

1 **AMENDMENTS TO COUNTY FORM OF GOVERNMENT**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Logan Wilde**

5 Senate Sponsor: Ronald Winterton

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to changing a county form of government.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends definitions;
- 13 ▶ provides a grandfather provision for counties that have initiated the process to
- 14 change the county's form of government as of the effective date of this bill;
- 15 ▶ authorizes, without an election, the establishment of a committee to study changing
- 16 the county form of government after a successful petition or motion of a county
- 17 legislative body;
- 18 ▶ after a completed process to change the county form of government, prohibits the
- 19 county legislative body or registered voters from initiating the process again until
- 20 four years after the new county officers are elected;
- 21 ▶ removes certain procedural restrictions based on county population size;
- 22 ▶ amends the signature thresholds for a citizen petition to establish a study committee
- 23 or propose an optional plan for adoption and prohibits the use of electronic
- 24 signatures;
- 25 ▶ requires petition sponsors to file financial disclosures;
- 26 ▶ amends study committee membership and qualifications;
- 27 ▶ limits the time frame allowed for a study committee to alter its proposed optional
- 28 plan;
- 29 ▶ prohibits a proposed optional plan from including certain provisions, including

- 30 language specifying districts of county officials or compensation;
- 31 ▶ limits the citizens or the county legislative body of a county of the fifth or sixth
- 32 class to proposing either the county commission or expanded county commission
- 33 form of government;
- 34 ▶ requires the county to hold an election on a proposed optional plan at the next
- 35 regular general election that is no sooner than 65 days after the county attorney
- 36 submits a report on the proposed optional plan;
- 37 ▶ requires the county clerk to prepare a voter information pamphlet on a proposed
- 38 optional plan;
- 39 ▶ after an election in which an optional plan is adopted, requires the county legislative
- 40 body to adopt geographic district boundaries, compensation, and benefits for new
- 41 county officers;
- 42 ▶ repeals Title 17, Chapter 35b, Consolidation of Local Government Units and other
- 43 provisions; and
- 44 ▶ makes technical and conforming changes.

45 **Money Appropriated in this Bill:**

46 None

47 **Other Special Clauses:**

48 This bill provides a special effective date.

49 This bill provides revisor instructions.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **17-52a-102**, as renumbered and amended by Laws of Utah 2018, Chapter 68

53 **17-52a-103**, as renumbered and amended by Laws of Utah 2018, Chapter 68

54 **17-52a-104**, as enacted by Laws of Utah 2018, Chapter 68

55 **17-52a-301**, as renumbered and amended by Laws of Utah 2018, Chapter 68

56 **17-52a-302**, as renumbered and amended by Laws of Utah 2018, Chapter 68

57 **17-52a-303**, as renumbered and amended by Laws of Utah 2018, Chapter 68

- 58 [17-52a-305](#), as enacted by Laws of Utah 2018, Chapter 68
- 59 [17-52a-402](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 60 [17-52a-403](#), as last amended by Laws of Utah 2019, Chapter 136
- 61 [17-52a-404](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 62 [17-52a-405](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 63 [17-52a-406](#), as last amended by Laws of Utah 2019, Chapter 136
- 64 [17-52a-501](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 65 [17-52a-502](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 66 [17-52a-503](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 67 [20A-1-203](#), as last amended by Laws of Utah 2019, Chapter 165
- 68 [63I-2-217](#), as last amended by Laws of Utah 2019, Chapters 136, 252, 327, 384, 510
- 69 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 384

70 REPEALS:

- 71 [17-52a-304](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 72 [17-52a-401](#), as renumbered and amended by Laws of Utah 2018, Chapter 68

73 **Utah Code Sections Affected by Revisor Instructions:**

- 74 [17-52a-103](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 75 [17-52a-104](#), as enacted by Laws of Utah 2018, Chapter 68



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

78 Section 1. Section [17-52a-102](#) is amended to read:

79 **[17-52a-102](#). Definitions.**

80 As used in this chapter:

81 ~~[(1) "Appointment council" means a commission-initiated appointment council or a~~
82 ~~petition-initiated appointment council.]~~

83 ~~[(2) "Commission-initiated appointment council" means, for a process to change a~~
84 ~~county's form of government that is initiated by the county legislative body under Section~~
85 ~~[17-52a-302](#), a group of five individuals consisting of:]~~

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

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

91 ~~[(c) (i) if registered voters qualify to select a member of an appointment council under~~
92 ~~Subsection [17-52a-303\(6\)](#);~~

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

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

97 ~~[(ii) if registered voters do not qualify to select a member of an appointment council~~
98 ~~under Subsection [17-52a-303\(6\)](#), three other residents of the county in which the optional plan~~
99 ~~is proposed, designated individually by:]~~

100 ~~[(A) a unanimous vote of the commission-initiated appointment council members~~
101 ~~described in Subsections (2)(a) and (b); or]~~

102 ~~[(B) if the commission-initiated appointment council members described in~~
103 ~~Subsections (2)(a) and (b) cannot reach a unanimous vote to fill an appointment council~~
104 ~~member position, the legislators described in Subsection (2)(a), who shall, by a majority vote,~~
105 ~~designate an individual to fill the appointment council member position.]~~

106 ~~[(3)]~~ (1) "Optional plan" means a plan establishing an alternate form of government for
107 a county as provided in Section [17-52a-404](#).

108 ~~[(4) "Petition-initiated appointment council" means, for a process to change a county's~~
109 ~~form of government that registered voters initiate under Section [17-52a-303](#), the five sponsors~~
110 ~~described in Subsection [17-52a-303\(1\)\(b\)\(i\)](#).]~~

111 ~~[(5)]~~ (2) "Study committee" means the committee that ~~[has seven members:]~~ has five
112 members appointed and charged with the duties as provided in Section [17-52a-403](#).

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

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

115 Section 2. Section 17-52a-103 is amended to read:

116 **17-52a-103. Forms of county government -- County commission form required**
117 **unless another is adopted -- Restrictions on form of county government.**

118 (1) Subject to Subsection (2), each county shall operate under one of the following
119 forms of county government:

- 120 (a) the county commission form under Section 17-52a-201;
- 121 (b) the expanded county commission form under Section 17-52a-202;
- 122 (c) the county executive and council form under Section 17-52a-203; or
- 123 (d) the council-manager form under Section 17-52a-204.

124 (2) Unless a county adopts another form of government as provided in this chapter, the
125 county shall operate under the county commission form of government under Section
126 17-52a-201.

127 (3) (a) In a county that operates under a form of government that is not described in
128 Subsection (2):

129 (i) the county's legislative body shall, before July 1, 2018, initiate the process under
130 Section 17-52a-302 of changing the county's form of government;

131 (ii) the county shall hold a special election [~~described in Section 17-52a-304~~] on
132 November 6, 2018;

133 (iii) if the voters approve the appointment of a study committee at the special election
134 described in Subsection (3)(a)(ii):

135 (A) the study committee may not recommend under Section 17-52a-403 that the county
136 retain the county's current form of government; and

137 (B) the county shall hold an election described in Section 17-52a-501 before December
138 31, 2020, on an optional plan that the study committee creates; and

139 (iv) the registered voters of the county may not repeal an optional plan under Section
140 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

141 (b) If the voters of a county described in Subsection (3)(a) do not approve a change in

142 the county's form of government at an election described in Subsection (3)(a)(iii)(B) before
143 December 31, 2020:

144 (i) the county shall operate under the county commission form of government under
145 Section [17-52a-201](#) [~~in the same manner that a county is required under Subsection~~
146 ~~[17-52a-102](#)(2) to operate under that form of government if the county does not adopt another~~
147 ~~form of government~~]; and

148 (ii) the county shall transition to the form of government described in Subsection
149 (3)(b)(i) in the same manner as if the voters of the county had approved the change in the form
150 of government described in Subsection (3)(b)(i) in the applicable election described in
151 Subsection (3)(b).

152 (4) In a county of the fifth or sixth class, if the county legislative body under Section
153 [17-52a-302](#) or the registered voters under Section [17-52a-303](#), after the effective date of this
154 bill, initiate the process to adopt an optional plan, the proposed optional plan may only propose
155 a form of government authorized under Section [17-52a-405](#).

156 Section 3. Section **17-52a-104** is amended to read:

157 **17-52a-104. Applicability of former provisions to pending process.**

158 (1) (a) If, on March 15, 2018, a county is under a pending process described in
159 Subsection [~~(2)~~] (1)(b) to change the county's form of government:

160 [~~(a)~~] (i) except as provided in this section, the provisions of Laws of Utah 2018,
161 Chapter 68 do not apply to that pending process; and

162 [~~(b)~~] (ii) that pending process is governed by:

163 [~~(i)~~] (A) the provisions of law that were in effect on March 14, 2018;

164 [~~(ii)~~] (B) Subsection [17-52a-301](#)(3) as it was in effect on the day immediately before
165 the day on which this bill takes effect;

166 [~~(iii)~~] (C) Subsections [17-52a-501](#)(1)(a) and (3)(a) as each was in effect on the day
167 immediately before the day on which this bill takes effect; and

168 [~~(iv)~~] (D) Subsection [~~(3)~~] (1)(c) as it was in effect on the day immediately before the
169 day on which this bill takes effect.

170 ~~[(2)]~~ (b) A process of changing a county's form of government is pending under
171 Subsection (1)(a) if, as of March 15, 2018:

172 ~~[(a)]~~ (i) (A) the county legislative body had adopted a resolution in accordance with the
173 provisions of law that were in effect on March 14, 2018 to change the county's form of
174 government; or

175 ~~[(ii)]~~ (B) registered voters had begun collecting signatures in accordance with the
176 provisions of law that were in effect on March 14, 2018 for a petition to change the county's
177 form of government; and

178 ~~[(b)]~~ (ii) the process of changing the county's form of government initiated under
179 Subsection ~~[(2)(a)]~~ (1)(b)(i) has not concluded.

180 ~~[(3)(a)]~~ (c) (i) To continue a pending process described in Subsection ~~[(2)(a)(ii)]~~
181 (1)(b)(i)(B), registered voters that initiated the process shall submit a sufficient number of valid
182 signatures to the county clerk within 180 days after March 15, 2018.

183 ~~[(b)]~~ (ii) If the registered voters fail to comply with Subsection ~~[(3)(a)]~~ (1)(c)(i), the
184 pending process is concluded under Subsection 17-52a-301(3)(a)~~[(vi)]~~(v)(A).

185 (2) (a) If, on the effective date of this bill, a county is under a pending process
186 described in Subsection (2)(b) to change the county's form of government:

187 (i) except as provided in this Subsection (2), the provisions of this bill do not apply to
188 that pending process; and

189 (ii) that pending process is governed by:

190 (A) the provisions of law that were in effect on the day immediately before the day on
191 which this bill takes effect; and

192 (B) Subsection (2)(c).

193 (b) A process of changing a county's form of government is pending under Subsection
194 (1) if, on the effective date of this bill:

195 (i) (A) the county legislative body had adopted a resolution in accordance with the
196 provisions of law that were in effect on the day immediately before the day on which this bill
197 takes effect to change the county's form of government; or

198 (B) registered voters had begun collecting signatures in accordance with the provisions
 199 of law that were in effect on the day immediately before the day on which this bill takes effect
 200 for a petition to change the county's form of government; and

201 (ii) the process of changing the county's form of government initiated under Subsection
 202 (2)(b)(i) has not concluded.

203 (c) (i) To continue a pending process described in Subsection (2)(b)(i)(B), registered
 204 voters that initiated the process shall submit a sufficient number of valid signatures to the
 205 county clerk within 180 days after the effective date of this bill.

206 (ii) If the registered voters fail to comply with Subsection (2)(c)(i), the pending process
 207 is concluded under Subsection 17-52a-301(3)(a)(v)(A).

208 Section 4. Section 17-52a-301 is amended to read:

209 **17-52a-301. Procedure for initiating adoption of optional plan -- Limitations --**
 210 **Pending proceedings.**

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

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

215 (a) the county legislative body as provided in Section 17-52a-302; or

216 (b) registered voters of the county as provided in Section 17-52a-303.

217 (3) (a) If the process to adopt an optional plan is initiated under Laws of Utah 1973,
 218 Chapter 26, Section 3, 4, or 5, or Section 17-52a-302 or 17-52a-303, or under a provision
 219 described in Subsection 17-52a-104~~(2)~~ (1)(b) or (2)(b), the county legislative body may not
 220 initiate the process again under Section 17-52a-302, and registered voters may not initiate the
 221 process again under Section 17-52a-303, until:

222 (i) the first initiated process concludes with an election under Section 17-52a-501;

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

225 ~~[(iii) the first initiated process has not concluded but has been pending for at least two~~

226 years after the day on which the voters approved the appointment of a study committee in an
227 election described in Section ~~17-52a-304~~;

228 [~~(iv)~~ notwithstanding Subsection (3)(a)(iii), if an election on an optional plan under the
229 first initiated process is scheduled under Section ~~17-52a-501~~, the conclusion of that election;]

230 [~~(v)~~] (iii) the first initiated process concludes because registered voters fail to submit a
231 sufficient number of valid signatures for a petition before the deadline described in Subsection
232 ~~17-52a-303~~(2)(c); or

233 [~~(vi)~~] (iv) for a process governed by Section ~~17-52a-104~~, the first initiated process
234 concludes:

235 (A) because registered voters fail to submit a sufficient number of valid signatures for a
236 petition before the deadline described in Subsection ~~17-52a-104~~~~(3)~~(1)(c)(i) or (2)(c)(i); or

237 (B) under a provision described in Subsection ~~17-52a-104~~(1)~~(b)~~(a)(ii) or (2)(a)(ii).

238 (b) A county legislative body may not initiate the process to adopt an optional plan
239 under Section ~~17-52a-302~~ within four years of an election at which voters [~~approved or~~
240 ~~rejected~~] first elect elected county officials in accordance with Section ~~17-52a-503~~ and as
241 specified in an optional plan proposed as a result of a process initiated by the county legislative
242 body.

243 (c) Registered voters of a county may not initiate the process to adopt an optional plan
244 under Section ~~17-52a-303~~ within four years of an election at which voters [~~approved or~~
245 ~~rejected~~] first elect elected county officials in accordance with Section ~~17-52a-503~~ and as
246 specified in an optional plan proposed as a result of a process initiated by registered voters.

247 Section 5. Section ~~17-52a-302~~ is amended to read:

248 **17-52a-302. County legislative body initiation of adoption of optional plan --**
249 **Procedure.**

250 [~~(1)~~ A county legislative body may initiate the process of adopting an optional plan by
251 adopting a resolution to submit to the voters the question of:]

252 [(a) whether a study committee should be established as provided in Section
253 ~~17-52a-401~~; or]

254 ~~[(b) in a county with a population of 500,000 or more that operates under the county~~
255 ~~commission form of government under Section 17-52a-201, whether the county should adopt~~
256 ~~an optional plan that:]~~

257 ~~[(i) the legislative body creates before adopting the resolution described in this~~
258 ~~Subsection (1); and]~~

259 ~~[(ii) complies with the requirements described in Sections 17-52a-404 and~~
260 ~~17-52a-405:]~~

261 ~~[(2) The county legislative body shall ensure that a resolution adopted under~~
262 ~~Subsection (1);]~~

263 ~~[(a) requires the question described in Subsection (1)(a) to be submitted to the~~
264 ~~registered voters of the county at the next special election scheduled under Section 20A-1-204~~
265 ~~after adoption of the resolution under Subsection (1); or]~~

266 ~~[(b) requires the question described in Subsection (1)(b) to be submitted to the~~
267 ~~registered voters of the county at the next election described in Section 17-52a-501:]~~

268 ~~[(3) Within 10 days after the day on which the county legislative body adopts a~~
269 ~~resolution proposing an optional plan under Subsection (1)(b);]~~

270 (1) (a) A county legislative body may only initiate the process of adopting an optional
271 plan by:

272 (i) approving a motion to establish a study committee to study changing the form of
273 government; and

274 (ii) adopting a resolution to submit to the voters the question of whether the county
275 should adopt an optional plan proposed by the study committee described in Subsection
276 (1)(a)(i).

277 (b) The county legislative body may not submit to the voters an optional plan unless
278 the optional plan complies with the requirements of Sections 17-52a-404 and 17-52a-405.

279 (2) (a) No later than 10 days after the day on which the county legislative body
280 approves a motion as described in Subsection (1)(a)(i), the county legislative body shall notify
281 the county executive of the county legislative body's approval to establish a study committee.

282 (b) No later than 10 days after the day on which the county legislative body adopts a
 283 resolution as described in Subsection (1)(a)(ii), the legislative body shall send a copy of the
 284 optional plan that the legislative body recommends to:

- 285 ~~[(a)]~~ (i) the county clerk; and
- 286 ~~[(b)]~~ (ii) the county attorney ~~[or, if the county does not have a county attorney, to the~~
 287 ~~district attorney,]~~ for review in accordance with Section 17-52a-406.

288 Section 6. Section 17-52a-303 is amended to read:

289 **17-52a-303. Registered voter initiation of adoption of optional plan -- Procedure.**

290 (1) (a) Registered voters of a county may initiate the process of adopting an optional
 291 plan by filing with the county clerk a notice of intent to gather signatures for a petition:

292 (i) for the establishment of a study committee described in Section ~~[17-52a-401]~~
 293 17-52a-403; or

294 (ii) ~~[in a county with a population of 500,000 or more that operates under the county~~
 295 ~~commission form of government under Section 17-52a-201,]~~ to adopt an optional plan that:

296 (A) accompanies the petition ~~[described in this Subsection (1)(a)(ii)]~~ during the
 297 signature gathering process and accompanies the petition in the submission to the county clerk
 298 under Subsection (2)(b); and

299 (B) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.

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

- 301 (i) designate five sponsors for the petition;
- 302 (ii) designate a contact sponsor to serve as the primary contact for the petition
 303 sponsors;

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

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

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

308 (2) (a) The sponsors of a petition may circulate the petition after filing a notice of
 309 intent to gather signatures under Subsection (1).

310 (b) (i) ~~[To be considered valid, the petition is required to be signed by registered voters~~
311 ~~residing in the county equal in number to at least 5% of the total number of votes cast in the~~
312 ~~county for all candidates for president of the United States at the most recent election at which~~
313 ~~a president of the United States was elected]~~ Except as provided in Subsection (2)(b)(ii), the
314 petition is valid if the petition contains the number of legal signatures required under
315 Subsection 20A-7-501(2).

316 (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at
317 least the number of legal signatures equal to 30% of the number of active voters, as defined in
318 Section 20A-7-501, in the county.

319 (iii) The county clerk may not count a signature that was collected for the petition
320 before the petition sponsors filed a notice of intent under Subsection (1)(a).

321 (iv) Notwithstanding any other provision of law, an individual may not sign a petition
322 circulated under this section by electronic signature as defined in Section 20A-1-202.

323 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
324 the completed petition and any amended or supplemental petition described in Subsection (4)
325 with the county clerk not more than 180 days after the day on which the sponsors file the notice
326 described in Subsection (1).

327 (d) (i) Within 30 days after the day on which the sponsors submit a petition, the
328 sponsors shall submit financial disclosures to the county clerk that include:

329 (A) a list of each contribution received by the sponsors and the name of the donor; and

330 (B) a list of each expenditure for purposes of furthering or sponsoring the petition and
331 the recipient of each expenditure.

332 (ii) The county clerk shall publish the financial disclosures described in Subsection
333 (2)(d)(i).

334 (iii) All sponsors of a petition shall date and sign each list described in Subsection
335 (2)(d)(i).

336 (3) Within 30 days after the day on which the sponsors submit a petition under
337 Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county

338 clerk shall:

339 (a) determine whether the petition or amended or supplemental petition has been
340 signed by the required number of registered voters;

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

342 (A) certify the petition;

343 (B) deliver the petition to the county legislative body and county executive; and

344 (C) notify the contact sponsor in writing of the certification; or

345 (ii) if the petition was not signed by a sufficient number of registered voters:

346 (A) reject the petition; and

347 (B) notify the county legislative body and the contact sponsor in writing of the
348 rejection and the reasons for the rejection; and

349 (c) for a petition described in Subsection (1)(a)(ii), [~~within~~] no later than 10 days after
350 the day on which the county clerk certifies the petition under Subsection (3)(b)(i), the county
351 clerk shall send a copy of the optional plan that accompanied the petition to the county attorney
352 [~~or, if the county does not have a county attorney, to the district attorney,~~] for review in
353 accordance with Section [17-52a-406](#).

354 (4) The sponsors of a petition circulated under this section may submit supplemental
355 signatures for the petition:

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

357 (b) before the earlier of:

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

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

361 (5) With the unanimous approval of petition sponsors, a petition filed under this
362 section may be withdrawn at any time within 90 days after the day on which the county clerk
363 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election
364 under Section [17-52a-501](#) if~~[(a)]~~ the petition included a notification to petition signers, in
365 conspicuous language and in a conspicuous location, that the petition sponsors are authorized

366 to withdraw the petition[; and].

367 ~~[(b) the petition has at least three sponsors.]~~

368 ~~[(6) (a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may~~
369 ~~circulate a petition under this section after a county legislative body initiates the process to~~
370 ~~adopt an optional plan under Subsection 17-52a-302(1)(a) in order to qualify to select a~~
371 ~~member of an appointment committee that is formed as a result of the process initiated by the~~
372 ~~county legislative body.]~~

373 ~~[(b) Notwithstanding Subsection (2)(c), registered voters who circulate a petition~~
374 ~~described in Subsection (6)(a) may not submit the completed petition less than 30 days before~~
375 ~~the day of the election described in Section 17-52a-304.]~~

376 ~~[(c) Notwithstanding Subsection (4), registered voters who circulate a petition~~
377 ~~described in Subsection (6)(a) may not amend or submit supplemental signatures for the~~
378 ~~petition unless:]~~

379 ~~[(i) the county clerk makes the determination described in Subsection (3) before the~~
380 ~~deadline described in Subsection (6)(b); and]~~

381 ~~[(ii) the registered voters submit the amended or supplemented petition before the~~
382 ~~deadline described in Subsection (6)(b).]~~

383 Section 7. Section 17-52a-305 is amended to read:

384 **17-52a-305. Public hearings.**

385 The county legislative body shall hold four public hearings on a proposed optional plan
386 within 45 days after the day on which:

387 (1) the county legislative body adopts a resolution that proposes an optional plan under
388 Subsection 17-52a-302~~[(1)(b)]~~(1)(a)(ii); or

389 (2) the county clerk certifies, in accordance with Subsection 17-52a-303(3), a petition
390 that proposes an optional plan under Subsection 17-52a-303(1)(a)(ii).

391 Section 8. Section 17-52a-402 is amended to read:

392 **17-52a-402. Convening of first meeting of study committee.**

393 (1) The county executive shall convene the first meeting of the study committee

394 [~~within~~] no later than 10 days after the day on which the county executive receives [~~the~~]
395 notification [~~described in Subsection 17-52a-401(3)(a) of the study committee members'~~
396 ~~appointment.~~];

397 (a) of the establishment of a study committee by the county legislative body as
398 described in Section 17-52a-302; or

399 (b) of a certified petition from the county clerk as described in Section 17-52a-303.

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

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

404 Section 9. Section 17-52a-403 is amended to read:

405 **17-52a-403. Study committee -- Members -- Powers and duties -- Proposed plan**
406 **and report -- Services provided by county.**

407 (1) (a) A study committee consists of [~~seven members.~~];

408 (i) for a study committee established by the county legislative body under Section
409 17-52a-302, five members appointed by the county legislative body; or

410 (ii) for a study committee established by the registered voters through a petition under
411 Section 17-52a-303;

412 (A) two members appointed by the sponsors of the petition;

413 (B) two members appointed by the county legislative body; and

414 (C) one member appointed by the county's council of governments.

415 (b) A member of a study committee;

416 (i) may not receive compensation for service on the study committee[.];

417 (ii) may not hold an elected county office or have filed a current declaration of
418 candidacy for an elected county office; and

419 (iii) shall be a registered voter.

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

- 422 (2) A study committee may:
- 423 (a) adopt rules for the study committee's own organization and procedure and to fill a
424 vacancy in its membership;
- 425 (b) establish advisory boards or committees and include on the advisory boards or
426 committees persons who are not members of the study committee; and
- 427 (c) request the assistance and advice of any officers or employees of any agency of
428 state or local government.
- 429 (3) (a) A study committee shall:
- 430 (i) study the form of government within the county and compare it with other forms
431 available under this chapter;
- 432 (ii) determine whether the administration of local government in the county could be
433 strengthened, made more clearly responsive or accountable to the people, or significantly
434 improved in the interest of economy and efficiency by a change in the form of county
435 government;
- 436 (iii) hold public hearings and community forums and other means the committee
437 considers appropriate to disseminate information and stimulate public discussion of the
438 committee's purposes, progress, and conclusions; and
- 439 (iv) file a written report of the study committee's findings and recommendations with
440 the county executive, the county legislative body, and the county clerk no later than one year
441 after the convening of the study committee's first meeting under Section 17-52a-402.
- 442 (b) Within 10 days after the day on which the study committee submits the study
443 committee's report under Subsection (3)(a)(iv) [~~to the county legislative body~~], if the report
444 recommends a change in the form of county government, the county clerk shall send to the
445 county attorney [~~or, if the county does not have a county attorney, to the district attorney,~~] a
446 copy of [~~each~~] the optional plan recommended in the report for review in accordance with
447 Section 17-52a-406.
- 448 (4) Each study committee report under Subsection (3)(a)(iv) shall include:
- 449 (a) the study committee's recommendation as to whether the form of county

450 government should be changed to another form authorized under this chapter;

451 (b) if the study committee recommends changing the form of government, a complete
452 detailed draft of a proposed optional plan to change the form of county government, including
453 all necessary implementing provisions; and

454 (c) any additional recommendations the study committee considers appropriate to
455 improve the efficiency and economy of the administration of local government within the
456 county.

457 (5) (a) If the study committee's report recommends a change in the form of county
458 government, the study committee may conduct additional public hearings after filing the report
459 under Subsection (3)(a)(iv) and, following the hearings and subject to Subsection (5)(b), alter
460 the report or proposed optional plan.

461 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
462 to the report or proposed optional plan:

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

465 (ii) within the [~~120-day~~] 160-day period before the election under Section 17-52a-501.

466 (6) Each meeting that the study committee holds shall be open to the public.

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

470 (8) The county legislative body shall provide for the study committee:

471 (a) suitable meeting facilities;

472 (b) necessary secretarial services;

473 (c) necessary printing and photocopying services;

474 (d) necessary clerical and staff assistance; and

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

478 (9) The county legislative body may not interfere with the work of the study
479 committee.

480 Section 10. Section **17-52a-404** is amended to read:

481 **17-52a-404. Contents of proposed optional plan.**

482 (1) The study committee~~[, a county legislative body that adopts a resolution described~~
483 ~~in Subsection 17-52a-302(1)(b),]~~ or the sponsors of a petition described in Subsection
484 **17-52a-303(1)(a)(ii)** shall ensure that ~~[each]~~ an optional plan the committee~~[, legislative body,]~~
485 or registered voters propose under this chapter, respectively:

486 (a) proposes the adoption of one of the forms of county government ~~[listed]~~ authorized
487 in Subsection **17-52a-405(1)(a)**;

488 (b) contains detailed provisions relating to the transition from the existing form of
489 county government to the form proposed in the optional plan, including provisions relating to
490 the:

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

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

496 (iii) continuity of existing ordinances and regulations;

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

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

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

500 (c) specifies the date the optional plan becomes effective if adopted, which may not be
501 earlier than the first day of January next following the election of officers under the new plan;
502 and

503 (d) notwithstanding any other provision of this title and except with respect to an
504 optional plan that proposes the adoption of the county commission or expanded county
505 commission form of government, with respect to the county budget provides that:

506 (i) the county executive's role is to prepare and present a proposed budget to the county
507 legislative body; and

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

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

511 (3) An optional plan may not:

512 (a) include any provision that is inconsistent with or prohibited by the Utah
513 Constitution or any statute[-];

514 (b) specify compensation, including benefits, for any appointed or elected county
515 official;

516 (c) specify the full or part-time status of any appointed or elected county official; or

517 (d) if the optional plan specifies that county council or commission members are to be
518 elected from districts, establish, divide, abolish, alter, change, or otherwise attempt to draw
519 boundaries of election districts or impair the duties of the county legislative body as described
520 in Section 17-52a-503.

521 (4) The optional plan proponent described in Subsection (1) shall ensure that ~~each~~ an
522 optional plan proposing to change the form of government to the county executive-council
523 form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:

524 (a) provides for the same executive and legislative officers as are specified in the
525 applicable section for the form of government that the optional plan proposes;

526 (b) provides for the election of the county council;

527 (c) specifies the number of county council members, which shall be an odd number
528 from three to nine;

529 (d) subject to Subsection (3)(d), specifies whether the members of the county council
530 are to be elected from districts, at large, or by a combination of at large and by district;

531 (e) specifies county council members' qualifications and terms and whether the terms
532 are to be staggered; and

533 (f) contains procedures for filling vacancies on the county council, consistent with the

534 provisions of Section 20A-1-508~~;~~ and].

535 ~~[(g) states the initial compensation, if any, of county council members and procedures~~
536 ~~for prescribing and changing compensation.]~~

537 (5) The optional plan proponent described in Subsection (1) shall ensure that ~~[each]~~ an
538 optional plan proposing to change the form of government to the county commission form
539 under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202
540 specifies:

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

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

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

547 (c) subject to Subsection (3)(d), whether members of the county commission are to be
548 elected from districts, at large, or by a combination of at large and from districts;

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

551 (e) if any members of the county commission are to be elected at large, whether the
552 election of county commission members is subject to the provisions of Subsection
553 17-52a-201(6) or Subsection 17-52a-202(6).

554 Section 11. Section 17-52a-405 is amended to read:

555 **17-52a-405. Plan may propose changing forms of county government -- Partisan**
556 **elections.**

557 (1) (a) The optional plan proponent described in Subsection 17-52a-404(1) shall ensure
558 that each optional plan proposes changing the form of county government to:

559 (i) for a county of the first, second, third, or fourth class:

560 (A) the county commission form under Section 17-52a-201;

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

562 [(iii)] (C) the county executive and council form under Section 17-52a-203; or
 563 [(iv)] (D) the council-manager form under Section 17-52a-204[:]; and
 564 (ii) for a county of the fifth or sixth class:
 565 (A) the county commission form under Section 17-52a-201; or
 566 (B) the expanded county commission form under Section 17-52a-202.
 567 (b) The optional plan proponent described in Subsection 17-52a-404(1) may not
 568 recommend an optional plan that:
 569 (i) proposes changing the form of government to a form not [included] authorized in
 570 Subsection (1)(a);
 571 (ii) provides for the nonpartisan election of elected officers;
 572 (iii) imposes a limit on the number of terms or years that an elected officer may serve;
 573 (iv) provides for elected officers to be subject to a recall election; or
 574 (v) provides, in a county with a population of 225,000 or more, for a full-time county
 575 commission in an expanded county commission form of government under Section
 576 17-52a-202.

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

581 [(3)] (2) A county that provides for the election of the county's elected officers through
 582 a partisan election may not change to a process that provides for the election of the county's
 583 elected officers through a nonpartisan election.

584 Section 12. Section 17-52a-406 is amended to read:

585 **17-52a-406. County attorney review of proposed optional plan -- Conflict with**
 586 **statutory or constitutional provisions -- Processing of optional plan after attorney review.**

587 (1) As used in this section:

588 (a) "Proposed optional plan" means an optional plan that is submitted to the county
 589 attorney for review in accordance with a provision of this chapter.

590 (b) "Requesting entity" means the person who submits a proposed optional plan to the
 591 county attorney for review in accordance with a provision of this chapter.

592 ~~[(1)]~~ (2) (a) Within 45 days after the day on which the county ~~[or district]~~ attorney
 593 receives ~~[the recommended optional plan from the county clerk under Subsection (3)(d),~~
 594 ~~17-52a-303(3)(c), or 17-52a-403(3)(b) or from the county legislative body under Subsection~~
 595 ~~(3)(c) or 17-52a-302(3)]~~ a proposed optional plan from a requesting entity, the county ~~[or~~
 596 ~~district]~~ attorney shall review the proposed optional plan and send a written report ~~[to the~~
 597 ~~county clerk]~~ containing the information described in Subsection ~~[(2):]~~ (2)(b) to:

598 (i) the requesting entity; and

599 (ii) (A) the petition sponsors, if the proposed optional plan was recommended under
 600 Section 17-52a-303; or

601 (B) the study committee, if the proposed optional plan was recommended under
 602 Section 17-52a-403.

603 ~~[(2)]~~ (b) A report from the county ~~[or district]~~ attorney under Subsection ~~[(1)]~~ (2)(a)
 604 shall:

605 ~~[(a)]~~ (i) state the county attorney's opinion as to whether implementation of the
 606 proposed optional plan ~~[described in Subsection (1)]~~ would result in a violation of any
 607 applicable statutory or constitutional provision;

608 ~~[(b)]~~ (ii) if the county attorney concludes that a violation would result:

609 ~~[(i)]~~ (A) identify specifically each statutory or constitutional provision that
 610 implementation of the proposed optional plan would violate;

611 ~~[(ii)]~~ (B) identify specifically each provision or feature of the proposed optional plan
 612 that would result in a statutory or constitutional violation if the proposed optional plan is
 613 implemented; and

614 ~~[(iii)]~~ (C) recommend how the proposed optional plan may be modified to avoid the
 615 statutory or constitutional violation.

616 ~~[(3) (a) Except as provided in Subsection (3)(b), (c), or (d), if the attorney determines~~
 617 ~~under Subsection (2) that a violation would occur, the proposed optional plan may not be the~~

618 subject of an election under Section ~~17-52a-501~~.]

619 (3) (a) The proposed optional plan may not be the subject of an election under Section
620 17-52a-501 if:

621 (i) the county attorney has not reviewed and submitted a written report in accordance
622 with this section; or

623 (ii) the county attorney concludes that implementation of the proposed optional plan
624 would result in a violation of an applicable statutory or constitutional provision.

625 (b) The study committee may:

626 (i) modify ~~an~~ a proposed optional plan that the study committee recommends in
627 accordance with Section ~~17-52a-403~~ to avoid a violation that a county ~~or district~~ attorney's
628 report describes under Subsection (2); and

629 (ii) file a new report under Subsection ~~17-52a-403~~(3)(a)(iv).

630 (c) A county legislative body may:

631 (i) modify ~~an~~ a proposed optional plan that the county legislative body proposes in
632 accordance with ~~[Subsection 17-52a-302(1)(b)]~~ Section 17-52a-302 or 17-52a-403 to avoid a
633 violation that a county ~~or district~~ attorney's report describes under Subsection (2); and

634 (ii) within 10 days of modifying the proposed optional plan, send the modified
635 proposed optional plan to:

636 (A) the county clerk, if the proposed optional plan was proposed in accordance with
637 Section 17-52a-302; and

638 (B) the county ~~or district~~ attorney for review in accordance with this section.

639 (d) (i) The petition sponsors may:

640 (A) modify ~~an~~ a proposed optional plan that the petition proposes in accordance with
641 Subsection ~~17-52a-303~~(1)(a)(ii) to avoid a violation that a county ~~or district~~ attorney's report
642 describes under Subsection (2); and

643 (B) submit the modified proposed optional plan to the county clerk.

644 (ii) Upon receipt of a modified proposed optional plan described in Subsection

645 (3)(d)(i), the county clerk shall send the modified proposed optional plan to the county ~~or~~

646 ~~district]~~ attorney for review in accordance with this section.

647 (4) The county executive, county legislative body, county ~~[or district]~~ attorney, and
648 county clerk shall treat the following as an original:

649 (a) a new report that a study committee files under Subsection [17-52a-403](#)(3)(a)(iv);

650 (b) a modified proposed optional plan that a county legislative body sends under
651 Subsection (3)(c); and

652 (c) a modified proposed optional plan that petition sponsors submit to the county clerk
653 and that the county clerk sends under Subsection (3)(d).

654 (5) If the county attorney's written report under Subsection (2)(b) does not identify any
655 provisions or features of the proposed optional plan that, if implemented, would violate a
656 statutory or constitutional provision, the proposed optional plan is subject to the provisions
657 described in Section [17-52a-501](#).

658 Section 13. Section [17-52a-501](#) is amended to read:

659 **[17-52a-501](#). Election on recommended optional plan.**

660 ~~[(1) If the county or district attorney finds that a proposed optional plan does not
661 violate a statutory or constitutional provision under Section [17-52a-406](#) or, for a county under a
662 pending process described in Section [17-52a-104](#), under Section [17-52-204](#) as that section was
663 in effect on March 14, 2018:]~~

664 ~~[(a) in a county with a population of 225,000 or more or in a county in which voters
665 approved the appointment of a study committee by a vote of at least 60%, the county legislative
666 body shall hold an election on the optional plan under Subsection (3); or]~~

667 ~~[(b) in a county with a population of less than 225,000 in which voters did not approve
668 the appointment of a study committee by a vote of at least 60%, an election may not be held for
669 the optional plan under Subsection (3) until:]~~

670 ~~[(i) the county legislative body adopts a resolution to submit the optional plan to
671 voters; or]~~

672 ~~[(ii) the county clerk certifies a petition under Subsection (2).]~~

673 ~~[(2) (a) In a county with a population of less than 225,000 in which voters did not~~

674 approve the appointment of a study committee by a vote of at least 60%, to qualify the
675 proposed optional plan described in Subsection (1) for an election described in Subsection (3);
676 registered voters may file a petition with the county clerk that:]

677 [(i) requests that the proposed optional plan be submitted to voters; and]

678 [(ii) is signed by registered voters residing in the county equal in number to at least 5%
679 of the total number of votes cast in the county for all candidates for president of the United
680 States at the most recent election at which a president of the United States was elected.]

681 [(b) Registered voters who file a petition under Subsection (2)(a) shall, at the time the
682 registered voters file the petition:]

683 [(i) designate up to five of the petition signers as sponsors;]

684 [(ii) provide the county clerk with the mailing address and telephone number of each
685 petition sponsor; and]

686 [(iii) designate one of the petition sponsors as the contact sponsor.]

687 [(c) The county clerk shall certify or reject a petition filed under this Subsection (2) in
688 the same manner as the county clerk certifies or rejects a petition under Subsection
689 [17-52a-303\(3\)](#).]

690 [(3)] (1) [When the conditions described in Subsection (1) are met,] If the county
691 attorney finds under Section [17-52a-406](#) that a proposed optional plan does not violate a
692 statutory or constitutional provision, a county shall hold an election on the optional plan at the
693 next regular general [or municipal general] election that is not less than [60] 65 days after[:-(a)
694 for a county with a population of 225,000 or more or for a county in which voters approved the
695 appointment of a study committee by a vote of at least 60%;] the day on which the county [or
696 district] attorney submits to the county clerk the attorney's report described in [Subsection
697 [17-52a-406\(4\)](#) or, for a county under a pending process described in Section [17-52a-104](#), the
698 attorney's report that is described in Section [17-52-204](#) as that section was in effect on March
699 14, 2018 and that contains a statement described in Subsection [17-52-204\(5\)](#) as that subsection
700 was in effect on March 14, 2018; or] Section [17-52a-406](#).

701 [(b) for a county with a population of less than 225,000 in which voters did not

702 ~~approve the appointment of a study committee by a vote of at least 60%, the day on which:]~~

703 ~~[(i) the county legislative body adopts a resolution under Subsection (1)(b)(i); or]~~

704 ~~[(ii) the county clerk certifies a petition under Subsection (2)(b).]~~

705 ~~[(4)]~~ (2) The county clerk shall prepare the ballot for an election under this section so
706 that the question on the ballot states substantially the following:

707 "Shall _____ County adopt the alternate form of government known
708 as the (insert the proposed form of government) ~~[that the study committee has recommended]~~
709 as recommended in the proposed optional plan?"

710 ~~[(5)]~~ (3) The county clerk shall:

711 (a) publish the complete text of the proposed optional plan in a newspaper of general
712 circulation within the county at least once during two different calendar weeks within the
713 30-day period immediately before the date of the election described in Subsection (1);

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

717 (c) make a complete copy of the optional plan and the study committee report available
718 free of charge to any member of the public who requests a copy.

719 ~~[(6)]~~ (4) A county clerk shall declare an optional plan as adopted by the voters if a
720 majority of voters voting on the optional plan vote in favor of the optional plan.

721 Section 14. Section **17-52a-502** is amended to read:

722 **17-52a-502. Voter information pamphlet.**

723 (1) In anticipation of an election under Section **17-52a-501**, the county clerk ~~[may]~~
724 shall prepare a voter information pamphlet to inform the public of the proposed optional plan
725 in accordance with the provisions of Title 20A, Chapter 7, Part 7, Voter Information Pamphlet.

726 (2) In preparing a voter information pamphlet under this section, the county clerk
727 ~~[may]~~ shall:

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

730 (b) ~~[use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information~~
731 ~~Pamphlet]~~ ensure each written statement described in Subsection (2)(a) is printed in the same
732 font style and point size.

733 (3) A county clerk ~~[who prepares a voter information pamphlet under this section]~~ shall
734 cause the publication and distribution of the pamphlet in a manner that the county clerk
735 determines is adequate.

736 Section 15. Section **17-52a-503** is amended to read:

737 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect**
738 **of adoption.**

739 (1) If a proposed optional plan is approved at an election held under Section
740 [17-52a-501](#):

741 (a) on or before November 1 of the year immediately following the year of the election
742 described in Section [17-52a-501](#) in which the optional plan is approved, the county legislative
743 body shall:

744 (i) if the proposed optional plan under Section [17-52a-404](#) specifies that one or more
745 members of the county legislative body are elected from districts, adopt the geographic
746 boundaries of each council or commission member district; and

747 (ii) adopt the compensation, including benefits, for each member of the county
748 legislative body;

749 ~~[(a)]~~ (b) the elected county officers specified in the plan shall be elected at the next
750 regular general election following the election under Section [17-52a-501](#), according to the
751 procedure and schedule established under Title 20A, Election Code, for the election of county
752 officers;

753 ~~[(b)]~~ (c) the proposed optional plan:

754 (i) becomes effective according to the optional plan's terms;

755 (ii) subject to Subsection [17-52a-404\(1\)\(c\)](#), at the time specified in the optional plan, is
756 a public record open to inspection by the public; and

757 (iii) is judicially noticeable by all courts;

758 [(e)] (d) the county clerk shall, within 10 days of the canvass of the election, file with
759 the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and
760 correct copy;

761 [(d)] (e) all public officers and employees shall cooperate fully in making the transition
762 between forms of county government; and

763 [(e)] (f) the county legislative body may enact and enforce necessary ordinances to
764 bring about an orderly transition to the new form of government, including any transfer of
765 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent
766 with the approved optional plan and necessary or convenient to place it into full effect.

767 (2) An action by the county legislative body under Subsection (1)(a) is not an
768 amendment for purposes of Section 17-52a-504.

769 [(2)] (3) Adoption of an optional plan [~~changing only the form of county government~~
770 ~~without adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of~~
771 ~~County Government;~~] does not alter or affect the boundaries, organization, powers, duties, or
772 functions of any:

773 (a) school district;

774 (b) justice court;

775 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local
776 Districts;

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

778 (e) city or town; or

779 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
780 Cooperation Act.

781 (4) (a) After adoption of the optional plan, the county legislative body may adopt a
782 change to the geographic boundaries of a council or commission member's district.

783 (b) An action by the county legislative body under Subsection (4)(a) is not an
784 amendment for purposes of Section 17-52a-504.

785 [(3)] (5) After the adoption of an optional plan, the county remains vested with all

786 powers and duties vested generally in counties by statute.

787 Section 16. Section **20A-1-203** is amended to read:

788 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
789 **limitations.**

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

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

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

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

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

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

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

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

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

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

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

807 (ii) a vote on a voted local levy authorized by Section [53F-8-402](#) or [53F-8-301](#);

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

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

810 (v) if required or authorized by federal law, a vote to determine whether Utah's legal
811 boundaries should be changed;

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

813 (vii) a vote to elect members to school district boards for a new school district and a

814 remaining school district, as defined in Section 53G-3-102, following the creation of a new
815 school district under Section 53G-3-302;

816 (viii) a vote on a municipality providing cable television services or public
817 telecommunications services under Section 10-18-204;

818 (ix) a vote to create a new county under Section 17-3-1;

819 [~~(x) a vote on the creation of a study committee under Sections 17-52a-302 and~~
820 ~~17-52a-304;~~]

821 [~~(xi)~~] (x) a vote on a special property tax under Section 53F-8-402;

822 [~~(xii)~~] (xi) a vote on the incorporation of a municipality in accordance with Section
823 10-2a-210; or

824 [~~(xiii)~~] (xii) a vote on incorporation or annexation as described in Section 10-2a-404.

825 (b) The legislative body of a local political subdivision may call a local special election
826 by adopting an ordinance or resolution that designates:

827 (i) the date for the local special election as authorized by Section 20A-1-204; and

828 (ii) the purpose for the local special election.

829 (c) A local political subdivision may not call a local special election unless the
830 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
831 two-thirds majority of all members of the legislative body, if the local special election is for:

832 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

833 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

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

836 Section 17. Section 63I-2-217 is amended to read:

837 **63I-2-217. Repeal dates -- Title 17.**

838 (1) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.

839 (2) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs Study
840 Council, is repealed January 1, 2021.

841 (3) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous

842 planning district" is repealed June 1, 2021.

843 (4) (a) Subsection 17-27a-103(18)(b), regarding a mountainous planning district, is
844 repealed June 1, 2021.

845 (b) Subsection 17-27a-103(42), regarding a mountainous planning district, is repealed
846 June 1, 2021.

847 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
848 district area" is repealed June 1, 2021.

849 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
850 repealed June 1, 2021.

851 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
852 June 1, 2021.

853 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection
854 (1)(a) or (c)" is repealed June 1, 2021.

855 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
856 and "or the mountainous planning district," is repealed June 1, 2021.

857 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
858 district or" and ", as applicable" is repealed June 1, 2021.

859 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
860 repealed June 1, 2021.

861 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
862 June 1, 2021.

863 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
864 repealed June 1, 2021.

865 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
866 repealed June 1, 2021.

867 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
868 planning district" is repealed June 1, 2021.

869 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning

870 district" is repealed June 1, 2021.

871 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
872 repealed June 1, 2021.

873 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
874 repealed June 1, 2021.

875 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
876 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

877 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
878 repealed June 1, 2021.

879 (15) Subsection 17-27a-605(1), the language that states "or mountainous planning
880 district land" is repealed June 1, 2021.

881 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
882 2021.

883 (17) On June 1, 2021, when making the changes in this section, the Office of
884 Legislative Research and General Counsel shall:

885 (a) in addition to its authority under Subsection 36-12-12(3):

886 (i) make corrections necessary to ensure that sections and subsections identified in this
887 section are complete sentences and accurately reflect the office's understanding of the
888 Legislature's intent; and

889 (ii) make necessary changes to subsection numbering and cross references; and

890 (b) identify the text of the affected sections and subsections based upon the section and
891 subsection numbers used in Laws of Utah 2017, Chapter 448.

892 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
893 in a designated recreation area, is repealed June 1, 2021.

894 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
895 January 1, 2022.

896 [(+9)] (20) On June 1, [2020] 2022:

897 (a) Section 17-52a-104 is repealed;

898 (b) in Subsection [17-52a-301\(3\)\(a\)](#), the language that states "or under a provision
899 described in Subsection [17-52a-104](#)~~[(2)](1)(b) or (2)(b)~~," is repealed; and

900 (c) Subsection [17-52a-301\(3\)\(a\)](#)~~[(vi)](iv)~~, regarding the first initiated process, is
901 repealed[;].

902 [~~(d) in Subsection [17-52a-501\(1\)](#), the language that states "or, for a county under a
903 pending process described in Section [17-52a-104](#), under Section [17-52-204](#) as that section was
904 in effect on March 14, 2018," is repealed; and]~~

905 [~~(e) in Subsection [17-52a-501\(3\)\(a\)](#), the language that states "or, for a county under a
906 pending process described in Section [17-52a-104](#), the attorney's report that is described in
907 Section [17-52-204](#) as that section was in effect on March 14, 2018 and that contains a
908 statement described in Subsection [17-52-204\(5\)](#) as that subsection was in effect on March 14,
909 2018," is repealed.]~~

910 [~~(20)~~] (21) On January 1, 2028, Subsection [~~[17-52a-102](#)~~] [17-52a-103\(3\)](#), requiring
911 certain counties to initiate a change of form of government process by July 1, 2018, is repealed.

912 Section 18. **Repealer.**

913 This bill repeals:

914 Section [17-52a-304](#), **Election to determine whether study committee should be
915 established.**

916 Section [17-52a-401](#), **Procedure for appointing members to study committee.**

917 Section 19. **Effective date.**

918 If approved by two-thirds of all the members elected to each house, this bill takes effect
919 upon approval by the governor, or the day following the constitutional time limit of Utah
920 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
921 the date of veto override.

922 Section 20. **Revisor instructions.**

923 The Legislature intends that the Office of Legislative Research and General Counsel, in
924 preparing the Utah Code database for publication, replace the following references in:

925 (1) Subsections [17-52a-103\(4\)](#), [17-52a-104\(2\)\(a\)](#), [17-52a-104\(2\)\(b\)](#), and

926 17-52a-104(2)(c)(i) from "the effective date of this bill" to the bill's actual effective date;
927 (2) Subsection 17-52a-104(2)(a)(i), from "this bill" to the bill's designated chapter
928 number in the Laws of Utah; and
929 (3) Subsections 17-52a-104(1)(a)(ii)(B), (1)(a)(ii)(C), (1)(a)(ii)(D), (2)(a)(ii)(A),
930 (2)(b)(i)(A), and (2)(b)(i)(B), from "the day immediately before the day on which this bill takes
931 effect" to the actual date before the day that the bill takes effect.