

Representative Gage Froerer proposes the following substitute bill:

COUNTY GOVERNMENT CHANGE ELECTION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ reorganizes and recodifies Title 17, Chapter 52, Changing Forms of County Government;
- ▶ combines sections with similar subject matter;
- ▶ amends definitions;
- ▶ prohibits a person from initiating a process to change a county's form of government when a process to change the county's form of government is pending;
- ▶ requires that registered voters who wish to initiate the process to change a county's form of government to file a notice of intent to gather signatures;
- ▶ repeals provisions that provide for a study committee;
- ▶ repeals provisions that provide for an appointment council;
- ▶ repeals provisions related to the content and function of an optional plan;
- ▶ requires a county legislative body that proposes, or registered voters that propose, a change in a county's form of government to specify the form of county government



26 to which the county should change;

27 ▶ requires the county legislative body to hold public hearings on the change of the
28 county's form of government;

29 ▶ provides that a county operating under an optional plan at the time the bill takes
30 effect shall continue to operate under the optional plan;

31 ▶ provides that a change in a county's form of government is effective if the change is
32 approved by a majority of voters that vote on the change;

33 ▶ removes obsolete and superfluous provisions; and

34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 17-15-27, as last amended by Laws of Utah 2006, Chapter 171

42 17-16-6, as last amended by Laws of Utah 2014, Chapter 16

43 17-19a-203, as enacted by Laws of Utah 2012, Chapter 17

44 17-31-8, as last amended by Laws of Utah 2017, Chapter 70

45 17-43-201, as last amended by Laws of Utah 2016, Chapter 113

46 17-43-301, as last amended by Laws of Utah 2016, Chapter 113

47 17-53-101, as renumbered and amended by Laws of Utah 2000, Chapter 133

48 17-53-302, as last amended by Laws of Utah 2011, Chapter 209

49 17B-2a-1106, as last amended by Laws of Utah 2016, Chapter 176

50 17C-1-203, as last amended by Laws of Utah 2016, Chapter 350

51 17D-2-203, as enacted by Laws of Utah 2008, Chapter 360

52 20A-1-203, as last amended by Laws of Utah 2015, Chapters 111 and 352

53 20A-1-508, as last amended by Laws of Utah 2017, Chapter 54

54 20A-9-409, as last amended by Laws of Utah 2017, Chapters 54 and 91

55 26A-1-102, as last amended by Laws of Utah 2016, Chapter 113

56 59-2-919, as last amended by Laws of Utah 2016, Chapters 341 and 367

57 **68-3-12.5**, as last amended by Laws of Utah 2015, Chapters 141 and 152

58 ENACTS:

59 **17-52a-103**, Utah Code Annotated 1953

60 **17-52a-305**, Utah Code Annotated 1953

61 RENUMBERS AND AMENDS:

62 **17-52a-101**, (Renumbered from 17-52-101, as last amended by Laws of Utah 2012,
63 Chapter 17)

64 **17-52a-102**, (Renumbered from 17-52-102, as last amended by Laws of Utah 2001,
65 Chapter 241)

66 **17-52a-201**, (Renumbered from 17-52-501, as last amended by Laws of Utah 2017,
67 Chapter 54)

68 **17-52a-202**, (Renumbered from 17-52-502, as last amended by Laws of Utah 2017,
69 Chapter 54)

70 **17-52a-203**, (Renumbered from 17-52-504, as renumbered and amended by Laws of
71 Utah 2000, Chapter 133)

72 **17-52a-204**, (Renumbered from 17-52-505, as last amended by Laws of Utah 2011,
73 Chapter 209)

74 **17-52a-301**, (Renumbered from 17-52-201, as last amended by Laws of Utah 2008,
75 Chapter 250)

76 **17-52a-302**, (Renumbered from 17-52-202, as last amended by Laws of Utah 2004,
77 Chapter 371)

78 **17-52a-303**, (Renumbered from 17-52-203, as last amended by Laws of Utah 2013,
79 Chapters 37 and 134)

80 **17-52a-304**, (Renumbered from 17-52-402, as last amended by Laws of Utah 2015,
81 Chapter 216)

82 **17-52a-401**, (Renumbered from 17-52-206, as last amended by Laws of Utah 2013,
83 Chapter 37)

84 **17-52a-402**, (Renumbered from 17-52-205, as last amended by Laws of Utah 2001,
85 Chapter 241)

86 **17-52a-403**, (Renumbered from 17-52-403, as last amended by Laws of Utah 2012,
87 Chapter 17)

88 17-52a-404, (Renumbered from 17-52-401, as last amended by Laws of Utah 2017,

89 Chapter 54)

90 REPEALS:

91 17-52-203.5, as last amended by Laws of Utah 2004, Chapter 371

92 17-52-204, as last amended by Laws of Utah 2001, Chapter 241

93 17-52-207, as last amended by Laws of Utah 2001, Chapter 241

94 17-52-301, as last amended by Laws of Utah 2001, Chapter 241

95 17-52-302, as last amended by Laws of Utah 2001, Chapter 241

96 17-52-303, as last amended by Laws of Utah 2001, Chapter 241

97 17-52-404, as renumbered and amended by Laws of Utah 2000, Chapter 133

98 17-52-405, as enacted by Laws of Utah 2013, Chapter 134

99

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

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

102 **17-15-27. Appointment of legal counsel by county executive and county legislative**
103 **body.**

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

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

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

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

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

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

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

119 (i) serves at the pleasure of the county legislative body; and
120 (ii) may not perform any of the functions of a county attorney or district attorney under
121 this title, except as provided in this section.

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

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

127 **17-16-6. County officers -- Time of holding elections -- County commissioners --**
128 **Terms of office.**

129 (1) Except as otherwise provided in an optional or transitional plan adopted under
130 Chapter 52a, Changing Forms of County Government:

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

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

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

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

140 (b) Except as provided in Subsection (2)(c), in the 2014 general election:

141 (i) the following county officers shall be elected to one six-year term and thereafter
142 elected to a four-year term:

143 (A) county treasurer;

144 (B) county recorder;

145 (C) county surveyor; and

146 (D) county assessor; and

147 (ii) all other county officers shall be elected to a four-year term.

148 (c) If a county legislative body consolidates two or more county offices in accordance
149 with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the

150 county legislative body shall pass an ordinance that sets the election schedule for the
151 consolidated offices in a reasonable manner that staggers the terms of county officers as
152 provided in this Subsection (2).

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

154 **17-19a-203. Budget officer.**

155 The budget officer of a county is designated by:

156 (1) in a county commission form of government described in Section [~~17-52-501~~]
157 [17-52a-201](#) or an expanded county commission form of government described in Section
158 [~~17-52-502~~] [17-52a-202](#), the county commission;

159 (2) in the county executive-council form of government described in Section
160 [~~17-52-504~~] [17-52a-203](#), the county executive; or

161 (3) in the council-manager form of government described in Section [~~17-52-505~~]
162 [17-52a-204](#), the county council.

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

164 **17-31-8. Tourism tax advisory boards.**

165 (1) (a) Except as provided in Subsection (1)(b), any county that collects the following
166 taxes shall operate a tourism tax advisory board:

167 (i) the tax allowed under Section [59-12-301](#); or

168 (ii) the tax allowed under Section [59-12-603](#).

169 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the
170 county has an existing board, council, committee, convention visitor's bureau, or body that
171 substantially conforms with Subsections (2), (3), and (4).

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

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

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

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

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

185 (b) Each tourism tax advisory board in a county operating under the county
186 commission form of government under Section [~~17-52-501~~] 17-52a-201 or the expanded
187 county commission form under Section [~~17-52-502~~] 17-52a-202 shall advise the county
188 legislative body on the best use of revenues collected from the tax allowed under Section
189 59-12-603 by providing the legislative body with a priority listing for proposed expenditures
190 based on projected available tax revenues supplied to the board by the county legislative body
191 on an annual basis.

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

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

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

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

197 **17-43-201. Local substance abuse authorities -- Responsibilities.**

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

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

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

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

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

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

210 (iii) cooperate with efforts of the Division of Substance Abuse and Mental Health to
211 promote integrated programs that address an individual's substance abuse, mental health, and

212 physical healthcare needs, as described in Section 62A-15-103.

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

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

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

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

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

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

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

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

232 (ii) provide for the appointment of an independent auditor or a county auditor of one of
233 the participating counties as the designated auditing officer for the combined substance abuse
234 authorities;

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

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

241 (iv) provide for the adoption of management, clinical, financial, procurement,
242 personnel, and administrative policies as already established by one of the participating

243 counties or as approved by the legislative body of each participating county or interlocal board.

244 (d) An agreement for joint substance abuse services may provide for joint operation of
245 services and facilities or for operation of services and facilities under contract by one
246 participating local substance abuse authority for other participating local substance abuse
247 authorities.

248 (3) A county governing body may elect to combine the local substance abuse authority
249 with the local mental health authority created in Part 3, Local Mental Health Authorities, and
250 the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department
251 Act, to create a united local health department under Section 26A-1-105.5. A local substance
252 abuse authority that joins a united local health department shall comply with this part.

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

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

264 (5) Each local substance abuse authority shall:

265 (a) review and evaluate substance abuse prevention and treatment needs and services,
266 including substance abuse needs and services for individuals incarcerated in a county jail or
267 other county correctional facility;

268 (b) annually prepare and submit to the division a plan approved by the county
269 legislative body for funding and service delivery that includes:

270 (i) provisions for services, either directly by the substance abuse authority or by
271 contract, for adults, youth, and children, including those incarcerated in a county jail or other
272 county correctional facility; and

273 (ii) primary prevention, targeted prevention, early intervention, and treatment services;

- 274 (c) establish and maintain, either directly or by contract, programs licensed under Title
275 62A, Chapter 2, Licensure of Programs and Facilities;
- 276 (d) appoint directly or by contract a full or part time director for substance abuse
277 programs, and prescribe the director's duties;
- 278 (e) provide input and comment on new and revised rules established by the division;
- 279 (f) establish and require contract providers to establish administrative, clinical,
280 procurement, personnel, financial, and management policies regarding substance abuse services
281 and facilities, in accordance with the rules of the division, and state and federal law;
- 282 (g) establish mechanisms allowing for direct citizen input;
- 283 (h) annually contract with the division to provide substance abuse programs and
284 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
285 Mental Health Act;
- 286 (i) comply with all applicable state and federal statutes, policies, audit requirements,
287 contract requirements, and any directives resulting from those audits and contract requirements;
- 288 (j) promote or establish programs for the prevention of substance abuse within the
289 community setting through community-based prevention programs;
- 290 (k) provide funding equal to at least 20% of the state funds that it receives to fund
291 services described in the plan;
- 292 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
293 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title
294 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
295 Other Local Entities Act;
- 296 (m) for persons convicted of driving under the influence in violation of Section
297 [41-6a-502](#) or [41-6a-517](#), conduct the following as defined in Section [41-6a-501](#):
- 298 (i) a screening;
- 299 (ii) an assessment;
- 300 (iii) an educational series; and
- 301 (iv) substance abuse treatment; and
- 302 (n) utilize proceeds of the accounts described in Subsection [62A-15-503\(1\)](#) to
303 supplement the cost of providing the services described in Subsection (5)(m).
- 304 (6) Before disbursing any public funds, each local substance abuse authority shall

305 require that each entity that receives any public funds from the local substance abuse authority
306 agrees in writing that:

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

310 (i) the division;

311 (ii) the local substance abuse authority director;

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

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

315 (iv) the county legislative body; and

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

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

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

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

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

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

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

334 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;
335 and

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

- 339 (i) are accessible to the pregnant woman or pregnant minor;
- 340 (ii) are best suited to provide services to the pregnant woman or pregnant minor;
- 341 (iii) may include:
 - 342 (A) counseling;
 - 343 (B) case management; or
 - 344 (C) a support group; and
- 345 (iv) shall include a referral for:
 - 346 (A) prenatal care; and
 - 347 (B) counseling on the effects of alcohol and drug use during pregnancy.

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

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

354 **17-43-301. Local mental health authorities -- Responsibilities.**

355 (1) (a) (i) In each county operating under a county executive-council form of
356 government under Section [~~17-52-504~~] [17-52a-203](#), the county legislative body is the local
357 mental health authority, provided however that any contract for plan services shall be
358 administered by the county executive.

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

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

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

- 365 (i) provide mental health services to persons within the county; and
- 366 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to

367 promote integrated programs that address an individual's substance abuse, mental health, and
368 physical healthcare needs, as described in Section 62A-15-103.

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

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

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

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

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

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

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

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

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

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

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

397 (iv) provide for the adoption of management, clinical, financial, procurement,

398 personnel, and administrative policies as already established by one of the participating
399 counties or as approved by the legislative body of each participating county or interlocal board.

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

401 (i) joint operation of services and facilities or for operation of services and facilities
402 under contract by one participating local mental health authority for other participating local
403 mental health authorities; and

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

406 (3) A county governing body may elect to combine the local mental health authority
407 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
408 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
409 Department Act, to create a united local health department under Section 26A-1-105.5. A local
410 mental health authority that joins with a united local health department shall comply with this
411 part.

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

416 (b) Each local mental health authority shall comply, and require compliance by its
417 contract provider, with all directives issued by the department and the Department of Health
418 regarding the use and expenditure of state and federal funds received from those departments
419 for the purpose of providing mental health programs and services. The department and
420 Department of Health shall ensure that those directives are not duplicative or conflicting, and
421 shall consult and coordinate with local mental health authorities with regard to programs and
422 services.

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

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

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

429 (iii) establish and maintain, either directly or by contract, programs licensed under Title
430 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

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

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

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

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

445 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
446 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title
447 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
448 Other Local Entities Act; and

449 (xii) take and retain physical custody of minors committed to the physical custody of
450 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
451 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

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

454 (i) inpatient care and services;

455 (ii) residential care and services;

456 (iii) outpatient care and services;

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

458 (v) psychotropic medication management;

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

460 (vii) case management;

461 (viii) community supports, including in-home services, housing, family support
462 services, and respite services;

463 (ix) consultation and education services, including case consultation, collaboration
464 with other county service agencies, public education, and public information; and

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

466 (6) Before disbursing any public funds, each local mental health authority shall require
467 that each entity that receives any public funds from a local mental health authority agrees in
468 writing that:

469 (a) the entity's financial records and other records relevant to the entity's performance
470 of the services provided to the mental health authority shall be subject to examination by:

471 (i) the division;

472 (ii) the local mental health authority director;

473 (iii) (A) the county treasurer and county or district attorney; or
474 (B) if two or more counties jointly provide mental health services under an agreement
475 under Subsection (2), the designated treasurer and the designated legal officer;

476 (iv) the county legislative body; and

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

479 (b) the county auditor may examine and audit the entity's financial and other records
480 relevant to the entity's performance of the services provided to the local mental health
481 authority; and

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

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

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

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

491 Section 7. Section ~~17-52a-101~~, which is renumbered from Section 17-52-101 is
 492 renumbered and amended to read:

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

494 **Part 1. General Provisions**

495 ~~[17-52-101].~~ 17-52a-101. Definitions.

496 As used in this chapter:

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

498 ~~[(a) a resident of the county in which the optional plan is proposed, designated by a~~
 499 ~~majority of all state senators and representatives whose districts include any part of the county~~
 500 ~~in which the optional plan is proposed;]~~

501 ~~[(b) a resident of the county in which the optional plan is proposed, designated by the~~
 502 ~~county legislative body;]~~

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

505 ~~[(d) two other residents of the county in which the optional plan is proposed;~~
 506 ~~designated by majority vote of the three other members of the appointment council.]~~

507 ~~[(2)]~~ (1) "Optional plan" means a plan ~~[establishing]~~ described in Section [17-52a-103](#)
 508 ~~that establishes~~ an alternate form of government for a county ~~[as provided in Section~~
 509 ~~17-52-401]~~.

510 (2) "Transitional plan" means a plan that a county legislative body establishes under
 511 Section [17-52a-404](#) to effectuate the transition to a new form of county government.

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

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

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

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

521 ~~[(ii) in accordance with Section [45-1-101](#) for two weeks before the event that is the~~

522 subject of the notice; and]

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

525 ~~[(4) "Study committee" means a group of persons:]~~

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

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

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

530 ~~[[17-52-102](#)].~~ **[17-52a-102](#). Forms of county government -- County**
531 **commission form required unless another is adopted -- Restrictions on form of county**
532 **government.**

533 (1) ~~[Each]~~ Subject to Subsections (2), each county shall operate under one of the
534 following forms of county government:

535 (a) the county commission form under Section ~~[[17-52-501](#)]~~ [17-52a-201](#);

536 (b) the expanded county commission form under Section ~~[[17-52-502](#)]~~ [17-52a-202](#);

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

538 (d) the council-manager form under Section ~~[[17-52-505](#)]~~ [17-52a-204](#).

539 (2) Unless ~~[it]~~ a county adopts another form of government as provided in this chapter,
540 ~~[each]~~ the county shall operate under the county commission form of government under
541 Section ~~[[17-52-501](#)]~~ [17-52a-201](#).

542 Section 9. Section **17-52a-103** is enacted to read:

543 **[17-52a-103](#). Operation under provision formerly known as optional plan --**
544 **Changing to nonpartisan elections prohibited.**

545 (1) A county operating on May 7, 2018 under the provisions of a plan known under the
546 law then in effect as an optional plan shall continue to operate under the provisions of the
547 optional plan on and after May 8, 2018.

548 (2) A county that provides for the election of the county's elected officers through a
549 partisan election may not change to a process that provides for the election of the county's
550 elected officers through a nonpartisan election.

551 Section 10. Section **17-52a-201**, which is renumbered from Section 17-52-501 is
552 renumbered and amended to read:

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

554 ~~[17-52-501].~~ 17-52a-201. **County commission form of government --**

555 **Commission member elections.**

556 (1) As used in this section:

557 (a) "Midterm vacancy" means a county commission position that is being filled at an
558 election for less than the position's full term as established in:

559 (i) Subsection (4)(a); or

560 (ii) a county's optional [~~plan under Subsection 17-52-401(5)(b)~~] or transitional plan.

561 (b) "Open position" means a county commission position that is being filled at a
562 regular general election for the position's full term as established in:

563 (i) Subsection (4)(a); or

564 (ii) a county's optional [~~plan under Subsection 17-52-401(5)(b)~~] or transitional plan.

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

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

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

574 (4) Except as otherwise provided in an optional [~~plan adopted under this chapter~~] or
575 transitional plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 (e) In an opt-in county:

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

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

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

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

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

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

623 Section 11. Section **17-52a-202**, which is renumbered from Section 17-52-502 is
624 renumbered and amended to read:

625 ~~[17-52-502]~~. **17-52a-202. Expanded county commission form of**
626 **government -- Commission member elections.**

627 (1) As used in this section:

628 (a) "Midterm vacancy" means the same as that term is defined in Section ~~[17-52-501]~~
629 17-52a-201.

630 (b) "Open position" means the same as that term is defined in Section ~~[17-52-501]~~
631 17-52a-201.

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

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

637 (3) A county commission under the expanded county commission form of government
638 is both the county legislative body and the county executive and has the powers, duties, and
639 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and
640 the powers, duties, and functions of a county executive under Chapter 53, Part 3, County
641 Executive.

642 (4) Except as otherwise provided in an optional ~~[plan adopted under this chapter]~~ or
643 transitional plan:

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

645 (b) the terms of county commission members shall be staggered so that approximately

646 half the members are elected at alternating regular general election dates; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

680 (e) In an opt-in county:

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

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

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

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

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

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

691 Section 12. Section **17-52a-203**, which is renumbered from Section 17-52-504 is
 692 renumbered and amended to read:

693 ~~[17-52-504]~~. **17-52a-203. County executive-council form of county**
 694 **government.**

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

697 (i) an elected county council~~];~~

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

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

700 (b) The ~~[optional]~~ transitional plan described in Section 17-52a-404 shall provide for
 701 the qualifications, time, and manner of election, term of office and compensation of the county
 702 executive.

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

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

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

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

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

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

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

715 Section 13. Section ~~17-52a-204~~, which is renumbered from Section 17-52-505 is
716 renumbered and amended to read:

717 ~~[17-52-505]~~. **17-52a-204. Council-manager form of county government.**

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

720 (i) an elected county council~~;~~;

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

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

723 (b) The ~~[optional]~~ transitional plan described in Section 17-52a-404 shall provide for
724 the qualifications, time and manner of appointment subject to Subsections (6) and (7), term of
725 office, compensation, and removal of the county manager.

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

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

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

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

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

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

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

735 (C) purchasing supplies~~;~~;

736 (ii) attempt to exact any promise relative to any appointment from any candidate for
737 manager~~;~~; or

738 (iii) discuss directly or indirectly with ~~[him]~~ the manager the matter of specific

739 appointments to any county office or employment.

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

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

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

748 (iv) The [~~optional~~] transitional plan described in Section 17-52a-404 may provide
749 procedures for implementing this Subsection (3).

750 (4) In the council-manager form of county government[;]:

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

752 and

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

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

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

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

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

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

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

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

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

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

769 (B) the interim county manager's term shall expire once a new county manager is

770 appointed by the new administration after the interim vacancy period has ended.

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

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

777 Section 14. Section ~~17-52a-301~~, which is renumbered from Section 17-52-201 is
778 renumbered and amended to read:

779 **Part 3. Procedure for Initiating Change in Form of County Government**
780 ~~[17-52-201].~~ **17-52a-301. Procedure for initiating change in form of**
781 **county government -- Limitations -- Pending proceedings.**

782 ~~[(1) An optional plan proposing an alternate form of government for a county may be~~
783 ~~adopted as provided in this chapter.]~~

784 (1) A county may change the county's form of government as provided in this chapter.

785 (2) The process to ~~[adopt an optional plan establishing an alternate]~~ change a county's
786 form of ~~[county]~~ government may be initiated by:

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

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

789 (3) (a) If the process to ~~[adopt an optional plan has been]~~ change a county's form of
790 government is initiated under Laws of Utah 1973, Chapter 26, Section 3, 4, or 5, or Section
791 ~~[17-52-202 or 17-52-203]~~ 17-52a-302 or 17-52a-303, the county legislative body may not
792 initiate the process again under Section ~~[17-52-202 unless the earlier proceeding]~~ 17-52a-302,
793 and registered voters may not initiate the process again under Section 17-52a-303, until the first
794 initiated process concludes:

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

796 ~~[(ii) has not been concluded but has been pending for at least two years.]~~

797 (i) with an election under Section 17-52a-401; or

798 (ii) because registered voters fail to submit a sufficient number of valid signatures for a
799 petition before the deadline described in Subsection 17-52a-303(2)(c).

800 (b) A county legislative body may not initiate the process to ~~[adopt an optional plan]~~

801 change the county's form of government under Section [~~17-52-202~~] 17-52a-302 within four
 802 years of an election at which voters approved or rejected [~~an optional plan proposed as a result~~
 803 ~~of a process initiated by~~] a proposed change in the county's form of government that the county
 804 legislative body initiates.

805 (c) Registered voters of a county may not initiate the process to [~~adopt an optional~~
 806 ~~plan~~] change the county's form of government under Section [~~17-52-203~~] 17-52a-303 within
 807 four years of an election at which voters approved or rejected [~~an optional plan proposed as a~~
 808 ~~result of a process initiated by~~] a proposed change in the county's form of government that
 809 registered voters initiate.

810 Section 15. Section **17-52a-302**, which is renumbered from Section 17-52-202 is
 811 renumbered and amended to read:

812 [~~17-52-202~~]. **17-52a-302. County legislative body initiation of change in**
 813 **form of county government -- Procedure.**

814 (1) A county legislative body may initiate the process of [~~adopting an optional plan~~]
 815 changing the county's form or government by adopting a resolution to submit to the voters the
 816 question of whether [~~a study committee should be established as provided in Section~~
 817 ~~17-52-301~~] the county should change the county's form of government.

818 (2) [~~Each~~] The county legislative body shall ensure that a resolution adopted under
 819 Subsection (1) [~~shall require~~]:

820 (a) complies with the requirements described in Section 17-52a-304; and

821 (b) requires the question to be submitted to the registered voters of the county at the
 822 next [~~special election scheduled pursuant to Section 20A-1-204 after adoption of the resolution~~
 823 ~~under Subsection (1)~~] election described in Section 17-52a-401.

824 Section 16. Section **17-52a-303**, which is renumbered from Section 17-52-203 is
 825 renumbered and amended to read:

826 [~~17-52-203~~]. **17-52a-303. Registered voter initiation of change in form of**
 827 **government -- Procedure.**

828 (1) (a) Registered voters of a county may initiate the process of [~~adopting an optional~~
 829 ~~plan by filing a petition for the establishment of a study committee as provided in Section~~
 830 ~~17-52-301~~] changing the county's form of government by filing with the county clerk a notice
 831 of intent to gather signatures for a petition to change the county's form of government.

832 ~~[(2) Each petition under Subsection (1) shall:]~~
833 (b) A notice of intent described in Subsection (1)(a) shall:
834 (i) designate up to five sponsors for the petition;
835 (ii) designate a contact sponsor to serve as the primary contact for the petition
836 sponsors;
837 (iii) list the mailing address and telephone number of each of the sponsors;
838 (iv) comply with the requirements described in Section 17-52a-304; and
839 (v) be signed by each of the petition sponsors.
840 (c) Registered voters of a county may not file a notice of intent to gather signatures in
841 bad faith.
842 (2) (a) The sponsors of a petition to change a county's form of government may
843 circulate the petition after filing a notice of intent to gather signatures under Subsection (1).
844 ~~[(a) be]~~ (b) To be considered valid, the petition is required to be signed by registered
845 voters residing in the county equal in number to at least 10% of the total number of votes cast
846 in the county for all candidates for president of the United States at the most recent election
847 [for] at which a president of the United States[;] was elected.
848 ~~[(b) designate up to five of the petition signers as sponsors, one of whom shall be~~
849 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~
850 ~~[(c) be filed in the office of the clerk of the county in which the petition signers reside.]~~
851 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
852 the completed petition and any amended or supplemental petition described in Subsection
853 (3)(b) with the county clerk not more than 180 days after the day on which the sponsors file the
854 notice described in Subsection (1).
855 (3) [(a)] Within 30 days [of the filing of a] after the day on which the sponsors submit a
856 petition under Subsection [(†)] (2)(c) or an amended or supplemental petition under Subsection
857 [(‡)(b)] (4), the county clerk shall:
858 [(†)] (a) determine whether the petition or amended or supplemental petition has been
859 signed by the required number of registered voters; and
860 [(ii) (A) if so;]
861 (b) (i) if the petition was signed by a sufficient number of registered voters:
862 (A) certify the petition [or amended or supplemental petition and];

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

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

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

866 voters:

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

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

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

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

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

877 (b) before the earlier of:

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

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

881 [~~(4) With the unanimous approval of petition sponsors, a petition filed under~~
882 ~~Subsection (1) may be withdrawn at any time within 90 days after petition certification but no~~
883 ~~later than 45 days before an election under Section 17-52-206 if:]~~

884 [~~(a) the petition notified signers in conspicuous language that the petition sponsors are~~
885 ~~authorized to withdraw the petition; and]~~

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

887 Section 17. Section **17-52a-304**, which is renumbered from Section 17-52-402 is
888 renumbered and amended to read:

889 [~~17-52-402~~]. **17-52a-304. Specifying forms of county government.**

890 (1) (a) [~~Each optional plan shall propose~~] A county legislative body that adopts a
891 resolution under Section 17-52a-302, and registered voters that file a notice of intent to gather
892 signatures under Section 17-52a-303, shall ensure that the resolution or notice proposes
893 changing the form of county government to:

- 894 (i) the county commission form under Section ~~[17-52-501]~~ [17-52a-201](#);
- 895 (ii) the expanded county commission form under Section ~~[17-52-502]~~ [17-52a-202](#);
- 896 (iii) the county executive and council form under Section ~~[17-52-504]~~ [17-52a-203](#); or
- 897 (iv) the council-manager form under Section ~~[17-52-505]~~ [17-52a-204](#).

898 [~~b) An optional plan adopted after May 1, 2000, may not:~~]

899 ~~[(i)]~~ (b) A county legislative body or registered voters may not propose changing the
900 form of government to a form not included in Subsection (1)(a)[~~;~~].

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

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

903 ~~or]~~

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

905 ~~[(2) In addition to proposing the adoption of any one of the optional forms of county~~
906 ~~government under Subsection (1)(a), an optional plan may also propose the adoption of any~~
907 ~~one of the structural forms of county government provided under Chapter 35b, Part 3,~~
908 ~~Structural Forms of County Government.]~~

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

912 Section 18. Section **17-52a-305** is enacted to read:

913 **17-52a-305. Public hearings.**

914 (1) The county legislative body shall hold public hearings under this section within 45
915 days after the day on which:

916 (a) the county legislative body adopts a resolution under Section [17-52a-302](#); or

917 (b) the county clerk certifies a petition under Subsection [17-52a-303\(3\)](#).

918 (2) The county legislative body shall hold at least four public hearings on a proposed
919 change in the county's form of government.

920 Section 19. Section **17-52a-401**, which is renumbered from Section 17-52-206 is
921 renumbered and amended to read:

922 **Part 4. Election on and Transition to a New Form of County Government**

923 ~~[17-52-206].~~ **17-52a-401. Election on change in form of county**

924 **government.**

925 ~~[(1) (a) The county legislative body shall hold an election on an optional plan~~
926 ~~recommended in a study committee report filed under Subsection 17-52-303(3)(d) if:]~~

927 ~~[(i) the county or district attorney has completed the review of the recommended~~
928 ~~optional plan and has submitted the attorney's report to the county clerk as provided in Section~~
929 ~~17-52-204;]~~

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

932 ~~[(iii) after the county or district attorney has submitted the attorney's report under~~
933 ~~Section 17-52-204;]~~

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

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

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

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

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

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

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

946 (a) the county legislative body adopts a resolution under Section 17-52a-302; or

947 (b) the county clerk certifies a petition under Subsection 17-52a-303(3).

948 (2) ~~[Each election under Subsection (1)]~~ An election on a change in the county's form
949 government shall be held at the next regular general or municipal general election [date] that is
950 no less than [two months after] 75 days after the day on which the conditions described in
951 Subsection (1) are met:

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

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

955 (3) The county clerk shall prepare the ballot for ~~[each]~~ an election under ~~[Subsection~~

956 ~~(1)~~ this section so that the question on the ballot states substantially ~~[as follows]~~ the following:

957 "Shall _____ County adopt the alternate form of government known
958 as the __ (insert the proposed form of government) __ ~~[that has been recommended by the~~
959 ~~study committee]?"~~

960 ~~[(4) The county clerk shall:]~~

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

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

967 (4) a county clerk shall declare a change in a county's form of government as approved
968 by the voters if a majority of voters voting on the change vote in favor of the change.

969 Section 20. Section ~~17-52a-402~~, which is renumbered from Section 17-52-205 is
970 renumbered and amended to read:

971 ~~[17-52-205].~~ 17-52a-402. Voter information pamphlet.

972 (1) In anticipation of an election under Section ~~[17-52-206]~~ 17-52a-401, the county
973 clerk may prepare a voter information pamphlet to inform the public of the proposed ~~[optional~~
974 ~~plan]~~ change in the county's form of government.

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

976 (a) allow proponents and opponents of the proposed ~~[optional plan]~~ change to provide
977 written statements to be included in the pamphlet; and

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

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

983 Section 21. Section ~~17-52a-403~~, which is renumbered from Section 17-52-403 is
984 renumbered and amended to read:

985 ~~[17-52-403].~~ 17-52a-403. Election of new county officers.

986 (1) If a ~~[proposed optional plan]~~ change in a county's form of government is approved

987 at an election held under Section [~~17-52-206~~] 17-52a-401:

988 (a) the elected county officers shall be elected at the next regular general election
989 following the election under Section 17-52a-401, according to the procedure and schedule
990 established under Title 20A, Election Code, for the election of county officers;

991 [~~(a) the proposed optional plan~~]

992 [~~becomes effective according to its terms and;~~]

993 [~~subject to Subsection 17-52-401(1)(c), at the time specified in it, is public record open~~
994 ~~to inspection by the public, and]~~

995 [~~is judicially noticeable by all courts;~~]

996 [~~(b) the county clerk shall, within 10 days of the canvass of the election, file with the~~
997 ~~lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct~~
998 ~~copy;]~~

999 [~~(c)~~] (b) all public officers and employees shall cooperate fully in making the transition
1000 between forms of county government; and

1001 [~~(d)~~] (c) the county legislative body may enact and enforce necessary ordinances to
1002 bring about an orderly transition to the new form of government, including any transfer of
1003 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent
1004 with the approved optional or transitional plan and necessary or convenient to place it into full
1005 effect.

1006 [~~(2) Adoption of an optional plan changing only the form of county government~~
1007 ~~without adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of~~
1008 ~~County Government, does not alter or affect the boundaries, organization, powers, duties, or~~
1009 ~~functions of any:]~~

1010 [~~(a) school district;~~]

1011 [~~(b) justice court;~~]

1012 [~~(c) local district under Title 17B, Limited Purpose Local Government Entities - Local~~
1013 ~~Districts;]~~

1014 [~~(d) special service district under Title 17D, Chapter 1, Special Service District Act;]~~

1015 [~~(e) city or town; or]~~

1016 [~~(f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal~~
1017 ~~Cooperation Act.]~~

1018 ~~[(3)]~~ (2) After ~~[the adoption of an optional plan]~~ a county changes the county's form of
1019 government, the county remains vested with all powers and duties vested generally in counties
1020 by statute.

1021 Section 22. Section ~~17-52a-401~~, which is renumbered from Section 17-52-401 is
1022 renumbered and amended to read:

1023 ~~[17-52-401]~~. 17-52a-404. County legislative body to establish transition
1024 plan.

1025 ~~[(1) Each optional plan proposed under this chapter:]~~

1026 ~~[(a) shall propose the adoption of one of the forms of county government listed in~~
1027 ~~Subsection ~~17-52-402~~(1)(a);]~~

1028 (1) The county legislative body shall hold public hearings under this section within 45
1029 days after the day on which:

1030 (a) the county legislative body adopts a resolution under Section ~~17-52a-302~~; or

1031 (b) the county clerk certifies a petition under Subsection ~~17-52a-303~~(3).

1032 (2) The county legislative body shall hold at least four public hearings on a proposed
1033 change in the county's form of government, that:

1034 ~~[(b)]~~ (a) ~~[shall contain]~~ contains detailed provisions relating to the transition from the
1035 existing form of county government to the form ~~[proposed in the optional plan]~~ approved by
1036 the voters, including provisions relating to the:

1037 (i) election or appointment of officers ~~[specified in the optional plan]~~ for the new form
1038 of county government;

1039 (ii) retention, elimination, or combining of existing offices ~~[and, if an office is~~
1040 ~~eliminated, the division or department of county government responsible for performing the~~
1041 ~~duties of the eliminated office];~~

1042 (iii) redistribution of duties of an office that the transitional plan eliminates;

1043 ~~[(iii)]~~ (iv) continuity of existing ordinances and regulations;

1044 ~~[(iv)]~~ (v) continuation of pending legislative, administrative, or judicial proceedings;

1045 ~~[(v)]~~ (vi) making of interim and temporary appointments; and

1046 ~~[(vi)]~~ (vii) preparation, approval, and adjustment of necessary budget appropriations;

1047 ~~[(c)]~~ (b) ~~[shall specify]~~ specifies the date ~~[it is to become effective if adopted]~~ the
1048 transitional plan becomes effective, which may not be earlier than the first day of January next

1049 following the election of officers under ~~[the new plan; and]~~ under the new form of government;
 1050 ~~[(d)]~~ (c) notwithstanding any other provision of this title, and except ~~[with respect to an~~
 1051 ~~optional plan that proposes the adoption of]~~ when a county changes to the county commission
 1052 or expanded county commission form of government, [with respect to the county budget shall
 1053 ~~provide]~~ provides that the county executive's role is to prepare and present a proposed budget
 1054 to the county legislative body, and the county legislative body's role is to adopt a final
 1055 budget[-];

1056 (d) specifies the method of election and initial terms of county council members or
 1057 commissioners under the new form of county government; and

1058 (e) specifies whether some or all of county council members or commissioners are to
 1059 be elected by district, and if so, specifies the boundaries of districts that are substantially equal
 1060 in population.

1061 ~~[(2) Subject to Subsection (3), an optional plan may include provisions that are~~
 1062 ~~considered necessary or advisable to the effective operation of the proposed optional plan.]~~

1063 ~~[(3) An optional plan may not include any provision that is inconsistent with or~~
 1064 ~~prohibited by the Utah Constitution or any statute.]~~

1065 ~~[(4)]~~ (2) ~~[Each optional plan proposing to change the]~~ If a county changes the county's
 1066 form of government to a form under Section [17-52-504 or 17-52-505 shall] 17-52a-203 or
 1067 17-52a-204, the county legislative body shall ensure that a transitional plan:

1068 (a) ~~[provide]~~ provides for the same executive and legislative officers as are specified in
 1069 the applicable section for the form of government ~~[being proposed by the optional plan]~~ to
 1070 which the county is changing;

1071 (b) ~~[provide]~~ provides for the election of the county council;

1072 (c) ~~[specify]~~ specifies the number of county council members, which shall be an odd
 1073 number from three to nine;

1074 (d) ~~[specify]~~ specifies whether the members of the county council are to be elected
 1075 from districts, at large, or by a combination of at large and by district;

1076 (e) ~~[specify]~~ specifies county council members' qualifications and terms and whether
 1077 the terms are to be staggered;

1078 (f) ~~[contain]~~ contains procedures for filling vacancies on the county council, consistent
 1079 with the provisions of Section 20A-1-508; and

1080 (g) [state] states the initial compensation, if any, of county council members and
1081 procedures for prescribing and changing compensation.

1082 [~~5~~ Each optional plan proposing to change the]

1083 (3) If a county changes the county's form of government to the county commission
1084 form under Section [~~17-52-501~~] 17-52a-201 or the expanded county commission form under
1085 Section [~~17-52-502~~ shall specify] 17-52a-202, the county legislative body shall ensure that a
1086 transitional plan specifies:

1087 (a) (i) for the county commission form of government, that the county commission
1088 shall have three members; or

1089 (ii) for the expanded county commission form of government, whether the county
1090 commission shall have five or seven members;

1091 (b) the terms of office for county commission members and whether the terms are to be
1092 staggered;

1093 (c) whether members of the county commission are to be elected from districts, at
1094 large, or by a combination of at large and from districts;

1095 (d) if any members of the county commission are to be elected from districts, the
1096 district residency requirements for those commission members; and

1097 (e) if any members of the county commission are to be elected at large, whether the
1098 election of county commission members is subject to the provisions of Subsection [~~17-52-501~~]
1099 17-52a-201(6) or Subsection [~~17-52-502~~] 17-52a-202(6).

1100 (4) A transitional plan created under this section may not:

1101 (a) provide for the nonpartisan election of elected officers;

1102 (b) impose a limit on the number of terms or years that an elected officer may serve; or

1103 (c) provide for elected officers to be subject to a recall election.

1104 (5) A transitional plan may provide for a change in the structural forms of county
1105 government under Chapter 35b, Part 3, Structural Forms of County Government.

1106 Section 23. Section **17-53-101** is amended to read:

1107 **17-53-101. County officers enumerated.**

1108 (1) The elected officers of a county are:

1109 (a) (i) in a county operating under a county commission or expanded county
1110 commission form of government, county commission members; or

1111 (ii) in a county operating under one of the other forms of county government under
1112 Subsection [~~17-52-402~~] 17-52a-304(1)(a), county legislative body members and the county
1113 executive;

1114 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a
1115 county attorney, a district attorney in a county which is part of a prosecution district, a county
1116 surveyor, and a county assessor; and

1117 (c) any others provided by law.

1118 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
1119 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
1120 duties of the office without extra compensation.

1121 Section 24. Section ~~17-53-302~~ is amended to read:

1122 **17-53-302. County executive duties.**

1123 Each county executive shall:

1124 (1) exercise supervisory control over all functions of the executive branch of county
1125 government;

1126 (2) direct and organize the management of the county in a manner consistent with state
1127 law, county ordinance, and the county's optional or transitional plan of county government;

1128 (3) carry out programs and policies established by the county legislative body;

1129 (4) faithfully ensure compliance with all applicable laws and county ordinances;

1130 (5) exercise supervisory and coordinating control over all departments of county
1131 government;

1132 (6) except as otherwise vested in the county legislative body by state law or by the
1133 optional or transitional plan of county government, and subject to Section ~~17-53-317~~, appoint,
1134 suspend, and remove the directors of all county departments and all appointive officers of
1135 boards and commissions;

1136 (7) except as otherwise delegated by statute to another county officer, exercise
1137 administrative and auditing control over all funds and assets, tangible and intangible, of the
1138 county;

1139 (8) except as otherwise delegated by statute to another county officer, supervise and
1140 direct centralized budgeting, accounting, personnel management, purchasing, and other service
1141 functions of the county;

1142 (9) conduct planning studies and make recommendations to the county legislative body
1143 relating to financial, administrative, procedural, and operational plans, programs, and
1144 improvements in county government;

1145 (10) maintain a continuing review of expenditures and of the effectiveness of
1146 departmental budgetary controls;

1147 (11) develop systems and procedures, not inconsistent with statute, for planning,
1148 programming, budgeting, and accounting for all activities of the county;

1149 (12) if the county executive is an elected county executive, exercise a power of veto
1150 over ordinances enacted by the county legislative body, including an item veto upon budget
1151 appropriations, in the manner provided by the optional or transitional plan of county
1152 government;

1153 (13) review, negotiate, approve, and execute contracts for the county, unless otherwise
1154 provided by statute;

1155 (14) perform all other functions and duties required of the executive by state law,
1156 county ordinance, and the optional or transitional plan of county government; and

1157 (15) sign on behalf of the county all deeds that convey county property.

1158 Section 25. Section **17B-2a-1106** is amended to read:

1159 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

1160 (1) Except as provided in Subsection (2), and notwithstanding any other provision of
1161 law regarding the membership of a local district board of trustees, the initial board of trustees
1162 of a municipal services district shall consist of the county legislative body.

1163 (2) (a) Notwithstanding any provision of law regarding the membership of a local
1164 district board of trustees or the governance of a local district, and, except as provided in
1165 Subsection (3), if a municipal services district is created in a county of the first class with the
1166 county executive-council form of government, the initial governance of the municipal services
1167 district is as follows:

1168 (i) subject to Subsection (2)(b), the county council is the municipal services district
1169 board of trustees; and

1170 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal
1171 services district.

1172 (b) Notwithstanding any other provision of law, the board of trustees of a municipal

1173 services district described in Subsection (2)(a) shall:

1174 (i) act as the legislative body of the district; and

1175 (ii) exercise legislative branch powers and responsibilities established for county

1176 legislative bodies in:

1177 (A) Title 17, Counties; and

1178 (B) an optional plan~~[,as]~~ or a transitional plan, as those terms are defined in Section

1179 ~~[17-52-101]~~ 17-52a-101, adopted for a county executive-council form of county government as

1180 described in Section ~~[17-52-504]~~ 17-52a-203.

1181 (c) Notwithstanding any other provision of law, in a municipal services district

1182 described in Subsection (2)(a), the executive of the district shall:

1183 (i) act as the executive of the district;

1184 (ii) nominate a general manager of the municipal services district, subject to the advice

1185 and consent of the board of trustees; and

1186 (iii) exercise executive branch powers and responsibilities established for a county

1187 executive in:

1188 (A) Title 17, Counties; and

1189 (B) an optional plan~~[,as]~~ or a transitional plan, as those terms are defined in Section

1190 ~~[17-52-101]~~ 17-52a-101, adopted for a county executive-council form of county government as

1191 described in Section ~~[17-52-504]~~ 17-52a-203.

1192 (3) (a) If, after the initial creation of a municipal services district, an area within the

1193 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not

1194 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area

1195 within the municipality is annexed into the municipal services district in accordance with

1196 Section 17B-2a-1103, the district's board of trustees shall be as follows:

1197 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

1198 (ii) subject to Subsection (4), two members of the county council of the county in

1199 which the municipal services district is located; and

1200 (iii) the total number of board members shall be an odd number.

1201 (b) A member described in Subsection (3)(a)(i) shall be:

1202 (i) for a municipality other than a metro township, designated by the municipal

1203 legislative body; and

1204 (ii) for a metro township, the chair of the metro township.
1205 (c) A member of the board of trustees has the powers and duties described in
1206 Subsection (2)(b).
1207 (d) The county executive is the executive and has the powers and duties as described in
1208 Subsection (2)(c).
1209 (4) (a) The number of county council members may be increased or decreased to meet
1210 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.
1211 (b) The number of county council members described in Subsection (3)(a)(ii) does not
1212 include the county mayor.
1213 (5) For a board of trustees described in Subsection (3), each board member's vote is
1214 weighted using the proportion of the municipal services district population that resides:
1215 (a) for each member described in Subsection (3)(a)(i), within that member's
1216 municipality; and
1217 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated
1218 county, with the members' weighted vote divided evenly if there is more than one member on
1219 the board described in Subsection (3)(a)(ii).
1220 (6) The board may adopt a resolution providing for future board members to be
1221 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.
1222 (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of
1223 trustees may adopt a resolution to determine the internal governance of the board.
1224 (b) A resolution adopted under Subsection (7)(a) may not alter or impair the board of
1225 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's
1226 duties, powers, or responsibilities described in Subsection (2)(c).
1227 (8) The municipal services district and the county may enter into an agreement for the
1228 provision of legal services to the municipal services district.
1229 Section 26. Section 17C-1-203 is amended to read:
1230 **17C-1-203. Agency board -- Quorum.**
1231 (1) The governing body of an agency is a board consisting of the current members of
1232 the community legislative body.
1233 (2) A majority of board members constitutes a quorum for the transaction of agency
1234 business.

1235 (3) A board may not adopt a resolution, pass a motion, or take any other official board
1236 action without the concurrence of at least a majority of the board members present at a meeting
1237 at which a quorum is present.

1238 (4) (a) The mayor or the mayor's designee of a municipality operating under a
1239 council-mayor form of government, as defined in Section [10-3b-102](#):

1240 (i) serves as the executive director of an agency created by the municipality; and
1241 (ii) exercises the agency's executive powers.

1242 (b) The county executive or the county executive's designee of a county operating
1243 under a county executive-council form of government, as described in Section [~~17-52-504~~]
1244 [17-52a-203](#):

1245 (i) serves as the executive director of an agency created by the county; and
1246 (ii) exercises the agency's executive powers.

1247 Section 27. Section **17D-2-203** is amended to read:

1248 **17D-2-203. Local building authority board of directors.**

1249 (1) Except as provided in Subsection (3), the members of the governing body of the
1250 creating local entity constitute the authority board of the local building authority created by the
1251 creating local entity.

1252 (2) An authority board may be referred to as a board of trustees.

1253 (3) (a) For a local building authority whose creating local entity is a county that
1254 operates under the county commission form of government under Section [~~17-52-501~~]
1255 [17-52a-201](#), two members of the authority board may appoint an elected officer of the county
1256 to serve temporarily as a member of the authority board if the other authority board member:

1257 (i) is, as a member of the county commission, placed on paid administrative leave
1258 under Section [17-16-10.5](#);

1259 (ii) is unable to serve due to a disability;

1260 (iii) has a conflict of interest with respect to a matter before the authority board that
1261 disqualifies the authority board member or causes the member to abstain from participating in
1262 action on that matter; or

1263 (iv) is unable for any other reason to serve temporarily on the authority board or to
1264 participate in a matter before the board.

1265 (b) An elected county officer appointed to an authority board under Subsection (3)(a)

1266 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need
1267 for the appointment is no longer present.

1268 Section 28. Section **20A-1-203** is amended to read:

1269 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**

1270 **limitations.**

1271 (1) Statewide and local special elections may be held for any purpose authorized by
1272 law.

1273 (2) (a) Statewide special elections shall be conducted using the procedure for regular
1274 general elections.

1275 (b) Except as otherwise provided in this title, local special elections shall be conducted
1276 using the procedures for regular municipal elections.

1277 (3) The governor may call a statewide special election by issuing an executive order
1278 that designates:

1279 (a) the date for the statewide special election; and

1280 (b) the purpose for the statewide special election.

1281 (4) The Legislature may call a statewide special election by passing a joint or
1282 concurrent resolution that designates:

1283 (a) the date for the statewide special election; and

1284 (b) the purpose for the statewide special election.

1285 (5) (a) The legislative body of a local political subdivision may call a local special
1286 election only for:

1287 (i) a vote on a bond or debt issue;

1288 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);

1289 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

1290 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

1291 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
1292 legal boundaries should be changed;

1293 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

1294 (vii) a vote to elect members to school district boards for a new school district and a
1295 remaining school district, as defined in Section [53A-2-117](#), following the creation of a new
1296 school district under Section [53A-2-118.1](#);

- 1297 (viii) a vote on a municipality providing cable television services or public
 1298 telecommunications services under Section 10-18-204;
- 1299 (ix) a vote to create a new county under Section 17-3-1;
- 1300 [~~(x)~~] a vote on the creation of a study committee under Sections ~~17-52-202~~ and
 1301 ~~17-52-203.5~~;
- 1302 [~~(xi)~~] (x) a vote on a special property tax under Section 53A-16-110;
- 1303 [~~(xii)~~] (xi) a vote on the incorporation of a city in accordance with Section 10-2a-210;
- 1304 [~~(xiii)~~] (xii) a vote on the incorporation of a town in accordance with Section
 1305 10-2a-304; or
- 1306 [~~(xiv)~~] (xiii) a vote on incorporation or annexation as described in Section 10-2a-404.
- 1307 (b) The legislative body of a local political subdivision may call a local special election
 1308 by adopting an ordinance or resolution that designates:
- 1309 (i) the date for the local special election as authorized by Section 20A-1-204; and
 1310 (ii) the purpose for the local special election.
- 1311 (c) A local political subdivision may not call a local special election unless the
 1312 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
 1313 two-thirds majority of all members of the legislative body, if the local special election is for:
- 1314 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
 1315 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
 1316 (iii) a vote authorized or required for a sales tax issue as described in Subsection
 1317 (5)(a)(vi).
- 1318 Section 29. Section **20A-1-508** is amended to read:
- 1319 **20A-1-508. Midterm vacancies in county elected offices.**
- 1320 (1) As used in this section:
- 1321 (a) (i) "County offices" includes the county executive, members of the county
 1322 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
 1323 the county recorder, the county surveyor, and the county assessor.
- 1324 (ii) "County offices" does not mean the offices of president and vice president of the
 1325 United States, United States senators and representatives, members of the Utah Legislature,
 1326 state constitutional officers, county attorneys, district attorneys, and judges.
- 1327 (b) "Party liaison" means the political party officer designated to serve as a liaison with

1328 each county legislative body on all matters relating to the political party's relationship with a
1329 county as required by Section 20A-8-401.

1330 (2) (a) Until a replacement is selected as provided in this section and has qualified, the
1331 county legislative body shall appoint an interim replacement to fill the vacant office by
1332 following the procedures and requirements of this Subsection (2).

1333 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
1334 of the vacancy to the party liaison of the same political party of the prior office holder and
1335 invite that party liaison to submit the name of a person to fill the vacancy.

1336 (ii) That party liaison shall, within 30 days, submit the name of the person selected in
1337 accordance with the party constitution or bylaws as described in Section 20A-8-401 for the
1338 interim replacement to the county legislative body.

1339 (iii) The county legislative body shall no later than five days after the day on which a
1340 party liaison submits the name of the person for the interim replacement appoint the person to
1341 serve out the unexpired term.

1342 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
1343 vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the governor a
1344 letter that:

1345 (A) informs the governor that the county legislative body has failed to appoint a
1346 replacement within the statutory time period; and

1347 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1348 (ii) The governor shall appoint the person named by the party liaison as an interim
1349 replacement to fill the vacancy within 30 days after receipt of the letter.

1350 (d) A person appointed as interim replacement under this Subsection (2) shall hold
1351 office until their successor is elected and has qualified.

1352 (3) (a) The requirements of this Subsection (3) apply to all county offices that become
1353 vacant if:

1354 (i) the vacant office has an unexpired term of two years or more; and

1355 (ii) the vacancy occurs after the election at which the person was elected but before
1356 April 10 of the next even-numbered year.

1357 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk
1358 shall notify the public and each registered political party that the vacancy exists.

1359 (ii) An individual intending to become a candidate for the vacant office shall file a
1360 declaration of candidacy in accordance with:

1361 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1362 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1363 [17-52a-201\(6\)](#) or [17-52a-202\(6\)](#), if applicable.

1364 (iii) An individual who is nominated as a party candidate for the vacant office or
1365 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation
1366 and Procedures, for the vacant office shall run in the regular general election.

1367 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
1368 vacant if:

1369 (i) the vacant office has an unexpired term of two years or more; and

1370 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75
1371 days before the regular primary election.

1372 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
1373 shall notify the public and each registered political party that:

1374 (A) the vacancy exists; and

1375 (B) identifies the date and time by which a person interested in becoming a candidate
1376 shall file a declaration of candidacy.

1377 (ii) An individual intending to become a candidate for a vacant office shall, within five
1378 days after the date that the notice is made, ending at the close of normal office hours on the
1379 fifth day, file a declaration of candidacy for the vacant office in accordance with:

1380 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1381 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1382 [17-52a-201\(6\)](#) or [17-52a-202\(6\)](#), if applicable.

1383 (iii) The county central committee of each party shall:

1384 (A) select a candidate or candidates from among those qualified candidates who have
1385 filed declarations of candidacy; and

1386 (B) certify the name of the candidate or candidates to the county clerk at least 60 days
1387 before the regular primary election.

1388 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
1389 vacant:

1390 (i) if the vacant office has an unexpired term of two years or more; and
1391 (ii) when 75 days or less remain before the regular primary election but more than 65
1392 days remain before the regular general election.

1393 (b) When the conditions established in Subsection (5)(a) are met, the county central
1394 committees of each political party registered under this title that wishes to submit a candidate
1395 for the office shall summarily certify the name of one candidate to the county clerk for
1396 placement on the regular general election ballot.

1397 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
1398 vacant:

1399 (i) if the vacant office has an unexpired term of less than two years; or
1400 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
1401 remain before the next regular general election.

1402 (b) (i) When the conditions established in Subsection (6)(a) are met, the county
1403 legislative body shall give notice of the vacancy to the party liaison of the same political party
1404 as the prior office holder and invite that party liaison to submit the name of a person to fill the
1405 vacancy.

1406 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the
1407 vacancy to the county legislative body.

1408 (iii) The county legislative body shall no later than five days after the day on which a
1409 party liaison submits the name of the person to fill the vacancy appoint the person to serve out
1410 the unexpired term.

1411 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in
1412 accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

1413 (A) informs the governor that the county legislative body has failed to appoint a person
1414 to fill the vacancy within the statutory time period; and

1415 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1416 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy
1417 within 30 days after receipt of the letter.

1418 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office
1419 until their successor is elected and has qualified.

1420 (7) Except as otherwise provided by law, the county legislative body may appoint

1421 replacements to fill all vacancies that occur in those offices filled by appointment of the county
1422 legislative body.

1423 (8) Nothing in this section prevents or prohibits independent candidates from filing a
1424 declaration of candidacy for the office within the same time limits.

1425 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a
1426 county office shall serve for the remainder of the unexpired term of the person who created the
1427 vacancy and until a successor is elected and qualified.

1428 (b) Nothing in this section may be construed to contradict or alter the provisions of
1429 Section [17-16-6](#).

1430 Section 30. Section **20A-9-409** is amended to read:

1431 **20A-9-409. Primary election provisions relating to qualified political party.**

1432 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1433 primary election day.

1434 (2) (a) A qualified political party that nominates one or more candidates for an elective
1435 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
1436 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
1437 for that office.

1438 (b) A qualified political party that has only one candidate qualify as a candidate for an
1439 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1440 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for
1441 that office.

1442 (c) A qualified political party that nominates one or more candidates for an elective
1443 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that
1444 office under Section [20A-9-408](#) shall participate in the primary election for that office.

1445 (d) A qualified political party that has two or more candidates qualify as candidates for
1446 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1447 under Section [20A-9-407](#) shall participate in the primary election for that office.

1448 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
1449 [~~17-52-501~~ or Section ~~17-52-502~~] [17-52a-201](#) or [17-52a-202](#), a qualified political party shall
1450 participate in the primary election for a county commission office if:

1451 (a) there is more than one:

1452 (i) open position as defined in Section [~~17-52-501~~] [17-52a-201](#); or
1453 (ii) midterm vacancy as defined in Section [~~17-52-501~~] [17-52a-201](#); and
1454 (b) the number of candidates nominated under Section [20A-9-407](#) or qualified under
1455 Section [20A-9-408](#) for the respective open positions or midterm vacancies exceeds the number
1456 of respective open positions or midterm vacancies.

1457 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1458 (i) no individual other than the candidate receives a certification, from the appropriate
1459 filing officer, for the regular primary election ballot of the candidate's registered political party
1460 for a particular elective office; or

1461 (ii) for an office where more than one individual is to be elected or nominated, the
1462 number of candidates who receive certification, from the appropriate filing officer, for the
1463 regular primary election of the candidate's registered political party does not exceed the total
1464 number of candidates to be elected or nominated for that office.

1465 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1466 governor shall:

1467 (i) provide to the county clerks:

1468 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1469 county, and county offices who have received certifications from the appropriate filing officer,
1470 along with instructions on how those names shall appear on the primary election ballot in
1471 accordance with Section [20A-6-305](#); and

1472 (B) a list of unopposed candidates for elective office who have been nominated by a
1473 registered political party; and

1474 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1475 election ballot.

1476 Section 31. Section **26A-1-102** is amended to read:

1477 **26A-1-102. Definitions.**

1478 As used in this part:

1479 (1) "Board" means a local board of health established under Section [26A-1-109](#).

1480 (2) "County governing body" means one of the types of county government provided
1481 for in Title 17, Chapter [52a](#), Part [~~5~~] [2](#), Forms of County Government.

1482 (3) "County health department" means a local health department that serves a county

1483 and municipalities located within that county.

1484 (4) "Department" means the Department of Health created in Title 26, Chapter 1,
1485 Department of Health Organization.

1486 (5) "Local health department" means:

1487 (a) a single county local health department;

1488 (b) a multicounty local health department;

1489 (c) a united local health department; or

1490 (d) a multicounty united local health department.

1491 (6) "Mental health authority" means a local mental health authority created in Section
1492 17-43-301.

1493 (7) "Multicounty local health department" means a local health department that is
1494 formed under Section 26A-1-105 and that serves two or more contiguous counties and
1495 municipalities within those counties.

1496 (8) "Multicounty united local health department" means a united local health
1497 department that is formed under Section 26A-1-105.5 and that serves two or more contiguous
1498 counties and municipalities within those counties.

1499 (9) "Single county local health department" means a local health department that is
1500 created by the governing body of one county to provide services to the county and the
1501 municipalities within that county.

1502 (10) "Substance abuse authority" means a local substance abuse authority created in
1503 Section 17-43-201.

1504 (11) "United local health department":

1505 (a) means a substance abuse authority, a mental health authority, and a local health
1506 department that join together under Section 26A-1-105.5; and

1507 (b) includes a multicounty united local health department.

1508 Section 32. Section 59-2-919 is amended to read:

1509 **59-2-919. Notice and public hearing requirements for certain tax increases --**
1510 **Exceptions.**

1511 (1) As used in this section:

1512 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
1513 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

1514 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
1515 revenue from:

1516 (i) eligible new growth as defined in Section [59-2-924](#); or

1517 (ii) personal property that is:

1518 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

1519 (B) semiconductor manufacturing equipment.

1520 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
1521 that begins on January 1 and ends on December 31.

1522 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
1523 that operates under the county executive-council form of government described in Section
1524 [~~17-52-504~~] [17-52a-203](#).

1525 (e) "Current calendar year" means the calendar year immediately preceding the
1526 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
1527 calendar year taxing entity's certified tax rate.

1528 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
1529 begins on July 1 and ends on June 30.

1530 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
1531 taxing entity from a debt service levy voted on by the public.

1532 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
1533 rate unless the taxing entity meets:

1534 (a) the requirements of this section that apply to the taxing entity; and

1535 (b) all other requirements as may be required by law.

1536 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar
1537 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax
1538 rate if the calendar year taxing entity:

1539 (i) 14 or more days before the date of the regular general election or municipal general
1540 election held in the current calendar year, states at a public meeting:

1541 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
1542 calendar year taxing entity's certified tax rate;

1543 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
1544 be generated by the proposed increase in the certified tax rate; and

1545 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
1546 based on the proposed increase described in Subsection (3)(a)(i)(B);

1547 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
1548 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
1549 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
1550 intends to make the statement described in Subsection (3)(a)(i);

1551 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
1552 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

1553 (iv) provides notice by mail:

1554 (A) seven or more days before the regular general election or municipal general
1555 election held in the current calendar year; and

1556 (B) as provided in Subsection (3)(c); and

1557 (v) conducts a public hearing that is held:

1558 (A) in accordance with Subsections (8) and (9); and

1559 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).

1560 (b) (i) For a county executive calendar year taxing entity, the statement described in
1561 Subsection (3)(a)(i) shall be made by the:

1562 (A) county council;

1563 (B) county executive; or

1564 (C) both the county council and county executive.

1565 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
1566 county council states a dollar amount of additional ad valorem tax revenue that is greater than
1567 the amount of additional ad valorem tax revenue previously stated by the county executive in
1568 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:

1569 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
1570 county executive calendar year taxing entity conducts the public hearing under Subsection
1571 (3)(a)(v); and

1572 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
1573 county executive calendar year taxing entity conducts the public hearing required by
1574 Subsection (3)(a)(v).

1575 (c) The notice described in Subsection (3)(a)(iv):

- 1576 (i) shall be mailed to each owner of property:
- 1577 (A) within the calendar year taxing entity; and
- 1578 (B) listed on the assessment roll;
- 1579 (ii) shall be printed on a separate form that:
- 1580 (A) is developed by the commission;
- 1581 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
- 1582 "NOTICE OF PROPOSED TAX INCREASE"; and
- 1583 (C) may be mailed with the notice required by Section [59-2-1317](#);
- 1584 (iii) shall contain for each property described in Subsection (3)(c)(i):
- 1585 (A) the value of the property for the current calendar year;
- 1586 (B) the tax on the property for the current calendar year; and
- 1587 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
- 1588 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
- 1589 rate, the estimated tax on the property;
- 1590 (iv) shall contain the following statement:
- 1591 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
- 1592 year]. This notice contains estimates of the tax on your property and the proposed tax increase
- 1593 on your property as a result of this tax increase. These estimates are calculated on the basis of
- 1594 [insert previous applicable calendar year] data. The actual tax on your property and proposed
- 1595 tax increase on your property may vary from this estimate.";
- 1596 (v) shall state the date, time, and place of the public hearing described in Subsection
- 1597 (3)(a)(v); and
- 1598 (vi) may contain other property tax information approved by the commission.
- 1599 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
- 1600 calculate the estimated tax on property on the basis of:
- 1601 (i) data for the current calendar year; and
- 1602 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
- 1603 section.
- 1604 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
- 1605 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:
- 1606 (a) provides notice by meeting the advertisement requirements of Subsections (6) and

1607 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
1608 taxing entity's annual budget is adopted; and

1609 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
1610 fiscal year taxing entity's annual budget is adopted.

1611 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
1612 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
1613 the requirements of this section.

1614 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
1615 (4) if:

1616 (i) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that
1617 certified tax rate without having to comply with the notice provisions of this section; or

1618 (ii) the taxing entity:

1619 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
1620 and

1621 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
1622 revenues.

1623 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
1624 section shall be published:

1625 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
1626 general circulation in the taxing entity;

1627 (ii) electronically in accordance with Section 45-1-101; and

1628 (iii) on the Utah Public Notice Website created in Section 63F-1-701.

1629 (b) The advertisement described in Subsection (6)(a)(i) shall:

1630 (i) be no less than 1/4 page in size;

1631 (ii) use type no smaller than 18 point; and

1632 (iii) be surrounded by a 1/4-inch border.

1633 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
1634 portion of the newspaper where legal notices and classified advertisements appear.

1635 (d) It is the intent of the Legislature that:

1636 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
1637 newspaper that is published at least one day per week; and

1638 (ii) the newspaper or combination of newspapers selected:

1639 (A) be of general interest and readership in the taxing entity; and

1640 (B) not be of limited subject matter.

1641 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

1642 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
1643 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);
1644 and

1645 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
1646 advertisement, which shall be seven or more days after the day the first advertisement is
1647 published, for the purpose of hearing comments regarding any proposed increase and to explain
1648 the reasons for the proposed increase.

1649 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

1650 (A) be published two weeks before a taxing entity conducts a public hearing described
1651 in Subsection (3)(a)(v) or (4)(b); and

1652 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
1653 advertisement, which shall be seven or more days after the day the first advertisement is
1654 published, for the purpose of hearing comments regarding any proposed increase and to explain
1655 the reasons for the proposed increase.

1656 (f) If a fiscal year taxing entity's public hearing information is published by the county
1657 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
1658 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
1659 the advertisement once during the week before the fiscal year taxing entity conducts a public
1660 hearing at which the taxing entity's annual budget is discussed.

1661 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
1662 advertisement shall be substantially as follows:

1663 "NOTICE OF PROPOSED TAX INCREASE

1664 (NAME OF TAXING ENTITY)

1665 The (name of the taxing entity) is proposing to increase its property tax revenue.

- 1666 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1667 in the taxing entity rounded to the nearest thousand dollars) residence would
1668 increase from \$ _____ to \$ _____, which is \$ _____ per year.

1700 (B) A county that receives notice from a fiscal year taxing entity under Subsection
1701 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place
1702 of the public hearing described in Subsection (8)(a)(i)(A).

1703 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar
1704 year, notify the county legislative body in which the calendar year taxing entity is located of the
1705 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
1706 budget will be discussed.

1707 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be open to the
1708 public.

1709 (ii) The governing body of a taxing entity conducting a public hearing described in
1710 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
1711 opportunity to present oral testimony within reasonable time limits.

1712 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
1713 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
1714 of another overlapping taxing entity in the same county.

1715 (ii) The taxing entities in which the power to set tax levies is vested in the same
1716 governing board or authority may consolidate the public hearings described in Subsection
1717 (3)(a)(v) or (4)(b) into one public hearing.

1718 (d) A county legislative body shall resolve any conflict in public hearing dates and
1719 times after consultation with each affected taxing entity.

1720 (e) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
1721 (4)(b) beginning at or after 6 p.m.

1722 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
1723 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
1724 entity shall announce at that public hearing the scheduled time and place of the next public
1725 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
1726 revenue.

1727 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
1728 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
1729 tax revenue stated at a public meeting under Subsection (3)(a)(i).

1730 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's

1731 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
1732 annual budget.

1733 Section 33. Section **68-3-12.5** is amended to read:

1734 **68-3-12.5. Definitions for Utah Code.**

1735 (1) The definitions listed in this section apply to the Utah Code, unless:

1736 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
1737 to the context of the statute; or

1738 (b) a different definition is expressly provided for the respective title, chapter, part,
1739 section, or subsection.

1740 (2) "Adjudicative proceeding" means:

1741 (a) an action by a board, commission, department, officer, or other administrative unit
1742 of the state that determines the legal rights, duties, privileges, immunities, or other legal
1743 interests of one or more identifiable persons, including an action to grant, deny, revoke,
1744 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

1745 (b) judicial review of an action described in Subsection (2)(a).

1746 (3) "Administrator" includes "executor" when the subject matter justifies the use.

1747 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
1748 commission, committee, or council that:

1749 (a) is created by, and whose duties are provided by, statute or executive order;

1750 (b) performs its duties only under the supervision of another person as provided by
1751 statute; and

1752 (c) provides advice and makes recommendations to another person that makes policy
1753 for the benefit of the general public.

1754 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
1755 and Coast Guard.

1756 (6) "County executive" means:

1757 (a) the county commission, in the county commission or expanded county commission
1758 form of government established under Title 17, Chapter 52a, Changing Forms of County
1759 Government;

1760 (b) the county executive, in the county executive-council optional form of government
1761 authorized by Section [~~17-52-504~~] 17-52a-203; or

- 1762 (c) the county manager, in the council-manager optional form of government
1763 authorized by Section [~~17-52-505~~] [17-52a-204](#).
- 1764 (7) "County legislative body" means:
- 1765 (a) the county commission, in the county commission or expanded county commission
1766 form of government established under Title 17, Chapter 52a, Changing Forms of County
1767 Government;
- 1768 (b) the county council, in the county executive-council optional form of government
1769 authorized by Section [~~17-52-504~~] [17-52a-203](#); and
- 1770 (c) the county council, in the council-manager optional form of government authorized
1771 by Section [~~17-52-505~~] [17-52a-204](#).
- 1772 (8) "Depose" means to make a written statement made under oath or affirmation.
- 1773 (9) "Executor" includes "administrator" when the subject matter justifies the use.
- 1774 (10) "Guardian" includes a person who:
- 1775 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
1776 or court appointment; or
- 1777 (b) is appointed by a court to manage the estate of a minor or incapacitated person.
- 1778 (11) "Highway" includes:
- 1779 (a) a public bridge;
- 1780 (b) a county way;
- 1781 (c) a county road;
- 1782 (d) a common road; and
- 1783 (e) a state road.
- 1784 (12) "Intellectual disability" means a significant, subaverage general intellectual
1785 functioning that:
- 1786 (a) exists concurrently with deficits in adaptive behavior; and
- 1787 (b) is manifested during the developmental period as defined in the current edition of
1788 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
1789 Psychiatric Association.
- 1790 (13) "Intermediate care facility for people with an intellectual disability" means an
1791 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
1792 Security Act.

- 1793 (14) "Land" includes:
- 1794 (a) land;
- 1795 (b) a tenement;
- 1796 (c) a hereditament;
- 1797 (d) a water right;
- 1798 (e) a possessory right; and
- 1799 (f) a claim.
- 1800 (15) "Month" means a calendar month, unless otherwise expressed.
- 1801 (16) "Oath" includes "affirmation."
- 1802 (17) "Person" means:
- 1803 (a) an individual;
- 1804 (b) an association;
- 1805 (c) an institution;
- 1806 (d) a corporation;
- 1807 (e) a company;
- 1808 (f) a trust;
- 1809 (g) a limited liability company;
- 1810 (h) a partnership;
- 1811 (i) a political subdivision;
- 1812 (j) a government office, department, division, bureau, or other body of government;
- 1813 and
- 1814 (k) any other organization or entity.
- 1815 (18) "Personal property" includes:
- 1816 (a) money;
- 1817 (b) goods;
- 1818 (c) chattels;
- 1819 (d) effects;
- 1820 (e) evidences of a right in action;
- 1821 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 1822 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 1823 (g) a right or interest in an item described in Subsections (18)(a) through (f).

- 1824 (19) "Personal representative," "executor," and "administrator" include:
- 1825 (a) an executor;
- 1826 (b) an administrator;
- 1827 (c) a successor personal representative;
- 1828 (d) a special administrator; and
- 1829 (e) a person who performs substantially the same function as a person described in
- 1830 Subsections (19)(a) through (d) under the law governing the person's status.
- 1831 (20) "Policy board," "policy commission," or "policy council" means a board,
- 1832 commission, or council that:
- 1833 (a) is authorized to make policy for the benefit of the general public;
- 1834 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 1835 (c) performs its duties according to its own rules without supervision other than under
- 1836 the general control of another person as provided by statute.
- 1837 (21) "Population" is shown by the most recent state or national census, unless expressly
- 1838 provided otherwise.
- 1839 (22) "Process" means a writ or summons issued in the course of a judicial proceeding.
- 1840 (23) "Property" includes both real and personal property.
- 1841 (24) "Real estate" or "real property" includes:
- 1842 (a) land;
- 1843 (b) a tenement;
- 1844 (c) a hereditament;
- 1845 (d) a water right;
- 1846 (e) a possessory right; and
- 1847 (f) a claim.
- 1848 (25) "Review board," "review commission," and "review council" mean a board,
- 1849 commission, committee, or council that:
- 1850 (a) is authorized to approve policy made for the benefit of the general public by another
- 1851 body or person;
- 1852 (b) is created by, and whose duties are provided by, statute; and
- 1853 (c) performs its duties according to its own rules without supervision other than under
- 1854 the general control of another person as provided by statute.

- 1855 (26) "Road" includes:
- 1856 (a) a public bridge;
- 1857 (b) a county way;
- 1858 (c) a county road;
- 1859 (d) a common road; and
- 1860 (e) a state road.
- 1861 (27) "Signature" includes a name, mark, or sign written with the intent to authenticate
- 1862 an instrument or writing.
- 1863 (28) "State," when applied to the different parts of the United States, includes a state,
- 1864 district, or territory of the United States.
- 1865 (29) "Swear" includes "affirm."
- 1866 (30) "Testify" means to make an oral statement under oath or affirmation.
- 1867 (31) "Uniformed services" means:
- 1868 (a) the armed forces;
- 1869 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;
- 1870 and
- 1871 (c) the commissioned corps of the United States Public Health Service.
- 1872 (32) "United States" includes each state, district, and territory of the United States of
- 1873 America.
- 1874 (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless
- 1875 the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:
- 1876 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or
- 1877 (b) (i) after the day described in Subsection (33)(a); and
- 1878 (ii) before the most recent amendment to the referenced portion of the 1953
- 1879 recodification of the Utah Code.
- 1880 (34) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,
- 1881 and every structure adapted to be navigated from place to place.
- 1882 (35) (a) "Veteran" means an individual who:
- 1883 (i) has served in the United States Armed Forces for at least 180 days:
- 1884 (A) on active duty; or
- 1885 (B) in a reserve component, to include the National Guard; or

- 1886 (ii) has incurred an actual service-related injury or disability while in the United States
- 1887 Armed Forces regardless of whether the individual completed 180 days; and
- 1888 (iii) was separated or retired under conditions characterized as honorable or general.
- 1889 (b) This definition is not intended to confer eligibility for benefits.
- 1890 (36) "Will" includes a codicil.
- 1891 (37) "Writ" means an order or precept in writing, issued in the name of:
- 1892 (a) the state;
- 1893 (b) a court; or
- 1894 (c) a judicial officer.
- 1895 (38) "Writing" includes:
- 1896 (a) printing;
- 1897 (b) handwriting; and
- 1898 (c) information stored in an electronic or other medium if the information is retrievable
- 1899 in a perceivable format.

1900 Section 34. **Repealer.**

1901 This bill repeals:

1902 Section **17-52-203.5, Election to determine whether study committee should be**

1903 **established.**

1904 Section **17-52-204, County or district attorney review of proposed optional plan --**

1905 **Conflict with statutory or constitutional provisions -- Processing of optional plan after**

1906 **attorney review.**

1907 Section **17-52-207, Election of officers under optional plan.**

1908 Section **17-52-301, Procedure for appointing members to study committee.**

1909 Section **17-52-302, Convening of first meeting of study committee.**

1910 Section **17-52-303, Study committee -- Members -- Powers and duties -- Report --**

1911 **Services provided by county.**

1912 Section **17-52-404, Amendment of optional plan.**

1913 Section **17-52-405, Repeal of optional plan.**

1914 Section 35. **Effective date.**

1915 If approved by two-thirds of all the members elected to each house, this bill takes effect

1916 upon approval by the governor, or the day following the constitutional time limit of Utah

1917 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1918 the date of veto override.