

UTAH POPULATION ESTIMATES PRODUCTION

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Ann Millner

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

10-2-711, as last amended by Laws of Utah 2009, Chapter 350

10-2a-302, as last amended by Laws of Utah 2017, Chapters 181 and 452



- 28 **10-2a-302.5**, as enacted by Laws of Utah 2017, Chapter 452
- 29 **17-27a-901**, as last amended by Laws of Utah 2017, Chapter 448
- 30 **17-50-502**, as enacted by Laws of Utah 2000, Chapter 318
- 31 **17B-2a-807**, as last amended by Laws of Utah 2017, Chapter 70
- 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 2017, Chapters 230 and 385
- 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 2017, Chapter 144
- 46 **78B-1-110**, as last amended by Laws of Utah 2017, Chapter 115

47 ENACTS:

- 48 **63C-19-101**, Utah Code Annotated 1953
- 49 **63C-19-102**, Utah Code Annotated 1953
- 50 **63C-19-103**, Utah Code Annotated 1953
- 51 **63C-19-104**, Utah Code Annotated 1953
- 52 **63C-19-105**, 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
73 to the district court by the county legislative body of the county where the municipality is
74 located.

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

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

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

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

87 (4) If the municipality is dissolved, the district court shall wind down the affairs and
88 dissolve the municipality as quickly as possible in the same manner as is provided in Sections
89 [10-2-705](#) through [10-2-709](#).

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

91 **10-2a-302. Incorporation of a town -- Petition.**

92 (1) As used in this section:

93 (a) "Assessed value," with respect to agricultural land, means the value at which the
94 land would be assessed without regard to a valuation for agricultural use under Section
95 [59-2-503](#).

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

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

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

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

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

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

104 (2) (a) This section applies to individuals who seek to initiate the process of
105 incorporating a town before May 9, 2017.

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

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

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

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

113 (c) The population figure under Subsection (2)(b) shall be determined:

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

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

117 (3) (a) Individuals may initiate the process to incorporate an area as a town by
118 circulating a petition to incorporate the area as a town.

119 (b) The individuals must file the petition with the Office of the Lieutenant Governor no
120 later than January 2, 2018 for the petition to be valid.

121 (c) A petition under Subsection (3)(b) shall:
122 (i) be signed by:
123 (A) the owners of private real property that:
124 (I) is located within the area proposed to be incorporated; and
125 (II) is equal in assessed value to more than 1/5 of the assessed value of all private real
126 property within the area; and
127 (B) 1/5 of all registered voters within the area proposed to be incorporated as a town,
128 according to the official voter registration list maintained by the county on the date the petition
129 is filed;
130 (ii) designate as sponsors at least five of the property owners who have signed the
131 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
132 each owner signing as a sponsor;
133 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
134 licensed surveyor, showing a legal description of the boundary of the proposed town; and
135 (iv) substantially comply with and be circulated in the following form:
136 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
137 town)
138 To the Honorable Lieutenant Governor:
139 We, the undersigned owners of real property and registered voters within the area
140 described in this petition, respectfully petition the lieutenant governor to direct the county
141 legislative body to submit to the registered voters residing within the area described in this
142 petition, at the next regular general election, the question of whether the area should
143 incorporate as a town. Each of the undersigned affirms that each has personally signed this
144 petition and is an owner of real property or a registered voter residing within the described area,
145 and that the current residence address of each is correctly written after the signer's name. The
146 area proposed to be incorporated as a town is described as follows: (insert an accurate
147 description of the area proposed to be incorporated).
148 (d) A petition under this Subsection (3) may not describe an area that includes some or
149 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:
150 (i) was filed before the filing of the petition; and
151 (ii) is still pending on the date the petition is filed.

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

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

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

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

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

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

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

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

169 (i) with the lieutenant governor; and

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

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

173 (i) the property:

174 (A) is nonurban; and

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

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

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

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

182 (a) with the assistance of other county officers of the county in which the incorporation

183 is proposed from whom the lieutenant governor requests assistance, determine whether the
184 petition complies with the requirements of Subsection (3); and

185 (b) (i) if the lieutenant governor determines that the petition complies with those
186 requirements:

187 (A) certify the petition; and

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

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

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

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

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

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

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

203 (7) (a) (i) If a petition is filed under Subsection (3) and certified under Subsection (5),
204 the lieutenant governor shall commission and pay for a financial feasibility study.

205 (ii) The feasibility consultant shall be chosen:

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

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

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

211 (iii) The lieutenant governor shall require the feasibility consultant to complete the
212 financial feasibility study and submit written results of the study to the lieutenant governor no
213 later than 30 days after the feasibility consultant is engaged to conduct the financial feasibility

214 study.

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

216 (i) population and population density within the area proposed for incorporation and
217 the surrounding area;

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

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

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

225 (A) culinary water;

226 (B) secondary water;

227 (C) sewer;

228 (D) law enforcement;

229 (E) fire protection;

230 (F) roads and public works;

231 (G) garbage;

232 (H) weeds; and

233 (I) government offices;

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

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

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

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

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

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

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

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

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

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

260 Section 4. Section **10-2a-302.5** is amended to read:

261 **10-2a-302.5. Incorporation of a town -- Petition.**

262 (1) As used in this section:

263 (a) "Assessed value," with respect to agricultural land, means the value at which the
264 land would be assessed without regard to a valuation for agricultural use under Section
265 [59-2-503](#).

266 (b) (i) "Municipal services" means any of the following that are publicly provided:

267 (A) culinary water;

268 (B) secondary water;

269 (C) sewer service;

270 (D) law enforcement service;

271 (E) fire protection;

272 (F) roads;

273 (G) refuse collection; or

274 (H) weed control.

275 (ii) "Municipal services" includes the physical facilities required to provide a service

276 described in Subsection (1)(b)(i).

277 (2) (a) This section applies to individuals who seek to initiate the process of
278 incorporating a town on or after May 9, 2017.

279 (b) Individuals who reside in a contiguous area of a county that is not within a
280 municipality may incorporate as a town as provided in this section if:

281 (i) the area has a population of at least 100 people, but less than 1,000 people; and

282 (ii) at least 50% of the voting eligible population in the area are registered voters.

283 (c) An area within a county of the first class is not contiguous for purposes of
284 Subsection (2)(b) if:

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

286 (ii) the distance between the geographically separate areas is greater than the average
287 width of the strip of land connecting the geographically separate areas.

288 (3) (a) Individuals described in Subsection (2) may initiate the process of incorporating
289 a town by filing an application for an incorporation petition with the lieutenant governor that
290 contains:

291 (i) the name and residential address of at least five sponsors of the petition who meet
292 the qualifications described in Subsection (3)(b) for a sponsor and Subsection (7) for a petition
293 signer;

294 (ii) a statement certifying that each of the sponsors:

295 (A) is a resident of the state; and

296 (B) has voted in a regular general election or municipal general election in the state
297 within the last three years;

298 (iii) the signature of each sponsor, attested to by a notary public;

299 (iv) the name of a sponsor who is designated as the contact sponsor;

300 (v) consistent with the requirements described in Subsection (3)(c), an accurate map or
301 plat, prepared by a licensed surveyor, showing a legal description of the boundary of the
302 proposed town; and

303 (vi) a statement indicating whether persons may be paid for gathering signatures for the
304 petition.

305 (b) Sponsors may not file a petition under this section if the cumulative private real
306 property that the petition sponsors own exceeds 40% of the total private land area within the

307 boundaries of the proposed town.

308 (c) A map described in Subsection (3)(a)(v) may not include an area proposed for
309 annexation in an annexation petition described in Section 10-2-403 that is pending on the day
310 on which the application for the incorporation petition is filed.

311 (4) (a) If the lieutenant governor determines that an incorporation petition application
312 complies with the requirements described in Subsection (3)(a), the lieutenant governor shall
313 accept the application and mail or transmit written notification of the acceptance to:

- 314 (i) the contact sponsor; and
315 (ii) the Utah Population [Estimates] Committee.

316 (b) If the lieutenant governor determines that an application does not comply with the
317 requirements described in Subsection (3)(a), the lieutenant governor shall reject the application
318 and mail or transmit written notification of the rejection, including the reason for the rejection,
319 to the contact sponsor.

320 (5) (a) Within 20 days after the day on which the lieutenant governor accepts an
321 application under Subsection (4)(a), the Utah Population [Estimates] Committee shall:

- 322 (i) determine the population of the proposed town as of the date the application was
323 filed under Subsection (3) for the proposed town; and
324 (ii) provide that determination to the lieutenant governor.

325 (b) If the Utah Population [Estimates] Committee determines that the population of the
326 proposed town does not meet the requirements described in Subsection (2)(b)(i), the lieutenant
327 governor shall rescind the acceptance described in Subsection (4)(a) and reject the application
328 in accordance with Subsection (4)(b).

329 (6) Within 30 days after the day on which the lieutenant governor receives the
330 determination described in Subsection (5)(b) but before collecting signatures under Subsection
331 (7), the sponsors of the incorporation petition shall hold a public hearing at which the public
332 may:

- 333 (a) review the map or plat of the proposed town described in Subsection (3)(a)(v);
334 (b) ask questions and receive information about the incorporation of the proposed
335 town; and
336 (c) express views about the proposed incorporation, including views regarding the
337 boundary of the proposed town.

338 (7) (a) If, after holding the public hearing described in Subsection (6), the sponsors
339 wish to proceed with the proposed incorporation, the sponsors shall circulate an incorporation
340 petition that, in order to be declared sufficient under Subsection (8)(b)(i), must be signed by:

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

342 (A) is located within the boundaries of the proposed town; and

343 (B) is collectively greater than or equal to 20% of the assessed value of all private real
344 property within the boundaries of the proposed town; and

345 (ii) 20% of the registered voters residing within the boundaries of the proposed town,
346 as of the day on which the petition is filed.

347 (b) The petition sponsors shall ensure that the petition is:

348 (i) accompanied by and circulated with a copy of the map described in Subsection
349 (3)(a)(v); and

350 (ii) printed in substantially the following form:

351 "PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
352 town)

353 To the Honorable Lieutenant Governor:

354 We, the undersigned, respectfully petition the lieutenant governor to direct the county to
355 submit to the registered voters residing within the area described in this petition, in an election,
356 the question of whether the area should incorporate as a town. Each of the undersigned affirms
357 that each has personally signed this petition and is an owner of real property located within, or
358 is a registered voter residing within, the described area, and that the current residence address
359 of each is correctly written after the signer's name. The area we propose for incorporation as a
360 town is described as follows: (insert an accurate description of the area proposed to be
361 incorporated)."

362 (c) An individual who signs a petition described in this Subsection (7) may withdraw
363 or reinstate the individual's signature by filing a written, signed statement with the lieutenant
364 governor before the lieutenant governor certifies the petition signatures under Subsection (8).

365 (d) The petition sponsors shall submit a completed petition to the lieutenant governor
366 no later than 316 days after the day on which the sponsors submit the application described in
367 Subsection (3)(a) to the lieutenant governor.

368 (8) No later than 20 days after the day on which the sponsors submit the petition to the

369 lieutenant governor under Subsection (7)(d), the lieutenant governor shall:
370 (a) determine whether the petition complies with the requirements described in
371 Subsection (7); and
372 (b) (i) if the lieutenant governor determines that the petition complies with the
373 requirements described in Subsection (7):
374 (A) certify the petition as sufficient; and
375 (B) mail or deliver written notification of the certification to the contact sponsor; or
376 (ii) if the lieutenant governor determines that the petition does not comply with the
377 requirements described in Subsection (7):
378 (A) reject the petition; and
379 (B) notify the contact sponsor in writing of the rejection and the reasons for the
380 rejection.
381 (9) (a) Petition sponsors may amend a petition that the lieutenant governor rejected
382 under Subsection (8)(b)(ii) by:
383 (i) correcting the reason for which the lieutenant governor rejects the petition; and
384 (ii) submitting an amended petition to the lieutenant governor no later than the deadline
385 described in Subsection (7)(d).
386 (b) A valid signature on a petition that the lieutenant governor rejects under Subsection
387 (8)(b)(ii) is valid for an amended petition that the petition sponsors submit to the lieutenant
388 governor under Subsection (9)(a).
389 (c) The lieutenant governor shall review an amended petition in accordance with
390 Subsection (8).
391 (d) The sponsors of an incorporation petition may not amend the petition more than
392 once.
393 (10) (a) If the lieutenant governor certifies an incorporation petition as sufficient under
394 Subsection (8), the lieutenant governor shall, within seven days after the day on which the
395 lieutenant governor certifies the petition, mail or transmit written notice of the proposed
396 incorporation to each person who owns private real property that:
397 (i) is located within the boundaries of the proposed town; and
398 (ii) has a value that is greater than or equal to 1% of the assessed value of all private
399 real property within the boundaries of the proposed town.

400 (b) A person described in Subsection (10)(a) may request that the lieutenant governor
401 exclude all or part of the person's property from boundaries of the proposed town if:

402 (i) the property does not require, and is not expected to require, a municipal service
403 that the proposed town will provide; and

404 (ii) exclusion of the property will not leave an unincorporated island within the
405 proposed town.

406 (c) (i) To request exclusion under this Subsection (10), a person described in
407 Subsection (10)(a) shall file a written request with the lieutenant governor within 10 days after
408 the day on which the person receives the notice described in Subsection (10)(a).

409 (ii) The notice shall describe the property for which the person requests exclusion.

410 (d) (i) The lieutenant governor shall exclude property from the boundaries of the
411 proposed town if the property is described in a written request filed under Subsection (10)(c)
412 and meets the requirements described in Subsection (10)(b).

413 (ii) Within five days after the lieutenant governor excludes the property, the lieutenant
414 governor shall mail or transmit written notice of the exclusion to the person who filed the
415 request and to the contact sponsor.

416 (11) (a) If the lieutenant governor certifies an incorporation petition as sufficient under
417 Subsection (8), the lieutenant governor shall, in accordance with Title 63G, Chapter 6a, Utah
418 Procurement Code, procure the services of a feasibility consultant to conduct a financial
419 feasibility study on the proposed incorporation.

420 (b) The lieutenant governor shall ensure that a feasibility consultant selected under
421 Subsection (11)(a):

422 (i) has expertise in the processes and economics of local government; and

423 (ii) is not affiliated with:

424 (A) a sponsor of the incorporation petition to which the feasibility study relates; or

425 (B) the county in which the proposed town is located.

426 (c) The lieutenant governor shall require the feasibility consultant to complete the
427 financial feasibility study and submit written results of the study to the lieutenant governor no
428 later than 60 days after the day on which the lieutenant governor procures the services of the
429 feasibility consultant.

430 (d) The financial consultant shall ensure that the financial feasibility study includes:

431 (i) an analysis of the population and population density within the boundaries of the
432 proposed town and the surrounding area;

433 (ii) the current and projected five-year demographics of, and tax base within, the
434 boundaries of the proposed town and the surrounding area, including household size and
435 income, commercial and industrial development, and public facilities;

436 (iii) subject to Subsection (11)(e), the current and five-year projected cost of providing
437 municipal services to the proposed town, including administrative costs;

438 (iv) assuming the same tax categories and tax rates as currently imposed by the county
439 and all other current municipal services providers, the present and five-year projected revenue
440 for the proposed town;

441 (v) a projection of the tax burden per household of any new taxes that may be levied
442 within the proposed town within five years of the town's incorporation; and

443 (vi) if the lieutenant governor excludes property from the proposed town under
444 Subsection (10)(d), an update to the map and legal description described in Subsection
445 (3)(a)(v).

446 (e) (i) For purposes of Subsection (11)(d)(iii), the feasibility consultant shall assume
447 that the proposed town will provide a level and quality of municipal services that fairly and
448 reasonably approximate the level and quality of municipal services that are provided to the
449 proposed town at the time the feasibility consultant conducts the feasibility study.

450 (ii) In determining the present cost of municipal services, the feasibility consultant
451 shall consider:

452 (A) the amount it would cost the proposed town to provide the municipal services for
453 the first five years after the town's incorporation; and

454 (B) the current municipal services provider's present and five-year projected cost of
455 providing the municipal services.

456 (iii) In calculating the costs described in Subsection (11)(d)(iii), the feasibility
457 consultant shall account for inflation and anticipated growth.

458 (f) If the five-year projected revenues described in Subsection (11)(d)(iv) exceed the
459 five-year projected costs described in Subsection (11)(d)(iii) by more than 10%, the feasibility
460 consultant shall project and report the expected annual revenue surplus to the contact sponsor
461 and the lieutenant governor.

462 (g) The lieutenant governor shall publish the feasibility study on the lieutenant
463 governor's website and make a copy of the feasibility study available for public review at the
464 Office of the Lieutenant Governor.

465 (12) After the lieutenant governor conducts the feasibility study, the lieutenant
466 governor shall hold a public hearing in accordance with Section [10-2a-303](#).

467 Section 5. Section **17-27a-901** is amended to read:

468 **17-27a-901. Mountainous planning district.**

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

472 (i) the area is primarily used for recreational purposes, including canyons, foothills, ski
473 resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas within the
474 Wasatch Range;

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

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

479 (iv) the area is within the unincorporated area of the county or was within the
480 unincorporated area of the county before May 12, 2015; and

481 (v) the area includes land designated as part of a national forest on or before May 9,
482 2017.

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

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

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

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

492 (iii) A subdivision and zoning ordinance that governs property located within a

493 mountainous planning district shall control over any subdivision or zoning ordinance, as
494 applicable, that a municipality may adopt.

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

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

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

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

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

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

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

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

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

514 (i) a mountainous planning district; and

515 (ii) a municipality.

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

518 (3) A planning commission with jurisdiction over a mountainous planning district in a
519 county of the first class shall submit a report that summarizes actions the planning commission
520 has taken and any recommendations regarding the mountainous planning district to the
521 Legislature's Natural Resources, Agriculture, and Environment Interim Committee by no later
522 than November 30 of each year.

523 Section 6. Section 17-50-502 is amended to read:

524 **17-50-502. Change of class of county.**

525 (1) Each county shall retain its classification under Section 17-50-501 until changed as
526 provided in this section.

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

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

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

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

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

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

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

542 Section 7. Section 17B-2a-807 is amended to read:

543 **17B-2a-807. Public transit district board of trustees -- Appointment --**
544 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

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

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

554 (c) The board of trustees of a public transit district under this Subsection (1) may

555 include a member that is a commissioner on the Transportation Commission created in Section
556 72-1-301 and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex
557 officio member.

558 (d) Members appointed under this Subsection (1) shall be appointed and added to the
559 board or omitted from the board at the time scheduled routes are changed, or as municipalities,
560 counties, or unincorporated areas of counties annex to or withdraw from the district using the
561 same appointment procedures.

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

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

570 (i) 11 members:

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

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

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

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

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

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

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

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

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

586 apportionment.

587 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment
588 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county
589 or combination of counties with the smallest additional fraction of a whole member proportion
590 shall have one less member apportioned to it.

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

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

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

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

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

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

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

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

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

620 (k) Voting members representing a municipality or combination of municipalities shall
621 be designated and appointed by the chief executive officer of the municipality or simple
622 majority of chief executive officers of municipalities with the consent of the legislative body of
623 the municipality or municipalities.

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

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

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

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

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

637 (o) (i) The board shall be apportioned as provided under this section in conjunction
638 with the decennial United States [~~Census~~] Bureau of the Census report every 10 years.

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

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

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

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

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

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

651 (B) in accordance with Section 17B-2a-807.5.

652 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
653 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the
654 same basis as if the area had been included in the district as originally organized.

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

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

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

659 (c) one member appointed by the governor.

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

663 (6) (a) Vacancies for members shall be filled by the official appointing the member
664 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within
665 90 days.

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

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

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

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

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

677 (8) Each public transit district shall pay to each member per diem and travel expenses
678 for meetings actually attended, in accordance with Section 11-55-103.

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

681 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and
682 secretary.

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

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

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

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

694 (11) The Transportation Commission created in Section 72-1-301:

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

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

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

705 (b) The nonvoting member representing the combination of municipalities and
706 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a
707 weighted vote of the majority of the chief executive officers of the municipalities described in
708 Subsection (12)(a).

709 (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the

710 proportion of the public transit district population that resides within that municipality and the
711 adjacent unincorporated areas within the same county.

712 (13) (a) (i) Each member of the board of trustees of a public transit district is subject to
713 recall at any time by the legislative body of the county or municipality from which the member
714 is appointed.

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

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

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

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

723 Section 8. Section 20A-13-103 is amended to read:

724 **20A-13-103. Omissions from maps -- How resolved.**

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

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

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

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

736 Section 9. Section 20A-14-102.1 is amended to read:

737 **20A-14-102.1. Omissions from maps -- How resolved.**

738 (1) If any area of the state is omitted from a State Board of Education district in the
739 Board shapefile enacted by the Legislature, the county clerk of the affected county, upon
740 discovery of the omission, shall attach the area to the appropriate State Board of Education

741 district according to the requirements of Subsections (2) and (3).

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

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

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

749 Section 10. Section **26-18-501** is amended to read:

750 **26-18-501. Definitions.**

751 As used in this part:

752 (1) "Certified program" means a nursing care facility program with Medicaid
753 certification.

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

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

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

760 (i) skilled nursing facilities;

761 (ii) intermediate care facilities; and

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

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

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

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

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

772 (a) the most recent official census or census estimate of the United States [~~Census~~
773 Bureau of the Census; or

774 (b) the most recent population estimate for the county from the Utah Population
775 [~~Estimates~~] Committee, if a population figure for the county is not available under Subsection
776 (7)(a).

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

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

780 Section 11. Section **26-46a-102** is amended to read:

781 **26-46a-102. Definitions.**

782 As used in this chapter:

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

785 (2) "Physician" means a person:

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

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

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

791 (a) the most recent official census or census estimate of the United States [~~Census~~
792 Bureau of the Census; or

793 (b) the most recent population estimate for the county from the Utah Population
794 [~~Estimates~~] Committee, if a population figure for the county is not available under Subsection
795 (3)(a).

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

797 Section 12. Section **26A-1-115** is amended to read:

798 **26A-1-115. Apportionment of costs -- Contracts to provide services -- Percentage**
799 **match of state funds -- Audit.**

800 (1) (a) The cost of establishing and maintaining a multicounty local health department
801 may be apportioned among the participating counties on the basis of population in proportion
802 to the total population of all counties within the boundaries of the local health department, or

803 upon other bases agreeable to the participating counties.

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

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

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

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

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

815 (4) Contract funds distributed under Subsection (3) shall be in accordance with Section
816 26A-1-116 and policies and procedures adopted by the department.

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

819 (6) All state funds distributed by contract from the department to local health
820 departments for public health services shall be matched by those local health departments at a
821 percentage determined by the department in consultation with local health departments.

822 Counties shall have no legal obligation to match state funds at percentages in excess of those
823 established by the department and shall suffer no penalty or reduction in state funding for
824 failing to exceed the required funding match.

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

829 (b) The local health department shall provide a copy of the audit report to the
830 department and the local governing bodies of counties participating in the local health
831 department.

832 Section 13. Section 32B-2-402 is amended to read:

833 **32B-2-402. Definitions -- Calculations.**

- 834 (1) As used in this part:
- 835 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
- 836 Treatment Restricted Account created in Section 32B-2-403.
- 837 (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory
- 838 Council created in Section 63M-7-301.
- 839 (c) "Alcohol-related offense" means:
- 840 (i) a violation of:
- 841 (A) Section 41-6a-502; or
- 842 (B) an ordinance that complies with the requirements of:
- 843 (I) Subsection 41-6a-510(1); or
- 844 (II) Section 76-5-207; or
- 845 (ii) an offense involving the illegal:
- 846 (A) sale of an alcoholic product;
- 847 (B) consumption of an alcoholic product;
- 848 (C) distribution of an alcoholic product;
- 849 (D) transportation of an alcoholic product; or
- 850 (E) possession of an alcoholic product.
- 851 (d) "Annual conviction time period" means the time period that:
- 852 (i) begins on July 1 and ends on June 30; and
- 853 (ii) immediately precedes the fiscal year for which an appropriation under this part is
- 854 made.
- 855 (e) "Municipality" means:
- 856 (i) a city;
- 857 (ii) a town; or
- 858 (iii) a metro township.
- 859 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
- 860 Administrative Rulemaking Act, by the Division of Substance Abuse and Mental Health within
- 861 the Department of Human Services.
- 862 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
- 863 Health shall:
- 864 (A) include only evidence-based or evidence-informed programs; and

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

867 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located
868 within the limits of a municipality or county:

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

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

871 (i) a state store;

872 (ii) a package agency; and

873 (iii) a retail licensee; and

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

876 (3) The department shall determine:

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

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

882 (c) a county's population for the 25% distribution to counties under Subsection
883 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of
884 a municipality.

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

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

889 Section 14. Section 35A-2-101 is amended to read:

890 **35A-2-101. Economic service areas -- Creation.**

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

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

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

- 896 (a) areas comprised of multiple counties;
- 897 (b) the alignment of transportation and other infrastructure or services;
- 898 (c) the interdependence of the economy within a geographic area;
- 899 (d) the ability to develop regional marketing and economic development programs;
- 900 (e) the labor market areas;
- 901 (f) the population of the area, as established in the most recent estimate by the Utah

902 Population [~~Estimates~~] Committee;

- 903 (g) the number of individuals in the previous year receiving:
 - 904 (i) services under Chapter 3, Employment Support Act; and
 - 905 (ii) benefits under Chapter 4, Employment Security Act; and
- 906 (h) other factors that relate to the management of the programs administered or that
- 907 relate to the delivery of services provided under this title.

908 Section 15. Section **36-1-104** is amended to read:

909 **36-1-104. Omissions from maps -- How resolved.**

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

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

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

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

921 Section 16. Section **36-1-203** is amended to read:

922 **36-1-203. Omissions from maps -- How resolved.**

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

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

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

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

934 Section 17. Section **59-12-205** is amended to read:

935 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
936 **tax revenue -- Determination of population.**

937 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
938 [59-12-204](#), a county, city, or town shall adopt amendments to the county's, city's, or town's
939 sales and use tax ordinances:

940 (a) within 30 days of the day on which the state makes an amendment to an applicable
941 provision of Part 1, Tax Collection; and

942 (b) as required to conform to the amendments to Part 1, Tax Collection.

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

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

948 (b) (i) except as provided in Subsection (2)(b)(ii), 50% of each dollar collected from
949 the sales and use tax authorized by this part shall be distributed to each county, city, and town
950 on the basis of the location of the transaction as determined under Sections [59-12-211](#) through
951 [59-12-215](#); and

952 (ii) 50% of each dollar collected from the sales and use tax authorized by this part
953 within a project area described in a project area plan adopted by the military installation
954 development authority under Title 63H, Chapter 1, Military Installation Development
955 Authority Act, shall be distributed to the military installation development authority created in
956 Section [63H-1-201](#).

957 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall

958 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

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

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

961 (B) city of the fifth class; or

962 (C) town;

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

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

972 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
973 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
974 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
975 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
976 2002 North American Industry Classification System of the federal Executive Office of the
977 President, Office of Management and Budget; and

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

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

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

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

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

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

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

993 (A) the numerator of the fraction is the difference calculated by subtracting the
994 distribution a county, city, or town described in Subsection (3)(a) received under this section
995 for the calendar year beginning on January 1, 2008, from the distribution under this section that
996 the county, city, or town received for the calendar year beginning on January 1, 2007; and

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

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

1000 (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year
1001 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of
1002 the taxable sales within the boundaries of the county, city, or town.

1003 (b) The commission shall proportionally reduce monthly distributions to any county,
1004 city, or town that, but for the reduction, would receive a distribution in excess of 1% of the
1005 sales and use tax revenue collected within the boundaries of the county, city, or town.

1006 (5) (a) As used in this Subsection (5):

1007 (i) "Eligible county, city, or town" means a county, city, or town that receives \$2,000 or
1008 more in tax revenue distributions in accordance with Subsection (4) for each of the following
1009 fiscal years:

1010 (A) fiscal year 2002-03;

1011 (B) fiscal year 2003-04; and

1012 (C) fiscal year 2004-05.

1013 (ii) "Minimum tax revenue distribution" means the greater of:

1014 (A) the total amount of tax revenue distributions an eligible county, city, or town
1015 receives from a tax imposed in accordance with this part for fiscal year 2000-01; or

1016 (B) the total amount of tax revenue distributions an eligible county, city, or town
1017 receives from a tax imposed in accordance with this part for fiscal year 2004-05.

1018 (b) (i) Except as provided in Subsection (5)(b)(ii), beginning with fiscal year 2006-07
1019 and ending with fiscal year 2012-13, an eligible county, city, or town shall receive a tax

1020 revenue distribution for a tax imposed in accordance with this part equal to the greater of:

1021 (A) the payment required by Subsection (2); or

1022 (B) the minimum tax revenue distribution.

1023 (ii) If the tax revenue distribution required by Subsection (5)(b)(i) for an eligible

1024 county, city, or town is equal to the amount described in Subsection (5)(b)(i)(A) for three

1025 consecutive fiscal years, for fiscal years beginning with the fiscal year immediately following

1026 that three consecutive fiscal year period, the eligible county, city, or town shall receive the tax

1027 revenue distribution equal to the payment required by Subsection (2).

1028 (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year

1029 2015-16, an eligible county, city, or town shall receive the minimum tax revenue distribution

1030 for that fiscal year if for fiscal year 2012-13 the payment required by Subsection (2) to that

1031 eligible county, city, or town is less than or equal to the product of:

1032 (i) the minimum tax revenue distribution; and

1033 (ii) .90.

1034 (6) (a) As used in this Subsection (6):

1035 (i) "Eligible county, city, or town" means a county, city, or town that:

1036 (A) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue

1037 distributions for fiscal year 2002-03;

1038 (B) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue

1039 distributions for fiscal year 2003-04;

1040 (C) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue

1041 distributions for fiscal year 2004-05;

1042 (D) for a fiscal year beginning with fiscal year 2012-13 and ending with fiscal year

1043 2015-16, does not receive a tax revenue distribution described in Subsection (5) equal to the

1044 amount described in Subsection (5)(b)(i)(A) for three consecutive fiscal years; and

1045 (E) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,

1046 2016.

1047 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue

1048 distributions an eligible county, city, or town receives from a tax imposed in accordance with

1049 this part for fiscal year 2004-05.

1050 (b) Beginning with fiscal year 2016-17, an eligible county, city, or town shall receive a

1051 tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:

1052 (i) the payment required by Subsection (2); or

1053 (ii) the minimum tax revenue distribution.

1054 (7) (a) Population figures for purposes of this section shall be based on the most recent
1055 official census or census estimate of the United States [~~Census~~] Bureau of the Census.

1056 (b) If a needed population estimate is not available from the United States [~~Census~~]
1057 Bureau of the Census, population figures shall be derived from the estimate from the Utah
1058 Population [~~Estimates~~] Committee [~~created by executive order of the governor~~].

1059 (c) The population of a county for purposes of this section shall be determined only
1060 from the unincorporated area of the county.

1061 Section 18. Section **59-12-2219** is amended to read:

1062 **59-12-2219. County option sales and use tax for highways and public transit --**
1063 **Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant**
1064 **existing budgeted transportation revenue.**

1065 (1) As used in this section:

1066 (a) "Class B road" means the same as that term is defined in Section [72-3-103](#).

1067 (b) "Class C road" means the same as that term is defined in Section [72-3-104](#).

1068 (c) "Eligible political subdivision" means a political subdivision that:

1069 (i) (A) on May 12, 2015, provides public transit services; or

1070 (B) after May 12, 2015, provides written notice to the commission in accordance with
1071 Subsection (10)(b) that it intends to provide public transit service within a county;

1072 (ii) is not a public transit district; and

1073 (iii) is not annexed into a public transit district.

1074 (d) "Public transit district" means a public transit district organized under Title 17B,
1075 Chapter 2a, Part 8, Public Transit District Act.

1076 (2) Subject to the other provisions of this part, a county legislative body may impose a
1077 sales and use tax of .25% on the transactions described in Subsection [59-12-103](#)(1) within the
1078 county, including the cities and towns within the county.

1079 (3) The commission shall distribute sales and use tax revenue collected under this
1080 section as provided in Subsections (4) through (10).

1081 (4) If the entire boundary of a county that imposes a sales and use tax under this section

1082 is annexed into a single public transit district, the commission shall distribute the sales and use
1083 tax revenue collected within the county as follows:

1084 (a) .10% shall be transferred to the public transit district in accordance with Section
1085 [59-12-2206](#);

1086 (b) .10% shall be distributed as provided in Subsection (8); and

1087 (c) .05% shall be distributed to the county legislative body.

1088 (5) If the entire boundary of a county that imposes a sales and use tax under this section
1089 is not annexed into a single public transit district, but a city or town within the county is
1090 annexed into a single public transit district that also has a county of the first class annexed into
1091 the same public transit district, the commission shall distribute the sales and use tax revenue
1092 collected within the county as follows:

1093 (a) for a city or town within the county that is annexed into a single public transit
1094 district, the commission shall distribute the sales and use tax revenue collected within that city
1095 or town as follows:

1096 (i) .10% shall be transferred to the public transit district in accordance with Section
1097 [59-12-2206](#);

1098 (ii) .10% shall be distributed as provided in Subsection (8); and

1099 (iii) .05% shall be distributed to the county legislative body;

1100 (b) for an eligible political subdivision within the county, the commission shall
1101 distribute the sales and use tax revenue collected within that eligible political subdivision as
1102 follows:

1103 (i) .10% shall be transferred to the eligible political subdivision in accordance with
1104 Section [59-12-2206](#);

1105 (ii) .10% shall be distributed as provided in Subsection (8); and

1106 (iii) .05% shall be distributed to the county legislative body; and

1107 (c) the commission shall distribute the sales and use tax revenue, except for the sales
1108 and use tax revenue described in Subsections (5)(a) and (b), as follows:

1109 (i) .10% shall be distributed as provided in Subsection (8); and

1110 (ii) .15% shall be distributed to the county legislative body.

1111 (6) For a county not described in Subsection (4) or (5), if the entire boundary of a
1112 county of the first or second class that imposes a sales and use tax under this section is not

1113 annexed into a single public transit district, or if there is not a public transit district within the
1114 county, the commission shall distribute the sales and use tax revenue collected within the
1115 county as follows:

1116 (a) for a city or town within the county that is annexed into a single public transit
1117 district, the commission shall distribute the sales and use tax revenue collected within that city
1118 or town as follows:

1119 (i) .10% shall be transferred to the public transit district in accordance with Section
1120 [59-12-2206](#);

1121 (ii) .10% shall be distributed as provided in Subsection (8); and

1122 (iii) .05% shall be distributed to the county legislative body;

1123 (b) for an eligible political subdivision within the county, the commission shall
1124 distribute the sales and use tax revenue collected within that eligible political subdivision as
1125 follows:

1126 (i) .10% shall be transferred to the eligible political subdivision in accordance with
1127 Section [59-12-2206](#);

1128 (ii) .10% shall be distributed as provided in Subsection (8); and

1129 (iii) .05% shall be distributed to the county legislative body; and

1130 (c) the commission shall distribute the sales and use tax revenue, except for the sales
1131 and use tax revenue described in Subsections (6)(a) and (b), as follows:

1132 (i) .10% shall be distributed as provided in Subsection (8); and

1133 (ii) .15% shall be distributed to the county legislative body.

1134 (7) For a county not described in Subsection (4) or (5), if the entire boundary of a
1135 county of the third, fourth, fifth, or sixth class that imposes a sales and use tax under this
1136 section is not annexed into a single public transit district, or if there is not a public transit
1137 district within the county, the commission shall distribute the sales and use tax revenue
1138 collected within the county as follows:

1139 (a) for a city or town within the county that is annexed into a single public transit
1140 district, the commission shall distribute the sales and use tax revenue collected within that city
1141 or town as follows:

1142 (i) .10% shall be distributed as provided in Subsection (8);

1143 (ii) .10% shall be distributed as provided in Subsection (9); and

1144 (iii) .05% shall be distributed to the county legislative body;

1145 (b) for an eligible political subdivision within the county, the commission shall

1146 distribute the sales and use tax revenue collected within that eligible political subdivision as

1147 follows:

1148 (i) .10% shall be distributed as provided in Subsection (8);

1149 (ii) .10% shall be distributed as provided in Subsection (9); and

1150 (iii) .05% shall be distributed to the county legislative body; and

1151 (c) the commission shall distribute the sales and use tax revenue, except for the sales

1152 and use tax revenue described in Subsections (7)(a) and (b), as follows:

1153 (i) .10% shall be distributed as provided in Subsection (8); and

1154 (ii) .15% shall be distributed to the county legislative body.

1155 (8) (a) Subject to Subsection (8)(b), the commission shall make the distributions

1156 required by Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), (5)(c)(i), (6)(a)(ii), (6)(b)(ii), (6)(c)(i),

1157 (7)(a)(i), (7)(b)(i), (7)(c)(i), and (9)(d)(ii)(A) as follows:

1158 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),

1159 (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

1160 counties that impose a tax under this section shall be distributed to the unincorporated areas,

1161 cities, and towns within those counties on the basis of the percentage that the population of

1162 each unincorporated area, city, or town bears to the total population of all of the counties that

1163 impose a tax under this section; and

1164 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),

1165 (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

1166 counties that impose a tax under this section shall be distributed to the unincorporated areas,

1167 cities, and towns within those counties on the basis of the location of the transaction as

1168 determined under Sections [59-12-211](#) through [59-12-215](#).

1169 (b) (i) Population for purposes of this Subsection (8) shall be determined on the basis

1170 of the most recent official census or census estimate of the United States [~~Census~~] Bureau of

1171 the Census.

1172 (ii) If a needed population estimate is not available from the United States [~~Census~~]

1173 Bureau of the Census, population figures shall be derived from an estimate from the Utah

1174 Population [~~Estimates~~] Committee [~~created by executive order of the governor~~].

1175 (9) (a) (i) Subject to the requirements in Subsections (9)(b) and (c), a county legislative
1176 body:

1177 (A) for a county that obtained approval from a majority of the county's registered
1178 voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016,
1179 may, in consultation with any cities, towns, or eligible political subdivisions within the county,
1180 and in compliance with the requirements for changing an allocation under Subsection (9)(e),
1181 allocate the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) by adopting a resolution specifying
1182 the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a
1183 public transit district or an eligible political subdivision; or

1184 (B) for a county that obtains approval from a majority of the county's registered voters
1185 voting on the imposition of a sales and use tax under this section on or after May 10, 2016,
1186 shall, in consultation with any cities, towns, or eligible political subdivisions within the county,
1187 allocate the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) by adopting a resolution specifying
1188 the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a
1189 public transit district or an eligible political subdivision.

1190 (ii) If a county described in Subsection (9)(a)(i)(A) does not allocate the revenue under
1191 Subsection (7)(a)(ii) or (7)(b)(ii) in accordance with Subsection (9)(a)(i)(A), the commission
1192 shall distribute 100% of the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) to:

1193 (A) a public transit district for a city or town within the county that is annexed into a
1194 single public transit district; or

1195 (B) an eligible political subdivision within the county.

1196 (b) If a county legislative body allocates the revenue as described in Subsection
1197 (9)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under
1198 Subsection (7)(a)(ii) or (7)(b)(ii) to:

1199 (i) a public transit district for a city or town within the county that is annexed into a
1200 single public transit district; or

1201 (ii) an eligible political subdivision within the county.

1202 (c) Notwithstanding Section [59-12-2208](#), the opinion question required by Section
1203 [59-12-2208](#) shall state the allocations the county legislative body makes in accordance with this
1204 Subsection (9).

1205 (d) The commission shall make the distributions required by Subsection (7)(a)(ii) or

1206 (7)(b)(ii) as follows:

1207 (i) the percentage specified by a county legislative body shall be distributed in
1208 accordance with a resolution adopted by a county legislative body under Subsection (9)(a) to an
1209 eligible political subdivision or a public transit district within the county; and

1210 (ii) except as provided in Subsection (9)(a)(ii), if a county legislative body allocates
1211 less than 100% of the revenue under Subsection (7)(a)(ii) or (7)(b)(ii) to a public transit district
1212 or an eligible political subdivision, the remainder of the revenue under Subsection (7)(a)(ii) or
1213 (7)(b)(ii) not allocated by a county legislative body through a resolution under Subsection
1214 (9)(a) shall be distributed as follows:

1215 (A) 50% of the revenue as provided in Subsection (8); and

1216 (B) 50% of the revenue to the county legislative body.

1217 (e) If a county legislative body seeks to change an allocation specified in a resolution
1218 under Subsection (9)(a), the county legislative body may change the allocation by:

1219 (i) adopting a resolution in accordance with Subsection (9)(a) specifying the percentage
1220 of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be allocated to a public transit
1221 district or an eligible political subdivision;

1222 (ii) obtaining approval to change the allocation of the sales and use tax by a majority of
1223 all the members of the county legislative body; and

1224 (iii) subject to Subsection (9)(f):

1225 (A) in accordance with Section 59-12-2208, submitting an opinion question to the
1226 county's registered voters voting on changing the allocation so that each registered voter has the
1227 opportunity to express the registered voter's opinion on whether the allocation should be
1228 changed; and

1229 (B) in accordance with Section 59-12-2208, obtaining approval to change the
1230 allocation from a majority of the county's registered voters voting on changing the allocation.

1231 (f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection
1232 (9)(e)(iii)(A) shall state the allocations specified in the resolution adopted in accordance with
1233 Subsection (9)(e) and approved by the county legislative body in accordance with Subsection
1234 (9)(e)(ii).

1235 (g) (i) If a county makes an allocation by adopting a resolution under Subsection (9)(a)
1236 or changes an allocation by adopting a resolution under Subsection (9)(e), the allocation shall

1237 take effect on the first distribution the commission makes under this section after a 90-day
1238 period that begins on the date the commission receives written notice meeting the requirements
1239 of Subsection (9)(g)(ii) from the county.

1240 (ii) The notice described in Subsection (9)(g)(i) shall state:

1241 (A) that the county will make or change the percentage of an allocation under
1242 Subsection (9)(a) or (e); and

1243 (B) the percentage of revenue under Subsection (7)(a)(ii) or (7)(b)(ii) that will be
1244 allocated to a public transit district or an eligible political subdivision.

1245 (10) (a) If a public transit district is organized after the date a county legislative body
1246 first imposes a tax under this section, a change in a distribution required by this section may
1247 not take effect until the first distribution the commission makes under this section after a
1248 90-day period that begins on the date the commission receives written notice from the public
1249 transit district of the organization of the public transit district.

1250 (b) If an eligible political subdivision intends to provide public transit service within a
1251 county after the date a county legislative body first imposes a tax under this section, a change
1252 in a distribution required by this section may not take effect until the first distribution the
1253 commission makes under this section after a 90-day period that begins on the date the
1254 commission receives written notice from the eligible political subdivision stating that the
1255 eligible political subdivision intends to provide public transit service within the county.

1256 (11) A county, city, or town may expend revenue collected from a tax under this
1257 section, except for revenue the commission distributes in accordance with Subsection (4)(a),
1258 (5)(a)(i), (5)(b)(i), or (9)(d)(i) for:

1259 (a) a class B road;

1260 (b) a class C road;

1261 (c) traffic and pedestrian safety, including for a class B road or class C road, for:

1262 (i) a sidewalk;

1263 (ii) curb and gutter;

1264 (iii) a safety feature;

1265 (iv) a traffic sign;

1266 (v) a traffic signal;

1267 (vi) street lighting; or

- 1268 (vii) a combination of Subsections (11)(c)(i) through (vi);
- 1269 (d) the construction, maintenance, or operation of an active transportation facility that
- 1270 is for nonmotorized vehicles and multimodal transportation and connects an origin with a
- 1271 destination;
- 1272 (e) public transit system services; or
- 1273 (f) a combination of Subsections (11)(a) through (e).

1274 (12) A public transit district or an eligible political subdivision may expend revenue
1275 the commission distributes in accordance with Subsection (4)(a), (5)(a)(i), (5)(b)(i), or (9)(d)(i)
1276 for capital expenses and service delivery expenses of the public transit district or eligible
1277 political subdivision.

1278 (13) (a) Revenue collected from a sales and use tax under this section may not be used
1279 to supplant existing general fund appropriations that a county, city, or town has budgeted for
1280 transportation as of the date the tax becomes effective for a county, city, or town.

1281 (b) The limitation under Subsection (13)(a) does not apply to a designated
1282 transportation capital or reserve account a county, city, or town may have established prior to
1283 the date the tax becomes effective.

1284 Section 19. Section **62A-15-611** is amended to read:

1285 **62A-15-611. Allocation of state hospital beds -- Formula.**

1286 (1) As used in this section:

1287 (a) "Adult beds" means the total number of patient beds located in the adult general
1288 psychiatric unit and the geriatric unit at the state hospital, as determined by the superintendent
1289 of the state hospital.

1290 (b) "Mental health catchment area" means a county or group of counties governed by a
1291 local mental health authority.

1292 (2) (a) The division shall establish by rule a formula to separately allocate to local
1293 mental health authorities adult beds for persons who meet the requirements of Subsection
1294 **62A-15-610(2)(a)**. Beginning on May 10, 2011, and ending on June 30, 2011, 152 beds shall
1295 be allocated to local mental health authorities under this section.

1296 (b) The number of beds shall be reviewed and adjusted as necessary:

1297 (i) on July 1, 2011, to restore the number of beds allocated to 212 beds as funding
1298 permits; and

1299 (ii) on July 1, 2011, and every three years after July 1, 2011, according to the state's
1300 population.

1301 (c) All population figures utilized shall reflect the most recent available population
1302 estimates from the Utah Population [Estimates] Committee.

1303 (3) The formula established under Subsection (2) shall provide for allocation of beds
1304 based on:

1305 (a) the percentage of the state's adult population located within a mental health
1306 catchment area; and

1307 (b) a differential to compensate for the additional demand for hospital beds in mental
1308 health catchment areas that are located in urban areas.

1309 (4) A local mental health authority may sell or loan its allocation of beds to another
1310 local mental health authority.

1311 (5) The division shall allocate adult beds at the state hospital to local mental health
1312 authorities for their use in accordance with the formula established under this section. If a local
1313 mental health authority is unable to access a bed allocated to it under the formula established
1314 under Subsection (2), the division shall provide that local mental health authority with funding
1315 equal to the reasonable, average daily cost of an acute care bed purchased by the local mental
1316 health authority.

1317 (6) The board shall periodically review and make changes in the formula established
1318 under Subsection (2) as necessary to accurately reflect changes in population.

1319 Section 20. Section **63C-19-101** is enacted to read:

1320 **CHAPTER 19. UTAH POPULATION COMMITTEE**

1321 **63C-19-101. Title.**

1322 This chapter is known as "Utah Population Committee."

1323 Section 21. Section **63C-19-102** is enacted to read:

1324 **63C-19-102. Definitions.**

1325 As used in this chapter, "committee" means the Utah Population Committee created by
1326 this chapter.

1327 Section 22. Section **63C-19-103** is enacted to read:

1328 **63C-19-103. Utah Population Committee -- Creation.**

1329 (1) There is created the Utah Population Committee composed of the following

1330 members:

1331 (a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the
1332 director's designee;

1333 (b) the director of the Population Research Laboratory at Utah State University or the
1334 director's designee;

1335 (c) the state planning coordinator appointed under Section [63J-4-202](#);

1336 (d) the director of the Workforce Research and Analysis Division within the
1337 Department of Workforce Services or the director's designee;

1338 (e) the director of the Office of Vital Records and Statistics or the director's designee;

1339 (f) the state superintendent of public instruction or the superintendent's designee;

1340 (g) the chair of the State Tax Commission or the chair's designee;

1341 (h) the legislative fiscal analyst or the legislative fiscal analyst's designee;

1342 (i) the commissioner of higher education or the commissioner's designee; and

1343 (j) any additional member appointed under Subsection (2).

1344 (2) (a) By a majority vote of the members of the committee, the committee may
1345 appoint one or more additional members to serve on the committee at the pleasure of the
1346 committee.

1347 (b) The committee shall ensure that each additional member appointed under
1348 Subsection (2)(a) is a data provider or a representative of a data provider.

1349 (3) The director of the Kem C. Gardner Policy Institute or the director's designee
1350 described in Subsection (1)(a) is the chair of the committee.

1351 Section 23. Section **63C-19-104** is enacted to read:

1352 **63C-19-104. Committee duties.**

1353 The committee shall:

1354 (1) prepare annual population estimates for the total population of the state and each
1355 county in the state;

1356 (2) review and comment on the methodologies and population estimates for all
1357 geographic levels for the state that the United States Bureau of the Census produces;

1358 (3) prepare place estimates for new political subdivision annexations and
1359 incorporations in the state;

1360 (4) prepare additional demographic estimates for the state that may include estimates

1361 related to race, ethnicity, age, sex, religious affiliation, or economic status; and
1362 (5) publish the estimates described in Subsections (1), (3), and (4) on the committee's
1363 website.

1364 Section 24. Section **63C-19-105** is enacted to read:

1365 **63C-19-105. State use of committee estimates -- Compliance.**

1366 (1) Except as provided in Subsection (2), and unless otherwise provided in statute or
1367 rule, if an executive branch entity, legislative branch entity, or independent entity is required to
1368 perform an action or make a determination based on a population estimate, the entity shall use
1369 a population estimate that the committee produces, if available.

1370 (2) (a) The Governor's Office of Management and Budget may make rules in
1371 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a
1372 population estimate other than a population estimate that the committee produces.

1373 (b) For the purpose of creating a revenue estimate, the Governor's Office of
1374 Management and Budget and the Office of the Legislative Fiscal Analyst are not required to
1375 use a population estimate that the committee produces.

1376 (c) For redistricting purposes, a legislative branch entity shall give priority to a
1377 population estimate that is produced by the United States Bureau of the Census.

1378 (3) A newly incorporated political subdivision shall provide the committee with a list
1379 of residential building permits issued within the boundaries of the political subdivision since
1380 the last decennial census.

1381 Section 25. Section **67-1a-2** is amended to read:

1382 **67-1a-2. Duties enumerated.**

1383 (1) The lieutenant governor shall:

1384 (a) perform duties delegated by the governor, including assignments to serve in any of
1385 the following capacities:

1386 (i) as the head of any one department, if so qualified, with the consent of the Senate,
1387 and, upon appointment at the pleasure of the governor and without additional compensation;

1388 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
1389 law for the purpose of advising the governor or coordinating intergovernmental or
1390 interdepartmental policies or programs;

1391 (iii) as liaison between the governor and the state Legislature to coordinate and

1392 facilitate the governor's programs and budget requests;

1393 (iv) as liaison between the governor and other officials of local, state, federal, and
1394 international governments or any other political entities to coordinate, facilitate, and protect the
1395 interests of the state;

1396 (v) as personal advisor to the governor, including advice on policies, programs,
1397 administrative and personnel matters, and fiscal or budgetary matters; and

1398 (vi) as chairperson or member of any temporary or permanent boards, councils,
1399 commissions, committees, task forces, or other group appointed by the governor;

1400 (b) serve on all boards and commissions in lieu of the governor, whenever so
1401 designated by the governor;

1402 (c) serve as the chief election officer of the state as required by Subsection (2);

1403 (d) keep custody of the Great Seal of Utah;

1404 (e) keep a register of, and attest, the official acts of the governor;

1405 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1406 which the official signature of the governor is required; and

1407 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1408 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
1409 it and pays the fee.

1410 (2) (a) As the chief election officer, the lieutenant governor shall:

1411 (i) exercise general supervisory authority over all elections;

1412 (ii) exercise direct authority over the conduct of elections for federal, state, and
1413 multicounty officers and statewide or multicounty ballot propositions and any recounts
1414 involving those races;

1415 (iii) assist county clerks in unifying the election ballot;

1416 (iv) (A) prepare election information for the public as required by statute and as
1417 determined appropriate by the lieutenant governor; and

1418 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
1419 news media on the Internet and in other forms as required by statute or as determined
1420 appropriate by the lieutenant governor;

1421 (v) receive and answer election questions and maintain an election file on opinions
1422 received from the attorney general;

- 1423 (vi) maintain a current list of registered political parties as defined in Section
1424 20A-8-101;
- 1425 (vii) maintain election returns and statistics;
- 1426 (viii) certify to the governor the names of those persons who have received the highest
1427 number of votes for any office;
- 1428 (ix) ensure that all voting equipment purchased by the state complies with the
1429 requirements of Subsection 20A-5-302(2) and Sections 20A-5-802 and 20A-5-803;
- 1430 (x) conduct the study described in Section 67-1a-14;
- 1431 (xi) during a declared emergency, to the extent that the lieutenant governor determines
1432 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location
1433 relating to:
- 1434 (A) voting on election day;
- 1435 (B) early voting;
- 1436 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 1437 (D) the counting of an absentee ballot or military-overseas ballot; or
- 1438 (E) the canvassing of election returns; and
- 1439 (xii) perform other election duties as provided in Title 20A, Election Code.
- 1440 (b) As chief election officer, the lieutenant governor may not assume the
1441 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
1442 officials by Title 20A, Election Code.
- 1443 (3) (a) The lieutenant governor shall:
- 1444 (i) ~~[(A)]~~ determine a new city's classification under Section 10-2-301 upon the city's
1445 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a City, based on the city's
1446 population using the population estimate from the Utah Population ~~[Estimates]~~ Committee; and
1447 ~~[(B)-(F)]~~ (ii) (A) prepare a certificate indicating the class in which the new city belongs
1448 based on the city's population; and
- 1449 ~~[(H)]~~ (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1450 to the city's legislative body[;].
- 1451 ~~[(ii)-(A)]~~ (b) The lieutenant governor shall:
- 1452 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1453 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

1454 Consolidation of Municipalities, using population information from:

1455 ~~[(F)]~~ (A) each official census or census estimate of the United States Bureau of the
1456 Census; or

1457 ~~[(H)]~~ (B) the population estimate from the Utah Population ~~[Estimates]~~ Committee, if
1458 the population of a municipality is not available from the United States Bureau of the Census;
1459 and

1460 ~~[(B)-(F)]~~ (ii) (A) prepare a certificate indicating the class in which the consolidated
1461 municipality belongs based on the municipality's population; and

1462 ~~[(H)]~~ (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1463 to the consolidated municipality's legislative body[;].

1464 ~~[(iii)-(A)]~~ (c) The lieutenant governor shall:

1465 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1466 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1467 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1468 2015, based on the metro township's population using the population estimates from the Utah
1469 Population ~~[Estimates]~~ Committee; and

1470 ~~[(B)]~~ (ii) prepare a certificate indicating the class in which the new metro township
1471 belongs based on the metro township's population and, within 10 days after preparing the
1472 certificate, deliver a copy of the certificate to the metro township's legislative body[; and].

1473 ~~[(iv)]~~ (d) The lieutenant governor shall monitor the population of each municipality
1474 using population information from:

1475 ~~[(A)]~~ (i) each official census or census estimate of the United States Bureau of the
1476 Census; or

1477 ~~[(B)]~~ (ii) the population estimate from the Utah Population ~~[Estimates]~~ Committee, if
1478 the population of a municipality is not available from the United States Bureau of the Census.

1479 ~~[(b)]~~ (e) If the applicable population figure under Subsection (3)~~[(a)(ii) or (iv)]~~~~(b) or~~
1480 (d) indicates that a municipality's population has increased beyond the population for its current
1481 class, the lieutenant governor shall:

1482 (i) prepare a certificate indicating the class in which the municipality belongs based on
1483 the increased population figure; and

1484 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1485 legislative body of the municipality whose class has changed.

1486 ~~[(c)]~~ (f) (i) If the applicable population figure under Subsection (3)~~[(a)(ii) or (iv)]~~(b) or
1487 (d) indicates that a municipality's population has decreased below the population for its current
1488 class, the lieutenant governor shall send written notification of that fact to the municipality's
1489 legislative body.

1490 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1491 population has decreased below the population for its current class, the lieutenant governor
1492 shall:

1493 (A) prepare a certificate indicating the class in which the municipality belongs based
1494 on the decreased population figure; and

1495 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1496 legislative body of the municipality whose class has changed.

1497 Section 26. Section 72-2-108 is amended to read:

1498 **72-2-108. Apportionment of funds available for use on class B and class C roads**

1499 **-- Bonds.**

1500 (1) For purposes of this section:

1501 (a) "Graveled road" means a road:

1502 (i) that is:

1503 (A) graded; and

1504 (B) drained by transverse drainage systems to prevent serious impairment of the road
1505 by surface water;

1506 (ii) that has an improved surface; and

1507 (iii) that has a wearing surface made of:

1508 (A) gravel;

1509 (B) broken stone;

1510 (C) slag;

1511 (D) iron ore;

1512 (E) shale; or

1513 (F) other material that is:

1514 (I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and

1515 (II) coarser than sand.

- 1516 (b) "Paved road" includes a graveled road with a chip seal surface.
- 1517 (c) "Road mile" means a one-mile length of road, regardless of:
- 1518 (i) the width of the road; or
- 1519 (ii) the number of lanes into which the road is divided.
- 1520 (d) "Weighted mileage" means the sum of the following:
- 1521 (i) paved road miles multiplied by five; and
- 1522 (ii) all other road type road miles multiplied by two.
- 1523 (2) Subject to the provisions of Subsections (3) through (8) and except as provided in
- 1524 Subsection (10), funds appropriated for class B and class C roads shall be apportioned among
- 1525 counties and municipalities in the following manner:
- 1526 (a) 50% in the ratio that the class B roads weighted mileage within each county and
- 1527 class C roads weighted mileage within each municipality bear to the total class B and class C
- 1528 roads weighted mileage within the state; and
- 1529 (b) 50% in the ratio that the population of a county or municipality bears to the total
- 1530 population of the state as of the last official federal census or the United States Bureau of
- 1531 Census estimate, whichever is most recent, except that if population estimates are not available
- 1532 from the United States Bureau of Census, population figures shall be derived from the estimate
- 1533 from the Utah Population [Estimates] Committee.
- 1534 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 1535 (a) the population of a county outside the corporate limits of municipalities in that
- 1536 county, if the population of the county outside the corporate limits of municipalities in that
- 1537 county is not less than 14% of the total population of that county, including municipalities; and
- 1538 (b) if the population of a county outside the corporate limits of municipalities in the
- 1539 county is less than 14% of the total population:
- 1540 (i) the aggregate percentage of the population apportioned to municipalities in that
- 1541 county shall be reduced by an amount equal to the difference between:
- 1542 (A) 14%; and
- 1543 (B) the actual percentage of population outside the corporate limits of municipalities in
- 1544 that county; and
- 1545 (ii) the population apportioned to the county shall be 14% of the total population of
- 1546 that county, including incorporated municipalities.

1547 (4) If an apportionment under Subsection (2) made in the current fiscal year to a county
1548 or municipality with a population of less than 14,000 is less than 120% of the amount
1549 apportioned to the county or municipality for class B and class C roads in fiscal year 1996-97,
1550 the department shall reapportion the funds under Subsection (2) to ensure that the county or
1551 municipality receives:

1552 (a) subject to the requirement in Subsection (5) and for fiscal year 2016 only, an
1553 amount equal to:

1554 (i) the amount apportioned to the county or municipality for class B and class C roads
1555 in fiscal year 2015 multiplied by 120%; plus

1556 (ii) an amount equal to the amount apportioned to the county or municipality in fiscal
1557 year 2015 multiplied by the percentage increase or decrease in the total funds available for
1558 class B and class C roads between fiscal year 2015 and fiscal year 2016;

1559 (b) for fiscal year 2017 only, an amount equal to the greater of:

1560 (i) the amount apportioned to the county or municipality for class B and class C roads
1561 in the current fiscal year under Subsection (2); or

1562 (ii) (A) the amount apportioned to the county for class B and class C roads in fiscal
1563 year 2015 multiplied by 120%; plus

1564 (B) the amount calculated as described in Subsection (7); or

1565 (c) for a fiscal year beginning on or after July 1, 2017, an amount equal to the greater
1566 of:

1567 (i) the amount apportioned to the county or municipality for class B and class C roads
1568 in the current fiscal year under Subsection (2); or

1569 (ii) (A) the amount apportioned to the county or municipality for class B and class C
1570 roads through the apportionment formula under Subsection (2) or this Subsection (4),
1571 excluding any amounts appropriated as additional support for class B and class C roads under
1572 Subsection (10), in the prior fiscal year; plus

1573 (B) the amount calculated as described in Subsection (7).

1574 (5) For the purposes of calculating a final distribution of money collected in fiscal year
1575 2016, the department shall subtract the payments previously made to a county or municipality
1576 for money collected in fiscal year 2016 for class B and class C roads from the fiscal year 2016
1577 total calculated in Subsection (4)(a).

1578 (6) (a) The department shall decrease proportionately as provided in Subsection (6)(b)
1579 the apportionments to counties and municipalities for which the reapportionment under
1580 Subsection (4)(a), (b)(ii), or (c)(ii) does not apply.

1581 (b) The aggregate amount of the funds that the department shall decrease
1582 proportionately from the apportionments under Subsection (6)(a) is an amount equal to the
1583 aggregate amount reapportioned to counties and municipalities under Subsection (4)(a), (b)(ii),
1584 or (c)(ii).

1585 (7) (a) In addition to the apportionment adjustments made under Subsection (4), a
1586 county or municipality that qualifies for reapportioned money under Subsection (4)(b)(ii) or
1587 (c)(ii) shall receive an amount equal to the amount apportioned to the county or municipality
1588 under Subsection (4)(b)(ii) or (c)(ii) for class B and class C roads in the prior fiscal year
1589 multiplied by the percentage increase or decrease in the total funds available for class B and
1590 class C roads between the prior fiscal year and the fiscal year that immediately preceded the
1591 prior fiscal year.

1592 (b) The adjustment under Subsection (7)(a) shall be made in the same way as provided
1593 in Subsections (6)(a) and (b).

1594 (8) (a) If a county or municipality does not qualify for a reapportionment under
1595 Subsection (4)(c) in the current fiscal year but previously qualified for a reapportionment under
1596 Subsection (4)(c) on or after July 1, 2017, the county or municipality shall receive an amount
1597 equal to the greater of:

1598 (i) the amount apportioned to the county or municipality for class B and class C roads
1599 in the current fiscal year under Subsection (2); or

1600 (ii) the amount apportioned to the county or municipality for class B and class C roads
1601 in the prior fiscal year.

1602 (b) The adjustment under Subsection (8)(a) shall be made in the same way as provided
1603 in Subsections (6)(a) and (b).

1604 (9) The governing body of any municipality or county may issue bonds redeemable up
1605 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the
1606 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class
1607 B or class C road funds received pursuant to this section to pay principal, interest, premiums,
1608 and reserves for the bonds.

1609 (10) (a) For fiscal year 2017 only, the department shall distribute \$5,000,000 of the
1610 funds appropriated for additional support for class B and class C roads among the counties and
1611 municipalities that qualified for reapportioned funds under Subsection (4) before May 1, 2016.

1612 (b) The department shall distribute an amount to each county or municipality described
1613 in Subsection (10)(a) considering the projected amount of revenue that each county or
1614 municipality would have received under the reapportionment formula in effect before May 1,
1615 2016.

1616 (c) The department may consult with local government entities to determine the
1617 distribution amounts under Subsection (10)(b).

1618 (d) Before making the distributions required under this section, the department shall
1619 report to the Executive Appropriations Committee of the Legislature by no later than December
1620 31, 2016, the amount of funds the department will distribute to each county or municipality that
1621 qualifies for a distribution under this Subsection (10).

1622 (e) The Executive Appropriations Committee of the Legislature shall review and
1623 comment on the amount of funds proposed to be distributed to each county or municipality that
1624 qualifies for a distribution under this Subsection (10).

1625 Section 27. Section **78B-1-110** is amended to read:

1626 **78B-1-110. Limitations on jury service.**

1627 (1) In any two-year period, a person may not:

1628 (a) be required to serve on more than one grand jury;

1629 (b) be required to serve as both a grand and trial juror;

1630 (c) be required to attend court as a trial juror more than one court day, except if
1631 necessary to complete service in a particular case; or

1632 (d) if summoned for jury service and the summons is complied with as directed, be
1633 selected for the prospective jury list more than once.

1634 (2) (a) Subsection (1)(d) does not apply to counties of the fourth, fifth, and sixth class
1635 and counties of the third class with populations up to 75,000.

1636 (b) (i) All population figures used for this section shall be derived from the most recent
1637 official census or census estimate of the United States [~~Census~~] Bureau of the Census.

1638 (ii) If population estimates are not available from the United States [~~Census~~] Bureau of
1639 the Census, population figures shall be derived from the estimate of the Utah Population

1640 [Estimates] Committee.

Legislative Review Note
Office of Legislative Research and General Counsel