

Senator Brian E. Shiozawa proposes the following substitute bill:

UTAH POPULATION ESTIMATES PRODUCTION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Brian E. Shiozawa

LONG TITLE

General Description:

This bill creates the Utah Population Committee.

Highlighted Provisions:

This bill:

- ▶ creates the Utah Population Committee and provides for the committee's membership and duties;
- ▶ with exceptions, requires an executive, legislative, or independent entity to use estimates produced by the Utah Population Committee;
- ▶ changes all references in the state code from the Utah Population Estimates Committee to the Utah Population Committee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-602, as last amended by Laws of Utah 2000, Chapter 318



- 26 **10-2-711**, as last amended by Laws of Utah 2009, Chapter 350
- 27 **10-2a-302**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
- 28 amended by Laws of Utah 2015, Chapter 352
- 29 **17-27a-901**, as last amended by Laws of Utah 2016, Chapter 411
- 30 **17-50-502**, as enacted by Laws of Utah 2000, Chapter 318
- 31 **17B-2a-807**, as last amended by Laws of Utah 2016, Chapter 205
- 32 **20A-13-103**, as last amended by Laws of Utah 2013, Chapter 383
- 33 **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455
- 34 **26-18-501**, as last amended by Laws of Utah 2016, Chapter 276
- 35 **26-46a-102**, as enacted by Laws of Utah 2015, Chapter 136
- 36 **26A-1-115**, as last amended by Laws of Utah 2002, Chapter 249
- 37 **32B-2-402**, as last amended by Laws of Utah 2016, Chapters 158 and 176
- 38 **35A-2-101**, as last amended by Laws of Utah 2016, Chapter 296
- 39 **36-1-104**, as last amended by Laws of Utah 2013, Chapter 454
- 40 **36-1-203**, as last amended by Laws of Utah 2013, Chapter 382
- 41 **59-12-205**, as last amended by Laws of Utah 2016, Chapter 364
- 42 **59-12-2219**, as last amended by Laws of Utah 2016, Chapter 373
- 43 **62A-15-611**, as last amended by Laws of Utah 2011, Chapter 187
- 44 **67-1a-2**, as last amended by Laws of Utah 2015, Chapter 352
- 45 **72-2-108**, as last amended by Laws of Utah 2016, Fourth Special Session, Chapter 2
- 46 **78B-1-110**, as last amended by Laws of Utah 2015, Chapter 17

47 ENACTS:

- 48 **63C-18-101**, Utah Code Annotated 1953
- 49 **63C-18-102**, Utah Code Annotated 1953
- 50 **63C-18-103**, Utah Code Annotated 1953
- 51 **63C-18-104**, Utah Code Annotated 1953
- 52 **63C-18-105**, Utah Code Annotated 1953



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

55 Section 1. Section **10-2-602** is amended to read:

56 **10-2-602. Contents of resolution or petition.**

57 (1) The resolution of the governing body or the petition of the electors shall include:

58 (a) a statement fully describing each of the areas to be included within the consolidated
59 municipality;

60 (b) the name of the proposed consolidated municipality; and

61 (c) the names of the municipalities to be consolidated.

62 (2) (a) The resolution or petition shall state the population of each of the municipalities
63 within the area of the proposed consolidated municipality and the total population of the
64 proposed consolidated municipality.

65 (b) (i) The population figure under Subsection (2)(a) shall be derived from the most
66 recent official census or census estimate of the United States Bureau of the Census.

67 (ii) If the population figure is not available from the United States Bureau of the
68 Census, the population figure shall be derived from the estimate from the Utah Population
69 [Estimates] Committee.

70 Section 2. Section **10-2-711** is amended to read:

71 **10-2-711. Dissolution by the county legislative body.**

72 (1) (a) A municipality having fewer than 50 residents may be dissolved on application to
73 the district court by the county legislative body of the county where the municipality is located.

74 (b) (i) The population figure under Subsection (1)(a) shall be derived from the most
75 recent official census or census estimate of the United States Bureau of the Census.

76 (ii) If the population figure is not available from the United States Bureau of the
77 Census, the population figure shall be derived from the estimate from the Utah Population
78 [Estimates] Committee.

79 (2) Notice of the application shall be served on the municipality in the manner
80 prescribed by law or by publication in the manner provided by law if the municipal authorities
81 cannot be served.

82 (3) The district court may enter an order approving the dissolution of the municipality
83 on a finding that the existence of the municipality serves no valid municipal purpose, its
84 existence is a sham, or on a clear and convincing showing that the best interests of the
85 community would be served by the dissolution.

86 (4) If the municipality is dissolved, the district court shall wind down the affairs and
87 dissolve the municipality as quickly as possible in the same manner as is provided in Sections

88 10-2-705 through 10-2-709.

89 Section 3. Section 10-2a-302 is amended to read:

90 **10-2a-302. Incorporation of a town -- Petition.**

91 (1) As used in this section:

92 (a) "Assessed value," with respect to agricultural land, means the value at which the
93 land would be assessed without regard to a valuation for agricultural use under Section
94 59-2-503.

95 (b) "Feasibility consultant" means a person or firm:

96 (i) with expertise in the processes and economics of local government; and

97 (ii) who is independent of and not affiliated with a county or sponsor of a petition to
98 incorporate.

99 (c) "Financial feasibility study" means a study described in Subsection (7).

100 (d) "Municipal service" means a publicly provided service that is not provided on a
101 countywide basis.

102 (e) "Nonurban" means having a residential density of less than one unit per acre.

103 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of
104 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

105 (ii) An area within a county of the first class is not contiguous for purposes of
106 Subsection (2)(a)(i) if:

107 (A) the area includes a strip of land that connects geographically separate areas; and

108 (B) the distance between the geographically separate areas is greater than the average
109 width of the strip of land connecting the geographically separate areas.

110 (b) The population figure under Subsection (2)(a) shall be determined:

111 (i) as of the date the incorporation petition is filed; and

112 (ii) by the Utah Population [Estimates] Committee within 20 days after the county
113 clerk's certification under Subsection (6) of a petition filed under Subsection (4).

114 (3) (a) The process to incorporate an area as a town is initiated by filing a petition to
115 incorporate the area as a town with the Office of the Lieutenant Governor.

116 (b) A petition under Subsection (3)(a) shall:

117 (i) be signed by:

118 (A) the owners of private real property that:

119 (I) is located within the area proposed to be incorporated; and
120 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real
121 property within the area; and

122 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,
123 according to the official voter registration list maintained by the county on the date the petition
124 is filed;

125 (ii) designate as sponsors at least five of the property owners who have signed the
126 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
127 each owner signing as a sponsor;

128 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
129 licensed surveyor, showing a legal description of the boundary of the proposed town; and

130 (iv) substantially comply with and be circulated in the following form:

131 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
132 town)

133 To the Honorable Lieutenant Governor:

134 We, the undersigned owners of real property and registered voters within the area
135 described in this petition, respectfully petition the lieutenant governor to direct the county
136 legislative body to submit to the registered voters residing within the area described in this
137 petition, at the next regular general election, the question of whether the area should
138 incorporate as a town. Each of the undersigned affirms that each has personally signed this
139 petition and is an owner of real property or a registered voter residing within the described area,
140 and that the current residence address of each is correctly written after the signer's name. The
141 area proposed to be incorporated as a town is described as follows: (insert an accurate
142 description of the area proposed to be incorporated).

143 (c) A petition under this Subsection (3) may not describe an area that includes some or
144 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

145 (i) was filed before the filing of the petition; and

146 (ii) is still pending on the date the petition is filed.

147 (d) A petition may not be filed under this section if the private real property owned by
148 the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the
149 total private land area within the area proposed to be incorporated as a town.

150 (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn,
151 reinstate the signer's signature on the petition:

152 (i) at any time until the lieutenant governor certifies the petition under Subsection (5);
153 and

154 (ii) by filing a signed, written withdrawal or reinstatement with the lieutenant governor.

155 (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town
156 an area located within a county of the first class, the lieutenant governor shall deliver written
157 notice of the proposed incorporation:

158 (i) to each owner of private real property owning more than 1% of the assessed value of
159 all private real property within the area proposed to be incorporated as a town; and

160 (ii) within seven calendar days after the date on which the petition is filed.

161 (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or
162 part of the owner's property from the area proposed to be incorporated as a town by filing a
163 notice of exclusion:

164 (i) with the lieutenant governor; and

165 (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a).

166 (c) The lieutenant governor shall exclude from the area proposed to be incorporated as
167 a town the property identified in the notice of exclusion under Subsection (4)(b) if:

168 (i) the property:

169 (A) is nonurban; and

170 (B) does not and will not require a municipal service; and

171 (ii) exclusion will not leave an unincorporated island within the proposed town.

172 (d) If the lieutenant governor excludes property from the area proposed to be
173 incorporated as a town, the lieutenant governor shall send written notice of the exclusion to the
174 contact sponsor within five days after the exclusion.

175 (5) No later than 20 days after the filing of a petition under Subsection (3), the
176 lieutenant governor shall:

177 (a) with the assistance of other county officers of the county in which the incorporation
178 is proposed from whom the lieutenant governor requests assistance, determine whether the
179 petition complies with the requirements of Subsection (3); and

180 (b) (i) if the lieutenant governor determines that the petition complies with those

181 requirements:

182 (A) certify the petition; and

183 (B) mail or deliver written notification of the certification to~~[:(H)]~~ the contact
184 sponsor~~[:]~~ and ~~[(H)]~~ the Utah Population ~~[Estimates]~~ Committee; or

185 (ii) if the lieutenant governor determines that the petition fails to comply with any of
186 those requirements, reject the petition and notify the contact sponsor in writing of the rejection
187 and the reasons for the rejection.

188 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to
189 correct a deficiency for which it was rejected and then refiled with the lieutenant governor.

190 (ii) A valid signature on a petition filed under Subsection (3)(a) may be used toward
191 fulfilling the signature requirement of Subsection (3)(b) for the same petition that is amended
192 under Subsection (6)(a)(i) and then refiled with the lieutenant governor.

193 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been
194 rejected by the lieutenant governor under Subsection (5)(b)(ii):

195 (i) the amended petition shall be considered as a newly filed petition; and

196 (ii) the amended petition's processing priority is determined by the date on which it is
197 refiled.

198 (7) (a) (i) If a petition is filed under Subsection (4) and certified under Subsection (6),
199 the lieutenant governor shall commission and pay for a financial feasibility study.

200 (ii) The feasibility consultant shall be chosen:

201 (A) (I) by the contact sponsor of the incorporation petition, as described in Subsection
202 (3)(b)(ii), with the consent of the lieutenant governor; or

203 (II) by the lieutenant governor if the contact sponsor states, in writing, that the sponsor
204 defers selection of the feasibility consultant to the lieutenant governor; and

205 (B) in accordance with applicable county procurement procedure.

206 (iii) The lieutenant governor shall require the feasibility consultant to complete the
207 financial feasibility study and submit written results of the study to the lieutenant governor no
208 later than 30 days after the feasibility consultant is engaged to conduct the financial feasibility
209 study.

210 (b) The financial feasibility study shall consider the:

211 (i) population and population density within the area proposed for incorporation and the

212 surrounding area;

213 (ii) current and five-year projections of demographics and economic base in the
214 proposed town and surrounding area, including household size and income, commercial and
215 industrial development, and public facilities;

216 (iii) projected growth in the proposed town and in adjacent areas during the next five
217 years;

218 (iv) subject to Subsection (7)(c), the present and five-year projections of the cost,
219 including overhead, of governmental services in the proposed town, including:

220 (A) culinary water;

221 (B) secondary water;

222 (C) sewer;

223 (D) law enforcement;

224 (E) fire protection;

225 (F) roads and public works;

226 (G) garbage;

227 (H) weeds; and

228 (I) government offices;

229 (v) assuming the same tax categories and tax rates as currently imposed by the county
230 and all other current service providers, the present and five-year projected revenue for the
231 proposed town; and

232 (vi) a projection of any new taxes per household that may be levied within the
233 incorporated area within five years of incorporation.

234 (c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a
235 level and quality of governmental services to be provided to the proposed town in the future
236 that fairly and reasonably approximate the level and quality of governmental services being
237 provided to the proposed town at the time of the feasibility study.

238 (ii) In determining the present cost of a governmental service, the feasibility consultant
239 shall consider:

240 (A) the amount it would cost the proposed town to provide governmental service for
241 the first five years after incorporation; and

242 (B) the county's present and five-year projected cost of providing governmental service.

243 (iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation
244 and anticipated growth.

245 (d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year
246 projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall
247 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant
248 governor.

249 (e) The lieutenant governor shall post a copy of the feasibility study on the lieutenant
250 governor's website and make a copy available for public review at the Office of the Lieutenant
251 Governor.

252 (f) The lieutenant governor shall approve a certified petition proposing the
253 incorporation of a town and hold a public hearing as provided in Section [10-2a-303](#).

254 Section 4. Section **17-27a-901** is amended to read:

255 **17-27a-901. Mountainous planning district.**

256 (1) (a) The legislative body of a county of the first class may adopt an ordinance
257 designating an area located within the county as a mountainous planning district if the legislative
258 body determines that:

259 (i) the area is primarily used for recreational purposes, including canyons, foothills, ski
260 resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas;

261 (ii) the area is used by residents of the county who live inside and outside the limits of a
262 municipality;

263 (iii) the total resident population in the proposed mountainous planning district is equal
264 to or less than 5% of the population of the county; and

265 (iv) the area is within the unincorporated area of the county or was within the
266 unincorporated area of the county before May 12, 2015.

267 (b) (i) A mountainous planning district may include within its boundaries a municipality,
268 whether in whole or in part.

269 (ii) Except as provided in Subsection (1)(b)(iv), if a mountainous planning district
270 includes within its boundaries an unincorporated area, and that area subsequently incorporates
271 as a municipality:

272 (A) the area of the incorporated municipality that is located in the mountainous
273 planning district is included within the mountainous planning district boundaries; and

274 (B) property within the municipality that is also within the mountainous planning district
275 is subject to the authority of the mountainous planning district.

276 (iii) A subdivision and zoning ordinance that governs property located within a
277 mountainous planning district shall control over any subdivision or zoning ordinance, as
278 applicable, that a municipality may adopt.

279 (iv) A county shall allow an area within the boundaries of a mountainous planning
280 district to withdraw from the mountainous planning district if:

281 (A) the area contains less than 100 acres;

282 (B) the area is annexed to a city in accordance with Title 10, Chapter 2, Part 4,
283 Annexation;

284 (C) the county determines that the area does not contain United States Forest Service
285 land or land that is designated as watershed; and

286 (D) the county determines that the area is not used by individuals for recreational
287 purposes.

288 (v) An area described in Subsection (1)(b)(iv) that withdraws from a mountainous
289 planning district is not subject to the authority of the mountainous planning district.

290 (c) The population figure under Subsection (1)(a)(iii) shall be derived from a population
291 estimate by the Utah Population [Estimates] Committee.

292 (d) If any portion of a proposed mountainous planning district includes a municipality
293 with a land base of five square miles or less, the county shall ensure that all of that municipality
294 is wholly located within the boundaries of the mountainous planning district.

295 (2) (a) Notwithstanding Subsection 10-9a-102(2), 17-34-1(2)(a), or 17-50-302(1)(b),
296 or Section 17-50-314, a county may adopt a general plan and adopt a zoning or subdivision
297 ordinance for a property that is located within:

298 (i) a mountainous planning district; and

299 (ii) a municipality.

300 (b) A county plan or zoning or subdivision ordinance governs a property described in
301 Subsection (2)(a).

302 Section 5. Section 17-50-502 is amended to read:

303 **17-50-502. Change of class of county.**

304 (1) Each county shall retain its classification under Section 17-50-501 until changed as

305 provided in this section.

306 (2) The lieutenant governor shall monitor the population figure for each county as
307 shown on:

308 (a) each official census or census estimate of the United States Bureau of the Census; or

309 (b) if the population figure for a county is not available from the United States Bureau
310 of the Census, the population estimate from the Utah Population [Estimates] Committee.

311 (3) If the applicable population figure under Subsection (2) indicates that a county's
312 population has increased beyond the limit for its current class, the lieutenant governor shall:

313 (a) prepare a certificate indicating the class in which the county belongs based on the
314 increased population figure; and

315 (b) within 10 days after preparing the certificate, deliver a copy of the certificate to the
316 legislative body and, if the county has an executive that is separate from the legislative body, the
317 executive of the county whose class was changed.

318 (4) A county's change in class is effective on the date of the lieutenant governor's
319 certificate under Subsection (3).

320 Section 6. Section 17B-2a-807 is amended to read:

321 **17B-2a-807. Public transit district board of trustees -- Appointment --**
322 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

323 (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit
324 district, the board of trustees shall consist of members appointed by the legislative bodies of
325 each municipality, county, or unincorporated area within any county on the basis of one member
326 for each full unit of regularly scheduled passenger routes proposed to be served by the district in
327 each municipality or unincorporated area within any county in the following calendar year.

328 (b) For purposes of determining membership under Subsection (1)(a), the number of
329 service miles comprising a unit shall be determined jointly by the legislative bodies of the
330 municipalities or counties comprising the district.

331 (c) The board of trustees of a public transit district under this Subsection (1) may
332 include a member that is a commissioner on the Transportation Commission created in Section
333 72-1-301 and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex
334 officio member.

335 (d) Members appointed under this Subsection (1) shall be appointed and added to the

336 board or omitted from the board at the time scheduled routes are changed, or as municipalities,
337 counties, or unincorporated areas of counties annex to or withdraw from the district using the
338 same appointment procedures.

339 (e) For purposes of appointing members under this Subsection (1), municipalities,
340 counties, and unincorporated areas of counties in which regularly scheduled passenger routes
341 proposed to be served by the district in the following calendar year is less than a full unit, as
342 defined in Subsection (1)(b), may combine with any other similarly situated municipality or
343 unincorporated area to form a whole unit and may appoint one member for each whole unit
344 formed.

345 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the
346 boundaries of a public transit district, the board of trustees shall consist of:

347 (i) 11 members:

348 (A) appointed as described under this Subsection (2); or

349 (B) retained in accordance with Section 17B-2a-807.5;

350 (ii) three members appointed as described in Subsection (4);

351 (iii) one voting member appointed as provided in Subsection (11); and

352 (iv) one nonvoting member appointed as provided in Subsection (12).

353 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting
354 members to each county within the district using an average of:

355 (i) the proportion of population included in the district and residing within each county,
356 rounded to the nearest 1/11 of the total transit district population; and

357 (ii) the cumulative proportion of transit sales and use tax collected from areas included
358 in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit
359 sales and use tax collected for the transit district.

360 (c) The board shall join an entire or partial county not apportioned a voting member
361 under this Subsection (2) with an adjacent county for representation. The combined
362 apportionment basis included in the district of both counties shall be used for the
363 apportionment.

364 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment
365 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county
366 or combination of counties with the smallest additional fraction of a whole member proportion

367 shall have one less member apportioned to it.

368 (ii) If rounding to the nearest 1/11 of the total public transit district apportionment basis
369 under Subsection (2)(b) results in an apportionment of less than 11 members, the county or
370 combination of counties with the largest additional fraction of a whole member proportion shall
371 have one more member apportioned to it.

372 (e) If the population of a county is at least 750,000, the county executive, with the
373 advice and consent of the county legislative body, shall appoint one voting member to represent
374 the population of the county.

375 (f) If a municipality's population is at least 160,000, the chief municipal executive, with
376 the advice and consent of the municipal legislative body, shall appoint one voting member to
377 represent the population within a municipality.

378 (g) (i) The number of voting members appointed from a county and municipalities
379 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total
380 voting member apportionment under this Subsection (2).

381 (ii) Notwithstanding Subsections (2)(l) and (10), no more than one voting member
382 appointed by an appointing entity may be a locally elected public official.

383 (h) If the entire county is within the district, the remaining voting members for the
384 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or the
385 municipalities within the county.

386 (i) If the entire county is not within the district, and the county is not joined with
387 another county under Subsection (2)(c), the remaining voting members for the county shall
388 represent a municipality or combination of municipalities.

389 (j) (i) Except as provided under Subsections (2)(e) and (f), voting members
390 representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities
391 within the county shall be designated and appointed by a simple majority of the chief executives
392 of the municipalities within the county or combinations of counties if Subsection (2)(c) applies.

393 (ii) The appointments shall be made by joint written agreement of the appointing
394 municipalities, with the consent and approval of the county legislative body of the county that
395 has at least 1/11 of the district's apportionment basis.

396 (k) Voting members representing a municipality or combination of municipalities shall
397 be designated and appointed by the chief executive officer of the municipality or simple majority

398 of chief executive officers of municipalities with the consent of the legislative body of the
399 municipality or municipalities.

400 (l) The appointment of members shall be made without regard to partisan political
401 affiliation from among citizens in the community.

402 (m) Each member shall be a bona fide resident of the municipality, county, or
403 unincorporated area or areas which the member is to represent for at least six months before the
404 date of appointment, and shall continue in that residency to remain qualified to serve as a
405 member.

406 (n) (i) All population figures used under this section shall be derived from the most
407 recent official census or census estimate of the United States Bureau of the Census.

408 (ii) If population estimates are not available from the United States Bureau of Census,
409 population figures shall be derived from the estimate from the Utah Population [Estimates]
410 Committee.

411 (iii) All transit sales and use tax totals shall be obtained from the State Tax Commission.

412 (o) (i) The board shall be apportioned as provided under this section in conjunction with
413 the decennial United States Census Bureau report every 10 years.

414 (ii) Within 120 days following the receipt of the population estimates under this
415 Subsection (2)(o), the district shall reapportion representation on the board of trustees in
416 accordance with this section.

417 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed
418 apportionment.

419 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to
420 each of its constituent entities as defined under Section [17B-1-701](#).

421 (v) The appointing entities gaining a new board member shall appoint a new member
422 within 30 days following receipt of the resolution.

423 (vi) The appointing entities losing a board member shall inform the board of which
424 member currently serving on the board will step down:

425 (A) upon appointment of a new member under Subsection (2)(o)(v); or

426 (B) in accordance with Section [17B-2a-807.5](#).

427 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
428 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the

429 same basis as if the area had been included in the district as originally organized.

430 (4) In addition to the voting members appointed in accordance with Subsection (2), the
431 board shall consist of three voting members appointed as follows:

432 (a) one member appointed by the speaker of the House of Representatives;

433 (b) one member appointed by the president of the Senate; and

434 (c) one member appointed by the governor.

435 (5) Except as provided in Section [17B-2a-807.5](#), the terms of office of the members of
436 the board shall be four years or until a successor is appointed, qualified, seated, and has taken
437 the oath of office.

438 (6) (a) Vacancies for members shall be filled by the official appointing the member
439 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within 90
440 days.

441 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90
442 days, the board of trustees of the authority shall fill the vacancy.

443 (c) If the appointing official under Subsection (2) does not fill the vacancy within 90
444 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

445 (7) (a) Each voting member may cast one vote on all questions, orders, resolutions, and
446 ordinances coming before the board of trustees.

447 (b) A majority of all voting members of the board of trustees are a quorum for the
448 transaction of business.

449 (c) The affirmative vote of a majority of all voting members present at any meeting at
450 which a quorum was initially present shall be necessary and, except as otherwise provided, is
451 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

452 (8) Each public transit district shall pay to each member:

453 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed
454 \$200 in any calendar month to any member; and

455 (b) reasonable mileage and expenses necessarily incurred to attend board or committee
456 meetings.

457 (9) (a) Members of the initial board of trustees shall convene at the time and place fixed
458 by the chief executive officer of the entity initiating the proceedings.

459 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and

460 secretary.

461 (c) The members elected under Subsection (9)(b) shall serve for a period of two years
462 or until their successors shall be elected and qualified.

463 (d) On or after January 1, 2011, a locally elected public official is not eligible to serve as
464 the chair, vice chair, or secretary of the board of trustees.

465 (10) (a) Except as otherwise authorized under Subsections (2)(g) and (10)(b) and
466 Section [17B-2a-807.5](#), at the time of a member's appointment or during a member's tenure in
467 office, a member may not hold any employment, except as an independent contractor or locally
468 elected public official, with a county or municipality within the district.

469 (b) A member appointed by a county or municipality may hold employment with the
470 county or municipality if the employment is disclosed in writing and the public transit district
471 board of trustees ratifies the appointment.

472 (11) The Transportation Commission created in Section [72-1-301](#):

473 (a) for a public transit district serving a population of 200,000 people or fewer, may
474 appoint a commissioner of the Transportation Commission to serve on the board of trustees as a
475 nonvoting, ex officio member; and

476 (b) for a public transit district serving a population of more than 200,000 people, shall
477 appoint a commissioner of the Transportation Commission to serve on the board of trustees as a
478 voting member.

479 (12) (a) The board of trustees of a public transit district serving a population of more
480 than 200,000 people shall include a nonvoting member who represents all municipalities and
481 unincorporated areas within the district that are located within a county that is not annexed into
482 the public transit district.

483 (b) The nonvoting member representing the combination of municipalities and
484 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a
485 weighted vote of the majority of the chief executive officers of the municipalities described in
486 Subsection (12)(a).

487 (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the
488 proportion of the public transit district population that resides within that municipality and the
489 adjacent unincorporated areas within the same county.

490 (13) (a) (i) Each member of the board of trustees of a public transit district is subject to

491 recall at any time by the legislative body of the county or municipality from which the member is
492 appointed.

493 (ii) Each recall of a board of trustees member shall be made in the same manner as the
494 original appointment.

495 (iii) The legislative body recalling a board of trustees member shall provide written
496 notice to the member being recalled.

497 (b) Upon providing written notice to the board of trustees, a member of the board may
498 resign from the board of trustees.

499 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or
500 resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

501 Section 7. Section 20A-13-103 is amended to read:

502 **20A-13-103. Omissions from maps -- How resolved.**

503 (1) If any area of the state is omitted from a Congressional district in the Congressional
504 shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of
505 the omission, shall attach the area to the appropriate Congressional district according to the
506 requirements of Subsections (2) and (3).

507 (2) If the omitted area is surrounded by a single Congressional district, the county clerk
508 shall attach the area to that district.

509 (3) If the omitted area is contiguous to two or more Congressional districts, the county
510 clerk shall attach the area to the district that has the least population, as determined by the Utah
511 Population [Estimates] Committee.

512 (4) The county clerk shall certify in writing and file with the lieutenant governor any
513 attachment made under this section.

514 Section 8. Section 20A-14-102.1 is amended to read:

515 **20A-14-102.1. Omissions from maps -- How resolved.**

516 (1) If any area of the state is omitted from a State Board of Education district in the
517 Board shapefile enacted by the Legislature, the county clerk of the affected county, upon
518 discovery of the omission, shall attach the area to the appropriate State Board of Education
519 district according to the requirements of Subsections (2) and (3).

520 (2) If the omitted area is surrounded by a single State Board of Education district, the
521 county clerk shall attach the area to that district.

522 (3) If the omitted area is contiguous to two or more State Board of Education districts,
523 the county clerk shall attach the area to the district that has the least population, as determined
524 by the Utah Population [Estimates] Committee.

525 (4) The county clerk shall certify in writing and file with the lieutenant governor any
526 attachment made under this section.

527 Section 9. Section **26-18-501** is amended to read:

528 **26-18-501. Definitions.**

529 As used in this part:

530 (1) "Certified program" means a nursing care facility program with Medicaid
531 certification.

532 (2) "Director" means the director of the Division of Health Care Financing.

533 (3) "Medicaid certification" means the right of a nursing care facility, as a provider of a
534 nursing care facility program, to receive Medicaid reimbursement for a specified number of beds
535 within the facility.

536 (4) (a) "Nursing care facility" means the following facilities licensed by the department
537 under Chapter 21, Health Care Facility Licensing and Inspection Act:

538 (i) skilled nursing facilities;

539 (ii) intermediate care facilities; and

540 (iii) an intermediate care facility for people with an intellectual disability.

541 (b) "Nursing care facility" does not mean a critical access hospital that meets the criteria
542 of 42 U.S.C. 1395i-4(c)(2) (1998).

543 (5) "Nursing care facility program" means the personnel, licenses, services, contracts
544 and all other requirements that shall be met for a nursing care facility to be eligible for Medicaid
545 certification under this part and division rule.

546 (6) "Physical facility" means the buildings or other physical structures where a nursing
547 care facility program is operated.

548 (7) "Rural county" means a county with a population of less than 50,000, as determined
549 by:

550 (a) the most recent official census or census estimate of the United States Census
551 Bureau; or

552 (b) the most recent population estimate for the county from the Utah Population

553 [Estimates] Committee, if a population figure for the county is not available under Subsection
554 (7)(a).

555 (8) "Service area" means the boundaries of the distinct geographic area served by a
556 certified program as determined by the division in accordance with this part and division rule.

557 (9) "Urban county" means a county that is not a rural county.

558 Section 10. Section **26-46a-102** is amended to read:

559 **26-46a-102. Definitions.**

560 As used in this chapter:

561 (1) "Hospital" means a general acute hospital, as defined in Title 26, Chapter 21, Health
562 Care Facility Licensing and Inspection Act.

563 (2) "Physician" means a person:

564 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

565 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
566 Practice Act.

567 (3) "Rural county" means a county with a population of less than 50,000, as determined
568 by:

569 (a) the most recent official census or census estimate of the United States Census
570 Bureau; or

571 (b) the most recent population estimate for the county from the Utah Population

572 [Estimates] Committee, if a population figure for the county is not available under Subsection
573 (3)(a).

574 (4) "Rural hospital" means a hospital located within a rural county.

575 Section 11. Section **26A-1-115** is amended to read:

576 **26A-1-115. Apportionment of costs -- Contracts to provide services -- Percentage**
577 **match of state funds -- Audit.**

578 (1) (a) The cost of establishing and maintaining a multicounty local health department
579 may be apportioned among the participating counties on the basis of population in proportion to
580 the total population of all counties within the boundaries of the local health department, or
581 upon other bases agreeable to the participating counties.

582 (b) Costs of establishing and maintaining a county health department shall be a charge
583 of the county creating the local health department.

584 (c) Money available from fees, contracts, surpluses, grants, and donations may also be
585 used to establish and maintain local health departments.

586 (d) As used in this Subsection (1), "population" means population estimates prepared by
587 the Utah Population [Estimates] Committee.

588 (2) The cost of providing, equipping, and maintaining suitable offices and facilities for a
589 local health department is the responsibility of participating governing bodies.

590 (3) Local health departments that comply with all department rules and secure advance
591 approval of proposed service boundaries from the department may by contract receive funds
592 under Section 26A-1-116 from the department to provide specified public health services.

593 (4) Contract funds distributed under Subsection (3) shall be in accordance with Section
594 26A-1-116 and policies and procedures adopted by the department.

595 (5) Department rules shall require that contract funds be used for public health services
596 and not replace other funds used for local public health services.

597 (6) All state funds distributed by contract from the department to local health
598 departments for public health services shall be matched by those local health departments at a
599 percentage determined by the department in consultation with local health departments.
600 Counties shall have no legal obligation to match state funds at percentages in excess of those
601 established by the department and shall suffer no penalty or reduction in state funding for failing
602 to exceed the required funding match.

603 (7) (a) Each local health department shall cause an annual financial and compliance
604 audit to be made of its operations by a certified public accountant. The audit may be conducted
605 as part of an annual county government audit of the county where the local health department
606 headquarters are located.

607 (b) The local health department shall provide a copy of the audit report to the
608 department and the local governing bodies of counties participating in the local health
609 department.

610 Section 12. Section 32B-2-402 is amended to read:

611 **32B-2-402. Definitions -- Calculations.**

612 (1) As used in this part:

613 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
614 Treatment Restricted Account created in Section 32B-2-403.

615 (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory
616 Council created in Section 63M-7-301.

617 (c) "Alcohol-related offense" means:

618 (i) a violation of:

619 (A) Section 41-6a-502; or

620 (B) an ordinance that complies with the requirements of:

621 (I) Subsection 41-6a-510(1); or

622 (II) Section 76-5-207; or

623 (ii) an offense involving the illegal:

624 (A) sale of an alcoholic product;

625 (B) consumption of an alcoholic product;

626 (C) distribution of an alcoholic product;

627 (D) transportation of an alcoholic product; or

628 (E) possession of an alcoholic product.

629 (d) "Annual conviction time period" means the time period that:

630 (i) begins on July 1 and ends on June 30; and

631 (ii) immediately precedes the fiscal year for which an appropriation under this part is
632 made.

633 (e) "Municipality" means:

634 (i) a city;

635 (ii) a town; or

636 (iii) a metro township.

637 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
638 Administrative Rulemaking Act, by the Division of Substance Abuse and Mental Health within
639 the Department of Human Services.

640 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
641 Health shall:

642 (A) include only evidence-based or evidence-informed programs; and

643 (B) provide for coordination with local substance abuse authorities designated to
644 provide substance abuse services in accordance with Section 17-43-201.

645 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located

646 within the limits of a municipality or county:

647 (a) is the number determined by the department to be so located;

648 (b) includes the aggregate number of premises of the following:

649 (i) a state store;

650 (ii) a package agency; and

651 (iii) a retail licensee; and

652 (c) for a county, consists only of the number located within an unincorporated area of
653 the county.

654 (3) The department shall determine:

655 (a) a population figure according to the most current population estimate prepared by
656 the Utah Population [Estimates] Committee;

657 (b) a county's population for the 25% distribution to municipalities and counties under
658 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated areas
659 of the county; and

660 (c) a county's population for the 25% distribution to counties under Subsection
661 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of a
662 municipality.

663 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
664 offense to judgment.

665 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
666 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

667 Section 13. Section 35A-2-101 is amended to read:

668 **35A-2-101. Economic service areas -- Creation.**

669 (1) (a) The executive director shall establish economic service areas to furnish the
670 services described in Section 35A-2-201.

671 (b) In establishing economic service areas, the executive director shall seek input from
672 the State Workforce Development Board.

673 (2) In establishing the economic service areas, the executive director may consider:

674 (a) areas comprised of multiple counties;

675 (b) the alignment of transportation and other infrastructure or services;

676 (c) the interdependence of the economy within a geographic area;

- 677 (d) the ability to develop regional marketing and economic development programs;
- 678 (e) the labor market areas;
- 679 (f) the population of the area, as established in the most recent estimate by the Utah
- 680 Population [~~Estimates~~] Committee;
- 681 (g) the number of individuals in the previous year receiving:
- 682 (i) services under Chapter 3, Employment Support Act; and
- 683 (ii) benefits under Chapter 4, Employment Security Act; and
- 684 (h) other factors that relate to the management of the programs administered or that
- 685 relate to the delivery of services provided under this title.

686 Section 14. Section **36-1-104** is amended to read:

687 **36-1-104. Omissions from maps -- How resolved.**

688 (1) If any area of the state is omitted from a Utah State Senate district in the Senate
689 shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of
690 the omission, shall attach the area to the appropriate Senate district according to the
691 requirements of Subsections (2) and (3).

692 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall
693 attach the area to that district.

694 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk
695 shall attach the area to the district that has the least population, as determined by the Utah
696 Population [~~Estimates~~] Committee.

697 (4) The county clerk shall certify in writing and file with the lieutenant governor any
698 attachment made under this section.

699 Section 15. Section **36-1-203** is amended to read:

700 **36-1-203. Omissions from maps -- How resolved.**

701 (1) If any area of the state is omitted from a Utah House of Representatives district in
702 the House shapefile enacted by the Legislature, the county clerk of the affected county, upon
703 discovery of the omission, shall attach the area to the appropriate House district according to
704 the requirements of Subsections (2) and (3).

705 (2) If the omitted area is surrounded by a single House district, the county clerk shall
706 attach the area to that district.

707 (3) If the omitted area is contiguous to two or more House districts, the county clerk

708 shall attach the area to the district that has the least population, as determined by the Utah
709 Population [Estimates] Committee.

710 (4) The county clerk shall certify in writing and file with the lieutenant governor any
711 attachment made under this section.

712 Section 16. Section **59-12-205** is amended to read:

713 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
714 **tax revenue -- Determination of population.**

715 (1) A county, city, or town, in order to maintain in effect sales and use tax ordinances
716 adopted pursuant to Section **59-12-204**, shall, within 30 days of an amendment to an applicable
717 provision of Part 1, Tax Collection, adopt amendments to the county's, city's, or town's sales
718 and use tax ordinances as required to conform to the amendments to Part 1, Tax Collection.

719 (2) Except as provided in Subsections (3) through (6) and subject to Subsection (7):

720 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall
721 be distributed to each county, city, and town on the basis of the percentage that the population
722 of the county, city, or town bears to the total population of all counties, cities, and towns in the
723 state; and

724 (b) (i) except as provided in Subsection (2)(b)(ii), 50% of each dollar collected from the
725 sales and use tax authorized by this part shall be distributed to each county, city, and town on
726 the basis of the location of the transaction as determined under Sections **59-12-211** through
727 **59-12-215**; and

728 (ii) 50% of each dollar collected from the sales and use tax authorized by this part
729 within a project area described in a project area plan adopted by the military installation
730 development authority under Title 63H, Chapter 1, Military Installation Development Authority
731 Act, shall be distributed to the military installation development authority created in Section
732 **63H-1-201**.

733 (3) (a) Beginning on July 1, 2011, and ending on June 30, 2016, the commission shall
734 each year distribute to a county, city, or town the distribution required by this Subsection (3) if:

735 (i) the county, city, or town is a:

736 (A) county of the third, fourth, fifth, or sixth class;

737 (B) city of the fifth class; or

738 (C) town;

739 (ii) the county, city, or town received a distribution under this section for the calendar
740 year beginning on January 1, 2008, that was less than the distribution under this section that the
741 county, city, or town received for the calendar year beginning on January 1, 2007;

742 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located within
743 the unincorporated area of the county for one or more days during the calendar year beginning
744 on January 1, 2008, an establishment described in NAICS Industry Group 2121, Coal Mining,
745 or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North American
746 Industry Classification System of the federal Executive Office of the President, Office of
747 Management and Budget; or

748 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
749 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
750 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
751 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
752 2002 North American Industry Classification System of the federal Executive Office of the
753 President, Office of Management and Budget; and

754 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment
755 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for
756 one more days during the calendar year beginning on January 1, 2008, was not the holder of a
757 direct payment permit under Section [59-12-107.1](#); or

758 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
759 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
760 city or town for one or more days during the calendar year beginning on January 1, 2008, was
761 not the holder of a direct payment permit under Section [59-12-107.1](#).

762 (b) The commission shall make the distribution required by this Subsection (3) to a
763 county, city, or town described in Subsection (3)(a):

764 (i) from the distribution required by Subsection (2)(a); and

765 (ii) before making any other distribution required by this section.

766 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by
767 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

768 (ii) For purposes of Subsection (3)(c)(i):

769 (A) the numerator of the fraction is the difference calculated by subtracting the

770 distribution a county, city, or town described in Subsection (3)(a) received under this section for
771 the calendar year beginning on January 1, 2008, from the distribution under this section that the
772 county, city, or town received for the calendar year beginning on January 1, 2007; and

773 (B) the denominator of the fraction is \$333,583.

774 (d) A distribution required by this Subsection (3) is in addition to any other distribution
775 required by this section.

776 (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year
777 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of
778 the taxable sales within the boundaries of the county, city, or town.

779 (b) The commission shall proportionally reduce monthly distributions to any county,
780 city, or town that, but for the reduction, would receive a distribution in excess of 1% of the
781 sales and use tax revenue collected within the boundaries of the county, city, or town.

782 (5) (a) As used in this Subsection (5):

783 (i) "Eligible county, city, or town" means a county, city, or town that receives \$2,000 or
784 more in tax revenue distributions in accordance with Subsection (4) for each of the following
785 fiscal years:

786 (A) fiscal year 2002-03;

787 (B) fiscal year 2003-04; and

788 (C) fiscal year 2004-05.

789 (ii) "Minimum tax revenue distribution" means the greater of:

790 (A) the total amount of tax revenue distributions an eligible county, city, or town
791 receives from a tax imposed in accordance with this part for fiscal year 2000-01; or

792 (B) the total amount of tax revenue distributions an eligible county, city, or town
793 receives from a tax imposed in accordance with this part for fiscal year 2004-05.

794 (b) (i) Except as provided in Subsection (5)(b)(ii), beginning with fiscal year 2006-07
795 and ending with fiscal year 2012-13, an eligible county, city, or town shall receive a tax revenue
796 distribution for a tax imposed in accordance with this part equal to the greater of:

797 (A) the payment required by Subsection (2); or

798 (B) the minimum tax revenue distribution.

799 (ii) If the tax revenue distribution required by Subsection (5)(b)(i) for an eligible county,
800 city, or town is equal to the amount described in Subsection (5)(b)(i)(A) for three consecutive

801 fiscal years, for fiscal years beginning with the fiscal year immediately following that three
802 consecutive fiscal year period, the eligible county, city, or town shall receive the tax revenue
803 distribution equal to the payment required by Subsection (2).

804 (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year
805 2015-16, an eligible county, city, or town shall receive the minimum tax revenue distribution for
806 that fiscal year if for fiscal year 2012-13 the payment required by Subsection (2) to that eligible
807 county, city, or town is less than or equal to the product of:

808 (i) the minimum tax revenue distribution; and

809 (ii) .90.

810 (6) (a) As used in this Subsection (6):

811 (i) "Eligible county, city, or town" means a county, city, or town that:

812 (A) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
813 distributions for fiscal year 2002-03;

814 (B) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
815 distributions for fiscal year 2003-04;

816 (C) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
817 distributions for fiscal year 2004-05;

818 (D) for a fiscal year beginning with fiscal year 2012-13 and ending with fiscal year
819 2015-16, does not receive a tax revenue distribution described in Subsection (5) equal to the
820 amount described in Subsection (5)(b)(i)(A) for three consecutive fiscal years; and

821 (E) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,
822 2016.

823 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue
824 distributions an eligible county, city, or town receives from a tax imposed in accordance with
825 this part for fiscal year 2004-05.

826 (b) Beginning with fiscal year 2016-17 and ending with fiscal year 2020-21, an eligible
827 county, city, or town shall receive a tax revenue distribution for a tax imposed in accordance
828 with this part equal to the greater of:

829 (i) the payment required by Subsection (2); or

830 (ii) the minimum tax revenue distribution.

831 (7) (a) Population figures for purposes of this section shall be based on the most recent

832 official census or census estimate of the United States Census Bureau.

833 (b) If a needed population estimate is not available from the United States Census
834 Bureau, population figures shall be derived from the estimate from the Utah Population
835 [Estimates] Committee [~~created by executive order of the governor~~].

836 (c) The population of a county for purposes of this section shall be determined only
837 from the unincorporated area of the county.

838 Section 17. Section **59-12-2219** is amended to read:

839 **59-12-2219. County option sales and use tax for highways and public transit --**
840 **Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant**
841 **existing budgeted transportation revenue.**

842 (1) As used in this section:

843 (a) "Class B road" means the same as that term is defined in Section [72-3-103](#).

844 (b) "Class C road" means the same as that term is defined in Section [72-3-104](#).

845 (c) "Eligible political subdivision" means a political subdivision that:

846 (i) (A) on May 12, 2015, provides public transit services; or

847 (B) after May 12, 2015, provides written notice to the commission in accordance with
848 Subsection (10)(b) that it intends to provide public transit service within a county;

849 (ii) is not a public transit district; and

850 (iii) is not annexed into a public transit district.

851 (d) "Public transit district" means a public transit district organized under Title 17B,
852 Chapter 2a, Part 8, Public Transit District Act.

853 (2) Subject to the other provisions of this part, a county legislative body may impose a
854 sales and use tax of .25% on the transactions described in Subsection [59-12-103](#)(1) within the
855 county, including the cities and towns within the county.

856 (3) The commission shall distribute sales and use tax revenue collected under this
857 section as provided in Subsections (4) through (10).

858 (4) If the entire boundary of a county that imposes a sales and use tax under this section
859 is annexed into a single public transit district, the commission shall distribute the sales and use
860 tax revenue collected within the county as follows:

861 (a) .10% shall be transferred to the public transit district in accordance with Section
862 [59-12-2206](#);

863 (b) .10% shall be distributed as provided in Subsection (8); and

864 (c) .05% shall be distributed to the county legislative body.

865 (5) If the entire boundary of a county that imposes a sales and use tax under this section
866 is not annexed into a single public transit district, but a city or town within the county is
867 annexed into a single public transit district that also has a county of the first class annexed into
868 the same public transit district, the commission shall distribute the sales and use tax revenue
869 collected within the county as follows:

870 (a) for a city or town within the county that is annexed into a single public transit
871 district, the commission shall distribute the sales and use tax revenue collected within that city
872 or town as follows:

873 (i) .10% shall be transferred to the public transit district in accordance with Section
874 [59-12-2206](#);

875 (ii) .10% shall be distributed as provided in Subsection (8); and

876 (iii) .05% shall be distributed to the county legislative body;

877 (b) for an eligible political subdivision within the county, the commission shall distribute
878 the sales and use tax revenue collected within that eligible political subdivision as follows:

879 (i) .10% shall be transferred to the eligible political subdivision in accordance with
880 Section [59-12-2206](#);

881 (ii) .10% shall be distributed as provided in Subsection (8); and

882 (iii) .05% shall be distributed to the county legislative body; and

883 (c) the commission shall distribute the sales and use tax revenue, except for the sales
884 and use tax revenue described in Subsections (5)(a) and (b), as follows:

885 (i) .10% shall be distributed as provided in Subsection (8); and

886 (ii) .15% shall be distributed to the county legislative body.

887 (6) For a county not described in Subsection (4) or (5), if the entire boundary of a
888 county of the first or second class that imposes a sales and use tax under this section is not
889 annexed into a single public transit district, or if there is not a public transit district within the
890 county, the commission shall distribute the sales and use tax revenue collected within the county
891 as follows:

892 (a) for a city or town within the county that is annexed into a single public transit
893 district, the commission shall distribute the sales and use tax revenue collected within that city

894 or town as follows:

895 (i) .10% shall be transferred to the public transit district in accordance with Section
896 59-12-2206;

897 (ii) .10% shall be distributed as provided in Subsection (8); and

898 (iii) .05% shall be distributed to the county legislative body;

899 (b) for an eligible political subdivision within the county, the commission shall distribute
900 the sales and use tax revenue collected within that eligible political subdivision as follows:

901 (i) .10% shall be transferred to the eligible political subdivision in accordance with
902 Section 59-12-2206;

903 (ii) .10% shall be distributed as provided in Subsection (8); and

904 (iii) .05% shall be distributed to the county legislative body; and

905 (c) the commission shall distribute the sales and use tax revenue, except for the sales
906 and use tax revenue described in Subsections (6)(a) and (b), as follows:

907 (i) .10% shall be distributed as provided in Subsection (8); and

908 (ii) .15% shall be distributed to the county legislative body.

909 (7) For a county not described in Subsection (4) or (5), if the entire boundary of a
910 county of the third, fourth, fifth, or sixth class that imposes a sales and use tax under this section
911 is not annexed into a single public transit district, or if there is not a public transit district within
912 the county, the commission shall distribute the sales and use tax revenue collected within the
913 county as follows:

914 (a) for a city or town within the county that is annexed into a single public transit
915 district, the commission shall distribute the sales and use tax revenue collected within that city
916 or town as follows:

917 (i) .10% shall be distributed as provided in Subsection (8);

918 (ii) .10% shall be distributed as provided in Subsection (9); and

919 (iii) .05% shall be distributed to the county legislative body;

920 (b) for an eligible political subdivision within the county, the commission shall distribute
921 the sales and use tax revenue collected within that eligible political subdivision as follows:

922 (i) .10% shall be distributed as provided in Subsection (8);

923 (ii) .10% shall be distributed as provided in Subsection (9); and

924 (iii) .05% shall be distributed to the county legislative body; and

925 (c) the commission shall distribute the sales and use tax revenue, except for the sales
926 and use tax revenue described in Subsections (7)(a) and (b), as follows:

927 (i) .10% shall be distributed as provided in Subsection (8); and

928 (ii) .15% shall be distributed to the county legislative body.

929 (8) (a) Subject to Subsection (8)(b), the commission shall make the distributions
930 required by Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i),
931 (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) as follows:

932 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),
933 (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) within the
934 counties that impose a tax under this section shall be distributed to the unincorporated areas,
935 cities, and towns within those counties on the basis of the percentage that the population of
936 each unincorporated area, city, or town bears to the total population of all of the counties that
937 impose a tax under this section; and

938 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),
939 (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) within the
940 counties that impose a tax under this section shall be distributed to the unincorporated areas,
941 cities, and towns within those counties on the basis of the location of the transaction as
942 determined under Sections [59-12-211](#) through [59-12-215](#).

943 (b) (i) Population for purposes of this Subsection (8) shall be determined on the basis of
944 the most recent official census or census estimate of the United States Census Bureau.

945 (ii) If a needed population estimate is not available from the United States Census
946 Bureau, population figures shall be derived from an estimate from the Utah Population
947 [Estimates] Committee [~~created by executive order of the governor~~].

948 (9) (a) (i) Subject to the requirements in Subsections (9)(b) and (c), a county legislative
949 body:

950 (A) for a county that obtained approval from a majority of the county's registered
951 voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016,
952 may, in consultation with any cities, towns, or eligible political subdivisions within the county,
953 and in compliance with the requirements for changing an allocation under Subsection (9)(e),
954 allocate the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) by adopting a resolution specifying
955 the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a

956 public transit district or an eligible political subdivision; or

957 (B) for a county that obtains approval from a majority of the county's registered voters
958 voting on the imposition of a sales and use tax under this section on or after May 10, 2016,
959 shall, in consultation with any cities, towns, or eligible political subdivisions within the county,
960 allocate the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) by adopting a resolution specifying
961 the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a
962 public transit district or an eligible political subdivision.

963 (ii) If a county described in Subsection (9)(a)(i)(A) does not allocate the revenue under
964 Subsection (7)(a)(ii) or (7)(b)(ii) in accordance with Subsection (9)(a)(i)(A), the commission
965 shall distribute 100% of the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) to:

966 (A) a public transit district for a city or town within the county that is annexed into a
967 single public transit district; or

968 (B) an eligible political subdivision within the county.

969 (b) If a county legislative body allocates the revenue as described in Subsection
970 (9)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under
971 Subsection (7)(a)(ii) or (7)(b)(ii) to:

972 (i) a public transit district for a city or town within the county that is annexed into a
973 single public transit district; or

974 (ii) an eligible political subdivision within the county.

975 (c) Notwithstanding Section [59-12-2208](#), the opinion question required by Section
976 [59-12-2208](#) shall state the allocations the county legislative body makes in accordance with this
977 Subsection (9).

978 (d) The commission shall make the distributions required by Subsection (7)(a)(ii) or
979 (7)(b)(ii) as follows:

980 (i) the percentage specified by a county legislative body shall be distributed in
981 accordance with a resolution adopted by a county legislative body under Subsection (9)(a) to an
982 eligible political subdivision or a public transit district within the county; and

983 (ii) except as provided in Subsection (9)(a)(ii), if a county legislative body allocates less
984 than 100% of the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) to a public transit district or
985 an eligible political subdivision, the remainder of the revenue under Subsection (7)(a)(ii) or
986 (7)(b)(ii) not allocated by a county legislative body through a resolution under Subsection (9)(a)

987 shall be distributed as follows:

988 (A) 50% of the revenue as provided in Subsection (8); and

989 (B) 50% of the revenue to the county legislative body.

990 (e) If a county legislative body seeks to change an allocation specified in a resolution
991 under Subsection (9)(a), the county legislative body may change the allocation by:

992 (i) adopting a resolution in accordance with Subsection (9)(a) specifying the percentage
993 of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a public transit
994 district or an eligible political subdivision;

995 (ii) obtaining approval to change the allocation of the sales and use tax by a majority of
996 all the members of the county legislative body; and

997 (iii) subject to Subsection (9)(f):

998 (A) in accordance with Section 59-12-2208, submitting an opinion question to the
999 county's registered voters voting on changing the allocation so that each registered voter has the
1000 opportunity to express the registered voter's opinion on whether the allocation should be
1001 changed; and

1002 (B) in accordance with Section 59-12-2208, obtaining approval to change the allocation
1003 from a majority of the county's registered voters voting on changing the allocation.

1004 (f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection
1005 (9)(e)(iii)(A) shall state the allocations specified in the resolution adopted in accordance with
1006 Subsection (9)(e) and approved by the county legislative body in accordance with Subsection
1007 (9)(e)(ii).

1008 (g) (i) If a county makes an allocation by adopting a resolution under Subsection (9)(a)
1009 or changes an allocation by adopting a resolution under Subsection (9)(e), the allocation shall
1010 take effect on the first distribution the commission makes under this section after a 90-day
1011 period that begins on the date the commission receives written notice meeting the requirements
1012 of Subsection (9)(g)(ii) from the county.

1013 (ii) The notice described in Subsection (9)(g)(i) shall state:

1014 (A) that the county will make or change the percentage of an allocation under
1015 Subsection (9)(a) or (e); and

1016 (B) the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be
1017 allocated to a public transit district or an eligible political subdivision.

1018 (10) (a) If a public transit district is organized after the date a county legislative body
1019 first imposes a tax under this section, a change in a distribution required by this section may not
1020 take effect until the first distribution the commission makes under this section after a 90-day
1021 period that begins on the date the commission receives written notice from the public transit
1022 district of the organization of the public transit district.

1023 (b) If an eligible political subdivision intends to provide public transit service within a
1024 county after the date a county legislative body first imposes a tax under this section, a change in
1025 a distribution required by this section may not take effect until the first distribution the
1026 commission makes under this section after a 90-day period that begins on the date the
1027 commission receives written notice from the eligible political subdivision stating that the eligible
1028 political subdivision intends to provide public transit service within the county.

1029 (11) A county, city, or town may expend revenue collected from a tax under this
1030 section, except for revenue the commission distributes in accordance with Subsection (4)(a),
1031 (5)(a)(i), (5)(b)(i), or (9)(d)(i) for:

1032 (a) a class B road;

1033 (b) a class C road;

1034 (c) traffic and pedestrian safety, including for a class B road or class C road, for:

1035 (i) a sidewalk;

1036 (ii) curb and gutter;

1037 (iii) a safety feature;

1038 (iv) a traffic sign;

1039 (v) a traffic signal;

1040 (vi) street lighting; or

1041 (vii) a combination of Subsections (11)(c)(i) through (vi);

1042 (d) the construction, maintenance, or operation of an active transportation facility that
1043 is for nonmotorized vehicles and multimodal transportation and connects an origin with a
1044 destination;

1045 (e) public transit system services; or

1046 (f) a combination of Subsections (11)(a) through (e).

1047 (12) A public transit district or an eligible political subdivision may expend revenue the
1048 commission distributes in accordance with Subsection (4)(a), (5)(a)(i), (5)(b)(i), or (9)(d)(i) for

1049 capital expenses and service delivery expenses of the public transit district or eligible political
1050 subdivision.

1051 (13) (a) Revenue collected from a sales and use tax under this section may not be used
1052 to supplant existing general fund appropriations that a county, city, or town has budgeted for
1053 transportation as of the date the tax becomes effective for a county, city, or town.

1054 (b) The limitation under Subsection (13)(a) does not apply to a designated
1055 transportation capital or reserve account a county, city, or town may have established prior to
1056 the date the tax becomes effective.

1057 Section 18. Section **62A-15-611** is amended to read:

1058 **62A-15-611. Allocation of state hospital beds -- Formula.**

1059 (1) As used in this section:

1060 (a) "Adult beds" means the total number of patient beds located in the adult general
1061 psychiatric unit and the geriatric unit at the state hospital, as determined by the superintendent
1062 of the state hospital.

1063 (b) "Mental health catchment area" means a county or group of counties governed by a
1064 local mental health authority.

1065 (2) (a) The division shall establish by rule a formula to separately allocate to local
1066 mental health authorities adult beds for persons who meet the requirements of Subsection
1067 **62A-15-610(2)(a)**. Beginning on May 10, 2011, and ending on June 30, 2011, 152 beds shall
1068 be allocated to local mental health authorities under this section.

1069 (b) The number of beds shall be reviewed and adjusted as necessary:

1070 (i) on July 1, 2011, to restore the number of beds allocated to 212 beds as funding
1071 permits; and

1072 (ii) on July 1, 2011, and every three years after July 1, 2011, according to the state's
1073 population.

1074 (c) All population figures utilized shall reflect the most recent available population
1075 estimates from the Utah Population [Estimates] Committee.

1076 (3) The formula established under Subsection (2) shall provide for allocation of beds
1077 based on:

1078 (a) the percentage of the state's adult population located within a mental health
1079 catchment area; and

1080 (b) a differential to compensate for the additional demand for hospital beds in mental
1081 health catchment areas that are located in urban areas.

1082 (4) A local mental health authority may sell or loan its allocation of beds to another
1083 local mental health authority.

1084 (5) The division shall allocate adult beds at the state hospital to local mental health
1085 authorities for their use in accordance with the formula established under this section. If a local
1086 mental health authority is unable to access a bed allocated to it under the formula established
1087 under Subsection (2), the division shall provide that local mental health authority with funding
1088 equal to the reasonable, average daily cost of an acute care bed purchased by the local mental
1089 health authority.

1090 (6) The board shall periodically review and make changes in the formula established
1091 under Subsection (2) as necessary to accurately reflect changes in population.

1092 Section 19. Section **63C-18-101** is enacted to read:

1093 **CHAPTER 18. UTAH POPULATION COMMITTEE**

1094 **63C-18-101. Title.**

1095 This chapter is known as "Utah Population Committee."

1096 Section 20. Section **63C-18-102** is enacted to read:

1097 **63C-18-102. Definitions.**

1098 As used in this chapter, "committee" means the Utah Population Committee created by
1099 this chapter.

1100 Section 21. Section **63C-18-103** is enacted to read:

1101 **63C-18-103. Utah Population Committee -- Creation.**

1102 (1) There is created the Utah Population Committee composed of the following
1103 members:

1104 (a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the
1105 director's designee;

1106 (b) the director of the Population Research Laboratory at Utah State University or the
1107 director's designee;

1108 (c) the state planning coordinator appointed under Section [63J-4-202](#);

1109 (d) the director of the Workforce Research and Analysis Division within the
1110 Department of Workforce Services or the director's designee;

1111 (e) the director of the Office of Vital Records and Statistics or the director's designee;

1112 (f) the state superintendent of public instruction or the superintendent's designee;

1113 (g) the chair of the State Tax Commission or the chair's designee;

1114 (h) the legislative fiscal analyst or the legislative fiscal analyst's designee;

1115 (i) the commissioner of higher education or the commissioner's designee; and

1116 (j) any additional member appointed under Subsection (2).

1117 (2) (a) By a majority vote of the members of the committee, the committee may appoint

1118 one or more additional members to serve on the committee at the pleasure of the committee.

1119 (b) The committee shall ensure that each additional member appointed under

1120 Subsection (2)(a) is a data provider or a representative of a data provider.

1121 (3) The director of the Kem C. Gardner Policy Institute or the director's designee

1122 described in Subsection (1)(a) is the chair of the committee.

1123 Section 22. Section **63C-18-104** is enacted to read:

1124 **63C-18-104. Committee duties.**

1125 The committee shall:

1126 (1) prepare annual population estimates for the total population of the state and each
1127 county in the state;

1128 (2) review and comment on the methodologies and population estimates for all
1129 geographic levels for the state that the United States Bureau of the Census produces;

1130 (3) prepare place estimates for new political subdivision annexations and incorporations
1131 in the state;

1132 (4) prepare additional demographic estimates for the state that may include estimates
1133 related to race, ethnicity, age, sex, religious affiliation, or economic status; and

1134 (5) publish the estimates described in Subsections (1), (3), and (4) on the committee's
1135 website.

1136 Section 23. Section **63C-18-105** is enacted to read:

1137 **63C-18-105. State use of committee estimates -- Compliance.**

1138 (1) Except as provided in Subsection (2), and unless otherwise provided in statute or
1139 rule, if an executive branch entity, legislative branch entity, or independent entity is required to
1140 perform an action or make a determination based on a population estimate, the entity shall use a
1141 population estimate that the committee produces, if available.

1142 (2) (a) The Governor's Office of Management and Budget may make rules in
1143 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a
1144 population estimate other than a population estimate that the committee produces.

1145 (b) For the purpose of creating a revenue estimate, the Governor's Office of
1146 Management and Budget and the Office of the Legislative Fiscal Analyst are not required to use
1147 a population estimate that the committee produces.

1148 (c) For redistricting purposes, a legislative branch entity shall give priority to a
1149 population estimate that is produced by the United States Census Bureau.

1150 (3) A newly incorporated political subdivision shall provide the committee with a list of
1151 residential building permits issued within the boundaries of the political subdivision since the last
1152 decennial census.

1153 Section 24. Section **67-1a-2** is amended to read:

1154 **67-1a-2. Duties enumerated.**

1155 (1) The lieutenant governor shall:

1156 (a) perform duties delegated by the governor, including assignments to serve in any of
1157 the following capacities:

1158 (i) as the head of any one department, if so qualified, with the consent of the Senate,
1159 and, upon appointment at the pleasure of the governor and without additional compensation;

1160 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
1161 law for the purpose of advising the governor or coordinating intergovernmental or
1162 interdepartmental policies or programs;

1163 (iii) as liaison between the governor and the state Legislature to coordinate and
1164 facilitate the governor's programs and budget requests;

1165 (iv) as liaison between the governor and other officials of local, state, federal, and
1166 international governments or any other political entities to coordinate, facilitate, and protect the
1167 interests of the state;

1168 (v) as personal advisor to the governor, including advice on policies, programs,
1169 administrative and personnel matters, and fiscal or budgetary matters; and

1170 (vi) as chairperson or member of any temporary or permanent boards, councils,
1171 commissions, committees, task forces, or other group appointed by the governor;

1172 (b) serve on all boards and commissions in lieu of the governor, whenever so designated

- 1173 by the governor;
- 1174 (c) serve as the chief election officer of the state as required by Subsection (2);
- 1175 (d) keep custody of the Great Seal of Utah;
- 1176 (e) keep a register of, and attest, the official acts of the governor;
- 1177 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
- 1178 which the official signature of the governor is required; and
- 1179 (g) furnish a certified copy of all or any part of any law, record, or other instrument
- 1180 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
- 1181 it and pays the fee.
- 1182 (2) (a) As the chief election officer, the lieutenant governor shall:
- 1183 (i) exercise general supervisory authority over all elections;
- 1184 (ii) exercise direct authority over the conduct of elections for federal, state, and
- 1185 multicounty officers and statewide or multicounty ballot propositions and any recounts
- 1186 involving those races;
- 1187 (iii) assist county clerks in unifying the election ballot;
- 1188 (iv) (A) prepare election information for the public as required by statute and as
- 1189 determined appropriate by the lieutenant governor; and
- 1190 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
- 1191 news media on the Internet and in other forms as required by statute or as determined
- 1192 appropriate by the lieutenant governor;
- 1193 (v) receive and answer election questions and maintain an election file on opinions
- 1194 received from the attorney general;
- 1195 (vi) maintain a current list of registered political parties as defined in Section
- 1196 [20A-8-101](#);
- 1197 (vii) maintain election returns and statistics;
- 1198 (viii) certify to the governor the names of those persons who have received the highest
- 1199 number of votes for any office;
- 1200 (ix) ensure that all voting equipment purchased by the state complies with the
- 1201 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-402.5](#) and [20A-5-402.7](#);
- 1202 (x) conduct the study described in Section [67-1a-14](#);
- 1203 (xi) during a declared emergency, to the extent that the lieutenant governor determines it

1204 warranted, designate, as provided in Section 20A-1-308, a different method, time, or location
1205 relating to:

1206 (A) voting on election day;

1207 (B) early voting;

1208 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

1209 (D) the counting of an absentee ballot or military-overseas ballot; or

1210 (E) the canvassing of election returns; and

1211 (xii) perform other election duties as provided in Title 20A, Election Code.

1212 (b) As chief election officer, the lieutenant governor may not assume the responsibilities
1213 assigned to the county clerks, city recorders, town clerks, or other local election officials by
1214 Title 20A, Election Code.

1215 (3) (a) The lieutenant governor shall:

1216 (i) ~~[(A)]~~ determine a new city's classification under Section 10-2-301 upon the city's
1217 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a City, based on the city's
1218 population using the population estimate from the Utah Population ~~[Estimates]~~ Committee; and

1219 ~~[(B)-(F)]~~ (ii) (A) prepare a certificate indicating the class in which the new city belongs
1220 based on the city's population; and

1221 ~~[(H)]~~ (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1222 to the city's legislative body[;].

1223 ~~[(ii)-(A)]~~ (b) The lieutenant governor shall:

1224 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1225 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
1226 Consolidation of Municipalities, using population information from:

1227 ~~[(F)]~~ (A) each official census or census estimate of the United States Bureau of the
1228 Census; or

1229 ~~[(H)]~~ (B) the population estimate from the Utah Population ~~[Estimates]~~ Committee, if
1230 the population of a municipality is not available from the United States Bureau of the Census;
1231 and

1232 ~~[(B)-(F)]~~ (ii) (A) prepare a certificate indicating the class in which the consolidated
1233 municipality belongs based on the municipality's population; and

1234 ~~[(H)]~~ (B) within 10 days after preparing the certificate, deliver a copy of the certificate

1235 to the consolidated municipality's legislative body[;].

1236 ~~[(iii)-(A)]~~ (c) The lieutenant governor shall:

1237 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1238 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1239 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1240 2015, based on the metro township's population using the population estimates from the Utah
1241 Population ~~[Estimates]~~ Committee; and

1242 ~~[(B)]~~ (ii) prepare a certificate indicating the class in which the new metro township
1243 belongs based on the metro township's population and, within 10 days after preparing the
1244 certificate, deliver a copy of the certificate to the metro township's legislative body[; ~~and~~].

1245 ~~[(iv)-]~~ (d) The lieutenant governor shall monitor the population of each municipality
1246 using population information from:

1247 ~~[(A)]~~ (i) each official census or census estimate of the United States Bureau of the
1248 Census; or

1249 ~~[(B)]~~ (ii) the population estimate from the Utah Population ~~[Estimates]~~ Committee, if
1250 the population of a municipality is not available from the United States Bureau of the Census.

1251 ~~[(b)-]~~ (e) If the applicable population figure under Subsection (3)~~[(a)(ii) or (iv)]~~(b) or (d)
1252 indicates that a municipality's population has increased beyond the population for its current
1253 class, the lieutenant governor shall:

1254 (i) prepare a certificate indicating the class in which the municipality belongs based on
1255 the increased population figure; and

1256 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1257 legislative body of the municipality whose class has changed.

1258 ~~[(c)-]~~ (f) (i) If the applicable population figure under Subsection (3)~~[(a)(ii) or (iv)]~~(b) or
1259 (d) indicates that a municipality's population has decreased below the population for its current
1260 class, the lieutenant governor shall send written notification of that fact to the municipality's
1261 legislative body.

1262 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1263 population has decreased below the population for its current class, the lieutenant governor
1264 shall:

1265 (A) prepare a certificate indicating the class in which the municipality belongs based on

1266 the decreased population figure; and

1267 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1268 legislative body of the municipality whose class has changed.

1269 Section 25. Section **72-2-108** is amended to read:

1270 **72-2-108. Apportionment of funds available for use on class B and class C roads**

1271 **-- Bonds.**

1272 (1) For purposes of this section:

1273 (a) "Graveled road" means a road:

1274 (i) that is:

1275 (A) graded; and

1276 (B) drained by transverse drainage systems to prevent serious impairment of the road by
1277 surface water;

1278 (ii) that has an improved surface; and

1279 (iii) that has a wearing surface made of:

1280 (A) gravel;

1281 (B) broken stone;

1282 (C) slag;

1283 (D) iron ore;

1284 (E) shale; or

1285 (F) other material that is:

1286 (I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and

1287 (II) coarser than sand.

1288 (b) "Paved road" includes a graveled road with a chip seal surface.

1289 (c) "Road mile" means a one-mile length of road, regardless of:

1290 (i) the width of the road; or

1291 (ii) the number of lanes into which the road is divided.

1292 (d) "Weighted mileage" means the sum of the following:

1293 (i) paved road miles multiplied by five; and

1294 (ii) all other road type road miles multiplied by two.

1295 (2) Subject to the provisions of Subsections (3) through (8) and except as provided in

1296 Subsection (10), funds in the class B and class C roads account shall be apportioned among

1297 counties and municipalities in the following manner:

1298 (a) 50% in the ratio that the class B roads weighted mileage within each county and
1299 class C roads weighted mileage within each municipality bear to the total class B and class C
1300 roads weighted mileage within the state; and

1301 (b) 50% in the ratio that the population of a county or municipality bears to the total
1302 population of the state as of the last official federal census or the United States Bureau of
1303 Census estimate, whichever is most recent, except that if population estimates are not available
1304 from the United States Bureau of Census, population figures shall be derived from the estimate
1305 from the Utah Population [Estimates] Committee.

1306 (3) For purposes of Subsection (2)(b), "the population of a county" means:

1307 (a) the population of a county outside the corporate limits of municipalities in that
1308 county, if the population of the county outside the corporate limits of municipalities in that
1309 county is not less than 14% of the total population of that county, including municipalities; and

1310 (b) if the population of a county outside the corporate limits of municipalities in the
1311 county is less than 14% of the total population:

1312 (i) the aggregate percentage of the population apportioned to municipalities in that
1313 county shall be reduced by an amount equal to the difference between:

1314 (A) 14%; and

1315 (B) the actual percentage of population outside the corporate limits of municipalities in
1316 that county; and

1317 (ii) the population apportioned to the county shall be 14% of the total population of
1318 that county, including incorporated municipalities.

1319 (4) If an apportionment under Subsection (2) made in the current fiscal year to a county
1320 or municipality with a population of less than 14,000 is less than 120% of the amount
1321 apportioned to the county or municipality from the class B and class C roads account in fiscal
1322 year 1996-97, the department shall reapportion the funds under Subsection (2) to ensure that
1323 the county or municipality receives:

1324 (a) subject to the requirement in Subsection (5) and for fiscal year 2016 only, an
1325 amount equal to:

1326 (i) the amount apportioned to the county or municipality for class B and class C roads
1327 in fiscal year 2015 multiplied by 120%; plus

1328 (ii) an amount equal to the amount apportioned to the county or municipality in fiscal
1329 year 2015 multiplied by the percentage increase or decrease in the total funds available for class
1330 B and class C roads between fiscal year 2015 and fiscal year 2016;

1331 (b) for fiscal year 2017 only, an amount equal to the greater of:

1332 (i) the amount apportioned to the county or municipality for class B and class C roads
1333 in the current fiscal year under Subsection (2); or

1334 (ii) (A) the amount apportioned to the county for class B and class C roads in fiscal year
1335 2015 multiplied by 120%; plus

1336 (B) the amount calculated as described in Subsection (7); or

1337 (c) for a fiscal year beginning on or after July 1, 2017, an amount equal to the greater
1338 of:

1339 (i) the amount apportioned to the county or municipality for class B and class C roads
1340 in the current fiscal year under Subsection (2); or

1341 (ii) (A) the amount apportioned to the county or municipality for class B and class C
1342 roads through the apportionment formula under Subsection (2) or this Subsection (4), excluding
1343 any amounts appropriated as additional support for class B and class C roads under Subsection
1344 (10), in the prior fiscal year; plus

1345 (B) the amount calculated as described in Subsection (7).

1346 (5) For the purposes of calculating a final distribution of money collected in fiscal year
1347 2016, the department shall subtract the payments previously made to a county or municipality
1348 for money collected in fiscal year 2016 for class B and class C roads from the fiscal year 2016
1349 total calculated in Subsection (4)(a).

1350 (6) (a) The department shall decrease proportionately as provided in Subsection (6)(b)
1351 the apportionments to counties and municipalities for which the reapportionment under
1352 Subsection (4)(a), (b)(ii), or (c)(ii) does not apply.

1353 (b) The aggregate amount of the funds that the department shall decrease
1354 proportionately from the apportionments under Subsection (6)(a) is an amount equal to the
1355 aggregate amount reapportioned to counties and municipalities under Subsection (4)(a), (b)(ii),
1356 or (c)(ii).

1357 (7) (a) In addition to the apportionment adjustments made under Subsection (4), a
1358 county or municipality that qualifies for reapportioned money under Subsection (4)(b)(ii) or

1359 (c)(ii) shall receive an amount equal to the amount apportioned to the county or municipality
1360 under Subsection (4)(b)(ii) or (c)(ii) for class B and class C roads in the prior fiscal year
1361 multiplied by the percentage increase or decrease in the total funds available for class B and
1362 class C roads between the prior fiscal year and the fiscal year that immediately preceded the
1363 prior fiscal year.

1364 (b) The adjustment under Subsection (7)(a) shall be made in the same way as provided
1365 in Subsections (6)(a) and (b).

1366 (8) (a) If a county or municipality does not qualify for a reapportionment under
1367 Subsection (4)(c) in the current fiscal year but previously qualified for a reapportionment under
1368 Subsection (4)(c) on or after July 1, 2017, the county or municipality shall receive an amount
1369 equal to the greater of:

1370 (i) the amount apportioned to the county or municipality for class B and class C roads
1371 in the current fiscal year under Subsection (2); or

1372 (ii) the amount apportioned to the county or municipality for class B and class C roads
1373 in the prior fiscal year.

1374 (b) The adjustment under Subsection (8)(a) shall be made in the same way as provided
1375 in Subsections (6)(a) and (b).

1376 (9) The governing body of any municipality or county may issue bonds redeemable up
1377 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the
1378 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class
1379 B or class C road funds received pursuant to this section to pay principal, interest, premiums,
1380 and reserves for the bonds.

1381 (10) (a) For fiscal year 2017 only, the department shall distribute \$5,000,000 of the
1382 funds appropriated for additional support for class B and class C roads among the counties and
1383 municipalities that qualified for reapportioned funds under Subsection (4) before May 1, 2016.

1384 (b) The department shall distribute an amount to each county or municipality described
1385 in Subsection (10)(a) considering the projected amount of revenue that each county or
1386 municipality would have received under the reapportionment formula in effect before May 1,
1387 2016.

1388 (c) The department may consult with local government entities to determine the
1389 distribution amounts under Subsection (10)(b).

1390 (d) Before making the distributions required under this section, the department shall
1391 report to the Executive Appropriations Committee of the Legislature by no later than December
1392 31, 2016, the amount of funds the department will distribute to each county or municipality that
1393 qualifies for a distribution under this Subsection (10).

1394 (e) The Executive Appropriations Committee of the Legislature shall review and
1395 comment on the amount of funds proposed to be distributed to each county or municipality that
1396 qualifies for a distribution under this Subsection (10).

1397 Section 26. Section **78B-1-110** is amended to read:

1398 **78B-1-110. Limitations on jury service.**

1399 (1) In any two-year period, a person may not:

1400 (a) be required to serve on more than one grand jury;

1401 (b) be required to serve as both a grand and trial juror;

1402 (c) be required to attend court for prospective jury service as a trial juror more than one
1403 court day, except if necessary to complete service in a particular case; or

1404 (d) if summoned for prospective jury service and the summons is complied with as
1405 directed, be selected for the qualified jury list more than once.

1406 (2) (a) Subsection (1)(d) does not apply to counties of the fourth, fifth, and sixth class
1407 and counties of the third class with populations up to 75,000.

1408 (b) (i) All population figures used for this section shall be derived from the most recent
1409 official census or census estimate of the United States Census Bureau.

1410 (ii) If population estimates are not available from the United States Census Bureau,
1411 population figures shall be derived from the estimate of the Utah Population [Estimates]
1412 Committee.