006, the amendment is subject to this section's provisions.

19116 Section 458. Section **73-10-1** is amended to read:

19117 **73-10-1. State's policy -- Creation of revolving fund -- General construction of**  
19118 **act.**

19119 (1) The Legislature of the state of Utah having heretofore declared by Section 73-1-1,  
19120 Utah Code Annotated 1953, that, "All waters of this state, whether above or under the ground  
19121 are hereby declared to be the property of the public, subject to all existing rights to the use  
19122 thereof"; and further, by Section 73-1-3, Utah Code Annotated 1953, that "Beneficial use shall  
19123 be the basis, the measures and the limit of all rights to the use of water in this state"; and

19124 further, by Section [~~17A-2-1401~~] 17B-2a-1002 that the policy of the state is, "To obtain from  
19125 water in Utah the highest duty for domestic uses and irrigation of lands in Utah within the  
19126 terms of interstate compacts or otherwise," now by this act reiterates and reaffirms such  
19127 declaration of the public policy of the state of Utah.

19128 (2) It is further declared to be the policy of this chapter and of the state of Utah, and the  
19129 legislature recognizes:

19130 (a) that by construction of projects based upon sound engineering the waters within the  
19131 various counties of the state of Utah can be saved from waste and increased in efficiency of  
19132 beneficial use by 25% to 100%;

19133 (b) that because of well-known conditions such as low prices and lack of market for  
19134 farm products, particularly the inefficiency of water supply because of lack of late season water  
19135 and consequent lack of financial strength, water users in small communities have been unable  
19136 to build projects that would provide full conservation and beneficial use for the limited water  
19137 supply in this semiarid land;

19138 (c) that water, as the property of the public, should be so managed by the public that it  
19139 can be put to the highest use for public benefit;

19140 (d) that Congress of the United States has provided for the building of larger water  
19141 conservation projects throughout the semiarid states, payment of the capital costs without  
19142 interest to be made by the water users upon the basis of a fair portion of crop returns;

19143 (e) that the Congress of the United States has established in the department of interior  
19144 and in the department of agriculture, various agencies having authority to develop, protect, and  
19145 aid in putting to beneficial use the land and water resources of the United States and to  
19146 cooperate with state agencies having similar authority;

19147 (f) that the interests of the state of Utah require that means be provided for close  
19148 cooperation between all state and federal agencies to the end that the underground waters and  
19149 waters of the small streams of the state, and the lands thereunder, can be made to yield  
19150 abundantly and increase the income and well-being of the citizens of the state;

19151 (g) that it appears to be sound public policy for the state of Utah to provide a revolving  
19152 fund, to be increased at each legislative session, to the end that every mountain stream and  
19153 every water resource within the state can be made to render the highest beneficial service, such  
19154 fund to be so administered that no project will be built except upon expert engineering,

19155 financial, and geological approval.

19156 (3) All of the provisions of this chapter shall be liberally construed so as to carry out  
19157 and put into force and effect the purposes and policies as hereinabove set forth.

19158 Section 459. Section **73-10-21** is amended to read:

19159 **73-10-21. Loans for water systems -- Eligible projects.**

19160 This chapter shall apply to all eligible projects of incorporated cities and towns,  
19161 metropolitan water districts created under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~8~~] 6,  
19162 Metropolitan Water District Act, water conservancy districts created under Title [~~17A~~] 17B,  
19163 Chapter [~~2~~] 2a, Part [~~14~~] 10, Water Conservancy District Act, improvement districts created  
19164 under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~3~~, ~~county improvement districts created under~~  
19165 ~~Title 17A, Chapter 3, Part 2,~~] 4, Improvement District Act, assessment areas established under  
19166 Title 11, Chapter 42, Assessment Area Act, and special service districts established under Title  
19167 17A, Chapter 2, Part 13, Utah Special Service District Act. Eligible projects are those for the  
19168 acquisition, improvement, or construction of water systems used for the production, supply,  
19169 transmission, storage, distribution, or treatment of water for cities, towns, metropolitan water  
19170 districts, water conservancy districts, improvement districts, special improvement districts, or  
19171 special service districts, or the improvement or extension of such systems.

19172 Section 460. Section **73-10-32** is amended to read:

19173 **73-10-32. Definitions -- Water conservation plan required.**

19174 (1) As used in this section:

19175 (a) "Board" means the Board of Water Resources created under Section 73-10-1.5.

19176 (b) "Division" means the Division of Water Resources created under Section 73-10-18.

19177 (c) "Retail" means the level of distribution of culinary water that supplies culinary  
19178 water directly to the end user.

19179 (d) "Retail water provider" means an entity which:

19180 (i) supplies culinary water to end users; and

19181 (ii) has more than 500 service connections.

19182 (e) "Water conservancy district" means an entity formed under Title [~~17A~~] 17B,

19183 Chapter [~~2~~] 2a, Part [~~14~~] 10, Water Conservancy [~~Districts~~] District Act.

19184 (f) "Water conservation plan" means a written document that contains existing and  
19185 proposed water conservation measures describing what will be done by retail water providers,

19186 water conservancy districts, and the end user of culinary water to help conserve water and limit  
19187 or reduce its use in the state in terms of per capita consumption so that adequate supplies of  
19188 water are available for future needs.

19189 (2) (a) Each water conservation plan shall contain:

19190 (i) a clearly stated overall water use reduction goal and an implementation plan for  
19191 each of the water conservation measures it chooses to use, including a timeline for action and  
19192 an evaluation process to measure progress;

19193 (ii) a requirement that each water conservancy district and retail water provider devote  
19194 part of at least one regular meeting every five years of its governing body to a discussion and  
19195 formal adoption of the water conservation plan, and allow public comment on it;

19196 (iii) a requirement that a notification procedure be implemented that includes the  
19197 delivery of the water conservation plan to the media and to the governing body of each  
19198 municipality and county served by the water conservancy district or retail water provider; and

19199 (iv) a copy of the minutes of the meeting and the notification procedure required in  
19200 Subsections (2)(a)(ii) and (iii) which shall be added as an appendix to the plan.

19201 (b) A water conservation plan may include information regarding:

19202 (i) the installation and use of water efficient fixtures and appliances, including toilets,  
19203 shower fixtures, and faucets;

19204 (ii) residential and commercial landscapes and irrigation that require less water to  
19205 maintain;

19206 (iii) more water efficient industrial and commercial processes involving the use of  
19207 water;

19208 (iv) water reuse systems, both potable and not potable;

19209 (v) distribution system leak repair;

19210 (vi) dissemination of public information regarding more efficient use of water,  
19211 including public education programs, customer water use audits, and water saving  
19212 demonstrations;

19213 (vii) water rate structures designed to encourage more efficient use of water;

19214 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient  
19215 use of water by means such as water efficient fixtures and landscapes;

19216 (ix) incentives to implement water efficient techniques, including rebates to water users

- 19217 to encourage the implementation of more water efficient measures; and
- 19218 (x) other measures designed to conserve water.
- 19219 (c) The Division of Water Resources may be contacted for information and technical
- 19220 resources regarding measures listed in Subsections (2)(b)(i) through (2)(b)(x).
- 19221 (3) (a) Before April 1, 1999, each water conservancy district [~~under Title 17A, Chapter~~
- 19222 ~~2, Part 14, Water Conservancy Districts,~~] and each retail water provider shall:
- 19223 (i) (A) prepare and adopt a water conservation plan if one has not already been
- 19224 adopted; or
- 19225 (B) if the district or provider has already adopted a water conservation plan, review the
- 19226 existing water conservation plan to determine if it should be amended and, if so, amend the
- 19227 water conservation plan; and
- 19228 (ii) file a copy of the water conservation plan or amended water conservation plan with
- 19229 the division.
- 19230 (b) Before adopting or amending a water conservation plan, each water conservancy
- 19231 district or retail water provider shall hold a public hearing with reasonable, advance public
- 19232 notice.
- 19233 (4) (a) The board shall:
- 19234 (i) provide guidelines and technical resources to retail water providers and water
- 19235 conservancy districts to prepare and implement water conservation plans;
- 19236 (ii) investigate alternative measures designed to conserve water; and
- 19237 (iii) report regarding its compliance with the act and impressions of the overall quality
- 19238 of the plans submitted to the Natural Resources, Agriculture, and Environment Interim
- 19239 Committee of the Legislature at its meeting in November 2004.
- 19240 (b) The board shall publish an annual report in a paper of state-wide distribution
- 19241 specifying the retail water providers and water conservancy districts that do not have a current
- 19242 water conservation plan on file with the board at the end of the calendar year.
- 19243 (5) A water conservancy district or retail water provider may only receive state funds
- 19244 for water development if they comply with the requirements of this act.
- 19245 (6) Each water conservancy district and retail water provider specified under
- 19246 Subsection (3)(a) shall:
- 19247 (a) update its water conservation plan no less frequently than every five years; and

19248 (b) follow the procedures required under Subsection (3) when updating the water  
19249 conservation plan.

19250 (7) It is the intent of the Legislature that the water conservation plans, amendments to  
19251 existing water conservation plans, and the studies and report by the board be handled within the  
19252 existing budgets of the respective entities or agencies.

19253 Section 461. Section **76-10-1503** is amended to read:

19254 **76-10-1503. Definitions.**

19255 As used in this act:

19256 (1) "Bus" means any passenger bus or coach or other motor vehicle having a seating  
19257 capacity of 15 or more passengers operated by a bus company for the purpose of carrying  
19258 passengers or cargo for hire and includes a transit vehicle, as defined in Section [~~17A-2-1004~~  
19259 17B-2a-802, of a public transit district under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~  
19260 8, Public Transit District Act.

19261 (2) "Bus company" or "company" means any person, group of persons or corporation  
19262 providing for-hire transportation to passengers or cargo by bus upon the highways in the state,  
19263 including passengers and cargo in interstate or intrastate travel. These terms also include local  
19264 public bodies, public transit districts, municipalities, public corporations, boards and  
19265 commissions established under the laws of the state providing transportation to passengers or  
19266 cargo by bus upon the highways in the state, whether or not for hire.

19267 (3) "Charter" means a group of persons, pursuant to a common purpose and under a  
19268 single contract, and at a fixed charge in accordance with a bus company's tariff, which has  
19269 acquired the exclusive use of a bus to travel together to a specified destination or destinations.

19270 (4) "Passenger" means any person transported or served by a bus company, including  
19271 persons accompanying or meeting another being transported, any person shipping or receiving  
19272 cargo and any person purchasing a ticket or receiving a pass.

19273 (5) "Terminal" means a bus station or depot or any other facility operated or leased by  
19274 or operated on behalf of a bus company and includes a transit facility, as defined in Section  
19275 [~~17A-2-1004~~] 17B-2a-802, of a public transit district under Title [~~17A~~] 17B, Chapter [~~2~~] 2a,  
19276 Part [~~10, Utah~~] 8, Public Transit District Act. This term includes a reasonable area  
19277 immediately adjacent to any designated stop along the route traveled by any bus operated by a  
19278 bus company and parking lots or areas adjacent to terminals.

19279 Section 462. Section **78-27-63** is amended to read:

19280 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**  
19281 **county or municipality -- No effect on duty or liability of person participating in**  
19282 **recreational activity or other person.**

19283 (1) As used in this section:

19284 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury  
19285 or property damage that are an integral and natural part of participating in a recreational  
19286 activity.

19287 (b) "Municipality" has the meaning as defined in Section 10-1-104.

19288 (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or  
19289 experience, and a corporation, partnership, limited liability company, or any other form of  
19290 business enterprise.

19291 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,  
19292 roller skating, ice skating, fishing, hiking, bike riding, or in-line skating on property:

19293 (i) owned by:

19294 (A) with respect to a claim against a county, the county; and

19295 (B) with respect to a claim against a municipality, the municipality; and

19296 (ii) intended for the specific use in question.

19297 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,  
19298 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or  
19299 recover from a county, municipality, or ~~independent special~~ local district under Title ~~[17A]~~  
19300 17B, [Chapter 2, Independent Special Districts] Limited Purpose Local Government Entities -  
19301 Local Districts, or special service district under Title 17A, Chapter 2, Part 13, Utah Special  
19302 Service District Act, for personal injury or property damage resulting from any of the inherent  
19303 risks of participating in a recreational activity.

19304 (3) (a) Nothing in this section may be construed to relieve a person participating in a  
19305 recreational activity from an obligation that the person would have in the absence of this  
19306 section to exercise due care or from the legal consequences of a failure to exercise due care.

19307 (b) Nothing in this section may be construed to relieve any other person from an  
19308 obligation that the person would have in the absence of this section to exercise due care or from  
19309 the legal consequences of a failure to exercise due care.

- 19310 Section 463. **Repealer.**
- 19311 This bill repeals:
- 19312 Section **17A-1-101, Definitions.**
- 19313 Section **17A-1-102, Notice to State Tax Commission -- Tax rate on new property**
- 19314 **included in the special district.**
- 19315 Section **17A-1-205, Special districts subject to local district provisions relating to**
- 19316 **collection of water and sewer service fees.**
- 19317 Section **17A-1-301, Exemptions.**
- 19318 Section **17A-1-302, Vacancies on special district boards.**
- 19319 Section **17A-1-401, Short title.**
- 19320 Section **17A-1-402, Legislative intent.**
- 19321 Section **17A-1-403, Applicability to special districts -- Exceptions.**
- 19322 Section **17A-1-426, Emergency expenditures.**
- 19323 Section **17A-1-446, State auditor to evaluate fiscal practices.**
- 19324 Section **17A-1-801, Hiring of professional architect, engineer, or surveyor.**
- 19325 Section **17A-2-101, Creation procedures for certain independent special districts.**
- 19326 Section **17A-2-101.3, Annexation, dissolution, and withdrawal provisions for**
- 19327 **certain independent special districts.**
- 19328 Section **17A-2-104, Notice before preparing or amending a long-range plan or**
- 19329 **acquiring certain property.**
- 19330 Section **17A-2-201, Short title -- Policy of state -- Assessments.**
- 19331 Section **17A-2-208, Cemetery maintenance district board of trustees --**
- 19332 **Appointment -- Other provisions applicable.**
- 19333 Section **17A-2-210, Appointments to fill.**
- 19334 Section **17A-2-216, Body politic and corporate -- Exercise of powers -- Corporate**
- 19335 **name.**
- 19336 Section **17A-2-217, Powers of maintenance district.**
- 19337 Section **17A-2-219, Acquisition and possession of property -- Legal title.**
- 19338 Section **17A-2-221, Levy of taxes by cemetery board.**
- 19339 Section **17A-2-222, Amount of tax -- Levy and collection.**
- 19340 Section **17A-2-223, Power of board to incur indebtedness.**



19341 Section 17A-2-226, Cities of first and second class excepted.

19342 Section 17A-2-305, Board of trustees -- Creation -- Appointment and election of  
19343 members -- Qualifications.

19344 Section 17A-2-306, Bonds.

19345 Section 17A-2-307, Resolution calling bond election -- Precincts and polling places.

19346 Section 17A-2-308, Board of trustees -- Other provisions applicable -- No  
19347 compensation to county legislative body -- Audit -- Budget.

19348 Section 17A-2-309, Results of bond election -- Resolution -- Issuance of bonds --  
19349 Maximum bonded indebtedness.

19350 Section 17A-2-310, Certification of bond issue to county legislative body -- Tax  
19351 levy -- Payment of revenue bonds -- Election on general obligation bonds and revenue  
19352 bonds -- Bonds for sewer purposes -- Collection of charges.

19353 Section 17A-2-312, Powers of district -- Bond obligations of entity under Utah  
19354 Interlocal Cooperation Act not obligation of district.

19355 Section 17A-2-313, Authority of district.

19356 Section 17A-2-315, Publication of resolution or proceeding -- Right to contest  
19357 legality.

19358 Section 17A-2-317, Ratification of districts created under prior laws -- Issuance of  
19359 authorized bonds -- Amendatory proceedings.

19360 Section 17A-2-318, Separability clause.

19361 Section 17A-2-319, Authority for district's exercise of other powers than those  
19362 provided in creation -- Procedure -- Hearing -- Appeals.

19363 Section 17A-2-320, Special election of elective members of board of trustees.

19364 Section 17A-2-322, Ratification of districts created under prior laws.

19365 Section 17A-2-323, Abolishment of previously created districts.

19366 Section 17A-2-325, Creation of districts authorized.

19367 Section 17A-2-327, Districts continuing method of selection of trustees --  
19368 Resolution -- Irrevocable as long as bonds outstanding -- Revocation of resolution.

19369 Section 17A-2-328, Powers of municipalities -- Collection -- System for collection,  
19370 retention, and disposition of storm and flood waters -- Power of district to make contracts  
19371 -- Retainage.

- 19372           Section **17A-2-329, Overlapping districts -- Abolition of smaller district --**
- 19373 **Conditions.**
- 19374           Section **17A-2-401, Short title.**
- 19375           Section **17A-2-402, Legislative intent.**
- 19376           Section **17A-2-405, Area in county service area -- Overlapping of areas.**
- 19377           Section **17A-2-411, Board of trustees -- Selection procedures -- Surety bonds --**
- 19378 **Other provisions applicable -- Board membership for certain service areas providing fire**
- 19379 **protection, paramedic, and emergency services.**
- 19380           Section **17A-2-412, Service area deemed body corporate -- Powers.**
- 19381           Section **17A-2-414, Tax rate -- Limitation.**
- 19382           Section **17A-2-415, Levy and collection of tax -- Property subject to tax --**
- 19383 **Collection of service charges.**
- 19384           Section **17A-2-416, Delinquent fees and charges to become lien when certified.**
- 19385           Section **17A-2-418, Annexation or incorporation of all or part of county service**
- 19386 **area into city or town.**
- 19387           Section **17A-2-419, Abandonment.**
- 19388           Section **17A-2-423, Resolution calling election for issuing bonds -- Limit on general**
- 19389 **obligation bonds.**
- 19390           Section **17A-2-424, Issuance of bonds -- Purposes of bonds -- Tax levy.**
- 19391           Section **17A-2-425, Bonds payable from revenues -- Covenants with future holders**
- 19392 **authorized.**
- 19393           Section **17A-2-426, Refunding bonds.**
- 19394           Section **17A-2-428, Tax anticipation notes.**
- 19395           Section **17A-2-429, Property exempt from taxation.**
- 19396           Section **17A-2-431, Publication of resolutions or other proceedings adopted by**
- 19397 **board -- Time limit for contesting legality.**
- 19398           Section **17A-2-502, Formation -- Time limit.**
- 19399           Section **17A-2-506, Corporate status -- Board of trustees.**
- 19400           Section **17A-2-509, Board to appoint engineer -- Contract with United States --**
- 19401 **Eminent domain -- Power to obtain water.**
- 19402           Section **17A-2-511, Duties of secretary.**

- 19403 Section 17A-2-512, **Qualification and duties of treasurer.**
- 19404 Section 17A-2-514, **Employment of assistants.**
- 19405 Section 17A-2-522, **State lands subject.**
- 19406 Section 17A-2-524, **Taxes assessed against unentered and unpatented lands.**
- 19407 Section 17A-2-525, **Sale price certified.**
- 19408 Section 17A-2-526, **Sale of lands sold for taxes.**
- 19409 Section 17A-2-527, **Land patented to purchaser prior to issuance of tax deed --**
- 19410 **Conditions.**
- 19411 Section 17A-2-534, **Public uses -- Right of entry on lands -- Prohibitions.**
- 19412 Section 17A-2-536, **Compensation -- Conflict of interest -- Penalties.**
- 19413 Section 17A-2-537, **Appointment of trustee -- Vacancy -- No more than two**
- 19414 **trustees from same county in multicounty district.**
- 19415 Section 17A-2-538, **Interference with works a misdemeanor.**
- 19416 Section 17A-2-539, **Additional liability.**
- 19417 Section 17A-2-540, **Right-of-way -- Highways and railroads may be assessed --**
- 19418 **Assessment of governmental units.**
- 19419 Section 17A-2-542, **Terms defined -- Power over watercourses -- Expenses.**
- 19420 Section 17A-2-543, **Contractual powers -- Bond issues -- Election.**
- 19421 Section 17A-2-544, **Bonds -- Lien on land and improvements.**
- 19422 Section 17A-2-545, **Bond issue -- Statement attached.**
- 19423 Section 17A-2-549, **Estimates for construction -- Debts -- Sinking fund -- Levy.**
- 19424 Section 17A-2-550, **Addition of delinquent taxes in case of contract with the United**
- 19425 **States.**
- 19426 Section 17A-2-551, **Attendance of officials.**
- 19427 Section 17A-2-552, **Drainage district taxes.**
- 19428 Section 17A-2-553, **Taxes considered lien -- Sale of property -- Time of redemption**
- 19429 **-- Notice -- Penalty -- Record.**
- 19430 Section 17A-2-554, **Payment of taxes with bonds or warrants of district.**
- 19431 Section 17A-2-555, **Statement of indebtedness to be procured -- Fees -- Filing --**
- 19432 **Discharge of lien.**
- 19433 Section 17A-2-556, **Form of release and discharge.**

- 19434 Section 17A-2-557, Release and discharge may be recorded.
- 19435 Section 17A-2-559, Redemption by owner or lien holder -- Adjustment, payment or  
19436 settlement.
- 19437 Section 17A-2-560, Land redeemed when lien discharged -- Lien priority --  
19438 Foreclosure.
- 19439 Section 17A-2-601, Establishment -- Time limit -- Exceptions.
- 19440 Section 17A-2-607, Legal existence of district -- Powers.
- 19441 Section 17A-2-609, Trustees -- Election or appointment -- Countywide fire  
19442 protection district -- Other provisions applicable.
- 19443 Section 17A-2-610, Separate meetings -- County clerk may be secretary.
- 19444 Section 17A-2-611, Authority of district.
- 19445 Section 17A-2-612, Election for office of fire commissioner.
- 19446 Section 17A-2-613, Office of the board of trustees -- Principal places of business of  
19447 district.
- 19448 Section 17A-2-615, Association to encourage uniformity and coordination of  
19449 programs -- Contracts between two or more fire protection districts.
- 19450 Section 17A-2-616, Statement of taxable value of property.
- 19451 Section 17A-2-617, Annual budget -- Levy, extension, and collection of taxes.
- 19452 Section 17A-2-618, Bonds -- Duty of board of trustees -- Levy of taxes for payment  
19453 of bonds.
- 19454 Section 17A-2-619, Indebtedness not to exceed estimated expendable revenue.
- 19455 Section 17A-2-620, Duties of treasurer.
- 19456 Section 17A-2-621, Secretary -- Countersigning of drafts and warrants.
- 19457 Section 17A-2-622, Petition for bond election -- Petition requirements -- Notice and  
19458 hearing -- Election regarding issuance of bonds.
- 19459 Section 17A-2-623, Limitations upon indebtedness.
- 19460 Section 17A-2-701.1, Title.
- 19461 Section 17A-2-701.2, Definitions.
- 19462 Section 17A-2-701.5, Creation of irrigation districts.
- 19463 Section 17A-2-706, Regular election of district for electing board members --  
19464 Election provisions -- Official bond -- Fiscal agents.

- 19465 Section 17A-2-707, Office location.
- 19466 Section 17A-2-711, Board of trustees -- Organization -- Powers and duties -- Other  
19467 provisions applicable.
- 19468 Section 17A-2-712, Additional powers of board.
- 19469 Section 17A-2-713, Titles vested -- Tax exemptions -- Sales -- Conveyances to  
19470 United States.
- 19471 Section 17A-2-717.5, Validation of previous bond issues.
- 19472 Section 17A-2-718, Trustees to determine amounts required for current years --  
19473 Establishment of sinking funds and reserve funds -- Certification of amounts.
- 19474 Section 17A-2-719.5, Use charges -- Duty of county assessors.
- 19475 Section 17A-2-721, Duties of county treasurer -- Liability -- Accounts to be kept  
19476 and methods of payments -- Deposit of funds.
- 19477 Section 17A-2-722, Lien for unpaid use charges -- Sale of land for delinquent use  
19478 charges -- Redemption period.
- 19479 Section 17A-2-724, Claims -- Manner of payment -- Registry of warrants --  
19480 Emergency loans.
- 19481 Section 17A-2-726, Compensation of officials -- Prohibitions -- Penalties.
- 19482 Section 17A-2-728, Distribution of water.
- 19483 Section 17A-2-729, Diversion of water.
- 19484 Section 17A-2-730, Exclusion of lands from district.
- 19485 Section 17A-2-738, Redivision of districts.
- 19486 Section 17A-2-739, Exclusion of lands -- Liability not impaired.
- 19487 Section 17A-2-749, Special proceedings for judicial examination.
- 19488 Section 17A-2-750, Petition for confirmation.
- 19489 Section 17A-2-751, Notice -- Contest -- Time for hearing.
- 19490 Section 17A-2-752, Parties -- Appearances -- Practice and procedure.
- 19491 Section 17A-2-753, Findings and decree -- Costs.
- 19492 Section 17A-2-754, Transfer of water rights -- Notice to landowners.
- 19493 Section 17A-2-755, Districts declared bodies corporate -- Tax exemption of bonds  
19494 and securities except corporate franchise tax.
- 19495 Section 17A-2-756, Inclusion of state lands.

- 19496 Section **17A-2-757, Special-benefit construction -- Terms -- Costs.**
- 19497 Section **17A-2-758, Local improvement districts.**
- 19498 Section **17A-2-759, Establishment -- Limit as to costs -- Authorization --**
- 19499 **Construction warrants -- Orders.**
- 19500 Section **17A-2-760, Assessment of damages and benefits -- Board of equalization.**
- 19501 Section **17A-2-761, Validation of the creation and organization of irrigation**
- 19502 **districts and of district elections.**
- 19503 Section **17A-2-762, Costs levied and collected.**
- 19504 Section **17A-2-763, Payment of delinquency.**
- 19505 Section **17A-2-764, Local improvement bonds.**
- 19506 Section **17A-2-765, Contracts with United States.**
- 19507 Section **17A-2-766, Validation of act.**
- 19508 Section **17A-2-767, Default of district -- Court procedure.**
- 19509 Section **17A-2-801, Title.**
- 19510 Section **17A-2-802, Definitions.**
- 19511 Section **17A-2-803, Purpose of metropolitan water district.**
- 19512 Section **17A-2-810, Concurrent and consolidated elections.**
- 19513 Section **17A-2-818, Powers of incorporated districts -- Preferential right of city to**
- 19514 **purchase water.**
- 19515 Section **17A-2-819, Trustees -- Representation -- Voting -- Organization and**
- 19516 **membership -- Other provisions apply.**
- 19517 Section **17A-2-820, Powers of trustees.**
- 19518 Section **17A-2-821, Resolution or ordinance proposing obligations or indebtedness**
- 19519 **-- Election.**
- 19520 Section **17A-2-823, Majority vote in favor of incurring obligations or indebtedness.**
- 19521 Section **17A-2-824, Revenue indebtedness or general obligation indebtedness --**
- 19522 **Procedure for incurring -- Terms.**
- 19523 Section **17A-2-826, Sale of bonds.**
- 19524 Section **17A-2-827, Proceeds of sale of bonds.**
- 19525 Section **17A-2-828, Action to test validity of contracts, bonds, and other contract**
- 19526 **obligations or indebtedness.**

- 19527 Section 17A-2-829, Water rates to pay operating expenses, repairs, and  
19528 depreciation -- Interest and principal of bonded and other debt to be paid so far as  
19529 practicable from water rates -- Tax levy.
- 19530 Section 17A-2-830, Conversion of coupon bonds into registered bonds --  
19531 Reconversion -- Exchanging for higher denomination.
- 19532 Section 17A-2-831, Fees.
- 19533 Section 17A-2-833, Taxation -- Valuation.
- 19534 Section 17A-2-834, Rate of taxation.
- 19535 Section 17A-2-835, Amounts due from cities declared in resolution.
- 19536 Section 17A-2-836, Tax rates for cities.
- 19537 Section 17A-2-837, Collection of taxes.
- 19538 Section 17A-2-838, Collection fees.
- 19539 Section 17A-2-839, Lien for taxes.
- 19540 Section 17A-2-840, Expenses of incorporation.
- 19541 Section 17A-2-843, Interest of trustees or employees in contracts.
- 19542 Section 17A-2-845, Administration.
- 19543 Section 17A-2-846, Action by ordinance.
- 19544 Section 17A-2-847, Fiscal year -- Annual statements.
- 19545 Section 17A-2-848, Validating provision.
- 19546 Section 17A-2-849, Time for expenditure of tax revenues.
- 19547 Section 17A-2-850, Reserve funds -- Creation -- Use of funds -- Limitation.
- 19548 Section 17A-2-851, Separability.
- 19549 Section 17A-2-901, Organization authorized.
- 19550 Section 17A-2-906, Board of trustees -- Appointment -- Number.
- 19551 Section 17A-2-907, Board of trustees -- Vacancies -- Other provisions applicable.
- 19552 Section 17A-2-908, Powers of board of trustees.
- 19553 Section 17A-2-909, Taxation -- Limit of levy.
- 19554 Section 17A-2-911, Collection and disbursement of taxes.
- 19555 Section 17A-2-914, Notices -- Publication and posting.
- 19556 Section 17A-2-1001, Short title.
- 19557 Section 17A-2-1002, Legislative findings.

- 19558           Section **17A-2-1003, Part to be liberally construed.**
- 19559           Section **17A-2-1004, Definitions.**
- 19560           Section **17A-2-1016, Powers of incorporated district -- Bidding -- Eminent domain.**
- 19561           Section **17A-2-1017, Consent required to control facilities -- Competition with**
- 19562 **existing publicly or privately owned public carriers prohibited.**
- 19563           Section **17A-2-1018, Rates and charges for service.**
- 19564           Section **17A-2-1019, Hearings on rates and charges and proposed facility location.**
- 19565           Section **17A-2-1020, Hearings.**
- 19566           Section **17A-2-1021, Intervention by municipality or county at hearings.**
- 19567           Section **17A-2-1022, Cross-examination -- Introduction of evidence not covered on**
- 19568 **direct.**
- 19569           Section **17A-2-1023, Technical rules of evidence not to apply.**
- 19570           Section **17A-2-1024, Record of hearing -- Review.**
- 19571           Section **17A-2-1025, Decision of board.**
- 19572           Section **17A-2-1026, Safety regulations.**
- 19573           Section **17A-2-1027, Traffic laws applicable.**
- 19574           Section **17A-2-1028, Bond issues and other indebtedness authorized.**
- 19575           Section **17A-2-1029, Participation in federal programs authorized.**
- 19576           Section **17A-2-1030, Employee rights and benefits extended under federal law to**
- 19577 **apply.**
- 19578           Section **17A-2-1031, Employees may organize and bargain collectively -- Strikes**
- 19579 **prohibited -- District to enter into bargaining agreements.**
- 19580           Section **17A-2-1032, Labor disputes submitted to arbitration -- Selection of board**
- 19581 **-- Parties to share expense.**
- 19582           Section **17A-2-1033, Acquisition of existing public transit systems -- Rights and**
- 19583 **benefits of employees preserved.**
- 19584           Section **17A-2-1034, Agreements with state or public agency.**
- 19585           Section **17A-2-1035, Limitation on indebtedness of district.**
- 19586           Section **17A-2-1036, Investment of district funds.**
- 19587           Section **17A-2-1037, Elections.**
- 19588           Section **17A-2-1039, Board of trustees -- Powers and duties.**



- 19589           Section 17A-2-1040, District officers -- Appointment -- Duty -- Compensation --
- 19590 **Oath -- Bond.**
- 19591           Section 17A-2-1041, General manager -- Duties -- Term and removal -- Salary to
- 19592 **be fixed.**
- 19593           Section 17A-2-1042, Additional powers and duties of general manager.
- 19594           Section 17A-2-1043, Certification of taxable value of property by county auditor.
- 19595           Section 17A-2-1044, Annual tax levy -- Election.
- 19596           Section 17A-2-1045, Collection of taxes by county officers.
- 19597           Section 17A-2-1046, Counties may withhold percentage for services rendered.
- 19598           Section 17A-2-1047, Enforcement of liens -- Sales and redemptions -- Disposition
- 19599 **of proceeds.**
- 19600           Section 17A-2-1048, Board of trustees representation for newly annexed area.
- 19601           Section 17A-2-1051, Members of board subject to recall.
- 19602           Section 17A-2-1052, Board may promulgate additional rules.
- 19603           Section 17A-2-1053, Action by ordinance permitted.
- 19604           Section 17A-2-1054, Fiscal year -- Annual statement of revenues and expenditures.
- 19605           Section 17A-2-1055, Title to vest in district -- Property exempt from taxation.
- 19606           Section 17A-2-1056, Claims against district -- Procedures.
- 19607           Section 17A-2-1057, Property exempt from execution -- Court may require tax
- 19608 **levy.**
- 19609           Section 17A-2-1058, District may issue bonds.
- 19610           Section 17A-2-1059, Funding districts -- Ceiling exempt tax.
- 19611           Section 17A-2-1060, Budget examination and comment.
- 19612           Section 17A-2-1401, Declaration of benefits and policy.
- 19613           Section 17A-2-1402, Short title -- Title of districts and bonds -- Requirements as to
- 19614 **publication -- Definitions.**
- 19615           Section 17A-2-1412, Duties of secretary -- Board may employ chief engineer,
- 19616 **attorney, and other employees.**
- 19617           Section 17A-2-1413, District powers -- Powers of board of trustees -- Other
- 19618 **provisions applicable.**
- 19619           Section 17A-2-1414, Who may enter into contracts -- Permissible purposes of

- 19620 **contracts -- Agreements and leases -- Elections for water purchase contracts.**
- 19621       Section 17A-2-1415, **Contracts with subdivisions of other states.**
- 19622       Section 17A-2-1416, **Restoration of affected street or highway -- District subject to**
- 19623 **certain rules of county, city, or town.**
- 19624       Section 17A-2-1417, **Plans -- Available for public inspection -- Contents.**
- 19625       Section 17A-2-1418, **Utilization or distribution of electric power -- Subject to terms**
- 19626 **and conditions of contracts -- Use of revenues.**
- 19627       Section 17A-2-1419, **Franchise not required.**
- 19628       Section 17A-2-1420, **Organization of subdistricts -- Authority -- Bonds -- Board of**
- 19629 **trustees -- Powers -- Validation of proceedings -- Separability clause.**
- 19630       Section 17A-2-1421, **Inclusion of existing district in another district -- Powers and**
- 19631 **authority of districts -- Contracts between districts -- Public corporations within districts.**
- 19632       Section 17A-2-1434, **Creation of sinking fund.**
- 19633       Section 17A-2-1801, **Title.**
- 19634       Section 17A-2-1802, **Purpose.**
- 19635       Section 17A-2-1803, **Area -- Procedures -- Appeals.**
- 19636       Section 17A-2-1804, **Services provided.**
- 19637       Section 17A-2-1805, **Body corporate -- Authority.**
- 19638       Section 17A-2-1806, **Levy and collection of tax -- Property subject to tax -- Service**
- 19639 **charges.**
- 19640       Section 17A-2-1807, **Tax rate -- Limitation.**
- 19641       Section 17A-2-1808, **Board of trustees -- Selection procedure -- Other provisions**
- 19642 **applicable.**
- 19643       Section 17A-2-1821, **Annexation areas to be included in election districts.**
- 19644       Section 17A-2-1822, **Ratification of county service areas -- Bond issuance --**
- 19645 **Amendatory proceedings.**
- 19646       Section 17A-2-1823, **Bond issuance.**
- 19647       Section 17A-2-1824, **Maximum bonded indebtedness.**
- 19648       Section 17A-2-1826, **Sinking fund.**
- 19649       Section 17A-2-1828, **Taxation of property.**
- 19650       Section 17A-2-1829, **Property exempt from execution -- Court may require tax**

- 19651 **levy.**
- 19652       Section 17A-2-1830, **Limitation of liability.**
- 19653       Section 17A-2-1831, **Publication -- Time limit for contesting legality.**
- 19654       Section 17A-2-1832, **Severability clause.**
- 19655       Section 17A-3-201, **Short title.**
- 19656       Section 17A-3-202, **Purpose.**
- 19657       Section 17A-3-203, **Definitions.**
- 19658       Section 17A-3-204, **Powers of the county legislative body.**
- 19659       Section 17A-3-205, **Notice of intent to create special improvement district --**
- 19660 **Contents.**
- 19661       Section 17A-3-206, **Publication and mailing of notice of intention.**
- 19662       Section 17A-3-207, **Protests -- Hearing -- Alteration of proposal by resolution --**
- 19663 **Adding property to district -- Removal of protesters' property from district -- Recording**
- 19664 **requirements -- Waiver of objections.**
- 19665       Section 17A-3-208, **Contract required for improvement -- Bidding requirements --**
- 19666 **Exceptions.**
- 19667       Section 17A-3-209, **Payment of contracts -- Progress payments -- Retainage.**
- 19668       Section 17A-3-210, **Interim warrants.**
- 19669       Section 17A-3-211, **Utility connections and relocations ordered before paving --**
- 19670 **Assessing costs.**
- 19671       Section 17A-3-212, **Time for levy.**
- 19672       Section 17A-3-213, **Amount of assessment -- Payment from general funds.**
- 19673       Section 17A-3-214, **Ordinary repairs paid for by governing entity -- Grade change**
- 19674 **cost partially paid by governing entity -- Intersection improvement costs.**
- 19675       Section 17A-3-215, **Exemption of publicly-owned property -- Exception -- Service**
- 19676 **charges.**
- 19677       Section 17A-3-216, **Areas subject to assessment -- Methods of assessment.**
- 19678       Section 17A-3-217, **Assessment list -- Board of equalization and review -- Notice --**
- 19679 **Publication -- Hearings -- Corrections -- Report -- Waiver of objections.**
- 19680       Section 17A-3-218, **Assessment ordinance -- Publication -- Assessment list**
- 19681 **incorporated by reference.**

- 19682 Section 17A-3-219, Supplemental assessment.
- 19683 Section 17A-3-220, Period for paying assessments -- Frequency of installments --
- 19684 **Interest.**
- 19685 Section 17A-3-221, Prepayment of assessment installments.
- 19686 Section 17A-3-222, Default in payment of assessment installment.
- 19687 Section 17A-3-223, Lien for assessment -- Priority.
- 19688 Section 17A-3-224, Sale of property to collect assessment.
- 19689 Section 17A-3-225, Payments from guaranty fund or reserve fund to avoid default
- 19690 **-- Recovery from sale proceeds.**
- 19691 Section 17A-3-226, Assessment proceeds constitute fund -- Disposition --
- 19692 **Investment.**
- 19693 Section 17A-3-227, Special improvement refunding bonds.
- 19694 Section 17A-3-228, Bonds.
- 19695 Section 17A-3-229, Errors or irregularities not voiding assessment -- Action to
- 19696 **enjoin levy or collection -- Limitation of actions.**
- 19697 Section 17A-3-230, Liability of governing entity on bonds.
- 19698 Section 17A-3-231, Disposition of surplus assessment -- Disposition of assessment
- 19699 **proceeds on abandonment of improvement.**
- 19700 Section 17A-3-232, Special Improvement Guaranty Fund -- Sources -- Uses --
- 19701 **Investment -- Subaccounts.**
- 19702 Section 17A-3-233, Reserve fund in lieu of special improvement guaranty fund --
- 19703 **Investment.**
- 19704 Section 17A-3-234, Special improvement fund surplus after bonds and warrants
- 19705 **paid.**
- 19706 Section 17A-3-235, Special improvement fund insufficient to pay bonds.
- 19707 Section 17A-3-236, Assessments on property acquired by governing entity at final
- 19708 **tax sale paid from guaranty fund or reserve fund -- Reimbursement.**
- 19709 Section 17A-3-237, Subrogation of governing entity for payments from guaranty
- 19710 **or reserve fund.**
- 19711 Section 17A-3-238, Insufficiency of guaranty or reserve fund -- Replenishment --
- 19712 **Warrants -- Tax levy to pay warrants.**

- 19713 Section 17A-3-239, Excess amount in guaranty fund -- Transfers to General Fund
- 19714 -- Special improvement refunding bonds.
- 19715 Section 17A-3-240, Other methods for making improvements unaffected.
- 19716 Section 17A-3-241, Validation of prior proceedings, bonds and warrants.
- 19717 Section 17A-3-242, Separability clause.
- 19718 Section 17A-3-243, Release of assessment.
- 19719 Section 17A-3-244, Dissolution of districts -- Payment of claims.
- 19720 Section 17A-3-301, Short title.
- 19721 Section 17A-3-302, Purpose.
- 19722 Section 17A-3-303, Definitions.
- 19723 Section 17A-3-304, Powers of municipality.
- 19724 Section 17A-3-305, Notice of intent to create special improvement district --
- 19725 **Contents.**
- 19726 Section 17A-3-306, Notice of intention to create district -- Publication -- Mailing.
- 19727 Section 17A-3-307, Protests by property owners -- Hearing -- Alteration of
- 19728 **proposal by resolution -- Conditions for adding property to district -- Deletion of**
- 19729 **protesters' property from district -- Recording requirements -- Waiver of objections.**
- 19730 Section 17A-3-308, Contracting for improvements -- Bids, publication, and notice
- 19731 -- **Improvements for which contracts need not be let.**
- 19732 Section 17A-3-309, Payment of contracts.
- 19733 Section 17A-3-310, Interim warrants.
- 19734 Section 17A-3-311, Connections of public utilities -- Service owned or provided by
- 19735 **municipality, power to assess cost of connection.**
- 19736 Section 17A-3-312, When assessments may be levied.
- 19737 Section 17A-3-313, Amount and payment of assessment.
- 19738 Section 17A-3-314, Costs not payable by assessments.
- 19739 Section 17A-3-315, Property of public agencies not assessable -- Charges for
- 19740 **services or materials permitted -- Property acquired after creation of district.**
- 19741 Section 17A-3-316, Areas subject to assessment -- Methods of assessment.
- 19742 Section 17A-3-317, Assessment list -- Board of equalization and review -- Hearings
- 19743 -- **Appeal -- Corrections -- Report -- Waiver of objections.**

- 19744 Section 17A-3-318, **Assessment ordinance -- Publication -- Assessment list**
- 19745 **incorporated by reference.**
- 19746 Section 17A-3-319, **Supplemental assessment.**
- 19747 Section 17A-3-320, **Payment of assessments in installments -- Frequency -- Interest.**
- 19748 Section 17A-3-321, **Prepayment of assessment installments.**
- 19749 Section 17A-3-322, **Default in payment of assessment installment.**
- 19750 Section 17A-3-323, **Lien for assessment -- Priority.**
- 19751 Section 17A-3-324, **Sale of property to collect assessment.**
- 19752 Section 17A-3-325, **Payments from guaranty fund or reserve fund to avoid default**
- 19753 **-- Recovery from sale proceeds.**
- 19754 Section 17A-3-326, **Special improvement fund.**
- 19755 Section 17A-3-327, **Improvement revenues account.**
- 19756 Section 17A-3-328, **Special improvement bonds.**
- 19757 Section 17A-3-329, **Special improvement refunding bonds.**
- 19758 Section 17A-3-330, **Objection to assessment -- Actions to enjoin levy or set aside**
- 19759 **proceedings.**
- 19760 Section 17A-3-331, **Payment of special improvement bonds.**
- 19761 Section 17A-3-332, **Total assessments greater than cost of improvements -- Surplus**
- 19762 **to special improvement guaranty fund -- Abandonment of improvement.**
- 19763 Section 17A-3-333, **Improvement revenues -- Installment payments.**
- 19764 Section 17A-3-334, **Special Improvement Guaranty Fund -- Sources -- Uses --**
- 19765 **Investment -- Subaccounts.**
- 19766 Section 17A-3-335, **Reserve fund in lieu of Special Improvement Guaranty Fund --**
- 19767 **Investment.**
- 19768 Section 17A-3-336, **Interest charges, penalties and other collections greater than**
- 19769 **expenses -- Excess transferred to guaranty fund.**
- 19770 Section 17A-3-337, **Special improvement fund insufficient to pay bonds.**
- 19771 Section 17A-3-338, **Assessments on property acquired by municipality at final tax**
- 19772 **sale paid from guaranty fund or reserve fund -- Reimbursement.**
- 19773 Section 17A-3-339, **Subrogation of municipality for payments from guaranty or**
- 19774 **reserve fund.**

- 19775           Section 17A-3-340, Insufficiency of guaranty or reserve fund -- Replenishment --
- 19776 **Warrants -- Tax levy to pay warrants.**
- 19777           Section 17A-3-341, Excess amount in guaranty fund -- Special improvement
- 19778 **refunding bonds.**
- 19779           Section 17A-3-342, Intent.
- 19780           Section 17A-3-344, Proceedings prior to act validated -- Exceptions.
- 19781           Section 17A-3-345, Release of assessment.
- 19782           Section 17B-2-217, Limitation on initiating process to create local district.
- 19783           Section 17B-2-804, Collection of past due fees for water or sewer service -- Civil
- 19784 **action authorized.**
- 19785           Section 17B-2-805, Notice.
- 19786           Section 54-3-25, Telephone corporations -- Publishing special purpose district
- 19787 **names and telephone numbers.**

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**Legislative Review Note**  
as of 2-8-07 8:12 AM

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 02-08-07 9:59 AM

The Political Subdivisions Interim Committee recommended this bill.

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**H.B. 65 - 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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