

**COUNTY GOVERNMENT FORM AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends county government formation provisions.

**Highlighted Provisions:**

This bill:

▶ for a county with a population of 500,000 or more, requires the county to operate under the county executive and council form or the council-manager form of government;

▶ for a county with a population of 500,000 or more that does not operate under the county executive and council form or the council-manager form of government:

• requires the county legislative body to initiate the process to change county form of government no later than July 1, 2021;

• requires the county legislative body to propose two optional plans for forms of government and place the plans on the ballot at the November 3, 2021, regular general election;

• prohibits the registered voters from proposing a form of government by petition for a period of time;

• if the voters fail to adopt an optional plan proposing a permitted form of government, requires the county to operate under the county executive and council form of government;

• prohibits the county legislative body or registered voters from proposing certain



- 28 optional plans; and
- 29       • requires an optional plan for a change to the county executive and council form
- 30 or the council-manager form to specify that at least a majority of members of the
- 31 council are elected from districts;
- 32       ▶ prohibits the repeal of an optional plan if the repeal would result in the county
- 33 reverting to a prohibited form of government;
- 34       ▶ repeals Title 17, Chapter 35b, Consolidation of Local Government Units, on
- 35 January 1, 2021; and
- 36       ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 This bill provides revisor instructions.

41 This bill provides a special effective date.

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 **17-52a-103**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 45 **17-52a-301**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 46 **17-52a-302**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 47 **17-52a-303**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 48 **17-52a-404**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 49 **17-52a-405**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 50 **17-52a-503**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 51 **17-52a-505**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 52 **63I-2-217**, as last amended by Laws of Utah 2019, Chapters 136, 252, 327, 384, 510
- 53 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 384

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

- 55 **17-52a-103**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 56 **17-52a-301**, as renumbered and amended by Laws of Utah 2018, Chapter 68



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

59 Section 1. Section 17-52a-103 is amended to read:

60 **17-52a-103. Forms of county government -- Restrictions on form of county**  
61 **government.**

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

- 64 (a) the county commission form under Section 17-52a-201;
- 65 (b) the expanded county commission form under Section 17-52a-202;
- 66 (c) the county executive and council form under Section 17-52a-203; or
- 67 (d) the council-manager form under Section 17-52a-204.

68 (2) (a) Unless a county with a population of less than 500,000 adopts another form of  
69 government as provided in this chapter, the county shall operate under the county commission  
70 form of government under Section 17-52a-201.

71 (b) A county with a population of 500,000 or more shall operate under:

72 (i) the county executive and council form of government described in Section

73 17-52a-203; or

74 (ii) the council-manager form of government described in Section 17-52a-204.

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

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

79 (ii) the county shall hold a special election described in Section 17-52a-304 on  
80 November 6, 2018;

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

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

85 (B) the county shall hold an election described in Section 17-52a-501 before December  
86 31, 2020, on an optional plan that the study committee creates; and

87 (iv) the registered voters of the county may not repeal an optional plan under Section  
88 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

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

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

92 (i) the county shall operate under the county commission form of government under  
93 Section 17-52a-201 in the same manner that a county is required under Subsection  
94 17-52a-102(2) to operate under that form of government if the county does not adopt another  
95 form of government; and

96 (ii) the county shall transition to the form of government described in Subsection  
97 (3)(b)(i) in the same manner as if the voters of the county had approved the change in the form  
98 of government described in Subsection (3)(b)(i) in the applicable election described in  
99 Subsection (3)(b).

100 (4) (a) In a county with a population of 500,000 or more that operates under a form of  
101 government that is not described in Subsection (2)(b), the county's legislative body shall,  
102 before July 1, 2021:

103 (i) initiate the process under Section 17-52a-302 to change the county's form of  
104 government by creating an optional plan and proposing a change to the county executive and  
105 council form under Section 17-52a-203 and an additional optional plan proposing a change to  
106 the council-manager form under Section 17-52a-204;

107 (ii) adopt a resolution that, at the November 3, 2021, regular general election, places on  
108 the ballot before the voters the question of which of the two optional plans proposed under  
109 Subsection (4)(a)(i) to adopt; and

110 (iii) ensure the resolution complies with the requirements described in Sections  
111 17-52a-404 and 17-52a-405.

112 (b) The registered voters of a county described in Subsection (4)(a):

113 (i) beginning one year after the day on which this bill is effective and ending on  
114 January 1, 2024, may not initiate the process of adopting an optional plan under Section  
115 17-52a-303;

116 (ii) after January 1, 2024, may initiate the process of adopting an optional plan in  
117 accordance with Section 17-52a-303; and

118 (iii) may not repeal an optional plan under Section 17-52a-505 that is adopted at the  
119 election described in Subsection (4)(a)(ii).

120 (c) If the voters of a county described in Subsection (4)(a) do not approve a change in

121 the county's form of government at an election described in Subsection (4)(a)(ii):

122 (i) on January 1, 2024, the county shall operate under the county executive and council  
 123 form of government described in Section 17-52a-203; and

124 (ii) the county shall transition to the form of government described in Subsection  
 125 (4)(c)(i) in the same manner as if the voters of the county had approved at the election  
 126 described in Subsection (4)(a)(ii) the change in form of government as proposed in the optional  
 127 plan described in Subsection (4)(a)(i) proposing a change to the county executive and council  
 128 form.

129 Section 2. Section 17-52a-301 is amended to read:

130 **17-52a-301. Procedure for initiating adoption of optional plan -- Limitations --**  
 131 **Pending proceedings -- Exceptions.**

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

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

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

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

138 (3) (a) If the process to adopt an optional plan is initiated under Laws of Utah 1973,  
 139 Chapter 26, Section 3, 4, or 5, or Section 17-52a-302 or 17-52a-303, or under a provision  
 140 described in Subsection 17-52a-104(2), the county legislative body may not initiate the process  
 141 again under Section 17-52a-302, and registered voters may not initiate the process again under  
 142 Section 17-52a-303, until:

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

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

146 (iii) the first initiated process has not concluded but has been pending for at least two  
 147 years after the day on which the voters approved the appointment of a study committee in an  
 148 election described in Section 17-52a-304;

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

151 (v) the first initiated process concludes because registered voters fail to submit a

152 sufficient number of valid signatures for a petition before the deadline described in Subsection  
153 17-52a-303(2)(c); or

154 (vi) for a process governed by Section 17-52a-104, the first initiated process concludes:

155 (A) because registered voters fail to submit a sufficient number of valid signatures for a  
156 petition before the deadline described in Subsection 17-52a-104(3); or

157 (B) under a provision described in Subsection 17-52a-104(1)(b).

158 (b) A county legislative body may not initiate the process to adopt an optional plan  
159 under Section 17-52a-302 within four years of an election at which voters approved or rejected  
160 an optional plan proposed as a result of a process initiated by the county legislative body.

161 (c) Registered voters of a county may not initiate the process to adopt an optional plan  
162 under Section 17-52a-303 within four years of an election at which voters approved or rejected  
163 an optional plan proposed as a result of a process initiated by registered voters.

164 (4) (a) On or after one year after the day on which this bill is effective, if an optional  
165 plan proposed in a county with a population of 500,000 or more, initiated by either the county  
166 legislative body under Section 17-52a-302 or registered voters under Section 17-52a-303,  
167 proposes a form of government other than a form permitted under Section 17-52a-103, the  
168 optional plan:

169 (i) may not be submitted to the voters at an election; and

170 (ii) is not considered an initiation of the process to adopt an optional plan for purposes  
171 of Subsection (3)(a).

172 (b) Notwithstanding Subsection (3)(a), the county legislative body of a county  
173 described in Subsection (4)(a) shall only for the November 3, 2021, regular general election  
174 initiate and prepare two optional plans in accordance with Section 17-52a-103 to submit to the  
175 voters.

176 Section 3. Section 17-52a-302 is amended to read:

177 **17-52a-302. County legislative body initiation of adoption of optional plan --**

178 **Procedure.**

179 (1) A county legislative body may initiate the process of adopting an optional plan by  
180 adopting a resolution to submit to the voters the question of:

181 (a) whether a study committee should be established as provided in Section

182 17-52a-401; or

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

186 (i) the legislative body creates before adopting the resolution described in this

187 Subsection (1); and

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

189 (2) The county legislative body shall ensure that a resolution adopted under Subsection  
 190 (1):

191 (a) requires the question described in Subsection (1)(a) to be submitted to the  
 192 registered voters of the county at the next special election scheduled under Section 20A-1-204  
 193 after adoption of the resolution under Subsection (1); or

194 (b) requires the question described in Subsection (1)(b) to be submitted to the  
 195 registered voters of the county at the next election described in Section 17-52a-501.

196 (3) Within 10 days after the day on which the county legislative body adopts a  
 197 resolution proposing an optional plan under Subsection (1)(b), the legislative body shall send a  
 198 copy of the optional plan that the legislative body [~~recommends~~] creates to:

199 (a) the county clerk; and

200 (b) the county attorney or, if the county does not have a county attorney, to the district  
 201 attorney, for review in accordance with Section 17-52a-406.

202 Section 4. Section 17-52a-303 is amended to read:

203 **17-52a-303. Registered voter initiation of adoption of optional plan -- Procedure.**

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

206 (i) for the establishment of a study committee described in Section 17-52a-401; or

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

209 (A) accompanies the petition described in this Subsection (1)(a)(ii) during the signature  
 210 gathering process and accompanies the petition in the submission to the county clerk under  
 211 Subsection (2)(b); and

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

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

- 214 (i) designate five sponsors for the petition;
- 215 (ii) designate a contact sponsor to serve as the primary contact for the petition
- 216 sponsors;
- 217 (iii) list the mailing address and telephone number of each of the sponsors; and
- 218 (iv) be signed by each of the petition sponsors.
- 219 (c) Registered voters of a county may not file a notice of intent to gather signatures in
- 220 bad faith.

221 (2) (a) The sponsors of a petition may circulate the petition after filing a notice of

222 intent to gather signatures under Subsection (1).

223 (b) To be considered valid, the petition is required to be signed by registered voters

224 residing in the county equal in number to at least 5% of the total number of votes cast in the

225 county for all candidates for president of the United States at the most recent election at which

226 a president of the United States was elected.

227 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit

228 the completed petition and any amended or supplemental petition described in Subsection (4)

229 with the county clerk not more than 180 days after the day on which the sponsors file the notice

230 described in Subsection (1).

231 (3) Within 30 days after the day on which the sponsors submit a petition under

232 Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county

233 clerk shall:

234 (a) determine whether the petition or amended or supplemental petition has been

235 signed by the required number of registered voters;

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

237 (A) certify the petition;

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

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

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

241 (A) reject the petition; and

242 (B) notify the county legislative body and the contact sponsor in writing of the

243 rejection and the reasons for the rejection; and

244 (c) for a petition described in Subsection (1)(a)(ii), within 10 days after the day on



245 which the county clerk certifies the petition under Subsection (3)(b)(i), the county clerk shall  
246 send a copy of the optional plan that accompanied the petition to the county attorney or, if the  
247 county does not have a county attorney, to the district attorney, for review in accordance with  
248 Section 17-52a-406.

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

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

252 (b) before the earlier of:

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

254 (ii) 20 days after the day on which the county clerk rejects the petition under

255 Subsection (3)(b)(ii).

256 (5) With the unanimous approval of petition sponsors, a petition filed under this  
257 section may be withdrawn at any time within 90 days after the day on which the county clerk  
258 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election  
259 under Section 17-52a-501 if:

260 (a) the petition included a notification to petition signers, in conspicuous language and  
261 in a conspicuous location, that the petition sponsors are authorized to withdraw the petition;  
262 and

263 (b) the petition has at least three sponsors.

264 (6) (a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may  
265 circulate a petition under this section after a county legislative body initiates the process to  
266 adopt an optional plan under Subsection 17-52a-302(1)(a) in order to qualify to select a  
267 member of an appointment committee that is formed as a result of the process initiated by the  
268 county legislative body.

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

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

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

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

278 Section 5. Section 17-52a-404 is amended to read:

279 **17-52a-404. Contents of proposed optional plan.**

280 (1) The study committee, a county legislative body that adopts a resolution described in  
281 Subsection 17-52a-302(1)(b), or the sponsors of a petition described in Subsection  
282 17-52a-303(1)(a)(ii) shall ensure that each optional plan the committee, legislative body, or  
283 registered voters propose under this chapter, respectively:

284 (a) proposes the adoption of one of the forms of county government listed in  
285 Subsection 17-52a-405(1)(a);

286 (b) contains detailed provisions relating to the transition from the existing form of  
287 county government to the form proposed in the optional plan, including provisions relating to  
288 the:

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

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

294 (iii) continuity of existing ordinances and regulations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

321 (d) specifies that at least a majority of members of the council are to be elected from  
322 districts;

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

325 (f) contains procedures for filling vacancies on the county council, consistent with the  
326 provisions of Section 20A-1-508; and

327 (g) states the initial compensation, if any, of county council members and procedures  
328 for prescribing and changing compensation.

329 (5) The optional plan proponent described in Subsection (1) shall ensure that each  
330 optional plan proposing to change the form of government to the county commission form  
331 under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202  
332 specifies:

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

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

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

338 staggered;

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

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

343 (e) if any members of the county commission are to be elected at large, whether the  
344 election of county commission members is subject to the provisions of Subsection  
345 [17-52a-201\(6\)](#) or Subsection [17-52a-202\(6\)](#).

346 Section 6. Section **17-52a-405** is amended to read:

347 **17-52a-405. Plan may propose changing forms of county government -- Partisan**  
348 **elections.**

349 (1) (a) The optional plan proponent described in Subsection [17-52a-404\(1\)](#) shall ensure  
350 that each optional plan proposes changing the form of county government to:

351 (i) for a county with a population of 500,000 or more:

352 (A) the county executive and council form under Section [17-52a-203](#); or

353 (B) the council-manager form under Section [17-52a-204](#); and

354 (ii) for a county other than a county described in Subsection (1)(a)(i):

355 [(i)] (A) the county commission form under Section [17-52a-201](#);

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

357 [(iii)] (C) the county executive and council form under Section [17-52a-203](#); or

358 [(iv)] (D) the council-manager form under Section [17-52a-204](#).

359 (b) The optional plan proponent described in Subsection [17-52a-404\(1\)](#) may not  
360 recommend an optional plan that:

361 (i) proposes changing the form of government to a form not ~~included~~ authorized in  
362 Subsection (1)(a);

363 (ii) provides for the nonpartisan election of elected officers;

364 (iii) imposes a limit on the number of terms or years that an elected officer may serve;

365 (iv) provides for elected officers to be subject to a recall election; or

366 (v) provides, in a county with a population of 225,000 or more, for a full-time county  
367 commission in an expanded county commission form of government under Section  
368 [17-52a-202](#).

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

373 ~~[(3)]~~ (2) A county that provides for the election of the county's elected officers through  
 374 a partisan election may not change to a process that provides for the election of the county's  
 375 elected officers through a nonpartisan election.

376 Section 7. Section **17-52a-503** is amended to read:

377 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect**  
 378 **of adoption.**

379 (1) If a proposed optional plan is approved at an election held under Section  
 380 **17-52a-501:**

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

384 (b) the proposed optional plan:

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

386 (ii) subject to Subsection **17-52a-404(1)(c)**, at the time specified in the optional plan, is  
 387 a public record open to inspection by the public; and

388 (iii) is judicially noticeable by all courts;

389 (c) the county clerk shall, within 10 days of the canvass of the election, file with the  
 390 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct  
 391 copy;

392 (d) all public officers and employees shall cooperate fully in making the transition  
 393 between forms of county government; and

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

398 (2) Adoption of an optional plan ~~[changing only the form of county government~~  
 399 ~~without adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of~~

400 ~~County Government,~~] does not alter or affect the boundaries, organization, powers, duties, or  
401 functions of any:

- 402 (a) school district;
- 403 (b) justice court;
- 404 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local  
405 Districts;
- 406 (d) special service district under Title 17D, Chapter 1, Special Service District Act;
- 407 (e) city or town; or
- 408 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
409 Cooperation Act.

410 (3) After the adoption of an optional plan, the county remains vested with all powers  
411 and duties vested generally in counties by statute.

412 Section 8. Section **17-52a-505** is amended to read:

413 **17-52a-505. Repeal of optional plan.**

414 (1) An optional plan that the voters in an election adopt under this chapter may be  
415 repealed as provided in this section unless repeal of the optional plan would result in the county  
416 reverting to a form of government that is prohibited under this chapter.

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

419 (3) (a) Registered voters of a county may not file a petition to repeal an optional plan  
420 sooner than four years or more than five years after the election of county officers under  
421 Section **17-52a-503**.

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

426 (ii) If, after four years, the voters file a subsequent petition under Subsection (3)(b)(i),  
427 the voters:

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

430 (B) shall wait an additional four, and not more than five, years after the date of

431 certification of the previous petition for each petition filed thereafter.

432 (4) A petition described in Subsection (2) shall:

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

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

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

438 (b) designate up to five of the petition signers as sponsors, designating one petition  
439 signer as the contact sponsor, with the mailing address and telephone number of each; and

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

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

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

445 (b) (i) if a sufficient number of voters have signed the petition, certify the petition or  
446 amended petition and deliver it to the county legislative body, and notify in writing the contact  
447 sponsor of the certification; or

448 (ii) if a sufficient number of voters have not signed the petition, reject the petition or  
449 the amended petition and notify the county legislative body and the contact sponsor in writing  
450 of the rejection and the reasons for the rejection.

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

454 (7) If a county clerk certifies a petition under Subsection (2), the county legislative  
455 body shall hold an election on the proposal to repeal the optional plan at the next regular  
456 general election that is at least 60 days after the day on which the county clerk certifies the  
457 petition.

458 (8) If, at an election held under Subsection (7), a majority of voters voting on the  
459 proposal to repeal the optional plan vote in favor of repealing:

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

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

465 (c) the county officers under the form of government to which the county reverts, who  
466 are different than the county officers under the repealed optional plan, shall be elected at the  
467 next regular general election following the election under Subsection (7).

468 Section 9. Section **63I-2-217** is amended to read:

469 **63I-2-217. Repeal dates -- Title 17.**

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

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

473 (3) Subsection **17-27a-102**(1)(b), the language that states "or a designated mountainous  
474 planning district" is repealed June 1, 2021.

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

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

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

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

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

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

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

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

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



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

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

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

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

501 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning  
502 district" is repealed June 1, 2021.

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

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

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

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

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

513 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,  
514 2021.

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

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

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

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

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

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

526 (19) Title 17, Chapter 35b, Consolidation of Local Government Units is repealed  
527 January 1, 2021.

528 [~~(19)~~] (20) On June 1, 2020:

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

530 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision  
531 described in Subsection 17-52a-104(2)," is repealed;

532 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

533 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a  
534 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was  
535 in effect on March 14, 2018," is repealed; and

536 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a  
537 pending process described in Section 17-52a-104, the attorney's report that is described in  
538 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a  
539 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,  
540 2018," is repealed.

541 [~~(20)~~] (21) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

542 Section 10. **Revisor instructions.**

543 The Legislature intends that the Office of Legislative Research and General Counsel, in  
544 preparing the Utah Code database for publication, replace the language "one year after the day  
545 on which this bill is effective" with the date that is one year after the day on which the bill is  
546 effective, in the following sections:

547 (1) Subsection 17-52a-103(4)(b)(i); and

548 (2) Subsection 17-52a-301(4)(a).

549 Section 11. **Effective date.**

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