

1                   **COUNTY GOVERNMENT CHANGE ELECTION AMENDMENTS**

2   2018 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Gage Froerer**

5   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9                   This bill amends provisions related to the process to change a county's form of  
10 government.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ reorganizes and recodifies Title 17, Chapter 52, Changing Forms of County  
14 Government;
- 15                   ▶ combines sections with similar subject matter;
- 16                   ▶ amends definitions;
- 17                   ▶ amends provisions related to the appointment of certain members of an appointment  
18 council;
- 19                   ▶ prohibits a county of the second class that initiates the process of changing the  
20 county's form of government from proposing to retain, revert to, or change to a  
21 three-member commission form of government;
- 22                   ▶ prohibits a person from initiating a process to change a county's form of government  
23 when a process to change the county's form of government is pending;
- 24                   ▶ requires that registered voters who wish to initiate the process to change a county's  
25 form of government file a notice of intent to gather signatures;
- 26                   ▶ establishes a deadline by which the sponsors of a petition to create a study  
27 committee are required to file the petition;



28           ▶ removes a provision that requires an optional plan to be approved by the county  
29 legislative body or subjected to a petition before the optional plan is submitted to  
30 the voters;

31           ▶ requires a county clerk to post an optional plan on the county's website for a  
32 specified period of time before an election on the optional plan;

33           ▶ provides that an optional plan is adopted if approved by a majority of voters that  
34 vote on the optional plan;

35           ▶ provides for the appointment of a chair of a study committee;

36           ▶ requires a study committee to submit a report to the county clerk;

37           ▶ provides that if a study committee recommends that the form of a county's  
38 government not change, the process to change the county's form of government is  
39 concluded;

40           ▶ establishes a deadline after which an optional plan may not be repealed without  
41 initiating a new process to change the county's form of government;

42           ▶ removes obsolete and superfluous provisions; and

43           ▶ makes technical and conforming changes.

44 **Money Appropriated in this Bill:**

45           None

46 **Other Special Clauses:**

47           None

48 **Utah Code Sections Affected:**

49 AMENDS:

50           **17-15-27**, as last amended by Laws of Utah 2006, Chapter 171

51           **17-16-6**, as last amended by Laws of Utah 2014, Chapter 16

52           **17-19a-203**, as enacted by Laws of Utah 2012, Chapter 17

53           **17-31-8**, as last amended by Laws of Utah 2017, Chapter 70

54           **17-43-201**, as last amended by Laws of Utah 2016, Chapter 113

55           **17-43-301**, as last amended by Laws of Utah 2016, Chapter 113

56           **17-53-101**, as renumbered and amended by Laws of Utah 2000, Chapter 133

57           **17B-2a-1106**, as last amended by Laws of Utah 2016, Chapter 176

58           **17C-1-203**, as last amended by Laws of Utah 2016, Chapter 350

- 59 [17D-2-203](#), as enacted by Laws of Utah 2008, Chapter 360
- 60 [20A-1-203](#), as last amended by Laws of Utah 2015, Chapters 111 and 352
- 61 [20A-1-508](#), as last amended by Laws of Utah 2017, Chapter 54
- 62 [20A-9-409](#), as last amended by Laws of Utah 2017, Chapters 54 and 91
- 63 [26A-1-102](#), as last amended by Laws of Utah 2016, Chapter 113
- 64 [59-2-919](#), as last amended by Laws of Utah 2016, Chapters 341 and 367
- 65 [68-3-12.5](#), as last amended by Laws of Utah 2015, Chapters 141 and 152

66 RENUMBERS AND AMENDS:

- 67 [17-52a-101](#), (Renumbered from 17-52-101, as last amended by Laws of Utah 2012,
- 68 Chapter 17)
- 69 [17-52a-102](#), (Renumbered from 17-52-102, as last amended by Laws of Utah 2001,
- 70 Chapter 241)
- 71 [17-52a-201](#), (Renumbered from 17-52-501, as last amended by Laws of Utah 2017,
- 72 Chapter 54)
- 73 [17-52a-202](#), (Renumbered from 17-52-502, as last amended by Laws of Utah 2017,
- 74 Chapter 54)
- 75 [17-52a-203](#), (Renumbered from 17-52-504, as renumbered and amended by Laws of
- 76 Utah 2000, Chapter 133)
- 77 [17-52a-204](#), (Renumbered from 17-52-505, as last amended by Laws of Utah 2011,
- 78 Chapter 209)
- 79 [17-52a-301](#), (Renumbered from 17-52-201, as last amended by Laws of Utah 2008,
- 80 Chapter 250)
- 81 [17-52a-302](#), (Renumbered from 17-52-202, as last amended by Laws of Utah 2004,
- 82 Chapter 371)
- 83 [17-52a-303](#), (Renumbered from 17-52-203, as last amended by Laws of Utah 2013,
- 84 Chapters 37 and 134)
- 85 [17-52a-304](#), (Renumbered from 17-52-203.5, as last amended by Laws of Utah 2004,
- 86 Chapter 371)
- 87 [17-52a-401](#), (Renumbered from 17-52-301, as last amended by Laws of Utah 2001,
- 88 Chapter 241)
- 89 [17-52a-402](#), (Renumbered from 17-52-302, as last amended by Laws of Utah 2001,

90 Chapter 241)

91 **17-52a-403**, (Renumbered from 17-52-303, as last amended by Laws of Utah 2001,

92 Chapter 241)

93 **17-52a-404**, (Renumbered from 17-52-401, as last amended by Laws of Utah 2017,

94 Chapter 54)

95 **17-52a-405**, (Renumbered from 17-52-402, as last amended by Laws of Utah 2015,

96 Chapter 216)

97 **17-52a-406**, (Renumbered from 17-52-204, as last amended by Laws of Utah 2001,

98 Chapter 241)

99 **17-52a-501**, (Renumbered from 17-52-206, as last amended by Laws of Utah 2013,

100 Chapter 37)

101 **17-52a-502**, (Renumbered from 17-52-205, as last amended by Laws of Utah 2001,

102 Chapter 241)

103 **17-52a-503**, (Renumbered from 17-52-403, as last amended by Laws of Utah 2012,

104 Chapter 17)

105 **17-52a-504**, (Renumbered from 17-52-404, as renumbered and amended by Laws of

106 Utah 2000, Chapter 133)

107 **17-52a-505**, (Renumbered from 17-52-405, as enacted by Laws of Utah 2013, Chapter

108 134)

109 REPEALS:

110 **17-52-207**, as last amended by Laws of Utah 2001, Chapter 241

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

113 Section 1. Section **17-15-27** is amended to read:

114 **17-15-27. Appointment of legal counsel by county executive and county legislative**  
115 **body.**

116 (1) (a) An elected county executive in a county that has adopted a county  
117 executive-council form of county government under Chapter 52a, Changing Forms of County  
118 Government, may appoint an attorney to advise and represent the county executive.

119 (b) An attorney appointed under Subsection (1)(a):

120 (i) serves at the pleasure of the county executive; and

121 (ii) may not perform any of the functions of a county attorney or district attorney under  
122 this title, except as provided in this section.

123 (c) An attorney appointed under this Subsection (1) may represent the county executive  
124 in cases and controversies before courts and administrative agencies and tribunals when a  
125 conflict exists that precludes the county or district attorney from representing the county  
126 executive.

127 (2) (a) The legislative body of a county that has adopted a county executive-council  
128 form of county government under Chapter 52a, Changing Forms of County Government, may  
129 appoint an attorney to advise and represent the county legislative body.

130 (b) An attorney appointed under Subsection (2)(a):

131 (i) serves at the pleasure of the county legislative body; and

132 (ii) may not perform any of the functions of a county attorney or district attorney under  
133 this title, except as provided in this section.

134 (c) An attorney appointed under this Subsection (2) may represent the county  
135 legislative body in cases and controversies before courts and administrative agencies and  
136 tribunals when a conflict exists that precludes the county or district attorney from representing  
137 the county legislative body.

138 Section 2. Section 17-16-6 is amended to read:

139 **17-16-6. County officers -- Time of holding elections -- County commissioners --**  
140 **Terms of office.**

141 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,  
142 Changing Forms of County Government:

143 (a) each elected county officer shall be elected at the regular general election every four  
144 years in accordance with Section 20A-1-201, except as otherwise provided in this title;

145 (b) county commissioners shall be elected at the times, in the manner, and for the terms  
146 provided in Section [~~17-52-501~~] 17-52a-201; and

147 (c) an elected officer shall hold office for the term for which the officer is elected,  
148 beginning at noon on the first Monday in January following the officer's election and until a  
149 successor is elected or appointed and qualified, except as provided in Section 17-16-1.

150 (2) (a) The terms of county officers shall be staggered in accordance with this  
151 Subsection (2).

- 152 (b) Except as provided in Subsection (2)(c), in the 2014 general election:  
153 (i) the following county officers shall be elected to one six-year term and thereafter  
154 elected to a four-year term:  
155 (A) county treasurer;  
156 (B) county recorder;  
157 (C) county surveyor; and  
158 (D) county assessor; and  
159 (ii) all other county officers shall be elected to a four-year term.  
160 (c) If a county legislative body consolidates two or more county offices in accordance  
161 with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the  
162 county legislative body shall pass an ordinance that sets the election schedule for the  
163 consolidated offices in a reasonable manner that staggers the terms of county officers as  
164 provided in this Subsection (2).

165 Section 3. Section 17-19a-203 is amended to read:

166 **17-19a-203. Budget officer.**

167 The budget officer of a county is designated by:

- 168 (1) in a county commission form of government described in Section [~~17-52-501~~]  
169 [17-52a-201](#) or an expanded county commission form of government described in Section  
170 [~~17-52-502~~] [17-52a-202](#), the county commission;  
171 (2) in the county executive-council form of government described in Section  
172 [~~17-52-504~~] [17-52a-203](#), the county executive; or  
173 (3) in the council-manager form of government described in Section [~~17-52-505~~]  
174 [17-52a-204](#), the county council.

175 Section 4. Section 17-31-8 is amended to read:

176 **17-31-8. Tourism tax advisory boards.**

- 177 (1) (a) Except as provided in Subsection (1)(b), any county that collects the following  
178 taxes shall operate a tourism tax advisory board:  
179 (i) the tax allowed under Section [59-12-301](#); or  
180 (ii) the tax allowed under Section [59-12-603](#).  
181 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the  
182 county has an existing board, council, committee, convention visitor's bureau, or body that

183 substantially conforms with Subsections (2), (3), and (4).

184 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least  
185 five members.

186 (3) A tourism tax advisory board shall be composed of the following members that are  
187 residents of the county:

188 (a) a majority of the members shall be current employees of entities in the county that  
189 are subject to the taxes referred to in Section [59-12-301](#) or [59-12-603](#); and

190 (b) the balance of the board's membership shall be employees of recreational facilities,  
191 convention facilities, museums, cultural attractions, or other tourism related industries located  
192 within the county.

193 (4) (a) Each tourism tax advisory board shall advise the county legislative body on the  
194 best use of revenues collected from the tax allowed under Section [59-12-301](#) by providing the  
195 legislative body with a priority listing for proposed expenditures based on projected available  
196 tax revenues supplied to the board by the county legislative body on an annual basis.

197 (b) Each tourism tax advisory board in a county operating under the county  
198 commission form of government under Section [~~17-52-501~~] [17-52a-201](#) or the expanded  
199 county commission form under Section [~~17-52-502~~] [17-52a-202](#) shall advise the county  
200 legislative body on the best use of revenues collected from the tax allowed under Section  
201 [59-12-603](#) by providing the legislative body with a priority listing for proposed expenditures  
202 based on projected available tax revenues supplied to the board by the county legislative body  
203 on an annual basis.

204 (5) A member of any county tourism tax advisory board:

205 (a) may not receive compensation or benefits for the member's services; and

206 (b) may receive per diem and travel expenses incurred in the performance of the  
207 member's official duties, in accordance with Section [11-55-103](#).

208 Section 5. Section **17-43-201** is amended to read:

209 **17-43-201. Local substance abuse authorities -- Responsibilities.**

210 (1) (a) (i) In each county operating under a county executive-council form of  
211 government under Section [~~17-52-504~~] [17-52a-203](#), the county legislative body is the local  
212 substance abuse authority, provided however that any contract for plan services shall be  
213 administered by the county executive.

214 (ii) In each county operating under a council-manager form of government under  
215 Section [~~17-52-505~~] [17-52a-204](#), the county manager is the local substance abuse authority.

216 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
217 county legislative body is the local substance abuse authority.

218 (b) Within legislative appropriations and county matching funds required by this  
219 section, and under the direction of the division, each local substance abuse authority shall:

220 (i) develop substance abuse prevention and treatment services plans;

221 (ii) provide substance abuse services to residents of the county; and

222 (iii) cooperate with efforts of the Division of Substance Abuse and Mental Health to  
223 promote integrated programs that address an individual's substance abuse, mental health, and  
224 physical healthcare needs, as described in Section [62A-15-103](#).

225 (c) Within legislative appropriations and county matching funds required by this  
226 section, each local substance abuse authority shall cooperate with the efforts of the Department  
227 of Human Services to promote a system of care, as defined in Section [62A-1-104](#), for minors  
228 with or at risk for complex emotional and behavioral needs, as described in Section [62A-1-111](#).

229 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
230 Cooperation Act, two or more counties may join to:

231 (i) provide substance abuse prevention and treatment services; or

232 (ii) create a united local health department that provides substance abuse treatment  
233 services, mental health services, and local health department services in accordance with  
234 Subsection (3).

235 (b) The legislative bodies of counties joining to provide services may establish  
236 acceptable ways of apportioning the cost of substance abuse services.

237 (c) Each agreement for joint substance abuse services shall:

238 (i) (A) designate the treasurer of one of the participating counties or another person as  
239 the treasurer for the combined substance abuse authorities and as the custodian of money  
240 available for the joint services; and

241 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
242 treasurer, may make payments from the money for the joint services upon audit of the  
243 appropriate auditing officer or officers representing the participating counties;

244 (ii) provide for the appointment of an independent auditor or a county auditor of one of



245 the participating counties as the designated auditing officer for the combined substance abuse  
246 authorities;

247 (iii) (A) provide for the appointment of the county or district attorney of one of the  
248 participating counties as the designated legal officer for the combined substance abuse  
249 authorities; and

250 (B) authorize the designated legal officer to request and receive the assistance of the  
251 county or district attorneys of the other participating counties in defending or prosecuting  
252 actions within their counties relating to the combined substance abuse authorities; and

253 (iv) provide for the adoption of management, clinical, financial, procurement,  
254 personnel, and administrative policies as already established by one of the participating  
255 counties or as approved by the legislative body of each participating county or interlocal board.

256 (d) An agreement for joint substance abuse services may provide for joint operation of  
257 services and facilities or for operation of services and facilities under contract by one  
258 participating local substance abuse authority for other participating local substance abuse  
259 authorities.

260 (3) A county governing body may elect to combine the local substance abuse authority  
261 with the local mental health authority created in Part 3, Local Mental Health Authorities, and  
262 the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department  
263 Act, to create a united local health department under Section [26A-1-105.5](#). A local substance  
264 abuse authority that joins a united local health department shall comply with this part.

265 (4) (a) Each local substance abuse authority is accountable to the department, the  
266 Department of Health, and the state with regard to the use of state and federal funds received  
267 from those departments for substance abuse services, regardless of whether the services are  
268 provided by a private contract provider.

269 (b) Each local substance abuse authority shall comply, and require compliance by its  
270 contract provider, with all directives issued by the department and the Department of Health  
271 regarding the use and expenditure of state and federal funds received from those departments  
272 for the purpose of providing substance abuse programs and services. The department and  
273 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
274 shall consult and coordinate with local substance abuse authorities with regard to programs and  
275 services.

- 276 (5) Each local substance abuse authority shall:
- 277 (a) review and evaluate substance abuse prevention and treatment needs and services,  
278 including substance abuse needs and services for individuals incarcerated in a county jail or  
279 other county correctional facility;
- 280 (b) annually prepare and submit to the division a plan approved by the county  
281 legislative body for funding and service delivery that includes:
- 282 (i) provisions for services, either directly by the substance abuse authority or by  
283 contract, for adults, youth, and children, including those incarcerated in a county jail or other  
284 county correctional facility; and
- 285 (ii) primary prevention, targeted prevention, early intervention, and treatment services;
- 286 (c) establish and maintain, either directly or by contract, programs licensed under Title  
287 62A, Chapter 2, Licensure of Programs and Facilities;
- 288 (d) appoint directly or by contract a full or part time director for substance abuse  
289 programs, and prescribe the director's duties;
- 290 (e) provide input and comment on new and revised rules established by the division;
- 291 (f) establish and require contract providers to establish administrative, clinical,  
292 procurement, personnel, financial, and management policies regarding substance abuse services  
293 and facilities, in accordance with the rules of the division, and state and federal law;
- 294 (g) establish mechanisms allowing for direct citizen input;
- 295 (h) annually contract with the division to provide substance abuse programs and  
296 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and  
297 Mental Health Act;
- 298 (i) comply with all applicable state and federal statutes, policies, audit requirements,  
299 contract requirements, and any directives resulting from those audits and contract requirements;
- 300 (j) promote or establish programs for the prevention of substance abuse within the  
301 community setting through community-based prevention programs;
- 302 (k) provide funding equal to at least 20% of the state funds that it receives to fund  
303 services described in the plan;
- 304 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
305 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
306 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and

307 Other Local Entities Act;

308 (m) for persons convicted of driving under the influence in violation of Section  
309 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

310 (i) a screening;

311 (ii) an assessment;

312 (iii) an educational series; and

313 (iv) substance abuse treatment; and

314 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to

315 supplement the cost of providing the services described in Subsection (5)(m).

316 (6) Before disbursing any public funds, each local substance abuse authority shall  
317 require that each entity that receives any public funds from the local substance abuse authority  
318 agrees in writing that:

319 (a) the entity's financial records and other records relevant to the entity's performance  
320 of the services provided to the local substance abuse authority shall be subject to examination  
321 by:

322 (i) the division;

323 (ii) the local substance abuse authority director;

324 (iii) (A) the county treasurer and county or district attorney; or

325 (B) if two or more counties jointly provide substance abuse services under an  
326 agreement under Subsection (2), the designated treasurer and the designated legal officer;

327 (iv) the county legislative body; and

328 (v) in a county with a county executive that is separate from the county legislative  
329 body, the county executive;

330 (b) the county auditor may examine and audit the entity's financial and other records  
331 relevant to the entity's performance of the services provided to the local substance abuse  
332 authority; and

333 (c) the entity will comply with the provisions of Subsection (4)(b).

334 (7) A local substance abuse authority may receive property, grants, gifts, supplies,  
335 materials, contributions, and any benefit derived therefrom, for substance abuse services. If  
336 those gifts are conditioned upon their use for a specified service or program, they shall be so  
337 used.

338 (8) (a) As used in this section, "public funds" means the same as that term is defined in  
339 Section [17-43-203](#).

340 (b) Public funds received for the provision of services pursuant to the local substance  
341 abuse plan may not be used for any other purpose except those authorized in the contract  
342 between the local substance abuse authority and the provider for the provision of plan services.

343 (9) Subject to the requirements of the federal Substance Abuse Prevention and  
344 Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure  
345 that all substance abuse treatment programs that receive public funds:

346 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;  
347 and

348 (b) if admission of a pregnant woman or a pregnant minor is not possible within 24  
349 hours of the time that a request for admission is made, provide a comprehensive referral for  
350 interim services that:

351 (i) are accessible to the pregnant woman or pregnant minor;

352 (ii) are best suited to provide services to the pregnant woman or pregnant minor;

353 (iii) may include:

354 (A) counseling;

355 (B) case management; or

356 (C) a support group; and

357 (iv) shall include a referral for:

358 (A) prenatal care; and

359 (B) counseling on the effects of alcohol and drug use during pregnancy.

360 (10) If a substance abuse treatment program described in Subsection (9) is not able to  
361 accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of  
362 the time that request for admission is made, the local substance abuse authority shall contact  
363 the Division of Substance Abuse and Mental Health for assistance in providing services to the  
364 pregnant woman or pregnant minor.

365 Section 6. Section **17-43-301** is amended to read:

366 **17-43-301. Local mental health authorities -- Responsibilities.**

367 (1) (a) (i) In each county operating under a county executive-council form of  
368 government under Section [~~17-52-504~~] [17-52a-203](#), the county legislative body is the local

369 mental health authority, provided however that any contract for plan services shall be  
370 administered by the county executive.

371 (ii) In each county operating under a council-manager form of government under  
372 Section [~~17-52-505~~] 17-52a-204, the county manager is the local mental health authority.

373 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
374 county legislative body is the local mental health authority.

375 (b) Within legislative appropriations and county matching funds required by this  
376 section, under the direction of the division, each local mental health authority shall:

377 (i) provide mental health services to persons within the county; and

378 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to  
379 promote integrated programs that address an individual's substance abuse, mental health, and  
380 physical healthcare needs, as described in Section 62A-15-103.

381 (c) Within legislative appropriations and county matching funds required by this  
382 section, each local mental health authority shall cooperate with the efforts of the Department of  
383 Human Services to promote a system of care, as defined in Section 62A-1-104, for minors with  
384 or at risk for complex emotional and behavioral needs, as described in Section 62A-1-111.

385 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
386 Cooperation Act, two or more counties may join to:

387 (i) provide mental health prevention and treatment services; or

388 (ii) create a united local health department that combines substance abuse treatment  
389 services, mental health services, and local health department services in accordance with  
390 Subsection (3).

391 (b) The legislative bodies of counties joining to provide services may establish  
392 acceptable ways of apportioning the cost of mental health services.

393 (c) Each agreement for joint mental health services shall:

394 (i) (A) designate the treasurer of one of the participating counties or another person as  
395 the treasurer for the combined mental health authorities and as the custodian of money  
396 available for the joint services; and

397 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
398 treasurer, may make payments from the money available for the joint services upon audit of the  
399 appropriate auditing officer or officers representing the participating counties;

400 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
401 the participating counties as the designated auditing officer for the combined mental health  
402 authorities;

403 (iii) (A) provide for the appointment of the county or district attorney of one of the  
404 participating counties as the designated legal officer for the combined mental health  
405 authorities; and

406 (B) authorize the designated legal officer to request and receive the assistance of the  
407 county or district attorneys of the other participating counties in defending or prosecuting  
408 actions within their counties relating to the combined mental health authorities; and

409 (iv) provide for the adoption of management, clinical, financial, procurement,  
410 personnel, and administrative policies as already established by one of the participating  
411 counties or as approved by the legislative body of each participating county or interlocal board.

412 (d) An agreement for joint mental health services may provide for:

413 (i) joint operation of services and facilities or for operation of services and facilities  
414 under contract by one participating local mental health authority for other participating local  
415 mental health authorities; and

416 (ii) allocation of appointments of members of the mental health advisory council  
417 between or among participating counties.

418 (3) A county governing body may elect to combine the local mental health authority  
419 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,  
420 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health  
421 Department Act, to create a united local health department under Section [26A-1-105.5](#). A local  
422 mental health authority that joins with a united local health department shall comply with this  
423 part.

424 (4) (a) Each local mental health authority is accountable to the department, the  
425 Department of Health, and the state with regard to the use of state and federal funds received  
426 from those departments for mental health services, regardless of whether the services are  
427 provided by a private contract provider.

428 (b) Each local mental health authority shall comply, and require compliance by its  
429 contract provider, with all directives issued by the department and the Department of Health  
430 regarding the use and expenditure of state and federal funds received from those departments

431 for the purpose of providing mental health programs and services. The department and  
432 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
433 shall consult and coordinate with local mental health authorities with regard to programs and  
434 services.

435 (5) (a) Each local mental health authority shall:

436 (i) review and evaluate mental health needs and services, including mental health needs  
437 and services for persons incarcerated in a county jail or other county correctional facility;

438 (ii) as provided in Subsection (5)(b), annually prepare and submit to the division a plan  
439 approved by the county legislative body for mental health funding and service delivery, either  
440 directly by the local mental health authority or by contract;

441 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
442 62A, Chapter 2, Licensure of Programs and Facilities;

443 (iv) appoint, directly or by contract, a full-time or part-time director for mental health  
444 programs and prescribe the director's duties;

445 (v) provide input and comment on new and revised rules established by the division;

446 (vi) establish and require contract providers to establish administrative, clinical,  
447 personnel, financial, procurement, and management policies regarding mental health services  
448 and facilities, in accordance with the rules of the division, and state and federal law;

449 (vii) establish mechanisms allowing for direct citizen input;

450 (viii) annually contract with the division to provide mental health programs and  
451 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and  
452 Mental Health Act;

453 (ix) comply with all applicable state and federal statutes, policies, audit requirements,  
454 contract requirements, and any directives resulting from those audits and contract requirements;

455 (x) provide funding equal to at least 20% of the state funds that it receives to fund  
456 services described in the plan;

457 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
458 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
459 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
460 Other Local Entities Act; and

461 (xii) take and retain physical custody of minors committed to the physical custody of

462 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,  
463 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

464 (b) Each plan under Subsection (5)(a)(ii) shall include services for adults, youth, and  
465 children, which shall include:

466 (i) inpatient care and services;

467 (ii) residential care and services;

468 (iii) outpatient care and services;

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

470 (v) psychotropic medication management;

471 (vi) psychosocial rehabilitation, including vocational training and skills development;

472 (vii) case management;

473 (viii) community supports, including in-home services, housing, family support

474 services, and respite services;

475 (ix) consultation and education services, including case consultation, collaboration

476 with other county service agencies, public education, and public information; and

477 (x) services to persons incarcerated in a county jail or other county correctional facility.

478 (6) Before disbursing any public funds, each local mental health authority shall require

479 that each entity that receives any public funds from a local mental health authority agrees in

480 writing that:

481 (a) the entity's financial records and other records relevant to the entity's performance

482 of the services provided to the mental health authority shall be subject to examination by:

483 (i) the division;

484 (ii) the local mental health authority director;

485 (iii) (A) the county treasurer and county or district attorney; or

486 (B) if two or more counties jointly provide mental health services under an agreement

487 under Subsection (2), the designated treasurer and the designated legal officer;

488 (iv) the county legislative body; and

489 (v) in a county with a county executive that is separate from the county legislative

490 body, the county executive;

491 (b) the county auditor may examine and audit the entity's financial and other records

492 relevant to the entity's performance of the services provided to the local mental health



493 authority; and

494 (c) the entity will comply with the provisions of Subsection (4)(b).

495 (7) A local mental health authority may receive property, grants, gifts, supplies,  
496 materials, contributions, and any benefit derived therefrom, for mental health services. If those  
497 gifts are conditioned upon their use for a specified service or program, they shall be so used.

498 (8) (a) As used in this section, "public funds" means the same as that term is defined in  
499 Section [17-43-303](#).

500 (b) Public funds received for the provision of services pursuant to the local mental  
501 health plan may not be used for any other purpose except those authorized in the contract  
502 between the local mental health authority and the provider for the provision of plan services.

503 Section 7. Section **17-52a-101**, which is renumbered from Section 17-52-101 is  
504 renumbered and amended to read:

505 **CHAPTER 52a. CHANGING FORMS OF COUNTY GOVERNMENT**

506 **Part 1. General Provisions**

507 ~~[17-52-101]~~. **17-52a-101. Definitions.**

508 As used in this chapter:

509 (1) "Appointment council" means a group of ~~[persons]~~ five individuals consisting of:

510 (a) a resident of the county in which the optional plan is proposed, designated by a  
511 majority of all state senators and representatives whose districts include any part of the county  
512 in which the optional plan is proposed;

513 (b) a resident of the county in which the optional plan is proposed, designated by the  
514 county legislative body; and

515 (c) (i) if registered voters initiate the process to adopt an optional plan or otherwise  
516 qualify to select a member of an appointment council under Section [17-52a-303](#):

517 ~~[(c)]~~ (A) a resident of the county in which the optional plan is proposed, designated by  
518 the petition sponsors; and

519 ~~[(d)]~~ (B) two other residents of the county in which the optional plan is proposed,  
520 designated by majority vote of the three other members of the appointment council~~[-];~~ or

521 (ii) if the county legislative body initiates the process to adopt an optional plan under  
522 Section [17-52a-302](#), three other residents of the county in which the optional plan is proposed,  
523 designated individually by:

524 (A) a unanimous vote of the appointment council members described in Subsections  
 525 (1)(a) and (b); or

526 (B) if the appointment council members described in Subsections (1)(a) and (b) cannot  
 527 reach a unanimous vote to fill an appointment council member position, the legislators  
 528 described in Subsection (1)(a), who shall, by a majority vote, designate an individual to fill the  
 529 appointment council member position.

530 (2) "Optional plan" means a plan establishing an alternate form of government for a  
 531 county as provided in Section [~~17-52-401~~] [17-52a-404](#).

532 [~~(3) "Reasonable notice" means, at a minimum:~~]

533 [~~(a) publication:~~]

534 [~~(i) (A) in a newspaper of general circulation within the county at least once a week for~~  
 535 ~~at least two consecutive weeks ending no more than 10 and no fewer than three days before the~~  
 536 ~~event that is the subject of the notice; or]~~

537 [~~(B) if there is no newspaper of general circulation within the county, posting at least~~  
 538 ~~one notice per 1,000 population within the county, for at least a week ending no more than~~  
 539 ~~three days before the event that is the subject of the notice, at locations throughout the county~~  
 540 ~~that are most likely to give actual notice to county residents; and]~~

541 [~~(ii) in accordance with Section [45-1-101](#) for two weeks before the event that is the~~  
 542 ~~subject of the notice; and]~~

543 [~~(b) if the county has an Internet home page, posting an electronic notice on the~~  
 544 ~~Internet for at least seven days immediately before the event that is the subject of the notice.]~~

545 [~~(4)~~] (3) "Study committee" means [~~a group of persons~~] the committee that has  
 546 between seven and 11 members:

547 (a) appointed under Section [~~17-52-301~~] [17-52a-401](#); and

548 (b) charged with the duties provided in Section [~~17-52-303~~] [17-52a-403](#).

549 Section 8. Section **17-52a-102**, which is renumbered from Section 17-52-102 is  
 550 renumbered and amended to read:

551 [~~17-52-102~~]. **17-52a-102. Forms of county government -- County**  
 552 **commission form required unless another is adopted -- Restrictions on form of county**  
 553 **government.**

554 (1) [~~Each~~] Subject to Subsections (2) and (3), each county shall operate under one of

555 the following forms of county government:

- 556 (a) the county commission form under Section [~~17-52-501~~] [17-52a-201](#);
- 557 (b) the expanded county commission form under Section [~~17-52-502~~] [17-52a-202](#);
- 558 (c) the county executive and council form under Section [~~17-52-504~~] [17-52a-203](#); or
- 559 (d) the council-manager form under Section [~~17-52-505~~] [17-52a-204](#).

560 (2) Unless [it] a county adopts another form of government as provided in this chapter,

561 [each] the county shall operate under the county commission form of government under

562 Section [~~17-52-501~~] [17-52a-201](#).

563 (3) If the voters in a county of the second class approve the appointment of a study

564 committee in an election described in Section [17-52a-304](#), the county:

- 565 (a) may change the county's form of government to:
- 566 (i) the expanded county commission form under Section [17-52a-202](#);
- 567 (ii) the county executive and council form under Section [17-52a-203](#); or
- 568 (iii) the council-manager form under Section [17-52a-204](#); and
- 569 (b) may not change the county's form of government to the county commission form
- 570 under Section [17-52a-201](#).

571 Section 9. Section **17-52a-201**, which is renumbered from Section 17-52-501 is

572 renumbered and amended to read:

573 **Part 2. Forms of County Government**

574 [~~17-52-501~~]. **[17-52a-201](#). County commission form of government --**

575 **Commission member elections.**

576 (1) As used in this section:

577 (a) "Midterm vacancy" means a county commission position that is being filled at an

578 election for less than the position's full term as established in:

- 579 (i) Subsection (4)(a); or
- 580 (ii) a county's optional plan under Subsection [~~17-52-401~~] [17-52a-404](#)(5)(b).

581 (b) "Open position" means a county commission position that is being filled at a

582 regular general election for the position's full term as established in:

- 583 (i) Subsection (4)(a); or
- 584 (ii) a county's optional plan under Subsection [~~17-52-401~~] [17-52a-404](#)(5)(b).

585 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),

586 chosen to conduct county commissioner elections in accordance with Subsection (6).

587 (2) ~~[Each]~~ A county commission consisting of three members shall govern each county  
588 operating under the county commission form of government ~~[shall be governed by a county~~  
589 ~~commission consisting of three members]~~.

590 (3) A county commission under a county commission form of government is both the  
591 county legislative body and the county executive and has the powers, duties, and functions of a  
592 county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers,  
593 duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

594 (4) Except as otherwise provided in an optional plan adopted under this chapter:

595 (a) the term of office of each county commission member is four years;

596 (b) the terms of county commission members shall be staggered so that two members  
597 are elected at a regular general election date that alternates with the regular general election  
598 date of the other member; and

599 (c) each county commission member shall be elected:

600 (i) at large, unless otherwise required by court order; and

601 (ii) subject to the provisions of this section, in accordance with Title 20A, Election  
602 Code.

603 (5) Except as provided in Subsection (6):

604 (a) if two county commission positions are vacant for an election, the positions shall be  
605 designated "county commission seat A" and "county commission seat B";

606 (b) each candidate who files a declaration of candidacy when two positions are vacant  
607 shall designate on the declaration of candidacy form whether the candidate is a candidate for  
608 seat A or seat B; and

609 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected  
610 to two county commission positions in the same election.

611 (6) (a) A county of the first or second class may, through an alternate plan as described  
612 in Subsection ~~[17-52-401]~~ 17-52a-404(5) or by ordinance, choose to conduct county  
613 commissioner elections in accordance with this Subsection (6).

614 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk  
615 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
616 designate:

- 617 (i) each open position as "open position"; and  
618 (ii) each midterm vacancy as "midterm vacancy."  
619 (c) An individual who files a declaration of candidacy for the office of county  
620 commissioner in an opt-in county:  
621 (i) if there is more than one open position, is not required to indicate which open  
622 position the individual is running for;  
623 (ii) if there is at least one open position and at least one midterm vacancy, shall  
624 designate on the declaration of candidacy whether the individual is filing for an open position  
625 or a midterm vacancy; and  
626 (iii) may not file a declaration of candidacy for an open position and a midterm  
627 vacancy in the same election.  
628 (d) If there is an open position and a midterm vacancy being voted upon in the same  
629 election in an opt-in county, the county clerk shall indicate on the ballot for the election which  
630 positions are open positions and which positions are midterm vacancies.  
631 (e) In an opt-in county:  
632 (i) the candidates for open positions, in a number equal to the number of open  
633 positions, who receive the highest number of votes are:  
634 (A) for the purposes of a regular primary election, nominated by the candidates' party  
635 for the open positions; and  
636 (B) for the purposes of a regular general election, elected to fill the open positions; and  
637 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm  
638 vacancies, who receive the highest number of votes are:  
639 (A) for the purposes of a regular primary election, nominated by the candidates' party  
640 for the midterm vacancies; and  
641 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.  
642 Section 10. Section **17-52a-202**, which is renumbered from Section 17-52-502 is  
643 renumbered and amended to read:  
644 **[17-52-502]. 17-52a-202. Expanded county commission form of**  
645 **government -- Commission member elections.**  
646 (1) As used in this section:  
647 (a) "Midterm vacancy" means the same as that term is defined in Section [17-52-501]

648 [17-52a-201](#).

649 (b) "Open position" means the same as that term is defined in Section [~~17-52-501~~]

650 [17-52a-201](#).

651 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),  
652 chosen to conduct county commissioner elections in accordance with Subsection (6).

653 (2) [~~Each~~] A county commission consisting of five or seven members shall govern  
654 each county operating under an expanded county commission form of government [~~shall be~~  
655 ~~governed by a county commission consisting of five or seven members~~].

656 (3) A county commission under the expanded county commission form of government  
657 is both the county legislative body and the county executive and has the powers, duties, and  
658 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and  
659 the powers, duties, and functions of a county executive under Chapter 53, Part 3, County  
660 Executive.

661 (4) Except as otherwise provided in an optional plan adopted under this chapter:

662 (a) the term of office of each county commission member is four years;

663 (b) the terms of county commission members shall be staggered so that approximately  
664 half the members are elected at alternating regular general election dates; and

665 (c) each county commission member shall be elected:

666 (i) at large, unless otherwise required by court order; and

667 (ii) subject to the provisions of this section, in accordance with Title 20A, Election  
668 Code.

669 (5) Except as provided in Subsection (6):

670 (a) if multiple at-large county commission positions are vacant for an election, the  
671 positions shall be designated "county commission seat A," "county commission seat B," and so  
672 on as necessary for the number of vacant positions;

673 (b) each candidate who files a declaration of candidacy when multiple positions are  
674 vacant shall designate the letter of the county commission seat for which the candidate is a  
675 candidate; and

676 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected  
677 to two county commission positions in the same election.

678 (6) (a) A county of the first or second class may, through an alternate plan as described

679 in Subsection [~~17-52-401~~] [17-52a-404](#)(5) or by ordinance, choose to conduct county  
680 commissioner elections in accordance with this Subsection (6).

681 (b) When issuing the notice of election required by Subsection [20A-5-101](#)(2), the clerk  
682 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
683 designate:

684 (i) each open position as "open position"; and

685 (ii) each midterm vacancy as "midterm vacancy."

686 (c) An individual who files a declaration of candidacy for the office of county  
687 commissioner in an opt-in county:

688 (i) if there is more than one open position, is not required to indicate which open  
689 position the individual is running for;

690 (ii) if there is at least one open position and at least one midterm vacancy, shall  
691 designate on the declaration of candidacy whether the individual is filing for an open position  
692 or a midterm vacancy; and

693 (iii) may not file a declaration of candidacy for an open position and a midterm  
694 vacancy in the same election.

695 (d) If there is an open position and a midterm vacancy being voted upon in the same  
696 election in an opt-in county, the county clerk shall indicate on the ballot for the election which  
697 positions are open positions and which positions are midterm vacancies.

698 (e) In an opt-in county:

699 (i) the candidates for open positions, in a number equal to the number of open  
700 positions, who receive the highest number of votes are:

701 (A) for the purposes of a regular primary election, nominated by the candidates' party  
702 for the open positions; and

703 (B) for the purposes of a regular general election, elected to fill the open positions; and

704 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm  
705 vacancies, who receive the highest number of votes are:

706 (A) for the purposes of a regular primary election, nominated by the candidates' party  
707 for the midterm vacancies; and

708 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

709 Section 11. Section ~~17-52a-203~~, which is renumbered from Section 17-52-504 is

710 renumbered and amended to read:

711 ~~[17-52-504]~~. **17-52a-203. County executive-council form of county**  
712 **government.**

713 (1) (a) [~~A~~] The following shall govern a county operating under the form of  
714 government known as the "county executive-council" form [~~shall be governed by~~];

715 (i) an elected county council[;];

716 (ii) an elected county executive[;]; and [~~such~~]

717 (iii) other officers and employees [~~as are~~] authorized by law.

718 (b) The optional plan shall provide for the qualifications, time, and manner of election,  
719 term of office and compensation of the county executive.

720 (2) The county executive [~~shall be~~] is the chief executive officer or body of the county.

721 (3) In the county executive-council form of county government:

722 (a) the county council is the county legislative body and [~~shall have~~] has the powers,  
723 duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative  
724 Body; and

725 (b) the county executive [~~shall have~~] has the powers, duties, and functions of a county  
726 executive under Chapter 53, Part 3, County Executive.

727 (4) References in any statute or state rule to the "governing body" or the "board of  
728 county commissioners" of the county, in the county executive-council form of county  
729 government, means:

730 (a) the county council, with respect to legislative functions, duties, and powers; and

731 (b) the county executive, with respect to executive functions, duties, and powers.

732 Section 12. Section **17-52a-204**, which is renumbered from Section 17-52-505 is  
733 renumbered and amended to read:

734 ~~[17-52-505]~~. **17-52a-204. Council-manager form of county government.**

735 (1) (a) [~~A~~] The following shall govern a county operating under the form of  
736 government known as the "council-manager" form [~~shall be governed by~~];

737 (i) an elected county council[;];

738 (ii) a county manager appointed by the council[;]; and [~~such~~]

739 (iii) other officers and employees [~~as are~~] authorized by law.

740 (b) The optional plan shall provide for the qualifications, time and manner of



741 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of  
742 the county manager.

743 (2) The county manager ~~[shall be]~~ is the administrative head of the county government  
744 and ~~[shall have]~~ has the powers, functions, and duties of a county executive, except:

745 (a) as the county legislative body otherwise provides by ordinance; and

746 (b) that the county manager may not veto any ordinances enacted by the council.

747 (3) (a) ~~[No]~~ A member of the council ~~[shall]~~ may not directly or indirectly, by  
748 suggestion or otherwise~~[-];~~:

749 (i) attempt to influence or coerce the manager in ~~[the]~~;

750 (A) making ~~[of]~~ any appointment ~~[or removal of]~~;

751 (B) removing any officer or employee ~~[or in the purchase of]~~; or

752 (C) purchasing supplies~~[-];~~

753 (ii) attempt to exact any promise relative to any appointment from any candidate for  
754 manager~~[-];~~ or

755 (iii) discuss directly or indirectly with ~~[him]~~ the manager the matter of specific  
756 appointments to any county office or employment.

757 (b) (i) A person who violates the provisions of this Subsection (3) shall forfeit the  
758 office of the offending member of the council.

759 (ii) Nothing in this section shall be construed, however, as prohibiting the council  
760 while in open session from fully and freely discussing with or suggesting to the manager  
761 anything pertaining to county affairs or the interests of the county.

762 (iii) Neither manager nor any person in the employ of the county shall take part in  
763 securing, or contributing any money toward, the nomination or election of any candidate for a  
764 county office.

765 (iv) The optional plan may provide procedures for implementing this Subsection (3).

766 (4) In the council-manager form of county government~~[-];~~

767 (a) the legislative powers of the county ~~[shall be]~~ are vested in the county council~~[-];~~

768 and

769 (b) the executive powers of the county ~~[shall be]~~ are vested in the county manager.

770 (5) A reference in statute or state rule to the "governing body" or the "board of county  
771 commissioners" of the county, in the council-manager form of county government, means:

772 (a) the county council, with respect to legislative functions, duties, and powers; and

773 (b) the county manager, with respect to executive functions, duties, and powers.

774 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of  
775 time that:

776 (i) begins on the day on which a general election described in Section 17-16-6 is held  
777 to elect a council member; and

778 (ii) ends on the day on which the council member-elect begins the council member's  
779 term.

780 (b) (i) The county council may not appoint a county manager during an interim vacancy  
781 period.

782 (ii) Notwithstanding Subsection (6)(b)(i):

783 (A) the county council may appoint an interim county manager during an interim  
784 vacancy period; and

785 (B) the interim county manager's term shall expire once a new county manager is  
786 appointed by the new administration after the interim vacancy period has ended.

787 (c) Subsection (6)(b) does not apply if all the county council members who held office  
788 on the day of the county general election whose term of office was vacant for the election are  
789 re-elected to the council for the following term.

790 (7) A county council that appoints a county manager in accordance with this section  
791 may not, on or after May 10, 2011, enter into an employment contract that contains an  
792 automatic renewal provision with the county manager.

793 Section 13. Section 17-52a-301, which is renumbered from Section 17-52-201 is  
794 renumbered and amended to read:

795 **Part 3. Procedure for Initiating Adoption of Optional Plan**

796 ~~[17-52-201]~~. **17-52a-301. Procedure for initiating adoption of optional**  
797 **plan -- Limitations -- Pending proceedings.**

798 (1) An optional plan proposing an alternate form of government for a county may be  
799 adopted as provided in this chapter.

800 (2) The process to adopt an optional plan establishing an alternate form of county  
801 government may be initiated by:

802 (a) the county legislative body as provided in Section [~~17-52-202~~] 17-52a-302; or

803 (b) registered voters of the county as provided in Section [~~17-52-203~~] [17-52a-303](#).

804 (3) (a) If the process to adopt an optional plan [~~has been~~] is initiated under Laws of  
 805 Utah 1973, Chapter 26, Section 3, 4, or 5, or Section [~~17-52-202 or 17-52-203~~] [17-52a-302](#) or  
 806 [17-52a-303](#), the county legislative body may not initiate the process again under Section  
 807 [~~17-52-202 unless the earlier proceeding~~] [17-52a-302](#), and registered voters may not initiate the  
 808 process again under Section [17-52a-303](#), until:

809 [~~(i) has been concluded by an affirmative or negative vote of registered voters; or~~]

810 (i) the first initiated process concludes with an election under Section [17-52a-502](#);

811 (ii) the first initiated process concludes under Subsection [17-52a-403](#)(7) because the  
 812 study committee recommended that the county's form of government not change;

813 [~~(ii)~~] (iii) the first initiated process has not [~~been~~] concluded but has been pending for  
 814 at least two years[-] after the day on which the voters approved the appointment of a study  
 815 committee in an election described in Section [17-52a-304](#); or

816 (iv) notwithstanding Subsection (3)(a)(iii), if an election on an optional plan under the  
 817 first initiated process is scheduled under Section [17-52a-502](#), the conclusion of that election.

818 (b) A county legislative body may not initiate the process to adopt an optional plan  
 819 under Section [~~17-52-202~~] [17-52a-302](#) within four years of an election at which voters  
 820 approved or rejected an optional plan proposed as a result of a process initiated by the county  
 821 legislative body.

822 (c) Registered voters of a county may not initiate the process to adopt an optional plan  
 823 under Section [~~17-52-203~~] [17-52a-303](#) within four years of an election at which voters  
 824 approved or rejected an optional plan proposed as a result of a process initiated by registered  
 825 voters.

826 Section 14. Section **17-52a-302**, which is renumbered from Section 17-52-202 is  
 827 renumbered and amended to read:

828 [~~17-52-202~~]. **17-52a-302. County legislative body initiation of adoption of**  
 829 **optional plan -- Procedure.**

830 (1) A county legislative body may initiate the process of adopting an optional plan by  
 831 adopting a resolution to submit to the voters the question of whether a study committee should  
 832 be established as provided in Section [~~17-52-301~~] [17-52a-401](#).

833 (2) [~~Each~~] The county legislative body shall ensure that a resolution adopted under

834 Subsection (1) ~~[shall require]~~ requires the question to be submitted to the registered voters of  
 835 the county at the next special election scheduled ~~[pursuant to]~~ under Section ~~20A-1-204~~ after  
 836 adoption of the resolution under Subsection (1).

837 Section 15. Section ~~17-52a-303~~, which is renumbered from Section 17-52-203 is  
 838 renumbered and amended to read:

839 ~~[17-52-203]~~. **17-52a-303. Registered voter initiation of adoption of**  
 840 **optional plan -- Procedure.**

841 (1) (a) Registered voters of a county may initiate the process of adopting an optional  
 842 plan by filing with the county clerk a notice of intent to gather signatures for a petition for the  
 843 establishment of a study committee ~~[as provided in]~~ described in Section ~~[17-52-301]~~  
 844 17-52a-401.

845 ~~[(2) Each petition under Subsection (1) shall:]~~

846 (b) A notice of intent described in Subsection (1)(a) shall:

847 (i) designate up to five sponsors for the petition;

848 (ii) designate a contact sponsor to serve as the primary contact for the petition  
 849 sponsors;

850 (iii) list the mailing address and telephone number of each of the sponsors; and

851 (iv) be signed by each of the petition sponsors.

852 (c) Registered voters of a county may not file a notice of intent to gather signatures in  
 853 bad faith.

854 (2) (a) The sponsors of a petition for the establishment of a study committee may  
 855 circulate the petition after filing a notice of intent to gather signatures under Subsection (1).

856 ~~[(a) be]~~ (b) To be considered valid, the petition is required to be signed by registered  
 857 voters residing in the county equal in number to at least 10% of the total number of votes cast  
 858 in the county for all candidates for president of the United States at the most recent election  
 859 [for] at which a president of the United States[;] was elected.

860 ~~[(b) designate up to five of the petition signers as sponsors, one of whom shall be~~  
 861 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~

862 ~~[(c) be filed in the office of the clerk of the county in which the petition signers reside.]~~

863 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit  
 864 the completed petition and any amended or supplemental petition described in Subsection

865 (3)(b) with the county clerk not more than 180 days after the day on which the sponsors file the  
 866 notice described in Subsection (1).

867 ~~(3) [(a)]~~ Within 30 days [of the filing of a] after the day on which the sponsors submit a  
 868 petition under Subsection [(1)] (2)(c) or an amended or supplemental petition under Subsection  
 869 [(3)(b)] (4), the county clerk shall:

870 ~~[(1)]~~ (a) determine whether the petition or amended or supplemental petition has been  
 871 signed by the required number of registered voters; and

872 ~~[(ii)(A) if so,]~~

873 (b) (i) if the petition was signed by a sufficient number of registered voters:

874 (A) certify the petition [or amended or supplemental petition and];

875 (B) deliver [it] the petition to the county legislative body; and

876 (C) notify [in writing] the contact sponsor in writing of the certification; or

877 ~~[(B) if not,]~~ (ii) if the petition was not signed by a sufficient number of registered  
 878 voters:

879 (A) reject the petition [or the amended or supplemental petition]; and

880 (B) notify [in writing] the county legislative body and the contact sponsor in writing of  
 881 the rejection and the reasons for the rejection.

882 ~~[(b) If a county clerk rejects a petition or an amended or supplemental petition under~~  
 883 ~~Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or~~  
 884 ~~supplemental petition may be further amended or supplemented with additional signatures and~~  
 885 ~~refiled within 20 days of the date of rejection.]~~

886 (4) The sponsors of a petition circulated under this section may amend the petition or  
 887 submit supplemental signatures for the petition:

888 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

889 (b) before the earlier of:

890 (i) the deadline described in Subsection (2)(c); or

891 (ii) 20 days after the day on which the county clerk rejects the petition under  
 892 Subsection (3)(b)(ii).

893 ~~[(4)]~~ (5) With the unanimous approval of petition sponsors, a petition filed under  
 894 [Subsection (1)] this section may be withdrawn at any time within 90 days after [petition  
 895 certification but] the day on which the county clerk certifies the petition under Subsection

896 (3)(b)(i) and no later than 45 days before an election under Section ~~[17-52-206]~~ 17-52a-501 if:

897 (a) the petition ~~[notified signers]~~ included a notification to petition signers, in  
898 conspicuous language and in a conspicuous location, that the petition sponsors are authorized  
899 to withdraw the petition; and

900 (b) ~~[there are at least three sponsors of]~~ the petition has at least three sponsors.

901 (6) (a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may  
902 circulate a petition under this section after a county legislative body initiates the process to  
903 adopt an optional plan under Section 17-52a-302 in order to qualify to select a member of an  
904 appointment committee that is formed as a result of the process initiated by the county  
905 legislative body.

906 (b) Notwithstanding Subsection (2)(c), registered voters who circulate a petition  
907 described in Subsection (6)(a) shall submit the completed petition not more than 30 days before  
908 the day of the election described in Section 17-52a-304.

909 (c) Notwithstanding Subsection (4), registered voters who circulate a petition described  
910 in Subsection (6)(a) may not amend or submit supplemental signatures for the petition unless:

911 (i) the county clerk makes the determination described in Subsection (3) before the  
912 deadline described in Subsection (6)(b); and

913 (ii) the registered voters submit the amended or supplemented petition before the  
914 deadline described in Subsection (6)(b).

915 Section 16. Section ~~17-52a-304~~, which is renumbered from Section 17-52-203.5 is  
916 renumbered and amended to read:

917 ~~[17-52-203.5].~~ **17-52a-304. Election to determine whether study committee**  
918 **should be established.**

919 (1) The county legislative body shall hold an election under this section if:

920 (a) the county legislative body adopts a resolution under ~~[Subsection 17-52-202(1)]~~  
921 Section 17-52a-302; or

922 (b) ~~[a petition filed under Subsection 17-52-203(1) is certified by]~~ the county clerk  
923 certifies a petition under Subsection ~~[17-52-203]~~ 17-52a-303(3).

924 (2) ~~[Each]~~ An election ~~[under]~~ described in Subsection (1) shall be a special election,  
925 called and held ~~[as required by]~~ in accordance with Sections ~~20A-1-203~~ and ~~20A-1-204~~  
926 [after:].

927 ~~[(a) adoption of a resolution under Subsection 17-52-202(1); or]~~

928 ~~[(b) certification of a petition under Subsection 17-52-203(3).]~~

929 (3) The county clerk shall prepare the ballot for ~~[each]~~ an election ~~[under]~~ described in  
930 Subsection (1) with a question that asks substantially ~~[as follows]~~ the following:

931 "Shall a study committee be appointed to consider and possibly recommend a change in  
932 ~~[the]~~ \_\_\_\_\_ County's form of government ~~[of \_\_\_\_\_~~  
933 ~~County]~~?"

934 Section 17. Section **17-52a-401**, which is renumbered from Section 17-52-301 is  
935 renumbered and amended to read:

936 **Part 4. Study Committee and Optional Plan**

937 ~~[17-52-301].~~ **17-52a-401. Procedure for appointing members to study**  
938 **committee.**

939 ~~[(1) Each member of a study committee shall be appointed by an appointment council~~  
940 ~~as provided in this section.]~~

941 (1) If a majority of voters voting in an election described in Section 17-52a-304 vote in  
942 favor of appointing a study committee, an appointment council shall appoint the members of a  
943 study committee as provided in this section.

944 (2) (a) The county executive shall convene ~~[a]~~ the first meeting of the ~~[three]~~ members  
945 of the appointment council ~~[referred to]~~ described in Subsections ~~[17-52-101]~~  
946 17-52a-101(1)(a), (b), and, if applicable, (c)(i)(A) within 10 days after the canvass of an  
947 election conducted under Section ~~[17-52-203.5 if a majority of those voting voted in favor of~~  
948 ~~establishing a study committee]~~ 17-52a-304.

949 (b) Within 10 days of the convening of the first meeting under Subsection (2)(a), the  
950 ~~[three]~~ members of the appointment council described in Subsection (2)(a) shall designate the  
951 remaining ~~[two]~~ members ~~[referred to in Subsection 17-52-101(1)(d)]~~ of the appointment  
952 council.

953 (3) (a) Within 30 days ~~[of the designation of the remaining two members]~~ after the day  
954 on which the last appointment council member is appointed under Subsection (2)(b), the  
955 appointment council shall:

956 (i) appoint the members to the study committee; and

957 (ii) notify in writing the appointees, the county executive, and the county legislative

958 body of the appointments.

959 (b) In making appointments to the study committee, the appointment council shall  
960 work to achieve a broadly representative membership.

961 (c) The appointment council may not appoint [~~a person~~] an individual to the study  
962 committee unless that [~~person~~] individual:

963 (i) is a registered voter in the county whose form of government will be studied by the  
964 study committee; and

965 (ii) does not hold any public office or employment other than membership on the  
966 appointment council.

967 Section 18. Section ~~17-52a-402~~, which is renumbered from Section 17-52-302 is  
968 renumbered and amended to read:

969 ~~[17-52-302].~~ **17-52a-402. Convening of first meeting of study committee.**

970 (1) The county executive shall convene the first meeting of the study committee within  
971 10 days after [~~receipt of notification~~] the county executive receives the notification described in  
972 Subsection 17-52a-401(3)(a) of the study committee members' appointment [under Subsection  
973 17-52-301(3)(a)].

974 (2) (a) At the study committee's first meeting, the study committee shall select a chair  
975 from among the members of the study committee.

976 (b) The chair of the study committee is responsible for convening each future meeting  
977 of the study committee.

978 Section 19. Section ~~17-52a-403~~, which is renumbered from Section 17-52-303 is  
979 renumbered and amended to read:

980 ~~[17-52-303].~~ **17-52a-403. Study committee -- Members -- Powers and**  
981 **duties -- Report -- Services provided by county.**

982 (1) (a) [~~Each~~] A study committee [~~shall consist~~] consists of at least seven but no more  
983 than 11 members.

984 (b) A member of a study committee may not receive compensation for service on the  
985 committee.

986 (c) The county legislative body shall reimburse each member of a study committee for  
987 necessary expenses incurred in performing the member's duties on the study committee.

988 (2) A study committee may:



989 (a) adopt rules for ~~[its]~~ the study committee's own organization and procedure and to  
990 fill a vacancy in its membership;

991 (b) establish advisory boards or committees and include on ~~[them]~~ the advisory boards  
992 or committees persons who are not members of the study committee; and

993 (c) request the assistance and advice of any officers or employees of any agency of  
994 state or local government.

995 (3) ~~[Each]~~ A study committee shall:

996 (a) study the form of government within the county and compare it with other forms  
997 available under this chapter;

998 (b) determine whether the administration of local government in the county could be  
999 strengthened, made more clearly responsive or accountable to the people, or significantly  
1000 improved in the interest of economy and efficiency by a change in the form of county  
1001 government;

1002 (c) hold public hearings and community forums and other means the committee  
1003 considers appropriate to disseminate information and stimulate public discussion of the  
1004 committee's purposes, progress, and conclusions; and

1005 (d) file a written report of ~~[its]~~ the study committee's findings and recommendations  
1006 with the county executive ~~[and]~~, the county legislative body, and the county clerk no later than  
1007 one year after the convening of ~~[its]~~ the study committee's first meeting under Section  
1008 ~~[17-52-302]~~ 17-52a-402.

1009 (4) (a) Each study committee report under Subsection (3)(d) shall include:

1010 ~~[(a)]~~ (i) except as provided in Subsection (4)(b), the study committee's  
1011 recommendation as to whether the form of county government should be changed to another  
1012 form authorized under this chapter;

1013 ~~[(b)]~~ (ii) if the study committee recommends changing the form of government, a  
1014 complete detailed draft of a proposed plan to change the form of county government, including  
1015 all necessary implementing provisions; and

1016 ~~[(c)]~~ (iii) any additional recommendations the study committee considers appropriate to  
1017 improve the efficiency and economy of the administration of local government within the  
1018 county.

1019 (b) A study committee for a county of the second class that is under the county

1020 commission form of government described in Section 17-52a-201 may not recommend that the  
1021 county remain in that form of government.

1022 (5) (a) If the study committee's report recommends a change in the form of county  
1023 government, the study committee may conduct additional public hearings after filing the report  
1024 under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the  
1025 report.

1026 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration  
1027 to the report:

1028 (i) that would recommend the adoption of an optional form different from that  
1029 recommended in the original report; or

1030 (ii) within the 120-day period before the election under Section [~~17-52-206~~]  
1031 17-52a-501.

1032 (6) Each meeting [~~held by~~] that the study committee holds shall be open to the public.

1033 (7) If the study committee's report does not recommend a change in the form of county  
1034 government, the report is final, the study committee is dissolved, and the process to change the  
1035 county's form of government is concluded.

1036 [~~(7)~~] (8) The county legislative body shall provide for the study committee:

1037 (a) suitable meeting facilities;

1038 (b) necessary secretarial services;

1039 (c) necessary printing and photocopying services;

1040 (d) necessary clerical and staff assistance; and

1041 (e) adequate funds for the employment of independent legal counsel and professional  
1042 consultants that the study committee reasonably determines to be necessary to help the study  
1043 committee fulfill its duties.

1044 Section 20. Section ~~17-52a-404~~, which is renumbered from Section 17-52-401 is  
1045 renumbered and amended to read:

1046 [~~17-52-401~~]. **17-52a-404. Contents of proposed optional plan.**

1047 (1) [~~Each~~] The study committee shall ensure that each optional plan [proposed] the  
1048 committee proposes under this chapter:

1049 (a) [~~shall propose~~] proposes the adoption of one of the forms of county government  
1050 listed in Subsection [~~17-52-402~~] 17-52a-405(1)(a);

1051 (b) ~~[shall contain]~~ contains detailed provisions relating to the transition from the  
1052 existing form of county government to the form proposed in the optional plan, including  
1053 provisions relating to the:

1054 (i) election or appointment of officers specified in the optional plan for the new form of  
1055 county government;

1056 (ii) retention, elimination, or combining of existing offices and, if an office is  
1057 eliminated, the division or department of county government responsible for performing the  
1058 duties of the eliminated office;

1059 (iii) continuity of existing ordinances and regulations;

1060 (iv) continuation of pending legislative, administrative, or judicial proceedings;

1061 (v) making of interim and temporary appointments; and

1062 (vi) preparation, approval, and adjustment of necessary budget appropriations;

1063 (c) ~~[shall specify]~~ specifies the date ~~[it is to become]~~ the optional plan becomes  
1064 effective if adopted, which may not be earlier than the first day of January next following the  
1065 election of officers under the new plan; and

1066 (d) notwithstanding any other provision of this title and except with respect to an  
1067 optional plan that proposes the adoption of the county commission or expanded county  
1068 commission form of government, with respect to the county budget ~~[shall provide]~~ provides  
1069 that:

1070 (i) the county executive's role is to prepare and present a proposed budget to the county  
1071 legislative body~~[-];~~ and

1072 (ii) the county legislative body's role is to adopt a final budget.

1073 (2) Subject to Subsection (3), an optional plan may include provisions that are  
1074 considered necessary or advisable to the effective operation of the proposed optional plan.

1075 (3) An optional plan may not include any provision that is inconsistent with or  
1076 prohibited by the Utah Constitution or any statute.

1077 (4) ~~[Each]~~ The study committee shall ensure that each optional plan proposing to  
1078 change the form of government to a form under Section ~~[17-52-504 or 17-52-505 shall]~~  
1079 17-52a-203 or 17-52a-204:

1080 (a) ~~[provide]~~ provides for the same executive and legislative officers as are specified in  
1081 the applicable section for the form of government ~~[being proposed by]~~ that the optional plan

1082 proposes;

1083 (b) [~~provide~~] provides for the election of the county council;

1084 (c) [~~specify~~] specifies the number of county council members, which shall be an odd

1085 number from three to nine;

1086 (d) [~~specify~~] specifies whether the members of the county council are to be elected

1087 from districts, at large, or by a combination of at large and by district;

1088 (e) [~~specify~~] specifies county council members' qualifications and terms and whether

1089 the terms are to be staggered;

1090 (f) [~~contain~~] contains procedures for filling vacancies on the county council, consistent

1091 with the provisions of Section 20A-1-508; and

1092 (g) [~~state~~] states the initial compensation, if any, of county council members and

1093 procedures for prescribing and changing compensation.

1094 (5) [~~Each~~] The study committee shall ensure that each optional plan proposing to

1095 change the form of government to the county commission form under Section [~~17-52-501~~]

1096 17-52a-201 or the expanded county commission form under Section [~~17-52-502 shall specify~~]

1097 17-52a-202 specifies:

1098 (a) (i) for the county commission form of government, that the county commission

1099 shall have three members; or

1100 (ii) for the expanded county commission form of government, whether the county

1101 commission shall have five or seven members;

1102 (b) the terms of office for county commission members and whether the terms are to be

1103 staggered;

1104 (c) whether members of the county commission are to be elected from districts, at

1105 large, or by a combination of at large and from districts;

1106 (d) if any members of the county commission are to be elected from districts, the

1107 district residency requirements for those commission members; and

1108 (e) if any members of the county commission are to be elected at large, whether the

1109 election of county commission members is subject to the provisions of Subsection [~~17-52-501~~]

1110 17-52a-201(6) or Subsection [~~17-52-502~~] 17-52a-202(6).

1111 Section 21. Section **17-52a-405**, which is renumbered from Section 17-52-402 is

1112 renumbered and amended to read:

1113 ~~[17-52-402].~~ 17-52a-405. Plan may propose changing forms of county  
 1114 government -- Plan may propose change of structural form -- Partisan elections.

1115 (1) (a) ~~[Each]~~ The study committee shall ensure that each optional plan ~~[shall propose]~~  
 1116 proposes changing the form of county government to:

1117 (i) the county commission form under Section ~~[17-52-501]~~ 17-52a-201, unless the  
 1118 optional plan is for a county of the second class;

1119 (ii) the expanded county commission form under Section ~~[17-52-502]~~ 17-52a-202;

1120 (iii) the county executive and council form under Section ~~[17-52-504]~~ 17-52a-203; or

1121 (iv) the council-manager form under Section ~~[17-52-505]~~ 17-52a-204.

1122 (b) ~~[An]~~ The study committee may not recommend an optional plan ~~[adopted after May~~  
 1123 ~~1, 2000, may not]~~ that:

1124 (i) ~~[propose]~~ proposes changing the form of government to a form not included in  
 1125 Subsection (1)(a);

1126 (ii) ~~[provide]~~ provides for the nonpartisan election of elected officers;

1127 (iii) ~~[impose]~~ imposes a limit on the number of terms or years that an elected officer  
 1128 may serve; or

1129 (iv) ~~[provide]~~ provides for elected officers to be subject to a recall election.

1130 (2) In addition to proposing the adoption of any one of the optional forms of county  
 1131 government under Subsection (1)(a), an optional plan may also propose the adoption of any  
 1132 one of the structural forms of county government provided under Chapter 35b, Part 3,  
 1133 Structural Forms of County Government.

1134 (3) A county that ~~[provided]~~ provides for the election of the county's elected officers  
 1135 through a partisan election ~~[in or after the 2000 general election]~~ may not change to a process  
 1136 that provides for the election of the county's elected officers through a nonpartisan election.

1137 Section 22. Section ~~17-52a-406~~, which is renumbered from Section 17-52-204 is  
 1138 renumbered and amended to read:

1139 ~~[17-52-204].~~ 17-52a-406. County or district attorney review of proposed  
 1140 optional plan -- Conflict with statutory or constitutional provisions -- Processing of  
 1141 optional plan after attorney review.

1142 (1) Within 10 days after the day on which the study committee submits ~~[its]~~ the study  
 1143 committee's report under Subsection ~~[17-52-303]~~ 17-52a-403(3)(d) to the county legislative

1144 body [~~recommending~~], if the report recommends a change in the form of county government,  
1145 the county clerk shall send to the county attorney [~~of the county in which the optional plan is~~  
1146 ~~proposed~~] or, if the county does not have a county attorney, to the district attorney, a copy of  
1147 each optional plan recommended [~~by the study committee in its~~] in the report [~~under~~  
1148 ~~Subsection 17-52-303(3)(d)~~].

1149 (2) Within 45 days after [~~receipt of~~] the day on which the county or district attorney  
1150 receives the recommended optional plan from the county clerk under Subsection (1), the county  
1151 or district attorney shall send a written report to the county clerk containing the information  
1152 [~~required under~~] described in Subsection (3).

1153 (3) [~~Each~~] A report from the county or district attorney under Subsection (2) shall:

1154 (a) state the attorney's opinion as to whether implementation of the optional plan [~~as~~  
1155 ~~prepared by~~] that the study committee prepared would result in a violation of any applicable  
1156 statutory or constitutional provision;

1157 (b) if the attorney concludes that a violation would result:

1158 (i) identify specifically each statutory or constitutional provision that [~~would be~~  
1159 ~~violated by~~] implementation of the optional plan [~~as prepared by the study committee~~] would  
1160 violate;

1161 (ii) identify specifically each provision or feature of the proposed optional plan that  
1162 would result in a statutory or constitutional violation if the plan is implemented [~~as prepared by~~  
1163 ~~the study committee~~]; and

1164 [~~(iii) state whether, in the attorney's opinion, any of the provisions or features identified~~  
1165 ~~in Subsection (3)(b)(ii) are so integral to the proposed optional plan that having previously~~  
1166 ~~changed the specified provision or feature to avoid the violation would have affected the~~  
1167 ~~decision of a study committee member who favored the proposed optional plan; and]~~

1168 [~~(iv) if all the provisions or features identified in Subsection (3)(b)(ii) do not meet the~~  
1169 ~~standard of Subsection (3)(b)(iii);]~~

1170 (iii) recommend how the proposed optional plan may be modified to avoid the  
1171 statutory or constitutional violation.

1172 (4) (a) [~~If the attorney's statement under Subsection (3) identifies provisions or features~~  
1173 ~~under Subsection (3)(b)(ii) that meet the standard of Subsection (3)(b)(iii);] Except as provided  
1174 in Subsection (4)(b), if the attorney determines under Subsection (3) that a violation would~~

1175 occur, the proposed optional plan may not be the subject of [~~a resolution or petition under~~  
 1176 ~~Subsection 17-52-206(1), except that the~~] an election under Section 17-52a-501.

1177 (b) The study committee may modify [the] an optional plan to avoid [the] a violation  
 1178 that a county or district attorney's report describes under Subsection (3) and [then] file a new  
 1179 report under Subsection [~~17-52-303~~] 17-52a-403(3)(d) [that will be treated as any other report  
 1180 under that subsection].

1181 [~~(b) If the attorney's statement under Subsection (3) identifies provisions or features~~  
 1182 ~~under Subsection (3)(b)(ii) that do not meet the standard of Subsection (3)(b)(iii), the optional~~  
 1183 ~~plan may be modified by the study committee to avoid the statutory or constitutional violations~~  
 1184 ~~and then be the subject of a resolution or petition under Subsection 17-52-206(1).]~~

1185 (c) If a study committee files a new report under Subsection 17-52a-403(3)(d), the  
 1186 county executive, county legislative body, county or district attorney, and county clerk shall  
 1187 treat the new report in the same manner as an original report.

1188 (5) If the attorney's [~~statement~~] report under Subsection (3) does not identify any  
 1189 provisions or features of the proposed optional plan that, if implemented, would violate a  
 1190 statutory or constitutional provision, the proposed optional plan [~~may~~] shall be the subject of [~~a~~  
 1191 ~~resolution or petition under Subsection 17-52-206(1)] an election under Section 17-52a-501.~~

1192 Section 23. Section **17-52a-501**, which is renumbered from Section 17-52-206 is  
 1193 renumbered and amended to read:

1194 **Part 5. Adoption and Implementation of Optional Plan**

1195 [~~17-52-206~~]. **17-52a-501. Election on recommended optional plan.**

1196 (1) [~~(a) The~~] If the county or district attorney finds that a proposed optional plan does  
 1197 not violate a statutory or constitutional provision under Section 17-52a-406, a county legislative  
 1198 body shall hold an election on [an] the optional plan [recommended in a study committee  
 1199 report filed under Subsection ~~17-52-303~~(3)(d) if:].

1200 [(i) ~~the county or district attorney has completed the review of the recommended~~  
 1201 ~~optional plan and has submitted the attorney's report to the county clerk as provided in Section~~  
 1202 ~~17-52-204;]~~

1203 [(ii) ~~the recommended optional plan may, under Subsection 17-52-204(3), be the~~  
 1204 ~~subject of a resolution or petition under this Subsection (1); and]~~

1205 [(iii) ~~after the county or district attorney has submitted the attorney's report under~~

1206 Section ~~17-52-204~~;

1207       ~~[(A) the county legislative body adopts a resolution to submit the recommended~~  
1208 ~~optional plan to voters; or]~~

1209       ~~[(B) a petition is filed with the county clerk that:]~~

1210       ~~[(F) is signed by registered voters residing in the county equal in number to at least 10%~~  
1211 ~~of the total number of votes cast in the county at the most recent election for president of the~~  
1212 ~~United States;]~~

1213       ~~[(H) designates up to five of the petition signers as sponsors, one of whom shall be~~  
1214 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~

1215       ~~[(H) requests that the recommended optional plan be submitted to voters:]~~

1216       ~~[(b) The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be~~  
1217 ~~the same as that provided in Subsection ~~17-52-203~~(3).]~~

1218       (2) ~~[Each election under Subsection (1)]~~ An election on an optional plan shall be held  
1219 at the next regular general or municipal general election [date] that is no less than [two months  
1220 after:] 60 days after the day on which the county or district attorney submits the attorney's  
1221 report described in Subsection 17-52a-406(5) to the county clerk.

1222       ~~[(a) the county legislative body's adoption of a resolution under Subsection~~  
1223 ~~(1)(a)(iii)(A); or]~~

1224       ~~[(b) certification of a petition filed under Subsection (1)(a)(iii)(B).]~~

1225       (3) The county clerk shall prepare the ballot for ~~[each]~~ an election under ~~[Subsection~~  
1226 ~~(1)]~~ this section so that the question on the ballot states substantially ~~[as follows]~~ the following:

1227       "Shall \_\_\_\_\_ County adopt the alternate form of government known  
1228 as the \_\_\_ (insert the proposed form of government)\_\_\_ that ~~[has been recommended by]~~ the  
1229 study committee has recommended?"

1230       (4) The county clerk shall:

1231       (a) ~~[cause]~~ publish the complete text of the proposed optional plan ~~[to be published]~~ in  
1232 a newspaper of general circulation within the county at least once during two different calendar  
1233 weeks within the 30-day period immediately before the date of the election ~~[under]~~ described in  
1234 Subsection (1); [and]

1235       (b) post the complete text of the proposed optional plan in a conspicuous place on the  
1236 county's website during the 45-day period that immediately precedes the election on the



1237 optional plan; and

1238 ~~[(b)]~~ (c) make a complete copy of the optional plan and the study committee report  
1239 available free of charge to any member of the public who requests a copy.

1240 (5) A county clerk shall declare an optional plan as adopted by the voters if a majority  
1241 of voters voting on the optional plan vote in favor of the optional plan.

1242 Section 24. Section **17-52a-502**, which is renumbered from Section 17-52-205 is  
1243 renumbered and amended to read:

1244 ~~[17-52-205].~~ **17-52a-502. Voter information pamphlet.**

1245 (1) In anticipation of an election under Section ~~[17-52-206]~~ 17-52a-501, the county  
1246 clerk may prepare a voter information pamphlet to inform the public of the proposed optional  
1247 plan.

1248 (2) In preparing a voter information pamphlet under this section, the county clerk may:

1249 (a) allow proponents and opponents of the proposed optional plan to provide written  
1250 statements to be included in the pamphlet; and

1251 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information  
1252 Pamphlet.

1253 (3) ~~[Each]~~ A county clerk ~~[preparing]~~ who prepares a voter information pamphlet  
1254 under this section shall cause the publication and distribution of the pamphlet in a manner  
1255 ~~[determined by]~~ that the county clerk ~~[to be]~~ determines is adequate.

1256 Section 25. Section **17-52a-503**, which is renumbered from Section 17-52-403 is  
1257 renumbered and amended to read:

1258 ~~[17-52-403].~~ **17-52a-503. Adoption of optional plan -- Election of new**  
1259 **county officers -- Effect of adoption.**

1260 (1) If a proposed optional plan is approved at an election held under Section

1261 ~~[17-52-206]~~ 17-52a-501:

1262 (a) the elected county officers specified in the plan shall be elected at the next regular  
1263 general election following the election under Section 17-52a-501, according to the procedure  
1264 and schedule established under Title 20A, Election Code, for the election of county officers;

1265 ~~[(a)]~~ (b) the proposed optional plan:

1266 (i) becomes effective according to ~~[its]~~ the optional plan's terms ~~[and];~~;

1267 (ii) subject to Subsection ~~[17-52-401]~~ 17-52a-404(1)(c), at the time specified in ~~[it]~~ the

1268 optional plan, is a public record open to inspection by the public<sup>[7]</sup>; and

1269 (iii) is judicially noticeable by all courts;

1270 ~~[(b)]~~ (c) the county clerk shall, within 10 days of the canvass of the election, file with

1271 the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and

1272 correct copy;

1273 ~~[(c)]~~ (d) all public officers and employees shall cooperate fully in making the transition

1274 between forms of county government; and

1275 ~~[(d)]~~ (e) the county legislative body may enact and enforce necessary ordinances to

1276 bring about an orderly transition to the new form of government, including any transfer of

1277 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent

1278 with the approved optional plan and necessary or convenient to place it into full effect.

1279 (2) Adoption of an optional plan changing only the form of county government without

1280 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County

1281 Government, does not alter or affect the boundaries, organization, powers, duties, or functions

1282 of any:

1283 (a) school district;

1284 (b) justice court;

1285 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local

1286 Districts;

1287 (d) special service district under Title 17D, Chapter 1, Special Service District Act;

1288 (e) city or town; or

1289 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal

1290 Cooperation Act.

1291 (3) After the adoption of an optional plan, the county remains vested with all powers

1292 and duties vested generally in counties by statute.

1293 Section 26. Section **17-52a-504**, which is renumbered from Section 17-52-404 is

1294 renumbered and amended to read:

1295 ~~[17-52-404]~~. **17-52a-504. Amendment of optional plan.**

1296 (1) Subject to ~~[Subsection]~~ Subsections (2) and (3), an optional plan, after going into

1297 effect following an election held under Section ~~[17-52-206]~~ 17-52a-501, may be amended by

1298 an affirmative vote of two-thirds of the county legislative body.

1299 (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect  
1300 may not take effect until ~~[approved by]~~ a majority of registered voters voting in a general or  
1301 special election at which the amendment is proposed approve the amendment, if the  
1302 amendment changes:

1303 (a) the size or makeup of the legislative body, except for adjustments necessary due to  
1304 decennial reapportionment;

1305 (b) the distribution of powers between the executive and legislative branches of county  
1306 government; or

1307 (c) the status of the county executive or legislative body from full-time to part-time or  
1308 vice versa.

1309 (3) A county of the second class may not amend an optional plan under this section in a  
1310 manner that would change the county's form of government to the county commission form  
1311 under Section 17-52a-201.

1312 Section 27. Section ~~17-52a-505~~, which is renumbered from Section 17-52-405 is  
1313 renumbered and amended to read:

1314 ~~[17-52-405].~~ **17-52a-505. Repeal of optional plan.**

1315 (1) ~~[An]~~ (a) Except as provided in Subsection (1)(b), an optional plan [adopted] that  
1316 the voters in an election adopt under this chapter may be repealed as provided in this section.

1317 (b) Voters in a county of the second class that changes from a county commission form  
1318 of government described in Section 17-52a-201 may not repeal an optional plan that changes  
1319 the county's form of government from the county commission form of government described in  
1320 Section 17-52a-201.

1321 (2) Registered voters of a county that has adopted an optional plan may initiate the  
1322 process of repealing an optional plan by filing a petition for the repeal of the optional plan.

1323 (3) (a) ~~[A]~~ Registered voters of a county may not file a petition to repeal an optional  
1324 plan [may not be filed] sooner than four years or more than five years after the election of  
1325 county officers under Section ~~[17-52-207]~~ 17-52a-503.

1326 (b) (i) If the registered voters file a petition to repeal an optional plan under this  
1327 section, the petition is certified, and the optional plan is not repealed at an election described in  
1328 Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least  
1329 four, and not more than five, years after the certification of the original petition.

1330 (ii) If, after four years, the voters file a subsequent petition [~~as described in~~] under  
1331 Subsection (3)(b)(i), the voters:

1332 (A) may not circulate or file another petition to repeal until at least four, and not more  
1333 than five, years after certification of the subsequent petition; and

1334 (B) shall wait an additional four, and not more than five, years after the date of  
1335 certification of the previous petition for each petition filed thereafter.

1336 (4) [~~Each~~] A petition [~~under~~] described in Subsection (2) shall:

1337 (a) be signed by registered voters residing in the county:

1338 (i) equal in number to at least 15% of the total number of votes cast in each precinct  
1339 described in Subsection (4)(a)(ii) for all candidates for president of the United States at the  
1340 most recent election [~~for~~] in which a president of the United States was elected; and

1341 (ii) who represent at least 85% of the voting precincts located within the county;

1342 (b) designate up to five of the petition signers as sponsors, [~~one of whom shall be~~  
1343 ~~designated~~] designating one petition signer as the contact sponsor, with the mailing address and  
1344 telephone number of each; and

1345 (c) be filed in the office of the clerk of the county in which the petition signers reside.

1346 (5) Within 30 days after the filing of a petition under Subsection (2) or an amended  
1347 petition under Subsection (6), the county clerk shall:

1348 (a) determine whether the required number of voters have signed the petition or  
1349 amended petition has been signed by the required number of registered voters; and

1350 (b) (i) if [~~so~~] a sufficient number of voters have signed the petition, certify the petition  
1351 or amended petition and deliver it to the county legislative body, and notify in writing the  
1352 contact sponsor of the certification; or

1353 (ii) if [~~not~~] a sufficient number of voters have not signed the petition, reject the petition  
1354 or the amended petition and notify [~~in writing~~] the county legislative body and the contact  
1355 sponsor in writing of the rejection and the reasons for the rejection.

1356 (6) If a county clerk rejects a petition or an amended petition under Subsection  
1357 (5)(b)(ii), the petition may be amended or an amended petition may be further amended with  
1358 additional signatures and refiled within 20 days of the date of rejection.

1359 (7) [~~a~~] If a county clerk certifies a petition under Subsection (2) [~~is certified~~], the  
1360 county legislative body shall [~~within 60 days after petition certification adopt a resolution~~

1361 ~~granting the petition and deciding to~~ hold an election on the proposal to repeal the optional  
1362 plan~~[-(b) The county legislative body shall hold the election]~~ at the next regular general  
1363 election ~~[date]~~ that is at least ~~[two months after the legislative body's decision]~~ 60 days after the  
1364 day on which the county clerk certifies the petition.

1365 (8) If, at an election held under Subsection (7)~~[(b)]~~, a majority of voters voting on the  
1366 proposal to repeal the optional plan vote in favor of repealing:

1367 (a) the optional plan is repealed, effective January 1 of the year following the election  
1368 of county officers under Subsection (8)(c);

1369 (b) upon the effective date of the repeal under Subsection (8)(a), the form of  
1370 government under which the county operates reverts to the form it had before the optional plan  
1371 was adopted; and

1372 (c) the county officers under the form of government to which the county reverts, who  
1373 are different than the county officers under the repealed optional plan, shall be elected at the  
1374 next regular general election following the election under Subsection (7)~~[(b)]~~.

1375 Section 28. Section **17-53-101** is amended to read:

1376 **17-53-101. County officers enumerated.**

1377 (1) The elected officers of a county are:

1378 (a) (i) in a county operating under a county commission or expanded county  
1379 commission form of government, county commission members; or

1380 (ii) in a county operating under one of the other forms of county government under  
1381 Subsection ~~[17-52-402]~~ 17-52a-405(1)(a), county legislative body members and the county  
1382 executive;

1383 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a  
1384 county attorney, a district attorney in a county which is part of a prosecution district, a county  
1385 surveyor, and a county assessor; and

1386 (c) any others provided by law.

1387 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than  
1388 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the  
1389 duties of the office without extra compensation.

1390 Section 29. Section **17B-2a-1106** is amended to read:

1391 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

1392 (1) Except as provided in Subsection (2), and notwithstanding any other provision of  
1393 law regarding the membership of a local district board of trustees, the initial board of trustees  
1394 of a municipal services district shall consist of the county legislative body.

1395 (2) (a) Notwithstanding any provision of law regarding the membership of a local  
1396 district board of trustees or the governance of a local district, and, except as provided in  
1397 Subsection (3), if a municipal services district is created in a county of the first class with the  
1398 county executive-council form of government, the initial governance of the municipal services  
1399 district is as follows:

1400 (i) subject to Subsection (2)(b), the county council is the municipal services district  
1401 board of trustees; and

1402 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal  
1403 services district.

1404 (b) Notwithstanding any other provision of law, the board of trustees of a municipal  
1405 services district described in Subsection (2)(a) shall:

1406 (i) act as the legislative body of the district; and

1407 (ii) exercise legislative branch powers and responsibilities established for county  
1408 legislative bodies in:

1409 (A) Title 17, Counties; and

1410 (B) an optional plan, as defined in Section [~~17-52-101~~] [17-52a-101](#), adopted for a  
1411 county executive-council form of county government as described in Section [~~17-52-504~~]  
1412 [17-52a-203](#).

1413 (c) Notwithstanding any other provision of law, in a municipal services district  
1414 described in Subsection (2)(a), the executive of the district shall:

1415 (i) act as the executive of the district;

1416 (ii) nominate a general manager of the municipal services district, subject to the advice  
1417 and consent of the board of trustees; and

1418 (iii) exercise executive branch powers and responsibilities established for a county  
1419 executive in:

1420 (A) Title 17, Counties; and

1421 (B) an optional plan, as defined in Section [~~17-52-101~~] [17-52a-101](#), adopted for a  
1422 county executive-council form of county government as described in Section [~~17-52-504~~]

1423 [17-52a-203](#).

1424 (3) (a) If, after the initial creation of a municipal services district, an area within the  
1425 district is incorporated as a municipality as defined in Section [10-1-104](#) and the area is not  
1426 withdrawn from the district in accordance with Section [17B-1-502](#) or [17B-1-505](#), or an area  
1427 within the municipality is annexed into the municipal services district in accordance with  
1428 Section [17B-2a-1103](#), the district's board of trustees shall be as follows:

1429 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

1430 (ii) subject to Subsection (4), two members of the county council of the county in  
1431 which the municipal services district is located; and

1432 (iii) the total number of board members shall be an odd number.

1433 (b) A member described in Subsection (3)(a)(i) shall be:

1434 (i) for a municipality other than a metro township, designated by the municipal  
1435 legislative body; and

1436 (ii) for a metro township, the chair of the metro township.

1437 (c) A member of the board of trustees has the powers and duties described in  
1438 Subsection (2)(b).

1439 (d) The county executive is the executive and has the powers and duties as described in  
1440 Subsection (2)(c).

1441 (4) (a) The number of county council members may be increased or decreased to meet  
1442 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

1443 (b) The number of county council members described in Subsection (3)(a)(ii) does not  
1444 include the county mayor.

1445 (5) For a board of trustees described in Subsection (3), each board member's vote is  
1446 weighted using the proportion of the municipal services district population that resides:

1447 (a) for each member described in Subsection (3)(a)(i), within that member's  
1448 municipality; and

1449 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated  
1450 county, with the members' weighted vote divided evenly if there is more than one member on  
1451 the board described in Subsection (3)(a)(ii).

1452 (6) The board may adopt a resolution providing for future board members to be  
1453 appointed, as provided in Section [17B-1-304](#), or elected, as provided in Section [17B-1-306](#).

1454 (7) (a) Notwithstanding Subsections [17B-1-309](#)(1) or [17B-1-310](#)(1), the board of  
1455 trustees may adopt a resolution to determine the internal governance of the board.

1456 (b) A resolution adopted under Subsection (7)(a) may not alter or impair the board of  
1457 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's  
1458 duties, powers, or responsibilities described in Subsection (2)(c).

1459 (8) The municipal services district and the county may enter into an agreement for the  
1460 provision of legal services to the municipal services district.

1461 Section 30. Section **17C-1-203** is amended to read:

1462 **17C-1-203. Agency board -- Quorum.**

1463 (1) The governing body of an agency is a board consisting of the current members of  
1464 the community legislative body.

1465 (2) A majority of board members constitutes a quorum for the transaction of agency  
1466 business.

1467 (3) A board may not adopt a resolution, pass a motion, or take any other official board  
1468 action without the concurrence of at least a majority of the board members present at a meeting  
1469 at which a quorum is present.

1470 (4) (a) The mayor or the mayor's designee of a municipality operating under a  
1471 council-mayor form of government, as defined in Section [10-3b-102](#):

- 1472 (i) serves as the executive director of an agency created by the municipality; and
- 1473 (ii) exercises the agency's executive powers.

1474 (b) The county executive or the county executive's designee of a county operating  
1475 under a county executive-council form of government, as described in Section [~~17-52-504~~]  
1476 [17-52a-203](#):

- 1477 (i) serves as the executive director of an agency created by the county; and
- 1478 (ii) exercises the agency's executive powers.

1479 Section 31. Section **17D-2-203** is amended to read:

1480 **17D-2-203. Local building authority board of directors.**

1481 (1) Except as provided in Subsection (3), the members of the governing body of the  
1482 creating local entity constitute the authority board of the local building authority created by the  
1483 creating local entity.

1484 (2) An authority board may be referred to as a board of trustees.



1485 (3) (a) For a local building authority whose creating local entity is a county that  
1486 operates under the county commission form of government under Section [~~17-52-501~~  
1487 17-52a-201], two members of the authority board may appoint an elected officer of the county  
1488 to serve temporarily as a member of the authority board if the other authority board member:

1489 (i) is, as a member of the county commission, placed on paid administrative leave  
1490 under Section 17-16-10.5;

1491 (ii) is unable to serve due to a disability;

1492 (iii) has a conflict of interest with respect to a matter before the authority board that  
1493 disqualifies the authority board member or causes the member to abstain from participating in  
1494 action on that matter; or

1495 (iv) is unable for any other reason to serve temporarily on the authority board or to  
1496 participate in a matter before the board.

1497 (b) An elected county officer appointed to an authority board under Subsection (3)(a)  
1498 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need  
1499 for the appointment is no longer present.

1500 Section 32. Section **20A-1-203** is amended to read:

1501 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
1502 **limitations.**

1503 (1) Statewide and local special elections may be held for any purpose authorized by  
1504 law.

1505 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
1506 general elections.

1507 (b) Except as otherwise provided in this title, local special elections shall be conducted  
1508 using the procedures for regular municipal elections.

1509 (3) The governor may call a statewide special election by issuing an executive order  
1510 that designates:

1511 (a) the date for the statewide special election; and

1512 (b) the purpose for the statewide special election.

1513 (4) The Legislature may call a statewide special election by passing a joint or  
1514 concurrent resolution that designates:

1515 (a) the date for the statewide special election; and

- 1516 (b) the purpose for the statewide special election.
- 1517 (5) (a) The legislative body of a local political subdivision may call a local special  
1518 election only for:
- 1519 (i) a vote on a bond or debt issue;
  - 1520 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);
  - 1521 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
  - 1522 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
  - 1523 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
1524 legal boundaries should be changed;
  - 1525 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
  - 1526 (vii) a vote to elect members to school district boards for a new school district and a  
1527 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new  
1528 school district under Section [53A-2-118.1](#);
  - 1529 (viii) a vote on a municipality providing cable television services or public  
1530 telecommunications services under Section [10-18-204](#);
  - 1531 (ix) a vote to create a new county under Section [17-3-1](#);
  - 1532 (x) a vote on the creation of a study committee under Sections [~~[17-52-202](#)~~ and  
1533 ~~[17-52-203.5](#)~~ [17-52a-302](#) and [17-52a-304](#);
  - 1534 (xi) a vote on a special property tax under Section [53A-16-110](#);
  - 1535 (xii) a vote on the incorporation of a city in accordance with Section [10-2a-210](#);
  - 1536 (xiii) a vote on the incorporation of a town in accordance with Section [10-2a-304](#); or
  - 1537 (xiv) a vote on incorporation or annexation as described in Section [10-2a-404](#).
- 1538 (b) The legislative body of a local political subdivision may call a local special election  
1539 by adopting an ordinance or resolution that designates:
- 1540 (i) the date for the local special election as authorized by Section [20A-1-204](#); and
  - 1541 (ii) the purpose for the local special election.
- 1542 (c) A local political subdivision may not call a local special election unless the  
1543 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
1544 two-thirds majority of all members of the legislative body, if the local special election is for:
- 1545 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
  - 1546 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

1547 (iii) a vote authorized or required for a sales tax issue as described in Subsection  
1548 (5)(a)(vi).

1549 Section 33. Section **20A-1-508** is amended to read:

1550 **20A-1-508. Midterm vacancies in county elected offices.**

1551 (1) As used in this section:

1552 (a) (i) "County offices" includes the county executive, members of the county  
1553 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,  
1554 the county recorder, the county surveyor, and the county assessor.

1555 (ii) "County offices" does not mean the offices of president and vice president of the  
1556 United States, United States senators and representatives, members of the Utah Legislature,  
1557 state constitutional officers, county attorneys, district attorneys, and judges.

1558 (b) "Party liaison" means the political party officer designated to serve as a liaison with  
1559 each county legislative body on all matters relating to the political party's relationship with a  
1560 county as required by Section [20A-8-401](#).

1561 (2) (a) Until a replacement is selected as provided in this section and has qualified, the  
1562 county legislative body shall appoint an interim replacement to fill the vacant office by  
1563 following the procedures and requirements of this Subsection (2).

1564 (b) (i) To appoint an interim replacement, the county legislative body shall give notice  
1565 of the vacancy to the party liaison of the same political party of the prior office holder and  
1566 invite that party liaison to submit the name of a person to fill the vacancy.

1567 (ii) That party liaison shall, within 30 days, submit the name of the person selected in  
1568 accordance with the party constitution or bylaws as described in Section [20A-8-401](#) for the  
1569 interim replacement to the county legislative body.

1570 (iii) The county legislative body shall no later than five days after the day on which a  
1571 party liaison submits the name of the person for the interim replacement appoint the person to  
1572 serve out the unexpired term.

1573 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the  
1574 vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the governor a  
1575 letter that:

1576 (A) informs the governor that the county legislative body has failed to appoint a  
1577 replacement within the statutory time period; and

1578 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1579 (ii) The governor shall appoint the person named by the party liaison as an interim

1580 replacement to fill the vacancy within 30 days after receipt of the letter.

1581 (d) A person appointed as interim replacement under this Subsection (2) shall hold

1582 office until their successor is elected and has qualified.

1583 (3) (a) The requirements of this Subsection (3) apply to all county offices that become

1584 vacant if:

1585 (i) the vacant office has an unexpired term of two years or more; and

1586 (ii) the vacancy occurs after the election at which the person was elected but before

1587 April 10 of the next even-numbered year.

1588 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk

1589 shall notify the public and each registered political party that the vacancy exists.

1590 (ii) An individual intending to become a candidate for the vacant office shall file a

1591 declaration of candidacy in accordance with:

1592 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1593 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502]~~

1594 17-52a-201(6) or 17-52a-202(6), if applicable.

1595 (iii) An individual who is nominated as a party candidate for the vacant office or

1596 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation

1597 and Procedures, for the vacant office shall run in the regular general election.

1598 (4) (a) The requirements of this Subsection (4) apply to all county offices that become

1599 vacant if:

1600 (i) the vacant office has an unexpired term of two years or more; and

1601 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75

1602 days before the regular primary election.

1603 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk

1604 shall notify the public and each registered political party that:

1605 (A) the vacancy exists; and

1606 (B) identifies the date and time by which a person interested in becoming a candidate

1607 shall file a declaration of candidacy.

1608 (ii) An individual intending to become a candidate for a vacant office shall, within five

1609 days after the date that the notice is made, ending at the close of normal office hours on the  
1610 fifth day, file a declaration of candidacy for the vacant office in accordance with:

1611 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1612 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1613 [17-52a-201\(6\)](#) or [17-52a-202\(6\)](#), if applicable.

1614 (iii) The county central committee of each party shall:

1615 (A) select a candidate or candidates from among those qualified candidates who have  
1616 filed declarations of candidacy; and

1617 (B) certify the name of the candidate or candidates to the county clerk at least 60 days  
1618 before the regular primary election.

1619 (5) (a) The requirements of this Subsection (5) apply to all county offices that become  
1620 vacant:

1621 (i) if the vacant office has an unexpired term of two years or more; and

1622 (ii) when 75 days or less remain before the regular primary election but more than 65  
1623 days remain before the regular general election.

1624 (b) When the conditions established in Subsection (5)(a) are met, the county central  
1625 committees of each political party registered under this title that wishes to submit a candidate  
1626 for the office shall summarily certify the name of one candidate to the county clerk for  
1627 placement on the regular general election ballot.

1628 (6) (a) The requirements of this Subsection (6) apply to all county offices that become  
1629 vacant:

1630 (i) if the vacant office has an unexpired term of less than two years; or

1631 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less  
1632 remain before the next regular general election.

1633 (b) (i) When the conditions established in Subsection (6)(a) are met, the county  
1634 legislative body shall give notice of the vacancy to the party liaison of the same political party  
1635 as the prior office holder and invite that party liaison to submit the name of a person to fill the  
1636 vacancy.

1637 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the  
1638 vacancy to the county legislative body.

1639 (iii) The county legislative body shall no later than five days after the day on which a

1640 party liaison submits the name of the person to fill the vacancy appoint the person to serve out  
1641 the unexpired term.

1642 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in  
1643 accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

1644 (A) informs the governor that the county legislative body has failed to appoint a person  
1645 to fill the vacancy within the statutory time period; and

1646 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1647 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy  
1648 within 30 days after receipt of the letter.

1649 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office  
1650 until their successor is elected and has qualified.

1651 (7) Except as otherwise provided by law, the county legislative body may appoint  
1652 replacements to fill all vacancies that occur in those offices filled by appointment of the county  
1653 legislative body.

1654 (8) Nothing in this section prevents or prohibits independent candidates from filing a  
1655 declaration of candidacy for the office within the same time limits.

1656 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a  
1657 county office shall serve for the remainder of the unexpired term of the person who created the  
1658 vacancy and until a successor is elected and qualified.

1659 (b) Nothing in this section may be construed to contradict or alter the provisions of  
1660 Section 17-16-6.

1661 Section 34. Section 20A-9-409 is amended to read:

1662 **20A-9-409. Primary election provisions relating to qualified political party.**

1663 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular  
1664 primary election day.

1665 (2) (a) A qualified political party that nominates one or more candidates for an elective  
1666 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that  
1667 office under Section 20A-9-408, may, but is not required to, participate in the primary election  
1668 for that office.

1669 (b) A qualified political party that has only one candidate qualify as a candidate for an  
1670 elective office under Section 20A-9-408 and does not nominate a candidate for that office

1671 under Section 20A-9-407, may, but is not required to, participate in the primary election for  
1672 that office.

1673 (c) A qualified political party that nominates one or more candidates for an elective  
1674 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that  
1675 office under Section 20A-9-408 shall participate in the primary election for that office.

1676 (d) A qualified political party that has two or more candidates qualify as candidates for  
1677 an elective office under Section 20A-9-408 and does not nominate a candidate for that office  
1678 under Section 20A-9-407 shall participate in the primary election for that office.

1679 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
1680 ~~[17-52-501 or Section 17-52-502]~~ 17-52a-201 or 17-52a-202, a qualified political party shall  
1681 participate in the primary election for a county commission office if:

1682 (a) there is more than one:

1683 (i) open position as defined in Section ~~[17-52-501]~~ 17-52a-201; or

1684 (ii) midterm vacancy as defined in Section ~~[17-52-501]~~ 17-52a-201; and

1685 (b) the number of candidates nominated under Section 20A-9-407 or qualified under  
1686 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number  
1687 of respective open positions or midterm vacancies.

1688 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1689 (i) no individual other than the candidate receives a certification, from the appropriate  
1690 filing officer, for the regular primary election ballot of the candidate's registered political party  
1691 for a particular elective office; or

1692 (ii) for an office where more than one individual is to be elected or nominated, the  
1693 number of candidates who receive certification, from the appropriate filing officer, for the  
1694 regular primary election of the candidate's registered political party does not exceed the total  
1695 number of candidates to be elected or nominated for that office.

1696 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
1697 governor shall:

1698 (i) provide to the county clerks:

1699 (A) a list of the names of all candidates for federal, constitutional, multi-county, single  
1700 county, and county offices who have received certifications from the appropriate filing officer,  
1701 along with instructions on how those names shall appear on the primary election ballot in

1702 accordance with Section 20A-6-305; and

1703 (B) a list of unopposed candidates for elective office who have been nominated by a  
1704 registered political party; and

1705 (ii) instruct the county clerks to exclude unopposed candidates from the primary  
1706 election ballot.

1707 Section 35. Section 26A-1-102 is amended to read:

1708 **26A-1-102. Definitions.**

1709 As used in this part:

1710 (1) "Board" means a local board of health established under Section 26A-1-109.

1711 (2) "County governing body" means one of the types of county government provided  
1712 for in Title 17, Chapter 52a, Part [5] 2, Forms of County Government.

1713 (3) "County health department" means a local health department that serves a county  
1714 and municipalities located within that county.

1715 (4) "Department" means the Department of Health created in Title 26, Chapter 1,  
1716 Department of Health Organization.

1717 (5) "Local health department" means:

1718 (a) a single county local health department;

1719 (b) a multicounty local health department;

1720 (c) a united local health department; or

1721 (d) a multicounty united local health department.

1722 (6) "Mental health authority" means a local mental health authority created in Section  
1723 17-43-301.

1724 (7) "Multicounty local health department" means a local health department that is  
1725 formed under Section 26A-1-105 and that serves two or more contiguous counties and  
1726 municipalities within those counties.

1727 (8) "Multicounty united local health department" means a united local health  
1728 department that is formed under Section 26A-1-105.5 and that serves two or more contiguous  
1729 counties and municipalities within those counties.

1730 (9) "Single county local health department" means a local health department that is  
1731 created by the governing body of one county to provide services to the county and the  
1732 municipalities within that county.



1733 (10) "Substance abuse authority" means a local substance abuse authority created in  
1734 Section [17-43-201](#).

1735 (11) "United local health department":

1736 (a) means a substance abuse authority, a mental health authority, and a local health  
1737 department that join together under Section [26A-1-105.5](#); and

1738 (b) includes a multicounty united local health department.

1739 Section 36. Section [59-2-919](#) is amended to read:

1740 **59-2-919. Notice and public hearing requirements for certain tax increases --**

1741 **Exceptions.**

1742 (1) As used in this section:

1743 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue  
1744 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

1745 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including  
1746 revenue from:

1747 (i) eligible new growth as defined in Section [59-2-924](#); or

1748 (ii) personal property that is:

1749 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

1750 (B) semiconductor manufacturing equipment.

1751 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year  
1752 that begins on January 1 and ends on December 31.

1753 (d) "County executive calendar year taxing entity" means a calendar year taxing entity  
1754 that operates under the county executive-council form of government described in Section  
1755 [~~17-52-504~~] [17-52a-203](#).

1756 (e) "Current calendar year" means the calendar year immediately preceding the  
1757 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the  
1758 calendar year taxing entity's certified tax rate.

1759 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
1760 begins on July 1 and ends on June 30.

1761 (g) "Last year's property tax budgeted revenue" does not include revenue received by a  
1762 taxing entity from a debt service levy voted on by the public.

1763 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax

1764 rate unless the taxing entity meets:

1765 (a) the requirements of this section that apply to the taxing entity; and

1766 (b) all other requirements as may be required by law.

1767 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar  
1768 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax  
1769 rate if the calendar year taxing entity:

1770 (i) 14 or more days before the date of the regular general election or municipal general  
1771 election held in the current calendar year, states at a public meeting:

1772 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the  
1773 calendar year taxing entity's certified tax rate;

1774 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would  
1775 be generated by the proposed increase in the certified tax rate; and

1776 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity  
1777 based on the proposed increase described in Subsection (3)(a)(i)(B);

1778 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in  
1779 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a  
1780 separate item on the meeting agenda that notifies the public that the calendar year taxing entity  
1781 intends to make the statement described in Subsection (3)(a)(i);

1782 (iii) meets the advertisement requirements of Subsections (6) and (7) before the  
1783 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

1784 (iv) provides notice by mail:

1785 (A) seven or more days before the regular general election or municipal general  
1786 election held in the current calendar year; and

1787 (B) as provided in Subsection (3)(c); and

1788 (v) conducts a public hearing that is held:

1789 (A) in accordance with Subsections (8) and (9); and

1790 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).

1791 (b) (i) For a county executive calendar year taxing entity, the statement described in  
1792 Subsection (3)(a)(i) shall be made by the:

1793 (A) county council;

1794 (B) county executive; or

1795 (C) both the county council and county executive.

1796 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the  
1797 county council states a dollar amount of additional ad valorem tax revenue that is greater than  
1798 the amount of additional ad valorem tax revenue previously stated by the county executive in  
1799 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:

1800 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the  
1801 county executive calendar year taxing entity conducts the public hearing under Subsection  
1802 (3)(a)(v); and

1803 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the  
1804 county executive calendar year taxing entity conducts the public hearing required by  
1805 Subsection (3)(a)(v).

1806 (c) The notice described in Subsection (3)(a)(iv):

1807 (i) shall be mailed to each owner of property:

1808 (A) within the calendar year taxing entity; and  
1809 (B) listed on the assessment roll;

1810 (ii) shall be printed on a separate form that:

1811 (A) is developed by the commission;  
1812 (B) states at the top of the form, in bold upper-case type no smaller than 18 point  
1813 "NOTICE OF PROPOSED TAX INCREASE"; and

1814 (C) may be mailed with the notice required by Section [59-2-1317](#);

1815 (iii) shall contain for each property described in Subsection (3)(c)(i):

1816 (A) the value of the property for the current calendar year;  
1817 (B) the tax on the property for the current calendar year; and  
1818 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year  
1819 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax  
1820 rate, the estimated tax on the property;

1821 (iv) shall contain the following statement:

1822 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar  
1823 year]. This notice contains estimates of the tax on your property and the proposed tax increase  
1824 on your property as a result of this tax increase. These estimates are calculated on the basis of  
1825 [insert previous applicable calendar year] data. The actual tax on your property and proposed

1826 tax increase on your property may vary from this estimate.";

1827 (v) shall state the date, time, and place of the public hearing described in Subsection  
1828 (3)(a)(v); and

1829 (vi) may contain other property tax information approved by the commission.

1830 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall  
1831 calculate the estimated tax on property on the basis of:

1832 (i) data for the current calendar year; and

1833 (ii) the amount of additional ad valorem tax revenue stated in accordance with this  
1834 section.

1835 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate  
1836 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

1837 (a) provides notice by meeting the advertisement requirements of Subsections (6) and  
1838 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year  
1839 taxing entity's annual budget is adopted; and

1840 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the  
1841 fiscal year taxing entity's annual budget is adopted.

1842 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements  
1843 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with  
1844 the requirements of this section.

1845 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or  
1846 (4) if:

1847 (i) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that  
1848 certified tax rate without having to comply with the notice provisions of this section; or

1849 (ii) the taxing entity:

1850 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;  
1851 and

1852 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
1853 revenues.

1854 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
1855 section shall be published:

1856 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of

- 1857 general circulation in the taxing entity;
- 1858 (ii) electronically in accordance with Section 45-1-101; and
- 1859 (iii) on the Utah Public Notice Website created in Section 63F-1-701.
- 1860 (b) The advertisement described in Subsection (6)(a)(i) shall:
- 1861 (i) be no less than 1/4 page in size;
- 1862 (ii) use type no smaller than 18 point; and
- 1863 (iii) be surrounded by a 1/4-inch border.
- 1864 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
- 1865 portion of the newspaper where legal notices and classified advertisements appear.
- 1866 (d) It is the intent of the Legislature that:
- 1867 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
- 1868 newspaper that is published at least one day per week; and
- 1869 (ii) the newspaper or combination of newspapers selected:
- 1870 (A) be of general interest and readership in the taxing entity; and
- 1871 (B) not be of limited subject matter.
- 1872 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:
- 1873 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
- 1874 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);
- 1875 and
- 1876 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
- 1877 advertisement, which shall be seven or more days after the day the first advertisement is
- 1878 published, for the purpose of hearing comments regarding any proposed increase and to explain
- 1879 the reasons for the proposed increase.
- 1880 (ii) The advertisement described in Subsection (6)(a)(ii) shall:
- 1881 (A) be published two weeks before a taxing entity conducts a public hearing described
- 1882 in Subsection (3)(a)(v) or (4)(b); and
- 1883 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
- 1884 advertisement, which shall be seven or more days after the day the first advertisement is
- 1885 published, for the purpose of hearing comments regarding any proposed increase and to explain
- 1886 the reasons for the proposed increase.
- 1887 (f) If a fiscal year taxing entity's public hearing information is published by the county

1888 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the  
1889 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run  
1890 the advertisement once during the week before the fiscal year taxing entity conducts a public  
1891 hearing at which the taxing entity's annual budget is discussed.

1892 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an  
1893 advertisement shall be substantially as follows:

1894 "NOTICE OF PROPOSED TAX INCREASE  
1895 (NAME OF TAXING ENTITY)

1896 The (name of the taxing entity) is proposing to increase its property tax revenue.

1897 • The (name of the taxing entity) tax on a (insert the average value of a residence  
1898 in the taxing entity rounded to the nearest thousand dollars) residence would  
1899 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

1900 • The (name of the taxing entity) tax on a (insert the value of a business having  
1901 the same value as the average value of a residence in the taxing entity) business  
1902 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

1903 • If the proposed budget is approved, (name of the taxing entity) would increase  
1904 its property tax budgeted revenue by \_\_\_% above last year's property tax  
1905 budgeted revenue excluding eligible new growth.

1906 All concerned citizens are invited to a public hearing on the tax increase.

1907 PUBLIC HEARING

1908 Date/Time: (date) (time)

1909 Location: (name of meeting place and address of meeting place)

1910 To obtain more information regarding the tax increase, citizens may contact the (name  
1911 of the taxing entity) at (phone number of taxing entity)."

1912 (7) The commission:

1913 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1914 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by  
1915 two or more taxing entities; and

1916 (b) subject to Section 45-1-101, may authorize:

1917 (i) the use of a weekly newspaper:

1918 (A) in a county having both daily and weekly newspapers if the weekly newspaper

1919 would provide equal or greater notice to the taxpayer; and

1920 (B) if the county petitions the commission for the use of the weekly newspaper; or

1921 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer

1922 if:

1923 (A) the cost of the advertisement would cause undue hardship;

1924 (B) the direct notice is different and separate from that provided for in Section

1925 [59-2-919.1](#); and

1926 (C) the taxing entity petitions the commission for the use of a commission approved

1927 direct notice.

1928 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county

1929 legislative body in which the fiscal year taxing entity is located of the date, time, and place of

1930 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

1931 (B) A county that receives notice from a fiscal year taxing entity under Subsection

1932 (8)(a)(i)(A) shall include on the notice required by Section [59-2-919.1](#) the date, time, and place

1933 of the public hearing described in Subsection (8)(a)(i)(A).

1934 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar

1935 year, notify the county legislative body in which the calendar year taxing entity is located of the

1936 date, time, and place of the first public hearing at which the calendar year taxing entity's annual

1937 budget will be discussed.

1938 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be open to the

1939 public.

1940 (ii) The governing body of a taxing entity conducting a public hearing described in

1941 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an

1942 opportunity to present oral testimony within reasonable time limits.

1943 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a

1944 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing

1945 of another overlapping taxing entity in the same county.

1946 (ii) The taxing entities in which the power to set tax levies is vested in the same

1947 governing board or authority may consolidate the public hearings described in Subsection

1948 (3)(a)(v) or (4)(b) into one public hearing.

1949 (d) A county legislative body shall resolve any conflict in public hearing dates and

1950 times after consultation with each affected taxing entity.

1951 (e) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or  
1952 (4)(b) beginning at or after 6 p.m.

1953 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad  
1954 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing  
1955 entity shall announce at that public hearing the scheduled time and place of the next public  
1956 meeting at which the taxing entity will consider budgeting the additional ad valorem tax  
1957 revenue.

1958 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
1959 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem  
1960 tax revenue stated at a public meeting under Subsection (3)(a)(i).

1961 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
1962 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed  
1963 annual budget.

1964 Section 37. Section **68-3-12.5** is amended to read:

1965 **68-3-12.5. Definitions for Utah Code.**

1966 (1) The definitions listed in this section apply to the Utah Code, unless:

1967 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant  
1968 to the context of the statute; or

1969 (b) a different definition is expressly provided for the respective title, chapter, part,  
1970 section, or subsection.

1971 (2) "Adjudicative proceeding" means:

1972 (a) an action by a board, commission, department, officer, or other administrative unit  
1973 of the state that determines the legal rights, duties, privileges, immunities, or other legal  
1974 interests of one or more identifiable persons, including an action to grant, deny, revoke,  
1975 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

1976 (b) judicial review of an action described in Subsection (2)(a).

1977 (3) "Administrator" includes "executor" when the subject matter justifies the use.

1978 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,  
1979 commission, committee, or council that:

1980 (a) is created by, and whose duties are provided by, statute or executive order;



1981 (b) performs its duties only under the supervision of another person as provided by  
1982 statute; and

1983 (c) provides advice and makes recommendations to another person that makes policy  
1984 for the benefit of the general public.

1985 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,  
1986 and Coast Guard.

1987 (6) "County executive" means:

1988 (a) the county commission, in the county commission or expanded county commission  
1989 form of government established under Title 17, Chapter 52a, Changing Forms of County  
1990 Government;

1991 (b) the county executive, in the county executive-council optional form of government  
1992 authorized by Section [~~17-52-504~~] [17-52a-203](#); or

1993 (c) the county manager, in the council-manager optional form of government  
1994 authorized by Section [~~17-52-505~~] [17-52a-204](#).

1995 (7) "County legislative body" means:

1996 (a) the county commission, in the county commission or expanded county commission  
1997 form of government established under Title 17, Chapter 52a, Changing Forms of County  
1998 Government;

1999 (b) the county council, in the county executive-council optional form of government  
2000 authorized by Section [~~17-52-504~~] [17-52a-203](#); and

2001 (c) the county council, in the council-manager optional form of government authorized  
2002 by Section [~~17-52-505~~] [17-52a-204](#).

2003 (8) "Depose" means to make a written statement made under oath or affirmation.

2004 (9) "Executor" includes "administrator" when the subject matter justifies the use.

2005 (10) "Guardian" includes a person who:

2006 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary  
2007 or court appointment; or

2008 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

2009 (11) "Highway" includes:

2010 (a) a public bridge;

2011 (b) a county way;

2012 (c) a county road;

2013 (d) a common road; and

2014 (e) a state road.

2015 (12) "Intellectual disability" means a significant, subaverage general intellectual

2016 functioning that:

2017 (a) exists concurrently with deficits in adaptive behavior; and

2018 (b) is manifested during the developmental period as defined in the current edition of

2019 the Diagnostic and Statistical Manual of Mental Disorders, published by the American

2020 Psychiatric Association.

2021 (13) "Intermediate care facility for people with an intellectual disability" means an

2022 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social

2023 Security Act.

2024 (14) "Land" includes:

2025 (a) land;

2026 (b) a tenement;

2027 (c) a hereditament;

2028 (d) a water right;

2029 (e) a possessory right; and

2030 (f) a claim.

2031 (15) "Month" means a calendar month, unless otherwise expressed.

2032 (16) "Oath" includes "affirmation."

2033 (17) "Person" means:

2034 (a) an individual;

2035 (b) an association;

2036 (c) an institution;

2037 (d) a corporation;

2038 (e) a company;

2039 (f) a trust;

2040 (g) a limited liability company;

2041 (h) a partnership;

2042 (i) a political subdivision;

- 2043 (j) a government office, department, division, bureau, or other body of government;
- 2044 and
- 2045 (k) any other organization or entity.
- 2046 (18) "Personal property" includes:
- 2047 (a) money;
- 2048 (b) goods;
- 2049 (c) chattels;
- 2050 (d) effects;
- 2051 (e) evidences of a right in action;
- 2052 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 2053 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 2054 (g) a right or interest in an item described in Subsections (18)(a) through (f).
- 2055 (19) "Personal representative," "executor," and "administrator" include:
- 2056 (a) an executor;
- 2057 (b) an administrator;
- 2058 (c) a successor personal representative;
- 2059 (d) a special administrator; and
- 2060 (e) a person who performs substantially the same function as a person described in
- 2061 Subsections (19)(a) through (d) under the law governing the person's status.
- 2062 (20) "Policy board," "policy commission," or "policy council" means a board,
- 2063 commission, or council that:
- 2064 (a) is authorized to make policy for the benefit of the general public;
- 2065 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 2066 (c) performs its duties according to its own rules without supervision other than under
- 2067 the general control of another person as provided by statute.
- 2068 (21) "Population" is shown by the most recent state or national census, unless expressly
- 2069 provided otherwise.
- 2070 (22) "Process" means a writ or summons issued in the course of a judicial proceeding.
- 2071 (23) "Property" includes both real and personal property.
- 2072 (24) "Real estate" or "real property" includes:
- 2073 (a) land;

- 2074 (b) a tenement;
- 2075 (c) a hereditament;
- 2076 (d) a water right;
- 2077 (e) a possessory right; and
- 2078 (f) a claim.
- 2079 (25) "Review board," "review commission," and "review council" mean a board,
- 2080 commission, committee, or council that:
  - 2081 (a) is authorized to approve policy made for the benefit of the general public by another
  - 2082 body or person;
  - 2083 (b) is created by, and whose duties are provided by, statute; and
  - 2084 (c) performs its duties according to its own rules without supervision other than under
  - 2085 the general control of another person as provided by statute.
- 2086 (26) "Road" includes:
  - 2087 (a) a public bridge;
  - 2088 (b) a county way;
  - 2089 (c) a county road;
  - 2090 (d) a common road; and
  - 2091 (e) a state road.
- 2092 (27) "Signature" includes a name, mark, or sign written with the intent to authenticate
- 2093 an instrument or writing.
- 2094 (28) "State," when applied to the different parts of the United States, includes a state,
- 2095 district, or territory of the United States.
- 2096 (29) "Swear" includes "affirm."
- 2097 (30) "Testify" means to make an oral statement under oath or affirmation.
- 2098 (31) "Uniformed services" means:
  - 2099 (a) the armed forces;
  - 2100 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;
  - 2101 and
  - 2102 (c) the commissioned corps of the United States Public Health Service.
- 2103 (32) "United States" includes each state, district, and territory of the United States of
- 2104 America.

2105 (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless  
2106 the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:

2107 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

2108 (b) (i) after the day described in Subsection (33)(a); and

2109 (ii) before the most recent amendment to the referenced portion of the 1953  
2110 recodification of the Utah Code.

2111 (34) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,  
2112 and every structure adapted to be navigated from place to place.

2113 (35) (a) "Veteran" means an individual who:

2114 (i) has served in the United States Armed Forces for at least 180 days:

2115 (A) on active duty; or

2116 (B) in a reserve component, to include the National Guard; or

2117 (ii) has incurred an actual service-related injury or disability while in the United States  
2118 Armed Forces regardless of whether the individual completed 180 days; and

2119 (iii) was separated or retired under conditions characterized as honorable or general.

2120 (b) This definition is not intended to confer eligibility for benefits.

2121 (36) "Will" includes a codicil.

2122 (37) "Writ" means an order or precept in writing, issued in the name of:

2123 (a) the state;

2124 (b) a court; or

2125 (c) a judicial officer.

2126 (38) "Writing" includes:

2127 (a) printing;

2128 (b) handwriting; and

2129 (c) information stored in an electronic or other medium if the information is retrievable  
2130 in a perceivable format.

2131 **Section 38. Repealer.**

2132 This bill repeals:

2133 Section **17-52-207, Election of officers under optional plan.**

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**