

LOCAL DISTRICT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Curtis S. Bramble

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 3 absent

General Description:

This bill is the second of two bills that change the name of "local district" to "special district."

Highlighted Provisions:

This bill:

▶ replaces the term "local district" with the term "special district" throughout certain titles of the Utah Code; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-2-209, as last amended by Laws of Utah 2019, Chapter 42

17-15-32, as enacted by Laws of Utah 2018, Chapter 257

17-22-2, as last amended by Laws of Utah 2022, Chapter 335



28 **17-23-17**, as last amended by Laws of Utah 2022, Chapter 415
29 **17-27a-103**, as last amended by Laws of Utah 2022, Chapter 406
30 **17-27a-305**, as last amended by Laws of Utah 2021, Chapter 35
31 **17-30-3**, as last amended by Laws of Utah 2009, Chapter 218
32 **17-31-2**, as last amended by Laws of Utah 2022, Chapter 360
33 **17-34-3**, as last amended by Laws of Utah 2015, Chapter 352
34 **17-36-9**, as last amended by Laws of Utah 2014, Chapter 176
35 **17-41-101**, as last amended by Laws of Utah 2022, Chapter 72
36 **17-43-201**, as last amended by Laws of Utah 2022, Chapter 255
37 **17-43-301**, as last amended by Laws of Utah 2022, Chapter 255
38 **17-50-103**, as last amended by Laws of Utah 2007, Chapter 329
39 **17-52a-503**, as last amended by Laws of Utah 2020, Chapter 47
40 **17B-1-102**, as last amended by Laws of Utah 2021, Chapter 314
41 **17B-1-103**, as last amended by Laws of Utah 2018, Chapter 256
42 **17B-1-104**, as last amended by Laws of Utah 2009, Chapter 92
43 **17B-1-104.5**, as enacted by Laws of Utah 2011, Chapter 68
44 **17B-1-105**, as last amended by Laws of Utah 2009, Chapter 350
45 **17B-1-106**, as last amended by Laws of Utah 2021, Chapters 84, 162, 345, and 382
46 **17B-1-107**, as last amended by Laws of Utah 2015, Chapter 349
47 **17B-1-110**, as renumbered and amended by Laws of Utah 2007, Chapter 329
48 **17B-1-111**, as last amended by Laws of Utah 2021, Chapter 355
49 **17B-1-113**, as last amended by Laws of Utah 2019, Chapter 37
50 **17B-1-114**, as enacted by Laws of Utah 2007, Chapter 329
51 **17B-1-115**, as enacted by Laws of Utah 2007, Chapter 329
52 **17B-1-116**, as enacted by Laws of Utah 2007, Chapter 329
53 **17B-1-118**, as last amended by Laws of Utah 2021, Chapter 35
54 **17B-1-119**, as repealed and reenacted by Laws of Utah 2013, Chapter 309
55 **17B-1-120**, as enacted by Laws of Utah 2011, Chapter 205
56 **17B-1-121**, as last amended by Laws of Utah 2021, Chapter 35
57 **17B-1-201**, as last amended by Laws of Utah 2011, Chapter 68
58 **17B-1-202**, as last amended by Laws of Utah 2020, Chapter 354

- 59 **17B-1-203**, as last amended by Laws of Utah 2017, Chapter 112
60 **17B-1-204**, as last amended by Laws of Utah 2011, Chapter 68
61 **17B-1-205**, as last amended by Laws of Utah 2011, Chapter 68
62 **17B-1-207**, as renumbered and amended by Laws of Utah 2007, Chapter 329
63 **17B-1-208**, as last amended by Laws of Utah 2017, Chapter 112
64 **17B-1-209**, as last amended by Laws of Utah 2011, Chapter 68
65 **17B-1-210**, as last amended by Laws of Utah 2011, Chapter 68
66 **17B-1-211**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
67 **17B-1-212**, as last amended by Laws of Utah 2022, Chapter 381
68 **17B-1-213**, as last amended by Laws of Utah 2022, Chapter 381
69 **17B-1-214**, as last amended by Laws of Utah 2017, Chapter 404
70 **17B-1-215**, as last amended by Laws of Utah 2014, Chapter 405
71 **17B-1-216**, as last amended by Laws of Utah 2009, Chapter 350
72 **17B-1-217**, as last amended by Laws of Utah 2013, Chapter 448
73 **17B-1-301**, as last amended by Laws of Utah 2018, Chapter 424
74 **17B-1-302**, as last amended by Laws of Utah 2022, Chapter 381
75 **17B-1-303**, as last amended by Laws of Utah 2022, Chapter 381
76 **17B-1-304**, as last amended by Laws of Utah 2022, Chapter 381
77 **17B-1-305**, as last amended by Laws of Utah 2014, Chapter 362
78 **17B-1-306**, as last amended by Laws of Utah 2022, Chapters 18, 381
79 **17B-1-306.5**, as last amended by Laws of Utah 2014, Chapter 377
80 **17B-1-307**, as last amended by Laws of Utah 2022, Chapter 381
81 **17B-1-308**, as last amended by Laws of Utah 2019, Chapter 40
82 **17B-1-310**, as last amended by Laws of Utah 2013, Chapter 448
83 **17B-1-311**, as last amended by Laws of Utah 2021, Chapter 51
84 **17B-1-312**, as last amended by Laws of Utah 2018, Chapter 200
85 **17B-1-313**, as last amended by Laws of Utah 2021, Chapter 355
86 **17B-1-314**, as enacted by Laws of Utah 2011, Chapter 106
87 **17B-1-401**, as renumbered and amended by Laws of Utah 2007, Chapter 329
88 **17B-1-402**, as last amended by Laws of Utah 2011, Chapter 68
89 **17B-1-403**, as renumbered and amended by Laws of Utah 2007, Chapter 329

- 90 **17B-1-404**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 91 **17B-1-405**, as last amended by Laws of Utah 2009, Chapter 350
- 92 **17B-1-406**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 93 **17B-1-407**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 94 **17B-1-408**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 95 **17B-1-409**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 96 **17B-1-410**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 97 **17B-1-411**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 98 **17B-1-412**, as last amended by Laws of Utah 2010, Chapter 263
- 99 **17B-1-413**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 100 **17B-1-414**, as last amended by Laws of Utah 2020, Chapter 122
- 101 **17B-1-415**, as last amended by Laws of Utah 2011, Chapter 223
- 102 **17B-1-416**, as last amended by Laws of Utah 2011, Chapter 68
- 103 **17B-1-417**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 104 **17B-1-418**, as last amended by Laws of Utah 2015, Chapter 349
- 105 **17B-1-501**, as enacted by Laws of Utah 2007, Chapter 329
- 106 **17B-1-502**, as last amended by Laws of Utah 2016, Chapters 176, 348
- 107 **17B-1-503**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 108 **17B-1-504**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 109 **17B-1-505**, as last amended by Laws of Utah 2017, Chapter 404
- 110 **17B-1-505.5**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
- 111 **17B-1-506**, as last amended by Laws of Utah 2011, Chapter 297
- 112 **17B-1-507**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 113 **17B-1-508**, as last amended by Laws of Utah 2015, Chapter 436
- 114 **17B-1-509**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 115 **17B-1-510**, as last amended by Laws of Utah 2015, Chapter 436
- 116 **17B-1-511**, as last amended by Laws of Utah 2014, Chapter 377
- 117 **17B-1-512**, as last amended by Laws of Utah 2017, Chapter 404
- 118 **17B-1-513**, as last amended by Laws of Utah 2016, Chapter 140
- 119 **17B-1-601**, as last amended by Laws of Utah 2014, Chapter 253
- 120 **17B-1-602**, as renumbered and amended by Laws of Utah 2007, Chapter 329

121 **17B-1-603**, as renumbered and amended by Laws of Utah 2007, Chapter 329
122 **17B-1-604**, as renumbered and amended by Laws of Utah 2007, Chapter 329
123 **17B-1-605**, as last amended by Laws of Utah 2013, Chapter 295
124 **17B-1-606**, as renumbered and amended by Laws of Utah 2007, Chapter 329
125 **17B-1-607**, as last amended by Laws of Utah 2015, Chapter 436
126 **17B-1-608**, as last amended by Laws of Utah 2022, Chapter 330
127 **17B-1-609**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
128 **17B-1-612**, as last amended by Laws of Utah 2021, Chapter 339
129 **17B-1-613**, as last amended by Laws of Utah 2016, Chapter 353
130 **17B-1-614**, as renumbered and amended by Laws of Utah 2007, Chapter 329
131 **17B-1-615**, as renumbered and amended by Laws of Utah 2007, Chapter 329
132 **17B-1-617**, as renumbered and amended by Laws of Utah 2007, Chapter 329
133 **17B-1-618**, as last amended by Laws of Utah 2022, Chapter 381
134 **17B-1-619**, as renumbered and amended by Laws of Utah 2007, Chapter 329
135 **17B-1-620**, as renumbered and amended by Laws of Utah 2007, Chapter 329
136 **17B-1-621**, as renumbered and amended by Laws of Utah 2007, Chapter 329
137 **17B-1-623**, as enacted by Laws of Utah 2007, Chapter 329
138 **17B-1-626**, as last amended by Laws of Utah 2014, Chapter 253
139 **17B-1-627**, as last amended by Laws of Utah 2009, Chapter 204
140 **17B-1-629**, as renumbered and amended by Laws of Utah 2007, Chapter 329
141 **17B-1-631**, as renumbered and amended by Laws of Utah 2007, Chapter 329
142 **17B-1-632**, as renumbered and amended by Laws of Utah 2007, Chapter 329
143 **17B-1-633**, as renumbered and amended by Laws of Utah 2007, Chapter 329
144 **17B-1-635**, as renumbered and amended by Laws of Utah 2007, Chapter 329
145 **17B-1-639**, as last amended by Laws of Utah 2013, Chapter 448
146 **17B-1-640**, as last amended by Laws of Utah 2013, Chapter 448
147 **17B-1-641**, as last amended by Laws of Utah 2018, Chapter 256
148 **17B-1-642**, as renumbered and amended by Laws of Utah 2007, Chapter 329
149 **17B-1-643**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
150 **17B-1-644**, as renumbered and amended by Laws of Utah 2007, Chapter 329
151 **17B-1-645**, as enacted by Laws of Utah 2010, Chapter 171

152 **17B-1-701**, as renumbered and amended by Laws of Utah 2007, Chapter 329
153 **17B-1-702**, as last amended by Laws of Utah 2018, Chapter 424
154 **17B-1-703**, as last amended by Laws of Utah 2018, Chapter 424
155 **17B-1-801**, as renumbered and amended by Laws of Utah 2007, Chapter 329
156 **17B-1-802**, as renumbered and amended by Laws of Utah 2007, Chapter 329
157 **17B-1-803**, as renumbered and amended by Laws of Utah 2007, Chapter 329
158 **17B-1-804**, as renumbered and amended by Laws of Utah 2007, Chapter 329
159 **17B-1-805**, as enacted by Laws of Utah 2018, Chapter 154
160 **17B-1-901**, as last amended by Laws of Utah 2015, Chapter 260
161 **17B-1-902**, as last amended by Laws of Utah 2018, Chapter 197
162 **17B-1-902.1**, as enacted by Laws of Utah 2015, Chapter 349
163 **17B-1-903**, as last amended by Laws of Utah 2015, Chapter 349
164 **17B-1-904**, as renumbered and amended by Laws of Utah 2007, Chapter 329
165 **17B-1-905**, as enacted by Laws of Utah 2011, Chapter 106
166 **17B-1-906**, as enacted by Laws of Utah 2011, Chapter 106
167 **17B-1-1001**, as last amended by Laws of Utah 2019, Chapter 255
168 **17B-1-1002**, as last amended by Laws of Utah 2015, Chapter 352
169 **17B-1-1003**, as last amended by Laws of Utah 2019, Chapter 255
170 **17B-1-1101**, as last amended by Laws of Utah 2008, Chapter 360
171 **17B-1-1102**, as last amended by Laws of Utah 2021, Chapters 314, 415
172 **17B-1-1103**, as last amended by Laws of Utah 2008, Chapter 360
173 **17B-1-1104**, as last amended by Laws of Utah 2008, Chapter 360
174 **17B-1-1105**, as enacted by Laws of Utah 2007, Chapter 329
175 **17B-1-1107**, as enacted by Laws of Utah 2007, Chapter 329
176 **17B-1-1201**, as enacted by Laws of Utah 2007, Chapter 329
177 **17B-1-1202**, as enacted by Laws of Utah 2007, Chapter 329
178 **17B-1-1204**, as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
179 **17B-1-1207**, as enacted by Laws of Utah 2007, Chapter 329
180 **17B-1-1301**, as renumbered and amended by Laws of Utah 2007, Chapter 329
181 **17B-1-1302**, as renumbered and amended by Laws of Utah 2007, Chapter 329
182 **17B-1-1303**, as last amended by Laws of Utah 2017, Chapter 248

183 [17B-1-1304](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
184 [17B-1-1305](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
185 [17B-1-1306](#), as last amended by Laws of Utah 2017, Chapter 248
186 [17B-1-1307](#), as last amended by Laws of Utah 2021, Chapters 84, 345 and 355
187 [17B-1-1308](#), as last amended by Laws of Utah 2017, Chapter 248
188 [17B-1-1309](#), as enacted by Laws of Utah 2017, Chapter 248
189 [17B-1-1310](#), as enacted by Laws of Utah 2017, Chapter 248
190 [17B-1-1401](#), as enacted by Laws of Utah 2007, Chapter 329
191 [17B-1-1402](#), as last amended by Laws of Utah 2011, Chapter 68
192 [17B-1-1403](#), as enacted by Laws of Utah 2020, Chapter 122
193 [17B-2a-102](#), as last amended by Laws of Utah 2014, Chapter 194
194 [17B-2a-104](#), as enacted by Laws of Utah 2007, Chapter 329
195 [17B-2a-203](#), as enacted by Laws of Utah 2007, Chapter 329
196 [17B-2a-205](#), as enacted by Laws of Utah 2007, Chapter 329
197 [17B-2a-209](#), as enacted by Laws of Utah 2007, Chapter 329
198 [17B-2a-303](#), as enacted by Laws of Utah 2007, Chapter 329
199 [17B-2a-304](#), as enacted by Laws of Utah 2007, Chapter 329
200 [17B-2a-402](#), as enacted by Laws of Utah 2007, Chapter 329
201 [17B-2a-403](#), as last amended by Laws of Utah 2016, Chapters 273, 346
202 [17B-2a-502](#), as enacted by Laws of Utah 2007, Chapter 329
203 [17B-2a-503](#), as enacted by Laws of Utah 2007, Chapter 329
204 [17B-2a-602](#), as last amended by Laws of Utah 2019, Chapter 430
205 [17B-2a-603](#), as enacted by Laws of Utah 2007, Chapter 329
206 [17B-2a-702](#), as enacted by Laws of Utah 2007, Chapter 329
207 [17B-2a-703](#), as last amended by Laws of Utah 2019, Chapter 37
208 [17B-2a-802](#), as last amended by Laws of Utah 2022, Chapters 69, 406
209 [17B-2a-803](#), as last amended by Laws of Utah 2016, Chapter 273 and last amended by
210 Coordination Clause, Laws of Utah 2016, Chapter 273
211 [17B-2a-804](#), as last amended by Laws of Utah 2022, Chapters 69, 406
212 [17B-2a-817](#), as last amended by Laws of Utah 2013, Chapter 415
213 [17B-2a-902](#), as last amended by Laws of Utah 2014, Chapter 189

214 **17B-2a-903**, as last amended by Laws of Utah 2009, Chapter 218
215 **17B-2a-904**, as enacted by Laws of Utah 2007, Chapter 329
216 **17B-2a-907**, as renumbered and amended by Laws of Utah 2007, Chapter 329
217 **17B-2a-1003**, as last amended by Laws of Utah 2019, Chapter 430
218 **17B-2a-1004**, as last amended by Laws of Utah 2011, Chapter 47
219 **17B-2a-1007**, as last amended by Laws of Utah 2021, Chapter 355
220 **17B-2a-1104**, as last amended by Laws of Utah 2022, Chapter 381
221 **17B-2a-1106**, as last amended by Laws of Utah 2019, Chapter 24
222 **17C-1-102**, as last amended by Laws of Utah 2021, Chapter 214
223 **17C-1-409**, as last amended by Laws of Utah 2022, Chapter 307
224 **17D-1-102**, as last amended by Laws of Utah 2014, Chapter 377
225 **17D-1-103**, as last amended by Laws of Utah 2020, Chapter 354
226 **17D-1-106**, as last amended by Laws of Utah 2020, Chapter 122
227 **17D-1-202**, as enacted by Laws of Utah 2008, Chapter 360
228 **17D-1-303**, as last amended by Laws of Utah 2014, Chapter 377
229 **17D-1-305**, as enacted by Laws of Utah 2008, Chapter 360
230 **17D-1-401**, as last amended by Laws of Utah 2015, Chapter 437
231 **17D-1-601**, as last amended by Laws of Utah 2013, Chapter 371
232 **17D-1-603**, as last amended by Laws of Utah 2013, Chapter 371
233 **17D-1-604**, as enacted by Laws of Utah 2013, Chapter 371
234 **17D-2-102**, as enacted by Laws of Utah 2008, Chapter 360
235 **17D-2-108**, as last amended by Laws of Utah 2012, Chapter 347
236 **17D-3-105**, as last amended by Laws of Utah 2020, Chapter 122
237 **17D-4-102**, as last amended by Laws of Utah 2022, Chapters 82, 237
238 **17D-4-103**, as renumbered and amended by Laws of Utah 2021, Chapter 314
239 **17D-4-201**, as renumbered and amended by Laws of Utah 2021, Chapter 314
240 **17D-4-203**, as last amended by Laws of Utah 2022, Chapter 82
241 **17D-4-204**, as renumbered and amended by Laws of Utah 2021, Chapter 314
242 **17D-4-301**, as last amended by Laws of Utah 2022, Chapter 207
243 **20A-1-102**, as last amended by Laws of Utah 2022, Chapters 18, 170
244 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362

- 245 **20A-1-202**, as last amended by Laws of Utah 2014, Chapter 362
- 246 **20A-1-206**, as last amended by Laws of Utah 2022, Chapter 167
- 247 **20A-1-512**, as last amended by Laws of Utah 2021, Chapters 77, 84 and 345
- 248 **20A-1-513**, as last amended by Laws of Utah 2021, Chapter 93
- 249 **20A-2-101**, as last amended by Laws of Utah 2019, Chapter 433
- 250 **20A-3a-102**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 251 **20A-3a-104**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 252 **20A-3a-501**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17
- 253 **20A-3a-605**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 254 **20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377
- 255 **20A-4-304**, as last amended by Laws of Utah 2022, Chapter 342
- 256 **20A-4-305**, as last amended by Laws of Utah 2008, Chapter 228
- 257 **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
- 258 **20A-5-302**, as last amended by Laws of Utah 2020, Chapters 31, 49
- 259 **20A-5-400.5**, as last amended by Laws of Utah 2013, Chapter 415
- 260 **20A-5-401**, as last amended by Laws of Utah 2020, Chapter 31
- 261 **20A-5-403**, as last amended by Laws of Utah 2022, Chapter 18
- 262 **20A-5-407**, as last amended by Laws of Utah 2020, Chapter 31
- 263 **20A-5-601**, as last amended by Laws of Utah 2022, Chapter 18
- 264 **20A-5-602**, as last amended by Laws of Utah 2020, Chapter 31
- 265 **20A-9-101**, as last amended by Laws of Utah 2022, Chapters 13, 325
- 266 **20A-9-503**, as last amended by Laws of Utah 2022, Chapters 13, 18
- 267 **20A-11-101**, as last amended by Laws of Utah 2022, Chapter 126
- 268 **20A-11-1202**, as last amended by Laws of Utah 2020, Chapter 365
- 269 **20A-17-103**, as enacted by Laws of Utah 2015, Chapter 106

270 REPEALS:

- 271 **17B-1-101**, as enacted by Laws of Utah 2007, Chapter 329
- 272 **17B-2a-101**, as enacted by Laws of Utah 2007, Chapter 329



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

275 Section 1. Section **17-2-209** is amended to read:

276 **17-2-209. Minor adjustments to county boundaries authorized -- Public hearing**
277 **-- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor --**
278 **Recording requirements -- Effective date.**

279 (1) (a) Counties sharing a common boundary may, in accordance with the provisions of
280 Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real
281 property tax assessment and county record keeping, adjust all or part of the common boundary
282 to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with,
283 the closest existing property boundary of record.

284 (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that
285 divides or splits:

- 286 (i) an existing parcel;
- 287 (ii) an interest in the property; or
- 288 (iii) a claim of record in the office of recorder of either county sharing the common
289 boundary.

290 (2) The legislative bodies of both counties desiring to adjust a common boundary in
291 accordance with Subsection (1) shall:

- 292 (a) hold a joint public hearing on the proposed boundary adjustment;
- 293 (b) at least seven days before the public hearing described in Subsection (2)(a), provide
294 written notice of the proposed adjustment to:
 - 295 (i) each owner of real property whose property, or a portion of whose property, may
296 change counties as the result of the proposed adjustment; and
 - 297 (ii) any of the following whose territory, or a portion of whose territory, may change
298 counties as the result of the proposed boundary adjustment, or whose boundary is aligned with
299 any portion of the existing county boundary that is being proposed for adjustment:

- 300 (A) a city;
- 301 (B) a town;
- 302 (C) a metro township;
- 303 (D) a school district;
- 304 (E) a ~~[local]~~ special district governed by ~~[Title 17B, Limited Purpose Local~~
305 ~~Government Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities -
306 Special Districts;

307 (F) a special service district governed by Title 17D, Chapter 1, Special Service District
308 Act;

309 (G) an interlocal entity governed by Title 11, Chapter 13, Interlocal Cooperation Act;

310 (H) a community reinvestment agency governed by Title 17C, Limited Purpose Local
311 Government Entities - Community Reinvestment Agency Act;

312 (I) a local building authority governed by Title 17D, Chapter 2, Local Building
313 Authority Act; and

314 (J) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
315 and

316 (c) adopt a joint resolution approved by both county legislative bodies approving the
317 proposed boundary adjustment.

318 (3) The legislative bodies of both counties adopting a joint resolution under Subsection
319 (2)(c) shall:

320 (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant
321 governor:

322 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
323 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

324 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

325 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
326 under Section [67-1a-6.5](#), jointly submit to the recorder of the county in which the property is
327 located after the boundary adjustment:

328 (i) the original notice of an impending boundary action;

329 (ii) the original certificate of boundary adjustment;

330 (iii) the original approved final local entity plat; and

331 (iv) a certified copy of the joint resolution approving the boundary adjustment.

332 (4) (a) As used in this Subsection (4):

333 (i) "Affected area" means an area that, as a result of a boundary adjustment under this
334 section, is moved from within the boundary of one county to within the boundary of another
335 county.

336 (ii) "Receiving county" means a county whose boundary includes an affected area as a
337 result of a boundary adjustment under this section.

338 (b) A boundary adjustment under this section takes effect on the date the lieutenant
339 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.

340 (c) (i) The effective date of a boundary adjustment for purposes of assessing property
341 within an affected area is governed by Section 59-2-305.5.

342 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the
343 recorder of the county in which the property is located, a receiving county may not:

- 344 (A) levy or collect a property tax on property within an affected area;
- 345 (B) levy or collect an assessment on property within an affected area; or
- 346 (C) charge or collect a fee for service provided to property within an affected area.

347 (5) Upon the effective date of a boundary adjustment under this section:

348 (a) all territory designated to be adjusted into another county becomes the territory of
349 the other county; and

350 (b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with
351 an annexation under this part.

352 Section 2. Section 17-15-32 is amended to read:

353 **17-15-32. County website listing of local government entities.**

354 (1) As used in this section:

355 (a) (i) "Limited purpose entity" means a legal entity that:

- 356 (A) performs a single governmental function or limited governmental functions; and
- 357 (B) is not a state executive branch agency, a state legislative office, or within the
358 judicial branch.

359 (ii) "Limited purpose entity" includes:

360 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
361 those terms are defined in Section 62A-3-101;

362 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

363 (C) community reinvestment agencies, as that term is defined in Section 17C-1-102;

364 (D) conservation districts, as that term is defined in Section 17D-3-102;

365 (E) governmental nonprofit corporations, as that term is defined in Section 11-13a-102;

366 (F) housing authorities, as that term is defined in Section 35A-8-401;

367 (G) independent entities and independent state agencies, as those terms are defined in
368 Section 63E-1-102;

- 369 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 370 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 371 (J) ~~local~~ special districts, as that term is defined in Section 17B-1-102;
- 372 (K) local health departments, as that term is defined in Section 26A-1-102;
- 373 (L) nonprofit corporations that receive an amount of money requiring an accounting
- 374 report under Section 51-2a-201.5;
- 375 (M) school districts under Title 53G, Chapter 3, School District Creation and Change;
- 376 and
- 377 (N) special service districts, as that term is defined in Section 17D-1-102.
- 378 (b) "Local government entity" means a municipality, as that term is defined in Section
- 379 10-1-104.
- 380 (2) Beginning on July 1, 2019, each county shall list on the county's website any of the
- 381 following information that the lieutenant governor publishes in a registry of local government
- 382 entities and limited purpose entities regarding each limited purpose entity and local
- 383 government entity that operates, either in whole or in part, within the county or has geographic
- 384 boundaries that overlap or are contained within the boundaries of the county:
- 385 (a) the entity's name;
- 386 (b) the entity's type of local government entity or limited purpose entity;
- 387 (c) the entity's governmental function;
- 388 (d) the entity's physical address and phone number, including the name and contact
- 389 information of an individual whom the entity designates as the primary contact for the entity;
- 390 (e) names of the members of the entity's governing board or commission, managing
- 391 officers, or other similar managers;
- 392 (f) the entity's sources of revenue; and
- 393 (g) if the entity has created an assessment area, as that term is defined in Section
- 394 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.
- 395 Section 3. Section 17-22-2 is amended to read:
- 396 **17-22-2. Sheriff -- General duties.**
- 397 (1) The sheriff shall:
- 398 (a) preserve the peace;
- 399 (b) make all lawful arrests;

400 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
401 required or when the court is held within his county, all courts of record, and court
402 commissioner and referee sessions held within his county, obey their lawful orders and
403 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
404 Administration;

405 (d) upon request of the juvenile court, aid the court in maintaining order during
406 hearings and transport a minor to and from youth corrections facilities, other institutions, or
407 other designated places;

408 (e) attend county justice courts if the judge finds that the matter before the court
409 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his
410 custody, or for the custody of jurors;

411 (f) command the aid of as many inhabitants of his county as he considers necessary in
412 the execution of these duties;

413 (g) take charge of and keep the county jail and the jail prisoners;

414 (h) receive and safely keep all persons committed to his custody, file and preserve the
415 commitments of those persons, and record the name, age, place of birth, and description of
416 each person committed;

417 (i) release on the record all attachments of real property when the attachment he
418 receives has been released or discharged;

419 (j) endorse on all process and notices the year, month, day, hour, and minute of
420 reception, and, upon payment of fees, issue a certificate to the person delivering process or
421 notice showing the names of the parties, title of paper, and the time of receipt;

422 (k) serve all process and notices as prescribed by law;

423 (l) if he makes service of process or notice, certify on the process or notices the
424 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
425 process or notice, and return them without delay;

426 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
427 land within his county;

428 (n) perform as required by any contracts between the county and private contractors for
429 management, maintenance, operation, and construction of county jails entered into under the
430 authority of Section [17-53-311](#);

- 431 (o) for the sheriff of a county of the second through sixth class that enters into an
432 interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal
433 Cooperation Act, provide law enforcement service as provided in the interlocal agreement;
- 434 (p) manage search and rescue services in his county;
- 435 (q) obtain saliva DNA specimens as required under Section 53-10-404;
- 436 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
437 detention, or search of any person when the action is solely motivated by considerations of
438 race, color, ethnicity, age, or gender;
- 439 (s) as applicable, select a representative of law enforcement to serve as a member of a
440 child protection team, as defined in Section 80-1-102; and
- 441 (t) perform any other duties that are required by law.
- 442 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
443 subsection under Subsection (1) is a class A misdemeanor.
- 444 (3) (a) As used in this Subsection (3):
- 445 (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and
446 17-30a-102.
- 447 (ii) "Police ~~[local]~~ special district" ~~[has the same meaning as]~~ means the same as that
448 term is defined in Section 17-30-3.
- 449 (b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county
450 which includes within its boundary a police ~~[local]~~ special district or police interlocal entity, or
451 both:
- 452 (i) serves as the chief executive officer of each police ~~[local]~~ special district and police
453 interlocal entity within the county with respect to the provision of law enforcement service
454 within the boundary of the police ~~[local]~~ special district or police interlocal entity, respectively;
455 and
- 456 (ii) is subject to the direction of the police ~~[local]~~ special district board of trustees or
457 police interlocal entity governing body, as the case may be, as and to the extent provided by
458 agreement between the police ~~[local]~~ special district or police interlocal entity, respectively,
459 and the sheriff.
- 460 (c) Notwithstanding Subsection (3)(b), and except as provided in Subsection
461 11-13-202(4), if a police interlocal entity or police ~~[local]~~ special district enters an interlocal

462 agreement with a public agency, as defined in Section 11-13-103, for the provision of law
463 enforcement service, the sheriff:

464 (i) does not serve as the chief executive officer of any interlocal entity created under
465 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
466 executive officer; and

467 (ii) shall provide law enforcement service under that interlocal agreement as provided
468 in the agreement.

469 Section 4. Section 17-23-17 is amended to read:

470 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**
471 **of monuments -- Record of corner changes -- Penalties.**

472 (1) As used in this section:

473 (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this
474 state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land
475 Surveyors Licensing Act.

476 (b) (i) "Township" means a term used in the context of identifying a geographic area in
477 common surveyor practice.

478 (ii) "Township" does not mean a metro township as that term is defined in Section
479 10-2a-403.

480 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to
481 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing
482 a boundary line shall file a map of the survey that meets the requirements of this section with
483 the county surveyor or designated office within 90 days of the establishment or reestablishment
484 of a boundary.

485 (ii) A land surveyor who fails to file a map of the survey as required by Subsection
486 (2)(a)(i) is guilty of an infraction.

487 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a
488 separate violation.

489 (b) The county surveyor or designated office shall file and index the map of the survey.

490 (c) The map shall be a public record in the office of the county surveyor or designated
491 office.

492 (3) This type of map shall show:

- 493 (a) the location of survey by quarter section and township and range;
494 (b) the date of survey;
495 (c) the scale of drawing and north point;
496 (d) the distance and course of all lines traced or established, giving the basis of bearing
497 and the distance and course to two or more section corners or quarter corners, including
498 township and range, or to identified monuments within a recorded subdivision;
499 (e) all measured bearings, angles, and distances separately indicated from those of
500 record;
501 (f) a written boundary description of property surveyed;
502 (g) all monuments set and their relation to older monuments found;
503 (h) a detailed description of monuments found and monuments set, indicated
504 separately;
505 (i) the surveyor's seal or stamp; and
506 (j) the surveyor's business name and address.
- 507 (4) (a) The map shall contain a written narrative that explains and identifies:
508 (i) the purpose of the survey;
509 (ii) the basis on which the lines were established; and
510 (iii) the found monuments and deed elements that controlled the established or
511 reestablished lines.
- 512 (b) If the narrative is a separate document, it shall contain:
513 (i) the location of the survey by quarter section and by township and range;
514 (ii) the date of the survey;
515 (iii) the surveyor's stamp or seal; and
516 (iv) the surveyor's business name and address.
- 517 (c) The map and narrative shall be referenced to each other if they are separate
518 documents.
- 519 (5) The map and narrative shall be created on material of a permanent nature on stable
520 base reproducible material in the sizes required by the county surveyor.
- 521 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
522 a point on a property or land line shall be durably and visibly marked or tagged with the
523 registered business name or the letters "L.S." followed by the registration number of the

524 surveyor in charge.

525 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall
526 be marked with the official title of the office.

527 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the
528 section corner or quarter-section corner, or their accessories, the surveyor shall complete and
529 submit to the county surveyor or designated office a record of the changes made.

530 (b) The record shall be submitted within 45 days of the corner visits and shall include
531 the surveyor's seal, business name, and address.

532 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
533 license of any land surveyor who fails to comply with the requirements of this section,
534 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and
535 Professional Licensing Act.

536 (9) Each federal or state agency, board, or commission, [~~local~~] special district, special
537 service district, or municipal corporation that makes a boundary survey of lands within this
538 state shall comply with this section.

539 Section 5. Section **17-27a-103** is amended to read:

540 **17-27a-103. Definitions.**

541 As used in this chapter:

542 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
543 detached from a primary single-family dwelling and contained on one lot.

544 (2) "Adversely affected party" means a person other than a land use applicant who:

545 (a) owns real property adjoining the property that is the subject of a land use
546 application or land use decision; or

547 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
548 general community as a result of the land use decision.

549 (3) "Affected entity" means a county, municipality, [~~local~~] special district, special
550 service district under Title 17D, Chapter 1, Special Service District Act, school district,
551 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
552 specified property owner, property owner's association, public utility, or the Utah Department
553 of Transportation, if:

554 (a) the entity's services or facilities are likely to require expansion or significant

- 555 modification because of an intended use of land;
- 556 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
- 557 or
- 558 (c) the entity has filed with the county a request for notice during the same calendar
- 559 year and before the county provides notice to an affected entity in compliance with a
- 560 requirement imposed under this chapter.
- 561 (4) "Affected owner" means the owner of real property that is:
- 562 (a) a single project;
- 563 (b) the subject of a land use approval that sponsors of a referendum timely challenged
- 564 in accordance with Subsection [20A-7-601\(6\)](#); and
- 565 (c) determined to be legally referable under Section [20A-7-602.8](#).
- 566 (5) "Appeal authority" means the person, board, commission, agency, or other body
- 567 designated by ordinance to decide an appeal of a decision of a land use application or a
- 568 variance.
- 569 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
- 570 residential property if the sign is designed or intended to direct attention to a business, product,
- 571 or service that is not sold, offered, or existing on the property where the sign is located.
- 572 (7) (a) "Charter school" means:
- 573 (i) an operating charter school;
- 574 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 575 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 576 (iii) an entity that is working on behalf of a charter school or approved charter
- 577 applicant to develop or construct a charter school building.
- 578 (b) "Charter school" does not include a therapeutic school.
- 579 (8) "Chief executive officer" means the person or body that exercises the executive
- 580 powers of the county.
- 581 (9) "Conditional use" means a land use that, because of the unique characteristics or
- 582 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
- 583 may not be compatible in some areas or may be compatible only if certain conditions are
- 584 required that mitigate or eliminate the detrimental impacts.
- 585 (10) "Constitutional taking" means a governmental action that results in a taking of

586 private property so that compensation to the owner of the property is required by the:

587 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

588 (b) Utah Constitution, Article I, Section 22.

589 (11) "County utility easement" means an easement that:

590 (a) a plat recorded in a county recorder's office described as a county utility easement

591 or otherwise as a utility easement;

592 (b) is not a protected utility easement or a public utility easement as defined in Section

593 [54-3-27](#);

594 (c) the county or the county's affiliated governmental entity owns or creates; and

595 (d) (i) either:

596 (A) no person uses or occupies; or

597 (B) the county or the county's affiliated governmental entity uses and occupies to

598 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or

599 communications or data lines; or

600 (ii) a person uses or occupies with or without an authorized franchise or other

601 agreement with the county.

602 (12) "Culinary water authority" means the department, agency, or public entity with

603 responsibility to review and approve the feasibility of the culinary water system and sources for

604 the subject property.

605 (13) "Development activity" means:

606 (a) any construction or expansion of a building, structure, or use that creates additional

607 demand and need for public facilities;

608 (b) any change in use of a building or structure that creates additional demand and need

609 for public facilities; or

610 (c) any change in the use of land that creates additional demand and need for public

611 facilities.

612 (14) (a) "Development agreement" means a written agreement or amendment to a

613 written agreement between a county and one or more parties that regulates or controls the use

614 or development of a specific area of land.

615 (b) "Development agreement" does not include an improvement completion assurance.

616 (15) (a) "Disability" means a physical or mental impairment that substantially limits

617 one or more of a person's major life activities, including a person having a record of such an
618 impairment or being regarded as having such an impairment.

619 (b) "Disability" does not include current illegal use of, or addiction to, any federally
620 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
621 Sec. 802.

622 (16) "Educational facility":

623 (a) means:

624 (i) a school district's building at which pupils assemble to receive instruction in a
625 program for any combination of grades from preschool through grade 12, including
626 kindergarten and a program for children with disabilities;

627 (ii) a structure or facility:

628 (A) located on the same property as a building described in Subsection (16)(a)(i); and

629 (B) used in support of the use of that building; and

630 (iii) a building to provide office and related space to a school district's administrative
631 personnel; and

632 (b) does not include:

633 (i) land or a structure, including land or a structure for inventory storage, equipment
634 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

635 (A) not located on the same property as a building described in Subsection (16)(a)(i);
636 and

637 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

638 (ii) a therapeutic school.

639 (17) "Fire authority" means the department, agency, or public entity with responsibility
640 to review and approve the feasibility of fire protection and suppression services for the subject
641 property.

642 (18) "Flood plain" means land that:

643 (a) is within the 100-year flood plain designated by the Federal Emergency
644 Management Agency; or

645 (b) has not been studied or designated by the Federal Emergency Management Agency
646 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
647 the land has characteristics that are similar to those of a 100-year flood plain designated by the

648 Federal Emergency Management Agency.

649 (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.

650 (20) "General plan" means a document that a county adopts that sets forth general
651 guidelines for proposed future development of:

652 (a) the unincorporated land within the county; or

653 (b) for a mountainous planning district, the land within the mountainous planning
654 district.

655 (21) "Geologic hazard" means:

656 (a) a surface fault rupture;

657 (b) shallow groundwater;

658 (c) liquefaction;

659 (d) a landslide;

660 (e) a debris flow;

661 (f) unstable soil;

662 (g) a rock fall; or

663 (h) any other geologic condition that presents a risk:

664 (i) to life;

665 (ii) of substantial loss of real property; or

666 (iii) of substantial damage to real property.

667 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
668 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
669 system.

670 (23) "Identical plans" means building plans submitted to a county that:

671 (a) are clearly marked as "identical plans";

672 (b) are substantially identical building plans that were previously submitted to and
673 reviewed and approved by the county; and

674 (c) describe a building that:

675 (i) is located on land zoned the same as the land on which the building described in the
676 previously approved plans is located;

677 (ii) is subject to the same geological and meteorological conditions and the same law
678 as the building described in the previously approved plans;

679 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
680 and approved by the county; and

681 (iv) does not require any additional engineering or analysis.

682 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
683 Impact Fees Act.

684 (25) "Improvement completion assurance" means a surety bond, letter of credit,
685 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
686 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
687 required as a condition precedent to:

688 (a) recording a subdivision plat; or

689 (b) development of a commercial, industrial, mixed use, or multifamily project.

690 (26) "Improvement warranty" means an applicant's unconditional warranty that the
691 applicant's installed and accepted landscaping or infrastructure improvement:

692 (a) complies with the county's written standards for design, materials, and
693 workmanship; and

694 (b) will not fail in any material respect, as a result of poor workmanship or materials,
695 within the improvement warranty period.

696 (27) "Improvement warranty period" means a period:

697 (a) no later than one year after a county's acceptance of required landscaping; or

698 (b) no later than one year after a county's acceptance of required infrastructure, unless
699 the county:

700 (i) determines for good cause that a one-year period would be inadequate to protect the
701 public health, safety, and welfare; and

702 (ii) has substantial evidence, on record:

703 (A) of prior poor performance by the applicant; or

704 (B) that the area upon which the infrastructure will be constructed contains suspect soil
705 and the county has not otherwise required the applicant to mitigate the suspect soil.

706 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
707 the public health and safety or that:

708 (a) is required for human consumption; and

709 (b) an applicant must install:

710 (i) in accordance with published installation and inspection specifications for public
711 improvements; and

712 (ii) as a condition of:

713 (A) recording a subdivision plat;

714 (B) obtaining a building permit; or

715 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
716 project.

717 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted
718 designation that:

719 (a) runs with the land; and

720 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
721 the plat; or

722 (ii) designates a development condition that is enclosed within the perimeter of a lot
723 described on the plat.

724 (30) "Interstate pipeline company" means a person or entity engaged in natural gas
725 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
726 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

727 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas
728 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
729 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

730 (32) "Land use applicant" means a property owner, or the property owner's designee,
731 who submits a land use application regarding the property owner's land.

732 (33) "Land use application":

733 (a) means an application that is:

734 (i) required by a county; and

735 (ii) submitted by a land use applicant to obtain a land use decision; and

736 (b) does not mean an application to enact, amend, or repeal a land use regulation.

737 (34) "Land use authority" means:

738 (a) a person, board, commission, agency, or body, including the local legislative body,
739 designated by the local legislative body to act upon a land use application; or

740 (b) if the local legislative body has not designated a person, board, commission,

741 agency, or body, the local legislative body.

742 (35) "Land use decision" means an administrative decision of a land use authority or
743 appeal authority regarding:

744 (a) a land use permit;

745 (b) a land use application; or

746 (c) the enforcement of a land use regulation, land use permit, or development
747 agreement.

748 (36) "Land use permit" means a permit issued by a land use authority.

749 (37) "Land use regulation":

750 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
751 specification, fee, or rule that governs the use or development of land;

752 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
753 and

754 (c) does not include:

755 (i) a land use decision of the legislative body acting as the land use authority, even if
756 the decision is expressed in a resolution or ordinance; or

757 (ii) a temporary revision to an engineering specification that does not materially:

758 (A) increase a land use applicant's cost of development compared to the existing
759 specification; or

760 (B) impact a land use applicant's use of land.

761 (38) "Legislative body" means the county legislative body, or for a county that has
762 adopted an alternative form of government, the body exercising legislative powers.

763 [~~(39) "Local district" means any entity under Title 17B, Limited Purpose Local
764 Government Entities - Local Districts, and any other governmental or quasi-governmental
765 entity that is not a county, municipality, school district, or the state.~~]

766 [(40)] (39) "Lot" means a tract of land, regardless of any label, that is created by and
767 shown on a subdivision plat that has been recorded in the office of the county recorder.

768 [(41)] (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
769 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

770 (i) whether or not the lots are located in the same subdivision; and

771 (ii) with the consent of the owners of record.

- 772 (b) "Lot line adjustment" does not mean a new boundary line that:
773 (i) creates an additional lot; or
774 (ii) constitutes a subdivision.
- 775 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
776 Department of Transportation.
- 777 ~~[(42)]~~ (41) "Major transit investment corridor" means public transit service that uses or
778 occupies:
- 779 (a) public transit rail right-of-way;
780 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
781 or
782 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
783 municipality or county and:
- 784 (i) a public transit district as defined in Section [17B-2a-802](#); or
785 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).
- 786 ~~[(43)]~~ (42) "Moderate income housing" means housing occupied or reserved for
787 occupancy by households with a gross household income equal to or less than 80% of the
788 median gross income for households of the same size in the county in which the housing is
789 located.
- 790 ~~[(44)]~~ (43) "Mountainous planning district" means an area designated by a county
791 legislative body in accordance with Section [17-27a-901](#).
- 792 ~~[(45)]~~ (44) "Nominal fee" means a fee that reasonably reimburses a county only for
793 time spent and expenses incurred in:
- 794 (a) verifying that building plans are identical plans; and
795 (b) reviewing and approving those minor aspects of identical plans that differ from the
796 previously reviewed and approved building plans.
- 797 ~~[(46)]~~ (45) "Noncomplying structure" means a structure that:
798 (a) legally existed before the structure's current land use designation; and
799 (b) because of one or more subsequent land use ordinance changes, does not conform
800 to the setback, height restrictions, or other regulations, excluding those regulations that govern
801 the use of land.
- 802 ~~[(47)]~~ (46) "Nonconforming use" means a use of land that:

803 (a) legally existed before the current land use designation;
804 (b) has been maintained continuously since the time the land use ordinance regulation
805 governing the land changed; and

806 (c) because of one or more subsequent land use ordinance changes, does not conform
807 to the regulations that now govern the use of the land.

808 [~~48~~] (47) "Official map" means a map drawn by county authorities and recorded in
809 the county recorder's office that:

810 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
811 highways and other transportation facilities;

812 (b) provides a basis for restricting development in designated rights-of-way or between
813 designated setbacks to allow the government authorities time to purchase or otherwise reserve
814 the land; and

815 (c) has been adopted as an element of the county's general plan.

816 [~~49~~] (48) "Parcel" means any real property that is not a lot.

817 [~~50~~] (49) (a) "Parcel boundary adjustment" means a recorded agreement between
818 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
819 line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

820 (i) none of the property identified in the agreement is a lot; or

821 (ii) the adjustment is to the boundaries of a single person's parcels.

822 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
823 line that:

824 (i) creates an additional parcel; or

825 (ii) constitutes a subdivision.

826 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
827 the Department of Transportation.

828 [~~51~~] (50) "Person" means an individual, corporation, partnership, organization,
829 association, trust, governmental agency, or any other legal entity.

830 [~~52~~] (51) "Plan for moderate income housing" means a written document adopted by
831 a county legislative body that includes:

832 (a) an estimate of the existing supply of moderate income housing located within the
833 county;

834 (b) an estimate of the need for moderate income housing in the county for the next five
835 years;

836 (c) a survey of total residential land use;

837 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
838 income housing; and

839 (e) a description of the county's program to encourage an adequate supply of moderate
840 income housing.

841 ~~[(53)]~~ (52) "Planning advisory area" means a contiguous, geographically defined
842 portion of the unincorporated area of a county established under this part with planning and
843 zoning functions as exercised through the planning advisory area planning commission, as
844 provided in this chapter, but with no legal or political identity separate from the county and no
845 taxing authority.

846 ~~[(54)]~~ (53) "Plat" means an instrument subdividing property into lots as depicted on a
847 map or other graphical representation of lands that a licensed professional land surveyor makes
848 and prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

849 ~~[(55)]~~ (54) "Potential geologic hazard area" means an area that:

850 (a) is designated by a Utah Geological Survey map, county geologist map, or other
851 relevant map or report as needing further study to determine the area's potential for geologic
852 hazard; or

853 (b) has not been studied by the Utah Geological Survey or a county geologist but
854 presents the potential of geologic hazard because the area has characteristics similar to those of
855 a designated geologic hazard area.

856 ~~[(56)]~~ (55) "Public agency" means:

857 (a) the federal government;

858 (b) the state;

859 (c) a county, municipality, school district, ~~[local]~~ special district, special service
860 district, or other political subdivision of the state; or

861 (d) a charter school.

862 ~~[(57)]~~ (56) "Public hearing" means a hearing at which members of the public are
863 provided a reasonable opportunity to comment on the subject of the hearing.

864 ~~[(58)]~~ (57) "Public meeting" means a meeting that is required to be open to the public

865 under Title 52, Chapter 4, Open and Public Meetings Act.

866 ~~[(59)]~~ (58) "Public street" means a public right-of-way, including a public highway,
867 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
868 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
869 easement, or other public way.

870 ~~[(60)]~~ (59) "Receiving zone" means an unincorporated area of a county that the county
871 designates, by ordinance, as an area in which an owner of land may receive a transferable
872 development right.

873 ~~[(61)]~~ (60) "Record of survey map" means a map of a survey of land prepared in
874 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

875 ~~[(62)]~~ (61) "Residential facility for persons with a disability" means a residence:

876 (a) in which more than one person with a disability resides; and

877 (b) (i) which is licensed or certified by the Department of Human Services under Title
878 62A, Chapter 2, Licensure of Programs and Facilities; or

879 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
880 21, Health Care Facility Licensing and Inspection Act.

881 ~~[(63)]~~ (62) "Rules of order and procedure" means a set of rules that govern and
882 prescribe in a public meeting:

883 (a) parliamentary order and procedure;

884 (b) ethical behavior; and

885 (c) civil discourse.

886 ~~[(64)]~~ (63) "Sanitary sewer authority" means the department, agency, or public entity
887 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
888 wastewater systems.

889 ~~[(65)]~~ (64) "Sending zone" means an unincorporated area of a county that the county
890 designates, by ordinance, as an area from which an owner of land may transfer a transferable
891 development right.

892 ~~[(66)]~~ (65) "Site plan" means a document or map that may be required by a county
893 during a preliminary review preceding the issuance of a building permit to demonstrate that an
894 owner's or developer's proposed development activity meets a land use requirement.

895 (66) (a) "Special district" means an entity under Title 17B, Limited Purpose Local

896 Government Entities - Special Districts.

897 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
898 county, municipality, school district, or the state.

899 (67) "Specified public agency" means:

900 (a) the state;

901 (b) a school district; or

902 (c) a charter school.

903 (68) "Specified public utility" means an electrical corporation, gas corporation, or
904 telephone corporation, as those terms are defined in Section [54-2-1](#).

905 (69) "State" includes any department, division, or agency of the state.

906 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
907 divided into two or more lots or other division of land for the purpose, whether immediate or
908 future, for offer, sale, lease, or development either on the installment plan or upon any and all
909 other plans, terms, and conditions.

910 (b) "Subdivision" includes:

911 (i) the division or development of land, whether by deed, metes and bounds
912 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
913 the division includes all or a portion of a parcel or lot; and

914 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
915 nonresidential uses, including land used or to be used for commercial, agricultural, and
916 industrial purposes.

917 (c) "Subdivision" does not include:

918 (i) a bona fide division or partition of agricultural land for agricultural purposes;

919 (ii) a boundary line agreement recorded with the county recorder's office between
920 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
921 [17-27a-523](#) if no new lot is created;

922 (iii) a recorded document, executed by the owner of record:

923 (A) revising the legal descriptions of multiple parcels into one legal description
924 encompassing all such parcels; or

925 (B) joining a lot to a parcel;

926 (iv) a bona fide division or partition of land in a county other than a first class county

927 for the purpose of siting, on one or more of the resulting separate parcels:

928 (A) an electrical transmission line or a substation;

929 (B) a natural gas pipeline or a regulation station; or

930 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other

931 utility service regeneration, transformation, retransmission, or amplification facility;

932 (v) a boundary line agreement between owners of adjoining subdivided properties

933 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)

934 if:

935 (A) no new dwelling lot or housing unit will result from the adjustment; and

936 (B) the adjustment will not violate any applicable land use ordinance;

937 (vi) a bona fide division of land by deed or other instrument if the deed or other

938 instrument states in writing that the division:

939 (A) is in anticipation of future land use approvals on the parcel or parcels;

940 (B) does not confer any land use approvals; and

941 (C) has not been approved by the land use authority;

942 (vii) a parcel boundary adjustment;

943 (viii) a lot line adjustment;

944 (ix) a road, street, or highway dedication plat;

945 (x) a deed or easement for a road, street, or highway purpose; or

946 (xi) any other division of land authorized by law.

947 (71) "Subdivision amendment" means an amendment to a recorded subdivision in

948 accordance with Section [17-27a-608](#) that:

949 (a) vacates all or a portion of the subdivision;

950 (b) alters the outside boundary of the subdivision;

951 (c) changes the number of lots within the subdivision;

952 (d) alters a public right-of-way, a public easement, or public infrastructure within the

953 subdivision; or

954 (e) alters a common area or other common amenity within the subdivision.

955 (72) "Substantial evidence" means evidence that:

956 (a) is beyond a scintilla; and

957 (b) a reasonable mind would accept as adequate to support a conclusion.

958 (73) "Suspect soil" means soil that has:
959 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
960 3% swell potential;
961 (b) bedrock units with high shrink or swell susceptibility; or
962 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
963 commonly associated with dissolution and collapse features.

964 (74) "Therapeutic school" means a residential group living facility:

965 (a) for four or more individuals who are not related to:
966 (i) the owner of the facility; or
967 (ii) the primary service provider of the facility;
968 (b) that serves students who have a history of failing to function:
969 (i) at home;
970 (ii) in a public school; or
971 (iii) in a nonresidential private school; and
972 (c) that offers:
973 (i) room and board; and
974 (ii) an academic education integrated with:
975 (A) specialized structure and supervision; or
976 (B) services or treatment related to a disability, an emotional development, a
977 behavioral development, a familial development, or a social development.

978 (75) "Transferable development right" means a right to develop and use land that
979 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
980 land use rights from a designated sending zone to a designated receiving zone.

981 (76) "Unincorporated" means the area outside of the incorporated area of a
982 municipality.

983 (77) "Water interest" means any right to the beneficial use of water, including:

984 (a) each of the rights listed in Section 73-1-11; and
985 (b) an ownership interest in the right to the beneficial use of water represented by:
986 (i) a contract; or
987 (ii) a share in a water company, as defined in Section 73-3-3.5.

988 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

989 land use zones, overlays, or districts.

990 Section 6. Section 17-27a-305 is amended to read:

991 **17-27a-305. Other entities required to conform to county's land use ordinances --**

992 **Exceptions -- School districts and charter schools -- Submission of development plan and**
993 **schedule.**

994 (1) (a) Each county, municipality, school district, charter school, ~~local~~ special district,
995 special service district, and political subdivision of the state shall conform to any applicable
996 land use ordinance of any county when installing, constructing, operating, or otherwise using
997 any area, land, or building situated within a mountainous planning district or the
998 unincorporated portion of the county, as applicable.

999 (b) In addition to any other remedies provided by law, when a county's land use
1000 ordinance is violated or about to be violated by another political subdivision, that county may
1001 institute an injunction, mandamus, abatement, or other appropriate action or proceeding to
1002 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

1003 (2) (a) Except as provided in Subsection (3), a school district or charter school is
1004 subject to a county's land use ordinances.

1005 (b) (i) Notwithstanding Subsection (3), a county may:

1006 (A) subject a charter school to standards within each zone pertaining to setback, height,
1007 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction
1008 staging; and

1009 (B) impose regulations upon the location of a project that are necessary to avoid
1010 unreasonable risks to health or safety, as provided in Subsection (3)(f).

1011 (ii) The standards to which a county may subject a charter school under Subsection
1012 (2)(b)(i) shall be objective standards only and may not be subjective.

1013 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
1014 deny or withhold approval of a charter school's land use application is the charter school's
1015 failure to comply with a standard imposed under Subsection (2)(b)(i).

1016 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an
1017 obligation to comply with a requirement of an applicable building or safety code to which it is
1018 otherwise obligated to comply.

1019 (3) A county may not:

1020 (a) impose requirements for landscaping, fencing, aesthetic considerations,
1021 construction methods or materials, additional building inspections, county building codes,
1022 building use for educational purposes, or the placement or use of temporary classroom facilities
1023 on school property;

1024 (b) except as otherwise provided in this section, require a school district or charter
1025 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a
1026 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school
1027 children and not located on or contiguous to school property, unless the roadway or sidewalk is
1028 required to connect an otherwise isolated school site to an existing roadway;

1029 (c) require a district or charter school to pay fees not authorized by this section;

1030 (d) provide for inspection of school construction or assess a fee or other charges for
1031 inspection, unless the school district or charter school is unable to provide for inspection by an
1032 inspector, other than the project architect or contractor, who is qualified under criteria
1033 established by the state superintendent;

1034 (e) require a school district or charter school to pay any impact fee for an improvement
1035 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

1036 (f) impose regulations upon the location of an educational facility except as necessary
1037 to avoid unreasonable risks to health or safety; or

1038 (g) for a land use or a structure owned or operated by a school district or charter school
1039 that is not an educational facility but is used in support of providing instruction to pupils,
1040 impose a regulation that:

1041 (i) is not imposed on a similar land use or structure in the zone in which the land use or
1042 structure is approved; or

1043 (ii) uses the tax exempt status of the school district or charter school as criteria for
1044 prohibiting or regulating the land use or location of the structure.

1045 (4) Subject to Section [53E-3-710](#), a school district or charter school shall coordinate
1046 the siting of a new school with the county in which the school is to be located, to:

1047 (a) avoid or mitigate existing and potential traffic hazards, including consideration of
1048 the impacts between the new school and future highways; and

1049 (b) maximize school, student, and site safety.

1050 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:

- 1051 (a) provide a walk-through of school construction at no cost and at a time convenient to
1052 the district or charter school; and
- 1053 (b) provide recommendations based upon the walk-through.
- 1054 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 1055 (i) a county building inspector;
- 1056 (ii) (A) for a school district, a school district building inspector from that school
1057 district; or
- 1058 (B) for a charter school, a school district building inspector from the school district in
1059 which the charter school is located; or
- 1060 (iii) an independent, certified building inspector who is:
- 1061 (A) not an employee of the contractor;
- 1062 (B) approved by:
- 1063 (I) a county building inspector; or
- 1064 (II) (Aa) for a school district, a school district building inspector from that school
1065 district; or
- 1066 (Bb) for a charter school, a school district building inspector from the school district in
1067 which the charter school is located; and
- 1068 (C) licensed to perform the inspection that the inspector is requested to perform.
- 1069 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.
- 1070 (c) If a school district or charter school uses a school district or independent building
1071 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to
1072 the state superintendent of public instruction and county building official, on a monthly basis
1073 during construction of the school building, a copy of each inspection certificate regarding the
1074 school building.
- 1075 (7) (a) A charter school shall be considered a permitted use in all zoning districts
1076 within a county.
- 1077 (b) Each land use application for any approval required for a charter school, including
1078 an application for a building permit, shall be processed on a first priority basis.
- 1079 (c) Parking requirements for a charter school may not exceed the minimum parking
1080 requirements for schools or other institutional public uses throughout the county.
- 1081 (d) If a county has designated zones for a sexually oriented business, or a business

1082 which sells alcohol, a charter school may be prohibited from a location which would otherwise
1083 defeat the purpose for the zone unless the charter school provides a waiver.

1084 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
1085 occupancy of a school building from:

1086 (A) the state superintendent of public instruction, as provided in Subsection
1087 53E-3-706(3), if the school district or charter school used an independent building inspector for
1088 inspection of the school building; or

1089 (B) a county official with authority to issue the certificate, if the school district or
1090 charter school used a county building inspector for inspection of the school building.

1091 (ii) A school district may issue its own certificate authorizing permanent occupancy of
1092 a school building if it used its own building inspector for inspection of the school building,
1093 subject to the notification requirement of Subsection 53E-3-706(3)(a)(ii).

1094 (iii) A charter school may seek a certificate authorizing permanent occupancy of a
1095 school building from a school district official with authority to issue the certificate, if the
1096 charter school used a school district building inspector for inspection of the school building.

1097 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
1098 of public instruction under Subsection 53E-3-706(3) or a school district official with authority
1099 to issue the certificate shall be considered to satisfy any county requirement for an inspection or
1100 a certificate of occupancy.

1101 (8) (a) A specified public agency intending to develop its land shall submit to the land
1102 use authority a development plan and schedule:

1103 (i) as early as practicable in the development process, but no later than the
1104 commencement of construction; and

1105 (ii) with sufficient detail to enable the land use authority to assess:

1106 (A) the specified public agency's compliance with applicable land use ordinances;

1107 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),
1108 (d), (e), and (g) caused by the development;

1109 (C) the amount of any applicable fee described in Section 17-27a-509;

1110 (D) any credit against an impact fee; and

1111 (E) the potential for waiving an impact fee.

1112 (b) The land use authority shall respond to a specified public agency's submission

1113 under Subsection (8)(a) with reasonable promptness in order to allow the specified public
1114 agency to consider information the municipality provides under Subsection (8)(a)(ii) in the
1115 process of preparing the budget for the development.

1116 (9) Nothing in this section may be construed to:

1117 (a) modify or supersede Section 17-27a-304; or

1118 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that
1119 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
1120 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of
1121 1990, 42 U.S.C. 12102, or any other provision of federal law.

1122 Section 7. Section 17-30-3 is amended to read:

1123 **17-30-3. Establishment of merit system commission -- Appointment,**
1124 **qualifications, and compensation of members.**

1125 (1) (a) Each county with a population of 20,000 or more shall establish a merit system
1126 commission consisting of three members appointed as provided in Subsection (1)(b).

1127 (b) (i) As used in this Subsection (1)(b):

1128 (A) "Police interlocal entity" means an interlocal entity, as defined in Section
1129 11-13-103, that is created:

1130 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a
1131 county of the first class is a party; and

1132 (II) to provide law enforcement service to an area that includes the unincorporated part
1133 of the county.

1134 (B) "Police [toeat] special district" means a [toeat] special district, as defined in
1135 Section 17B-1-102:

1136 (I) whose creation was initiated by the adoption of a resolution under Section
1137 17B-1-203 by the legislative body of a county of the first class, alone or with one or more other
1138 legislative bodies; and

1139 (II) that is created to provide law enforcement service to an area that includes the
1140 unincorporated part of the county.

1141 (ii) For a county in which a police interlocal entity is created, whether or not a police
1142 [toeat] special district is also created in the county:

1143 (A) two members shall be appointed by the legislative body of the county; and

1144 (B) one member shall be appointed by the governing body of the interlocal entity.

1145 (iii) For a county in which a police ~~local~~ special district is created but in which a
1146 police interlocal entity has not been created:

1147 (A) two members shall be appointed by the legislative body of the county; and

1148 (B) one member shall be appointed by the board of trustees of the police ~~local~~ special
1149 district.

1150 (iv) For each other county, all three members shall be appointed by the county
1151 legislative body.

1152 (c) Not more than two members of the commission shall be affiliated with or members
1153 of the same political party.

1154 (d) Of the original appointees, one member shall be appointed for a term ending
1155 February 1 of the first odd-numbered year after the date of appointment, and one each for terms
1156 ending two and four years thereafter.

1157 (e) Upon the expiration of any of the terms, a successor shall be appointed for a full
1158 term of six years.

1159 (f) Appointment to fill a vacancy resulting other than from expiration of term shall be
1160 for the unexpired portion of the term only.

1161 (2) Members of a commission shall be citizens of the state, shall have been residents of
1162 the area embraced by the governmental unit from which appointed not less than five years next
1163 preceding the date of appointment, and shall hold no other office or employment under the
1164 governmental unit for which appointed.

1165 (3) The county legislative body may compensate a member for service on the
1166 commission and reimburse the member for necessary expenses incurred in the performance of
1167 the member's duties.

1168 Section 8. Section **17-31-2** is amended to read:

1169 **17-31-2. Purposes of transient room tax and expenditure of revenue -- Purchase**
1170 **or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions --**
1171 **Issuance of bonds.**

1172 (1) As used in this section:

1173 (a) "Aircraft" means the same as that term is defined in Section [72-10-102](#).

1174 (b) "Airport" means the same as that term is defined in Section [72-10-102](#).

- 1175 (c) "Airport authority" means the same as that term is defined in Section 72-10-102.
- 1176 (d) "Airport operator" means the same as that term is defined in Section 72-10-102.
- 1177 (e) "Base year revenue" means the amount of revenue generated by a transient room tax
1178 and collected by a county for fiscal year 2018-19.
- 1179 (f) "Base year promotion expenditure" means the amount of revenue generated by a
1180 transient room tax that a county spent for the purpose described in Subsection (2)(a) during
1181 fiscal year 2018-19.
- 1182 (g) "Economic diversification activity" means an economic development activity that is
1183 reasonably similar to, supplements, or expands any economic program as administered by the
1184 state or the Governor's Office of Economic Opportunity.
- 1185 (h) "Eligible town" means a town that:
- 1186 (i) is located within a county that has a national park within or partially within the
1187 county's boundaries; and
- 1188 (ii) imposes a resort communities tax authorized by Section 59-12-401.
- 1189 (i) "Emergency medical services provider" means an eligible town, a ~~local~~ special
1190 district, or a special service district.
- 1191 (j) "Tourism" means an activity to develop, encourage, solicit, or market tourism that
1192 attracts transient guests to the county, including planning, development, and advertising for the
1193 purpose described in Subsection (2)(a)(i).
- 1194 (k) "Town" means a municipality that is classified as a town in accordance with
1195 Section 10-2-301.
- 1196 (l) "Transient room tax" means a tax at a rate not to exceed 4.25% authorized by
1197 Section 59-12-301.
- 1198 (2) Subject to the requirements of this section, a county legislative body may impose
1199 the transient room tax for the purposes of:
- 1200 (a) establishing and promoting:
- 1201 (i) tourism;
- 1202 (ii) recreation, film production, and conventions; or
- 1203 (iii) an economic diversification activity if:
- 1204 (A) the county is a county of the fourth, fifth, or sixth class;
- 1205 (B) the county has more than one national park within or partially within the county's

1206 boundaries; and
1207 (C) the county has a base population of 9,000 or more according to current United
1208 States census data;
1209 (b) acquiring, leasing, constructing, furnishing, maintaining, or operating:
1210 (i) convention meeting rooms;
1211 (ii) exhibit halls;
1212 (iii) visitor information centers;
1213 (iv) museums;
1214 (v) sports and recreation facilities including practice fields, stadiums, and arenas;
1215 (vi) related facilities;
1216 (vii) if a national park is located within or partially within the county's boundaries, the
1217 following on any route designated by the county legislative body:
1218 (A) transit service, including shuttle service; and
1219 (B) parking infrastructure; and
1220 (viii) an airport, if:
1221 (A) the county is a county of the fourth, fifth, or sixth class; and
1222 (B) the county is the airport operator of the airport;
1223 (c) acquiring land, leasing land, or making payments for construction or infrastructure
1224 improvements required for or related to the purposes listed in Subsection (2)(b);
1225 (d) as required to mitigate the impacts of recreation, tourism, or conventions in
1226 counties of the fourth, fifth, and sixth class, paying for:
1227 (i) solid waste disposal operations;
1228 (ii) emergency medical services;
1229 (iii) search and rescue activities;
1230 (iv) law enforcement activities; and
1231 (v) road repair and upgrade of:
1232 (A) class B roads, as defined in Section [72-3-103](#);
1233 (B) class C roads, as defined in Section [72-3-104](#); or
1234 (C) class D roads, as defined in Section [72-3-105](#); and
1235 (e) making the annual payment of principal, interest, premiums, and necessary reserves
1236 for any of the aggregate of bonds authorized under Subsection (5).

1237 (3) (a) The county legislative body of a county that imposes a transient room tax at a
1238 rate of 3% or less may expend the revenue generated as provided in Subsection (4), after
1239 making any reduction required by Subsection (6).

1240 (b) The county legislative body of a county that imposes a transient room tax at a rate
1241 that exceeds 3% or increases the rate of transient room tax above 3% may expend:

1242 (i) the revenue generated from the transient room tax at a rate of 3% as provided in
1243 Subsection (4), after making any reduction required by Subsection (6); and

1244 (ii) the revenue generated from the portion of the rate that exceeds 3%:

1245 (A) for any combination of the purposes described in Subsections (2) and (5); and

1246 (B) regardless of the limitation on expenditures for the purposes described in
1247 Subsection (4).

1248 (4) Subject to Subsections (6) and (7), a county may not expend more than 1/3 of the
1249 revenue generated by a rate of transient room tax that does not exceed 3%, for any combination
1250 of the purposes described in Subsections (2)(b) through (2)(e).

1251 (5) (a) The county legislative body may issue bonds or cause bonds to be issued, as
1252 permitted by law, to pay all or part of any costs incurred for the purposes set forth in
1253 Subsections (2)(b) through (2)(d) that are permitted to be paid from bond proceeds.

1254 (b) If a county legislative body does not need the revenue generated by the transient
1255 room tax for payment of principal, interest, premiums, and reserves on bonds issued as
1256 provided in Subsection (2)(e), the county legislative body shall expend that revenue for the
1257 purposes described in Subsection (2), subject to the limitation of Subsection (4).

1258 (6) (a) In addition to the purposes described in Subsection (2), a county legislative
1259 body:

1260 (i) may expend up to 4% of the total revenue generated by a transient room tax to pay a
1261 provider for emergency medical services in one or more eligible towns; and

1262 (ii) may expend up to 10% of the total revenue generated by a transient room tax for
1263 visitor management and destination development if:

1264 (A) a national park is located within or partially within the county's boundaries; and

1265 (B) the county's tourism tax advisory board created under Subsection 17-31-8(1)(a) or
1266 the substantially similar body as described in Subsection 17-31-8(1)(b) has prioritized and
1267 recommended the use of the revenue in accordance with Subsection 17-31-8(4).

1268 (b) A county legislative body shall reduce the amount that the county is authorized to
1269 expend for the purposes described in Subsection (4) by subtracting the amount of transient
1270 room tax revenue expended in accordance with Subsection (6)(a) from the amount of revenue
1271 described in Subsection (4).

1272 (7) (a) Except as provided in Subsection (7)(b), a county legislative body in a county of
1273 the fourth, fifth, or sixth class shall expend the revenue generated by a transient room tax as
1274 follows:

1275 (i) an amount equal to the county's base year promotion expenditure for the purpose
1276 described in Subsection (2)(a)(i);

1277 (ii) an amount equal to the difference between the county's base year revenue and the
1278 county's base year promotion expenditure in accordance with Subsections (3) through (6); and

1279 (iii) (A) 37% of the revenue that exceeds the county's base year revenue for the purpose
1280 described in Subsection (2)(a)(i); and

1281 (B) subject to Subsection (7)(c), 63% of the revenue that exceeds the county's base year
1282 revenue for any combination of the purposes described in Subsections (2)(a)(ii) through (e) or
1283 to pay an emergency medical services provider for emergency medical services in one or more
1284 eligible towns.

1285 (b) A county legislative body in a county of the fourth, fifth, or sixth class with one or
1286 more national recreation areas administered by the National Park Service or the Forest Service
1287 or national parks within or partially within the county's boundaries shall expend the revenue
1288 generated by a transient room tax as follows:

1289 (i) for a purpose described in Subsection (2)(a) and subject to the limitations described
1290 in Subsection (7)(d), the greater of:

1291 (A) an amount equal to the county's base year promotion expenditure; or

1292 (B) 37% of the transient room tax revenue; and

1293 (ii) the remainder of the transient room tax not expended in accordance with
1294 Subsection (7)(b)(i) for any combination of the purposes described in Subsection (2) and,
1295 subject to the limitation described in Subsection (7)(c), Subsection (6).

1296 (c) A county legislative body in a county of the fourth, fifth, or sixth class may not:

1297 (i) expend more than 4% of the revenue generated by a transient room tax to pay an
1298 emergency medical services provider for emergency medical services in one or more eligible

- 1299 towns; or
- 1300 (ii) expend revenue generated by a transient room tax for the purpose described in
- 1301 Subsection (2)(e) in an amount that exceeds the county's base year promotion expenditure.
- 1302 (d) A county legislative body may not expend:
- 1303 (i) more than 1/5 of the revenue described in Subsection (7)(b)(i) for a purpose
- 1304 described in Subsection (2)(a)(ii); and
- 1305 (ii) more than 1/3 of the revenue described in Subsection (7)(b)(i) for the purpose
- 1306 described in Subsection (2)(a)(iii).
- 1307 (e) The provisions of this Subsection (7) apply notwithstanding any other provision of
- 1308 this section.
- 1309 (f) If the total amount of revenue generated by a transient room tax in a county of the
- 1310 fourth, fifth, or sixth class is less than the county's base year promotion expenditure:
- 1311 (i) Subsections (7)(a) through (d) do not apply; and
- 1312 (ii) the county legislative body shall expend the revenue generated by the transient
- 1313 room tax in accordance with Subsections (3) through (6).
- 1314 Section 9. Section **17-34-3** is amended to read:
- 1315 **17-34-3. Taxes or service charges.**
- 1316 (1) (a) If a county furnishes the municipal-type services and functions described in
- 1317 Section **17-34-1** to areas of the county outside the limits of incorporated cities or towns, the
- 1318 entire cost of the services or functions so furnished shall be defrayed from funds that the county
- 1319 has derived from:
- 1320 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated
- 1321 towns or cities;
- 1322 (ii) service charges or fees the county may impose upon the persons benefited in any
- 1323 way by the services or functions; or
- 1324 (iii) a combination of these sources.
- 1325 (b) As the taxes or service charges or fees are levied and collected, they shall be placed
- 1326 in a special revenue fund of the county and shall be disbursed only for the rendering of the
- 1327 services or functions established in Section **17-34-1** within the unincorporated areas of the
- 1328 county or as provided in Subsection **10-2a-219(2)**.
- 1329 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this

1330 section, the county legislative body may establish a district or districts in the unincorporated
1331 areas of the county.

1332 (b) A district established by a county as provided in Subsection (2)(a) may be
1333 reorganized as a [~~local~~] special district in accordance with the procedures set forth in Sections
1334 17D-1-601, 17D-1-603, and 17D-1-604.

1335 (3) Nothing contained in this chapter may be construed to authorize counties to impose
1336 or levy taxes not otherwise allowed by law.

1337 (4) Notwithstanding any other provision of this chapter, a county providing fire,
1338 paramedic, and police protection services in a designated recreational area, as provided in
1339 Subsection 17-34-1(5), may fund those services from the county general fund with revenues
1340 derived from both inside and outside the limits of cities and towns, and the funding of those
1341 services is not limited to unincorporated area revenues.

1342 Section 10. Section 17-36-9 is amended to read:

1343 **17-36-9. Budget -- Financial plan -- Contents -- Municipal services and capital**
1344 **projects funds.**

1345 (1) (a) The budget for each fund shall provide a complete financial plan for the budget
1346 period and shall contain in tabular form classified by the account titles as required by the
1347 uniform system of budgeting, accounting, and reporting:

- 1348 (i) estimates of all anticipated revenues;
- 1349 (ii) all appropriations for expenditures; and
- 1350 (iii) any additional data required by Section 17-36-10 or by the uniform system of
1351 budgeting, accounting, and reporting.

1352 (b) The total of appropriated expenditures shall be equal to the total of anticipated
1353 revenues.

1354 (2) (a) Each first-, second-, and third-class county that provides municipal-type
1355 services under Section 17-34-1 shall:

1356 (i) establish a special revenue fund, "Municipal Services Fund," and a capital projects
1357 fund, "Municipal Capital Projects Fund," or establish a [~~local~~] special district or special service
1358 district to provide municipal services; and

1359 (ii) budget appropriations for municipal services and municipal capital projects from
1360 these funds.

1361 (b) The Municipal Services Fund is subject to the same budgetary requirements as the
1362 county general fund.

1363 (c) (i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue
1364 derived from any taxes otherwise authorized by law, income derived from the investment of
1365 money contained within the municipal services fund and the municipal capital projects fund,
1366 the appropriate portion of federal money, and fees collected into a municipal services fund and
1367 a municipal capital projects fund.

1368 (ii) The county may not deposit revenue derived from a fee, tax, or other source based
1369 upon a countywide assessment or from a countywide service or function into a municipal
1370 services fund or a municipal capital projects fund.

1371 (d) The maximum accumulated unappropriated surplus in the municipal services fund,
1372 as determined prior to adoption of the tentative budget, may not exceed an amount equal to the
1373 total estimated revenues of the current fiscal period.

1374 Section 11. Section **17-41-101** is amended to read:

1375 **17-41-101. Definitions.**

1376 As used in this chapter:

1377 (1) "Advisory board" means:

1378 (a) for an agriculture protection area, the agriculture protection area advisory board
1379 created as provided in Section [17-41-201](#);

1380 (b) for an industrial protection area, the industrial protection area advisory board
1381 created as provided in Section [17-41-201](#); and

1382 (c) for a critical infrastructure materials protection area, the critical infrastructure
1383 materials protection area advisory board created as provided in Section [17-41-201](#).

1384 (2) (a) "Agriculture production" means production for commercial purposes of crops,
1385 livestock, and livestock products.

1386 (b) "Agriculture production" includes the processing or retail marketing of any crops,
1387 livestock, and livestock products when more than 50% of the processed or merchandised
1388 products are produced by the farm operator.

1389 (3) "Agriculture protection area" means a geographic area created under the authority
1390 of this chapter that is granted the specific legal protections contained in this chapter.

1391 (4) "Applicable legislative body" means:

1392 (a) with respect to a proposed agriculture protection area, industrial protection area, or
1393 critical infrastructure materials protection area:

1394 (i) the legislative body of the county in which the land proposed to be included in the
1395 relevant protection area is located, if the land is within the unincorporated part of the county; or

1396 (ii) the legislative body of the city or town in which the land proposed to be included in
1397 the relevant protection area is located; and

1398 (b) with respect to an existing agriculture protection area, industrial protection area, or
1399 critical infrastructure materials protection area:

1400 (i) the legislative body of the county in which the relevant protection area is located, if
1401 the relevant protection area is within the unincorporated part of the county; or

1402 (ii) the legislative body of the city or town in which the relevant protection area is
1403 located.

1404 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.

1405 (6) "Critical infrastructure materials" means sand, gravel, or rock aggregate.

1406 (7) "Critical infrastructure materials operations" means the extraction, excavation,
1407 processing, or reprocessing of critical infrastructure materials.

1408 (8) "Critical infrastructure materials operator" means a natural person, corporation,
1409 association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or
1410 other organization or representative, either public or private, including a successor, assign,
1411 affiliate, subsidiary, and related parent company, that:

1412 (a) owns, controls, or manages a critical infrastructure materials operation; and

1413 (b) has produced commercial quantities of critical infrastructure materials from the
1414 critical infrastructure materials operations.

1415 (9) "Critical infrastructure materials protection area" means a geographic area created
1416 under the authority of this chapter on or after May 14, 2019, that is granted the specific legal
1417 protections contained in this chapter.

1418 (10) "Crops, livestock, and livestock products" includes:

1419 (a) land devoted to the raising of useful plants and animals with a reasonable
1420 expectation of profit, including:

1421 (i) forages and sod crops;

1422 (ii) grains and feed crops;

- 1423 (iii) livestock as defined in Section 59-2-102;
- 1424 (iv) trees and fruits; or
- 1425 (v) vegetables, nursery, floral, and ornamental stock; or
- 1426 (b) land devoted to and meeting the requirements and qualifications for payments or
- 1427 other compensation under a crop-land retirement program with an agency of the state or federal
- 1428 government.
- 1429 (11) "Division" means the Division of Oil, Gas, and Mining created in Section
- 1430 40-6-15.
- 1431 (12) "Industrial protection area" means a geographic area created under the authority of
- 1432 this chapter that is granted the specific legal protections contained in this chapter.
- 1433 (13) "Mine operator" means a natural person, corporation, association, partnership,
- 1434 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or
- 1435 representative, either public or private, including a successor, assign, affiliate, subsidiary, and
- 1436 related parent company, that, as of January 1, 2019:
- 1437 (a) owns, controls, or manages a mining use under a large mine permit issued by the
- 1438 division or the board; and
- 1439 (b) has produced commercial quantities of a mineral deposit from the mining use.
- 1440 (14) "Mineral deposit" means the same as that term is defined in Section 40-8-4.
- 1441 (15) "Mining protection area" means land where a vested mining use occurs, including
- 1442 each surface or subsurface land or mineral estate that a mine operator with a vested mining use
- 1443 owns or controls.
- 1444 (16) "Mining use":
- 1445 (a) means:
- 1446 (i) the full range of activities, from prospecting and exploration to reclamation and
- 1447 closure, associated with the exploitation of a mineral deposit; and
- 1448 (ii) the use of the surface and subsurface and groundwater and surface water of an area
- 1449 in connection with the activities described in Subsection (16)(a)(i) that have been, are being, or
- 1450 will be conducted; and
- 1451 (b) includes, whether conducted on-site or off-site:
- 1452 (i) any sampling, staking, surveying, exploration, or development activity;
- 1453 (ii) any drilling, blasting, excavating, or tunneling;

- 1454 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,
1455 development rock, tailings, and other waste material;
- 1456 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;
- 1457 (v) any smelting, refining, autoclaving, or other primary or secondary processing
1458 operation;
- 1459 (vi) the recovery of any mineral left in residue from a previous extraction or processing
1460 operation;
- 1461 (vii) a mining activity that is identified in a work plan or permitting document;
- 1462 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,
1463 structure, facility, equipment, machine, tool, or other material or property that results from or is
1464 used in a surface or subsurface mining operation or activity;
- 1465 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,
1466 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,
1467 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use
1468 area, buffer zone, and power production facility;
- 1469 (x) the construction of a storage, factory, processing, or maintenance facility; and
- 1470 (xi) an activity described in Subsection 40-8-4(17)(a).
- 1471 (17) (a) "Municipal" means of or relating to a city or town.
- 1472 (b) "Municipality" means a city or town.
- 1473 (18) "New land" means surface or subsurface land or mineral estate that a mine
1474 operator gains ownership or control of, whether that land or mineral estate is included in the
1475 mine operator's large mine permit.
- 1476 (19) "Off-site" means the same as that term is defined in Section 40-8-4.
- 1477 (20) "On-site" means the same as that term is defined in Section 40-8-4.
- 1478 (21) "Planning commission" means:
1479 (a) a countywide planning commission if the land proposed to be included in the
1480 agriculture protection area, industrial protection area, or critical infrastructure materials
1481 protection area is within the unincorporated part of the county and not within a planning
1482 advisory area;
- 1483 (b) a planning advisory area planning commission if the land proposed to be included
1484 in the agriculture protection area, industrial protection area, or critical infrastructure materials

1485 protection area is within a planning advisory area; or

1486 (c) a planning commission of a city or town if the land proposed to be included in the
1487 agriculture protection area, industrial protection area, or critical infrastructure materials
1488 protection area is within a city or town.

1489 (22) "Political subdivision" means a county, city, town, school district, [~~local~~] special
1490 district, or special service district.

1491 (23) "Proposal sponsors" means the owners of land in agricultural production,
1492 industrial use, or critical infrastructure materials operations who are sponsoring the proposal
1493 for creating an agriculture protection area, industrial protection area, or critical infrastructure
1494 materials protection area.

1495 (24) "State agency" means each department, commission, board, council, agency,
1496 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
1497 unit, bureau, panel, or other administrative unit of the state.

1498 (25) "Unincorporated" means not within a city or town.

1499 (26) "Vested mining use" means a mining use:

1500 (a) by a mine operator; and

1501 (b) that existed or was conducted or otherwise engaged in before a political subdivision
1502 prohibits, restricts, or otherwise limits a mining use.

1503 Section 12. Section **17-43-201** is amended to read:

1504 **17-43-201. Local substance abuse authorities -- Responsibilities.**

1505 (1) (a) (i) In each county operating under a county executive-council form of
1506 government under Section [17-52a-203](#), the county legislative body is the local substance abuse
1507 authority, provided however that any contract for plan services shall be administered by the
1508 county executive.

1509 (ii) In each county operating under a council-manager form of government under
1510 Section [17-52a-204](#), the county manager is the local substance abuse authority.

1511 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the
1512 county legislative body is the local substance abuse authority.

1513 (b) Within legislative appropriations and county matching funds required by this
1514 section, and under the direction of the division, each local substance abuse authority shall:

1515 (i) develop substance abuse prevention and treatment services plans;

1516 (ii) provide substance abuse services to residents of the county; and
1517 (iii) cooperate with efforts of the division to promote integrated programs that address
1518 an individual's substance abuse, mental health, and physical healthcare needs, as described in
1519 Section [62A-15-103](#).

1520 (c) Within legislative appropriations and county matching funds required by this
1521 section, each local substance abuse authority shall cooperate with the efforts of the department
1522 to promote a system of care, as defined in Section [26B-1-102](#), for minors with or at risk for
1523 complex emotional and behavioral needs, as described in Section [26B-1-202](#).

1524 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
1525 Cooperation Act, two or more counties may join to:

1526 (i) provide substance abuse prevention and treatment services; or
1527 (ii) create a united local health department that provides substance abuse treatment
1528 services, mental health services, and local health department services in accordance with
1529 Subsection (3).

1530 (b) The legislative bodies of counties joining to provide services may establish
1531 acceptable ways of apportioning the cost of substance abuse services.

1532 (c) Each agreement for joint substance abuse services shall:

1533 (i) (A) designate the treasurer of one of the participating counties or another person as
1534 the treasurer for the combined substance abuse authorities and as the custodian of money
1535 available for the joint services; and

1536 (B) provide that the designated treasurer, or other disbursing officer authorized by the
1537 treasurer, may make payments from the money for the joint services upon audit of the
1538 appropriate auditing officer or officers representing the participating counties;

1539 (ii) provide for the appointment of an independent auditor or a county auditor of one of
1540 the participating counties as the designated auditing officer for the combined substance abuse
1541 authorities;

1542 (iii) (A) provide for the appointment of the county or district attorney of one of the
1543 participating counties as the designated legal officer for the combined substance abuse
1544 authorities; and

1545 (B) authorize the designated legal officer to request and receive the assistance of the
1546 county or district attorneys of the other participating counties in defending or prosecuting

1547 actions within their counties relating to the combined substance abuse authorities; and
1548 (iv) provide for the adoption of management, clinical, financial, procurement,
1549 personnel, and administrative policies as already established by one of the participating
1550 counties or as approved by the legislative body of each participating county or interlocal board.

1551 (d) An agreement for joint substance abuse services may provide for joint operation of
1552 services and facilities or for operation of services and facilities under contract by one
1553 participating local substance abuse authority for other participating local substance abuse
1554 authorities.

1555 (3) A county governing body may elect to combine the local substance abuse authority
1556 with the local mental health authority created in Part 3, Local Mental Health Authorities, and
1557 the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department
1558 Act, to create a united local health department under Section [26A-1-105.5](#). A local substance
1559 abuse authority that joins a united local health department shall comply with this part.

1560 (4) (a) Each local substance abuse authority is accountable to the department and the
1561 state with regard to the use of state and federal funds received from those departments for
1562 substance abuse services, regardless of whether the services are provided by a private contract
1563 provider.

1564 (b) Each local substance abuse authority shall comply, and require compliance by its
1565 contract provider, with all directives issued by the department regarding the use and
1566 expenditure of state and federal funds received from those departments for the purpose of
1567 providing substance abuse programs and services. The department shall ensure that those
1568 directives are not duplicative or conflicting, and shall consult and coordinate with local
1569 substance abuse authorities with regard to programs and services.

1570 (5) Each local substance abuse authority shall:

1571 (a) review and evaluate substance abuse prevention and treatment needs and services,
1572 including substance abuse needs and services for individuals incarcerated in a county jail or
1573 other county correctional facility;

1574 (b) annually prepare and submit to the division a plan approved by the county
1575 legislative body for funding and service delivery that includes:

1576 (i) provisions for services, either directly by the substance abuse authority or by
1577 contract, for adults, youth, and children, including those incarcerated in a county jail or other

1578 county correctional facility; and

1579 (ii) primary prevention, targeted prevention, early intervention, and treatment services;

1580 (c) establish and maintain, either directly or by contract, programs licensed under Title

1581 62A, Chapter 2, Licensure of Programs and Facilities;

1582 (d) appoint directly or by contract a full or part time director for substance abuse

1583 programs, and prescribe the director's duties;

1584 (e) provide input and comment on new and revised rules established by the division;

1585 (f) establish and require contract providers to establish administrative, clinical,

1586 procurement, personnel, financial, and management policies regarding substance abuse services

1587 and facilities, in accordance with the rules of the division, and state and federal law;

1588 (g) establish mechanisms allowing for direct citizen input;

1589 (h) annually contract with the division to provide substance abuse programs and

1590 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

1591 Mental Health Act;

1592 (i) comply with all applicable state and federal statutes, policies, audit requirements,

1593 contract requirements, and any directives resulting from those audits and contract requirements;

1594 (j) promote or establish programs for the prevention of substance abuse within the

1595 community setting through community-based prevention programs;

1596 (k) provide funding equal to at least 20% of the state funds that it receives to fund

1597 services described in the plan;

1598 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

1599 Cooperation Act, [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title

1600 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter 2a,

1601 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local

1602 Entities Act;

1603 (m) for persons convicted of driving under the influence in violation of Section

1604 [41-6a-502](#) or [41-6a-517](#), conduct the following as defined in Section [41-6a-501](#):

1605 (i) a screening;

1606 (ii) an assessment;

1607 (iii) an educational series; and

1608 (iv) substance abuse treatment; and

1609 (n) utilize proceeds of the accounts described in Subsection [62A-15-503](#)(1) to
1610 supplement the cost of providing the services described in Subsection (5)(m).

1611 (6) Before disbursing any public funds, each local substance abuse authority shall
1612 require that each entity that receives any public funds from the local substance abuse authority
1613 agrees in writing that:

1614 (a) the entity's financial records and other records relevant to the entity's performance
1615 of the services provided to the local substance abuse authority shall be subject to examination
1616 by:

1617 (i) the division;

1618 (ii) the local substance abuse authority director;

1619 (iii) (A) the county treasurer and county or district attorney; or

1620 (B) if two or more counties jointly provide substance abuse services under an
1621 agreement under Subsection (2), the designated treasurer and the designated legal officer;

1622 (iv) the county legislative body; and

1623 (v) in a county with a county executive that is separate from the county legislative
1624 body, the county executive;

1625 (b) the county auditor may examine and audit the entity's financial and other records
1626 relevant to the entity's performance of the services provided to the local substance abuse
1627 authority; and

1628 (c) the entity will comply with the provisions of Subsection (4)(b).

1629 (7) A local substance abuse authority may receive property, grants, gifts, supplies,
1630 materials, contributions, and any benefit derived therefrom, for substance abuse services. If
1631 those gifts are conditioned upon their use for a specified service or program, they shall be so
1632 used.

1633 (8) (a) As used in this section, "public funds" means the same as that term is defined in
1634 Section [17-43-203](#).

1635 (b) Public funds received for the provision of services pursuant to the local substance
1636 abuse plan may not be used for any other purpose except those authorized in the contract
1637 between the local substance abuse authority and the provider for the provision of plan services.

1638 (9) Subject to the requirements of the federal Substance Abuse Prevention and
1639 Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure

1640 that all substance abuse treatment programs that receive public funds:

1641 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;

1642 and

1643 (b) if admission of a pregnant woman or a pregnant minor is not possible within 24

1644 hours of the time that a request for admission is made, provide a comprehensive referral for

1645 interim services that:

1646 (i) are accessible to the pregnant woman or pregnant minor;

1647 (ii) are best suited to provide services to the pregnant woman or pregnant minor;

1648 (iii) may include:

1649 (A) counseling;

1650 (B) case management; or

1651 (C) a support group; and

1652 (iv) shall include a referral for:

1653 (A) prenatal care; and

1654 (B) counseling on the effects of alcohol and drug use during pregnancy.

1655 (10) If a substance abuse treatment program described in Subsection (9) is not able to
1656 accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of
1657 the time that request for admission is made, the local substance abuse authority shall contact
1658 the Division of Integrated Healthcare for assistance in providing services to the pregnant
1659 woman or pregnant minor.

1660 Section 13. Section **17-43-301** is amended to read:

1661 **17-43-301. Local mental health authorities -- Responsibilities.**

1662 (1) As used in this section:

1663 (a) "Assisted outpatient treatment" means the same as that term is defined in Section
1664 [62A-15-602](#).

1665 (b) "Crisis worker" means the same as that term is defined in Section [62A-15-1301](#).

1666 (c) "Local mental health crisis line" means the same as that term is defined in Section
1667 [62A-15-1301](#).

1668 (d) "Mental health therapist" means the same as that term is defined in Section
1669 [58-60-102](#).

1670 (e) "Public funds" means the same as that term is defined in Section [17-43-303](#).

1671 (f) "Statewide mental health crisis line" means the same as that term is defined in
1672 Section 62A-15-1301.

1673 (2) (a) (i) In each county operating under a county executive-council form of
1674 government under Section 17-52a-203, the county legislative body is the local mental health
1675 authority, provided however that any contract for plan services shall be administered by the
1676 county executive.

1677 (ii) In each county operating under a council-manager form of government under
1678 Section 17-52a-204, the county manager is the local mental health authority.

1679 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the
1680 county legislative body is the local mental health authority.

1681 (b) Within legislative appropriations and county matching funds required by this
1682 section, under the direction of the division, each local mental health authority shall:

1683 (i) provide mental health services to individuals within the county; and

1684 (ii) cooperate with efforts of the division to promote integrated programs that address
1685 an individual's substance abuse, mental health, and physical healthcare needs, as described in
1686 Section 62A-15-103.

1687 (c) Within legislative appropriations and county matching funds required by this
1688 section, each local mental health authority shall cooperate with the efforts of the department to
1689 promote a system of care, as defined in Section 26B-1-102, for minors with or at risk for
1690 complex emotional and behavioral needs, as described in Section 26B-1-202.

1691 (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
1692 Cooperation Act, two or more counties may join to:

1693 (i) provide mental health prevention and treatment services; or

1694 (ii) create a united local health department that combines substance abuse treatment
1695 services, mental health services, and local health department services in accordance with
1696 Subsection (4).

1697 (b) The legislative bodies of counties joining to provide services may establish
1698 acceptable ways of apportioning the cost of mental health services.

1699 (c) Each agreement for joint mental health services shall:

1700 (i) (A) designate the treasurer of one of the participating counties or another person as
1701 the treasurer for the combined mental health authorities and as the custodian of money

1702 available for the joint services; and

1703 (B) provide that the designated treasurer, or other disbursing officer authorized by the
1704 treasurer, may make payments from the money available for the joint services upon audit of the
1705 appropriate auditing officer or officers representing the participating counties;

1706 (ii) provide for the appointment of an independent auditor or a county auditor of one of
1707 the participating counties as the designated auditing officer for the combined mental health
1708 authorities;

1709 (iii) (A) provide for the appointment of the county or district attorney of one of the
1710 participating counties as the designated legal officer for the combined mental health
1711 authorities; and

1712 (B) authorize the designated legal officer to request and receive the assistance of the
1713 county or district attorneys of the other participating counties in defending or prosecuting
1714 actions within their counties relating to the combined mental health authorities; and

1715 (iv) provide for the adoption of management, clinical, financial, procurement,
1716 personnel, and administrative policies as already established by one of the participating
1717 counties or as approved by the legislative body of each participating county or interlocal board.

1718 (d) An agreement for joint mental health services may provide for:

1719 (i) joint operation of services and facilities or for operation of services and facilities
1720 under contract by one participating local mental health authority for other participating local
1721 mental health authorities; and

1722 (ii) allocation of appointments of members of the mental health advisory council
1723 between or among participating counties.

1724 (4) A county governing body may elect to combine the local mental health authority
1725 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
1726 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
1727 Department Act, to create a united local health department under Section [26A-1-105.5](#). A local
1728 mental health authority that joins with a united local health department shall comply with this
1729 part.

1730 (5) (a) Each local mental health authority is accountable to the department and the state
1731 with regard to the use of state and federal funds received from those departments for mental
1732 health services, regardless of whether the services are provided by a private contract provider.

1733 (b) Each local mental health authority shall comply, and require compliance by its
1734 contract provider, with all directives issued by the department regarding the use and
1735 expenditure of state and federal funds received from those departments for the purpose of
1736 providing mental health programs and services. The department shall ensure that those
1737 directives are not duplicative or conflicting, and shall consult and coordinate with local mental
1738 health authorities with regard to programs and services.

1739 (6) (a) Each local mental health authority shall:

1740 (i) review and evaluate mental health needs and services, including mental health needs
1741 and services for:

1742 (A) an individual incarcerated in a county jail or other county correctional facility; and

1743 (B) an individual who is a resident of the county and who is court ordered to receive
1744 assisted outpatient treatment under Section [62A-15-630.5](#);

1745 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a
1746 plan approved by the county legislative body for mental health funding and service delivery,
1747 either directly by the local mental health authority or by contract;

1748 (iii) establish and maintain, either directly or by contract, programs licensed under Title
1749 62A, Chapter 2, Licensure of Programs and Facilities;

1750 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
1751 programs and prescribe the director's duties;

1752 (v) provide input and comment on new and revised rules established by the division;

1753 (vi) establish and require contract providers to establish administrative, clinical,
1754 personnel, financial, procurement, and management policies regarding mental health services
1755 and facilities, in accordance with the rules of the division, and state and federal law;

1756 (vii) establish mechanisms allowing for direct citizen input;

1757 (viii) annually contract with the division to provide mental health programs and
1758 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
1759 Mental Health Act;

1760 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
1761 contract requirements, and any directives resulting from those audits and contract requirements;

1762 (x) provide funding equal to at least 20% of the state funds that it receives to fund
1763 services described in the plan;

1764 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
1765 Cooperation Act, [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title
1766 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter 2a,
1767 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
1768 Entities Act; and

1769 (xii) take and retain physical custody of minors committed to the physical custody of
1770 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
1771 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

1772 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and
1773 children, which shall include:

- 1774 (i) inpatient care and services;
- 1775 (ii) residential care and services;
- 1776 (iii) outpatient care and services;
- 1777 (iv) 24-hour crisis care and services;
- 1778 (v) psychotropic medication management;
- 1779 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 1780 (vii) case management;
- 1781 (viii) community supports, including in-home services, housing, family support

1782 services, and respite services;

- 1783 (ix) consultation and education services, including case consultation, collaboration
1784 with other county service agencies, public education, and public information; and

- 1785 (x) services to persons incarcerated in a county jail or other county correctional facility.

1786 (7) (a) If a local mental health authority provides for a local mental health crisis line
1787 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local
1788 mental health authority shall:

- 1789 (i) collaborate with the statewide mental health crisis line described in Section
1790 [62A-15-1302](#);
- 1791 (ii) ensure that each individual who answers calls to the local mental health crisis line:
 - 1792 (A) is a mental health therapist or a crisis worker; and
 - 1793 (B) meets the standards of care and practice established by the Division of Integrated
1794 Healthcare, in accordance with Section [62A-15-1302](#); and

1795 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,
1796 calls are immediately routed to the statewide mental health crisis line to ensure that when an
1797 individual calls the local mental health crisis line, regardless of the time, date, or number of
1798 individuals trying to simultaneously access the local mental health crisis line, a mental health
1799 therapist or a crisis worker answers the call without the caller first:

1800 (A) waiting on hold; or

1801 (B) being screened by an individual other than a mental health therapist or crisis
1802 worker.

1803 (b) If a local mental health authority does not provide for a local mental health crisis
1804 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the
1805 local mental health authority shall use the statewide mental health crisis line as a local crisis
1806 line resource.

1807 (8) Before disbursing any public funds, each local mental health authority shall require
1808 that each entity that receives any public funds from a local mental health authority agrees in
1809 writing that:

1810 (a) the entity's financial records and other records relevant to the entity's performance
1811 of the services provided to the mental health authority shall be subject to examination by:

1812 (i) the division;

1813 (ii) the local mental health authority director;

1814 (iii) (A) the county treasurer and county or district attorney; or

1815 (B) if two or more counties jointly provide mental health services under an agreement
1816 under Subsection (3), the designated treasurer and the designated legal officer;

1817 (iv) the county legislative body; and

1818 (v) in a county with a county executive that is separate from the county legislative
1819 body, the county executive;

1820 (b) the county auditor may examine and audit the entity's financial and other records
1821 relevant to the entity's performance of the services provided to the local mental health
1822 authority; and

1823 (c) the entity will comply with the provisions of Subsection (5)(b).

1824 (9) A local mental health authority may receive property, grants, gifts, supplies,
1825 materials, contributions, and any benefit derived therefrom, for mental health services. If those

1826 gifts are conditioned upon their use for a specified service or program, they shall be so used.

1827 (10) Public funds received for the provision of services pursuant to the local mental
1828 health plan may not be used for any other purpose except those authorized in the contract
1829 between the local mental health authority and the provider for the provision of plan services.

1830 (11) A local mental health authority shall provide assisted outpatient treatment
1831 services, as described in Section 62A-15-630.4, to a resident of the county who has been
1832 ordered under Section 62A-15-630.5 to receive assisted outpatient treatment.

1833 Section 14. Section 17-50-103 is amended to read:

1834 **17-50-103. Use of "county" prohibited -- Legal action to compel compliance.**

1835 (1) For purposes of this section:

1836 (a) (i) "Existing local entity" means a ~~[local]~~ special district, special service district, or
1837 other political subdivision of the state created before May 1, 2000.

1838 (ii) "Existing local entity" does not include a county, city, town, or school district.

1839 ~~[(b) (i) "Local district" means a local district under Title 17B, Limited Purpose Local
1840 Government Entities - Local Districts, that:]~~

1841 ~~[(A) by statute is a political and corporate entity separate from the county that created
1842 it; and]~~

1843 ~~[(B) by statute is not subject to the direction and control of the county that created it.]~~

1844 ~~[(ii) The county legislative body's statutory authority to appoint members to the
1845 governing body of a local district does not alone make the local district subject to the direction
1846 and control of that county.]~~

1847 ~~[(c)]~~ (b) (i) "New local entity" means a city, town, school district, ~~[local]~~ special
1848 district, special service district, or other political subdivision of the state created on or after
1849 May 1, 2000.

1850 (ii) "New local entity" does not include a county.

1851 (c) (i) "Special district" means a special district under Title 17B, Limited Purpose
1852 Local Government Entities - Special Districts, that:

1853 (A) by statute is a political and corporate entity separate from the county that created
1854 the special district; and

1855 (B) by statute is not subject to the direction and control of the county that created the
1856 special district.

1857 (ii) The county legislative body's statutory authority to appoint members to the
1858 governing body of a special district does not alone make the special district subject to the
1859 direction and control of that county.

1860 (2) (a) A new local entity may not use the word "county" in its name.

1861 (b) After January 1, 2005, an existing local entity may not use the word "county" in its
1862 name unless the county whose name is used by the existing local entity gives its written
1863 consent.

1864 (3) A county with a name similar to the name of a new local entity or existing local
1865 entity in violation of this section may bring legal action in district court to compel compliance
1866 with this section.

1867 Section 15. Section **17-52a-503** is amended to read:

1868 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect**
1869 **of adoption.**

1870 (1) If a proposed optional plan is approved at an election held under Section
1871 **17-52a-501**:

1872 (a) on or before November 1 of the year immediately following the year of the election
1873 described in Section **17-52a-501** in which the optional plan is approved, the county legislative
1874 body shall:

1875 (i) if the proposed optional plan under Section **17-52a-404** specifies that one or more
1876 members of the county legislative body are elected from districts, adopt the geographic
1877 boundaries of each council or commission member district; and

1878 (ii) adopt the compensation, including benefits, for each member of the county
1879 legislative body;

1880 (b) the elected county officers specified in the plan shall be elected at the next regular
1881 general election following the election under Section **17-52a-501**, according to the procedure
1882 and schedule established under Title 20A, Election Code, for the election of county officers;

1883 (c) the proposed optional plan:

1884 (i) becomes effective according to the optional plan's terms;

1885 (ii) subject to Subsection **17-52a-404(1)(c)**, at the time specified in the optional plan, is
1886 a public record open to inspection by the public; and

1887 (iii) is judicially noticeable by all courts;

1888 (d) the county clerk shall, within 10 days of the canvass of the election, file with the
1889 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct
1890 copy;

1891 (e) all public officers and employees shall cooperate fully in making the transition
1892 between forms of county government; and

1893 (f) the county legislative body may enact and enforce necessary ordinances to bring
1894 about an orderly transition to the new form of government, including any transfer of power,
1895 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with
1896 the approved optional plan and necessary or convenient to place it into full effect.

1897 (2) An action by the county legislative body under Subsection (1)(a) is not an
1898 amendment for purposes of Section 17-52a-504.

1899 (3) Adoption of an optional plan does not alter or affect the boundaries, organization,
1900 powers, duties, or functions of any:

1901 (a) school district;

1902 (b) justice court;

1903 (c) ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~
1904 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special
1905 Districts;

1906 (d) special service district under Title 17D, Chapter 1, Special Service District Act;

1907 (e) city or town; or

1908 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
1909 Cooperation Act.

1910 (4) (a) After adoption of the optional plan, the county legislative body may adopt a
1911 change to the geographic boundaries of a council or commission member's district.

1912 (b) An action by the county legislative body under Subsection (4)(a) is not an
1913 amendment for purposes of Section 17-52a-504.

1914 (5) After the adoption of an optional plan, the county remains vested with all powers
1915 and duties vested generally in counties by statute.

1916 Section 16. Section 17B-1-102 is amended to read:

1917 **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - SPECIAL**
1918 **DISTRICTS**

1919 **CHAPTER 1. PROVISIONS APPLICABLE TO ALL SPECIAL DISTRICTS**1920 **17B-1-102. Definitions.**

1921 As used in this title:

1922 (1) "Appointing authority" means the person or body authorized to make an
1923 appointment to the board of trustees.1924 (2) "Basic [local] special district":1925 (a) means a [local] special district that is not a specialized [local] special district; and1926 (b) includes an entity that was, under the law in effect before April 30, 2007, created
1927 and operated as a [local] special district, as defined under the law in effect before April 30,
1928 2007.

1929 (3) "Bond" means:

1930 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
1931 warrant, certificate of indebtedness, or otherwise; and

1932 (b) a lease agreement, installment purchase agreement, or other agreement that:

1933 (i) includes an obligation by the district to pay money; and

1934 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
1935 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
1936 Act.1937 (4) "Cemetery maintenance district" means a [local] special district that operates under
1938 and is subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance
1939 District Act, including an entity that was created and operated as a cemetery maintenance
1940 district under the law in effect before April 30, 2007.1941 (5) "Drainage district" means a [local] special district that operates under and is subject
1942 to the provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an
1943 entity that was created and operated as a drainage district under the law in effect before April
1944 30, 2007.1945 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
1946 water, or other real or personal property required to provide a service that a [local] special
1947 district is authorized to provide, including any related or appurtenant easement or right-of-way,
1948 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.1949 (7) "Fire protection district" means a [local] special district that operates under and is

1950 subject to the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act,
1951 including an entity that was created and operated as a fire protection district under the law in
1952 effect before April 30, 2007.

1953 (8) "General obligation bond":

1954 (a) means a bond that is directly payable from and secured by ad valorem property
1955 taxes that are:

1956 (i) levied:

1957 (A) by the district that issues the bond; and

1958 (B) on taxable property within the district; and

1959 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

1960 and

1961 (b) does not include:

1962 (i) a short-term bond;

1963 (ii) a tax and revenue anticipation bond; or

1964 (iii) a special assessment bond.

1965 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other
1966 security:

1967 (a) to guarantee the proper completion of an improvement;

1968 (b) that is required before a [local] special district may provide a service requested by a
1969 service applicant; and

1970 (c) that is offered to a [local] special district to induce the [local] special district before
1971 construction of an improvement begins to:

1972 (i) provide the requested service; or

1973 (ii) commit to provide the requested service.

1974 (10) "Improvement assurance warranty" means a promise that the materials and
1975 workmanship of an improvement:

1976 (a) comply with standards adopted by a [local] special district; and

1977 (b) will not fail in any material respect within an agreed warranty period.

1978 (11) "Improvement district" means a [local] special district that operates under and is
1979 subject to the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act,
1980 including an entity that was created and operated as a county improvement district under the

1981 law in effect before April 30, 2007.

1982 (12) "Irrigation district" means a ~~[local]~~ special district that operates under and is
 1983 subject to the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act,
 1984 including an entity that was created and operated as an irrigation district under the law in effect
 1985 before April 30, 2007.

1986 ~~[(13) "Local district" means a limited purpose local government entity, as described in
 1987 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:]~~

1988 ~~[(a) this chapter; or]~~

1989 ~~[(b) (i) this chapter; and]~~

1990 ~~[(ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;]~~

1991 ~~[(B) Chapter 2a, Part 2, Drainage District Act;]~~

1992 ~~[(C) Chapter 2a, Part 3, Fire Protection District Act;]~~

1993 ~~[(D) Chapter 2a, Part 4, Improvement District Act;]~~

1994 ~~[(E) Chapter 2a, Part 5, Irrigation District Act;]~~

1995 ~~[(F) Chapter 2a, Part 6, Metropolitan Water District Act;]~~

1996 ~~[(G) Chapter 2a, Part 7, Mosquito Abatement District Act;]~~

1997 ~~[(H) Chapter 2a, Part 8, Public Transit District Act;]~~

1998 ~~[(I) Chapter 2a, Part 9, Service Area Act;]~~

1999 ~~[(J) Chapter 2a, Part 10, Water Conservancy District Act; or]~~

2000 ~~[(K) Chapter 2a, Part 11, Municipal Services District Act.]~~

2001 ~~[(14)]~~ (13) "Metropolitan water district" means a ~~[local]~~ special district that operates
 2002 under and is subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan
 2003 Water District Act, including an entity that was created and operated as a metropolitan water
 2004 district under the law in effect before April 30, 2007.

2005 ~~[(15)]~~ (14) "Mosquito abatement district" means a ~~[local]~~ special district that operates
 2006 under and is subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito
 2007 Abatement District Act, including an entity that was created and operated as a mosquito
 2008 abatement district under the law in effect before April 30, 2007.

2009 ~~[(16)]~~ (15) "Municipal" means of or relating to a municipality.

2010 ~~[(17)]~~ (16) "Municipality" means a city, town, or metro township.

2011 ~~[(18)]~~ (17) "Municipal services district" means a ~~[local]~~ special district that operates

2012 under and is subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal
2013 Services District Act.

2014 ~~[(19)]~~ (18) "Person" means an individual, corporation, partnership, organization,
2015 association, trust, governmental agency, or other legal entity.

2016 ~~[(20)]~~ (19) "Political subdivision" means a county, city, town, metro township, ~~[local]~~
2017 special district under this title, special service district under Title 17D, Chapter 1, Special
2018 Service District Act, an entity created by interlocal cooperation agreement under Title 11,
2019 Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute
2020 as a political subdivision of the state.

2021 ~~[(21)]~~ (20) "Private," with respect to real property, means not owned by the United
2022 States or any agency of the federal government, the state, a county, or a political subdivision.

2023 ~~[(22)]~~ (21) "Public entity" means:

- 2024 (a) the United States or an agency of the United States;
- 2025 (b) the state or an agency of the state;
- 2026 (c) a political subdivision of the state or an agency of a political subdivision of the
2027 state;
- 2028 (d) another state or an agency of that state; or
- 2029 (e) a political subdivision of another state or an agency of that political subdivision.

2030 ~~[(23)]~~ (22) "Public transit district" means a ~~[local]~~ special district that operates under
2031 and is subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District
2032 Act, including an entity that was created and operated as a public transit district under the law
2033 in effect before April 30, 2007.

2034 ~~[(24)]~~ (23) "Revenue bond":

- 2035 (a) means a bond payable from designated taxes or other revenues other than the ~~[local]~~
2036 special district's ad valorem property taxes; and
- 2037 (b) does not include:
 - 2038 (i) an obligation constituting an indebtedness within the meaning of an applicable
2039 constitutional or statutory debt limit;
 - 2040 (ii) a tax and revenue anticipation bond; or
 - 2041 (iii) a special assessment bond.

2042 ~~[(25)]~~ (24) "Rules of order and procedure" means a set of rules that govern and

2043 prescribe in a public meeting:

2044 (a) parliamentary order and procedure;

2045 (b) ethical behavior; and

2046 (c) civil discourse.

2047 [~~(26)~~] (25) "Service applicant" means a person who requests that a [~~local~~] special
 2048 district provide a service that the [~~local~~] special district is authorized to provide.

2049 [~~(27)~~] (26) "Service area" means a [~~local~~] special district that operates under and is
 2050 subject to the provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an
 2051 entity that was created and operated as a county service area or a regional service area under the
 2052 law in effect before April 30, 2007.

2053 [~~(28)~~] (27) "Short-term bond" means a bond that is required to be repaid during the
 2054 fiscal year in which the bond is issued.

2055 [~~(29)~~] (28) "Special assessment" means an assessment levied against property to pay all
 2056 or a portion of the costs of making improvements that benefit the property.

2057 [~~(30)~~] (29) "Special assessment bond" means a bond payable from special assessments.

2058 (30) "Special district" means a limited purpose local government entity, as described in
 2059 Section 17B-1-103, that operates under, is subject to, and has the powers described in:

2060 (a) this chapter; or

2061 (b) (i) this chapter; and

2062 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

2063 (B) Chapter 2a, Part 2, Drainage District Act;

2064 (C) Chapter 2a, Part 3, Fire Protection District Act;

2065 (D) Chapter 2a, Part 4, Improvement District Act;

2066 (E) Chapter 2a, Part 5, Irrigation District Act;

2067 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

2068 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

2069 (H) Chapter 2a, Part 8, Public Transit District Act;

2070 (I) Chapter 2a, Part 9, Service Area Act;

2071 (J) Chapter 2a, Part 10, Water Conservancy District Act; or

2072 (K) Chapter 2a, Part 11, Municipal Services District Act.

2073 (31) "Specialized [~~local~~] special district" means a [~~local~~] special district that is a

2074 cemetery maintenance district, a drainage district, a fire protection district, an improvement
2075 district, an irrigation district, a metropolitan water district, a mosquito abatement district, a
2076 public transit district, a service area, a water conservancy district, a municipal services district,
2077 or a public infrastructure district.

2078 (32) "Taxable value" means the taxable value of property as computed from the most
2079 recent equalized assessment roll for county purposes.

2080 (33) "Tax and revenue anticipation bond" means a bond:

2081 (a) issued in anticipation of the collection of taxes or other revenues or a combination
2082 of taxes and other revenues; and

2083 (b) that matures within the same fiscal year as the fiscal year in which the bond is
2084 issued.

2085 (34) "Unincorporated" means not included within a municipality.

2086 (35) "Water conservancy district" means a [~~local~~] special district that operates under
2087 and is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy
2088 District Act, including an entity that was created and operated as a water conservancy district
2089 under the law in effect before April 30, 2007.

2090 (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,
2091 power plant, and any facility, improvement, or property necessary or convenient for supplying
2092 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a
2093 [~~local~~] special district.

2094 Section 17. Section **17B-1-103** is amended to read:

2095 **17B-1-103. Special district status and powers -- Registration as a limited purpose**
2096 **entity.**

2097 (1) A [~~local~~] special district:

2098 (a) is:

2099 (i) a body corporate and politic with perpetual succession;

2100 (ii) a quasi-municipal corporation; and

2101 (iii) a political subdivision of the state; and

2102 (b) may sue and be sued.

2103 (2) A [~~local~~] special district may:

2104 (a) acquire, by any lawful means, or lease any real property, personal property, or a

- 2105 groundwater right necessary or convenient to the full exercise of the district's powers;
- 2106 (b) acquire, by any lawful means, any interest in real property, personal property, or a
- 2107 groundwater right necessary or convenient to the full exercise of the district's powers;
- 2108 (c) transfer an interest in or dispose of any property or interest described in Subsections
- 2109 (2)(a) and (b);
- 2110 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 2111 the full exercise of the district's powers, and operate, control, maintain, and use those works,
- 2112 facilities, and improvements;
- 2113 (e) borrow money and incur indebtedness for any lawful district purpose;
- 2114 (f) issue bonds, including refunding bonds:
- 2115 (i) for any lawful district purpose; and
- 2116 (ii) as provided in and subject to [~~Part 11, Local District Bonds~~] Part 11, Special
- 2117 District Bonds;
- 2118 (g) levy and collect property taxes:
- 2119 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
- 2120 from tax delinquencies in a preceding year; and
- 2121 (ii) as provided in and subject to [~~Part 10, Local District Property Tax Levy~~] Part 10,
- 2122 Special District Property Tax Levy;
- 2123 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
- 2124 domain property necessary to the exercise of the district's powers;
- 2125 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 2126 (j) (i) impose fees or other charges for commodities, services, or facilities provided by
- 2127 the district, to pay some or all of the district's costs of providing the commodities, services, and
- 2128 facilities, including the costs of:
- 2129 (A) maintaining and operating the district;
- 2130 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 2131 (C) issuing bonds and paying debt service on district bonds; and
- 2132 (D) providing a reserve established by the board of trustees; and
- 2133 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 2134 assure the collection of all fees and charges that the district imposes;
- 2135 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's

2136 property to district facilities in order for the district to provide service to the property;

2137 (l) enter into a contract that the [local] special district board of trustees considers

2138 necessary, convenient, or desirable to carry out the district's purposes, including a contract:

2139 (i) with the United States or any department or agency of the United States;

2140 (ii) to indemnify and save harmless; or

2141 (iii) to do any act to exercise district powers;

2142 (m) purchase supplies, equipment, and materials;

2143 (n) encumber district property upon terms and conditions that the board of trustees

2144 considers appropriate;

2145 (o) exercise other powers and perform other functions that are provided by law;

2146 (p) construct and maintain works and establish and maintain facilities, including works

2147 or facilities:

2148 (i) across or along any public street or highway, subject to Subsection (3) and if the

2149 district:

2150 (A) promptly restores the street or highway, as much as practicable, to its former state

2151 of usefulness; and

2152 (B) does not use the street or highway in a manner that completely or unnecessarily

2153 impairs the usefulness of it;

2154 (ii) in, upon, or over any vacant public lands that are or become the property of the

2155 state, including school and institutional trust lands, as defined in Section [53C-1-103](#), if the

2156 director of the School and Institutional Trust Lands Administration, acting under Sections

2157 [53C-1-102](#) and [53C-1-303](#), consents; or

2158 (iii) across any stream of water or watercourse, subject to Section [73-3-29](#);

2159 (q) perform any act or exercise any power reasonably necessary for the efficient

2160 operation of the [local] special district in carrying out its purposes;

2161 (r) (i) except for a [local] special district described in Subsection (2)(r)(ii), designate an

2162 assessment area and levy an assessment on land within the assessment area, as provided in

2163 Title 11, Chapter 42, Assessment Area Act; or

2164 (ii) for a [local] special district created to assess a groundwater right in a critical

2165 management area described in Subsection [17B-1-202](#)(1), designate an assessment area and levy

2166 an assessment, as provided in Title 11, Chapter 42, Assessment Area Act, on a groundwater

2167 right to facilitate a groundwater management plan;

2168 (s) contract with another political subdivision of the state to allow the other political
2169 subdivision to use the district's surplus water or capacity or have an ownership interest in the
2170 district's works or facilities, upon the terms and for the consideration, whether monetary or
2171 nonmonetary consideration or no consideration, that the district's board of trustees considers to
2172 be in the best interests of the district and the public;

2173 (t) upon the terms and for the consideration, whether monetary or nonmonetary
2174 consideration or no consideration, that the district's board of trustees considers to be in the best
2175 interests of the district and the public, agree:

2176 (i) (A) with another political subdivision of the state; or

2177 (B) with a public or private owner of property on which the district has a right-of-way
2178 or adjacent to which the district owns fee title to property; and

2179 (ii) to allow the use of property:

2180 (A) owned by the district; or

2181 (B) on which the district has a right-of-way; and

2182 (u) if the ~~local~~ special district receives, as determined by the ~~local~~ special district
2183 board of trustees, adequate monetary or nonmonetary consideration in return:

2184 (i) provide services or nonmonetary assistance to a nonprofit entity;

2185 (ii) waive fees required to be paid by a nonprofit entity; or

2186 (iii) provide monetary assistance to a nonprofit entity, whether from the ~~local~~ special
2187 district's own funds or from funds the ~~local~~ special district receives from the state or any other
2188 source.

2189 (3) With respect to a ~~local~~ special district's use of a street or highway, as provided in
2190 Subsection (2)(p)(i):

2191 (a) the district shall comply with the reasonable rules and regulations of the
2192 governmental entity, whether state, county, or municipal, with jurisdiction over the street or
2193 highway, concerning:

2194 (i) an excavation and the refilling of an excavation;

2195 (ii) the relaying of pavement; and

2196 (iii) the protection of the public during a construction period; and

2197 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over

2198 the street or highway:

2199 (i) may not require the district to pay a license or permit fee or file a bond; and

2200 (ii) may require the district to pay a reasonable inspection fee.

2201 (4) (a) A [local] special district may:

2202 (i) acquire, lease, or construct and operate electrical generation, transmission, and
2203 distribution facilities, if:

2204 (A) the purpose of the facilities is to harness energy that results inherently from the
2205 district's operation of a project or facilities that the district is authorized to operate or from the
2206 district providing a service that the district is authorized to provide;

2207 (B) the generation of electricity from the facilities is incidental to the primary
2208 operations of the district; and

2209 (C) operation of the facilities will not hinder or interfere with the primary operations of
2210 the district;

2211 (ii) (A) use electricity generated by the facilities; or

2212 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric
2213 utility or municipality with an existing system for distributing electricity.

2214 (b) A district may not act as a retail distributor or seller of electricity.

2215 (c) Revenue that a district receives from the sale of electricity from electrical
2216 generation facilities it owns or operates under this section may be used for any lawful district
2217 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or
2218 constructing the facilities.

2219 (5) A [local] special district may adopt and, after adoption, alter a corporate seal.

2220 (6) (a) Each [local] special district shall register and maintain the [local] special
2221 district's registration as a limited purpose entity, in accordance with Section 67-1a-15.

2222 (b) A [local] special district that fails to comply with Subsection (6)(a) or Section
2223 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

2224 (7) (a) As used in this Subsection (7), "knife" means a cutting instrument that includes
2225 a sharpened or pointed blade.

2226 (b) The authority to regulate a knife is reserved to the state except where the
2227 Legislature specifically delegates responsibility to a [local] special district.

2228 (c) Unless specifically authorized by the Legislature by statute, a [local] special district

2229 may not adopt or enforce a regulation or rule pertaining to a knife.

2230 Section 18. Section **17B-1-104** is amended to read:

2231 **17B-1-104. Property owner provisions.**

2232 (1) For purposes of this title:

2233 (a) the owner of real property shall be:

2234 (i) except as provided in Subsection (1)(a)(ii), the fee title owner according to the
2235 records of the county recorder on the date of the filing of the request or petition; or

2236 (ii) for a proposed annexation under Part 4, Annexation, the lessee of military land, as
2237 defined in Section **63H-1-102**, if the area proposed for annexation includes military land that is
2238 within a project area described in a project area plan adopted by the military installation
2239 development authority under Title 63H, Chapter 1, Military Installation Development
2240 Authority Act; and

2241 (b) the value of private real property shall be determined according to the last
2242 assessment before the filing of the request or petition, as determined by:

2243 (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property
2244 subject to assessment by the county;

2245 (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of
2246 Property, for property subject to assessment by the State Tax Commission; or

2247 (iii) the county, for all other property.

2248 (2) For purposes of each provision of this title that requires the owners of private real
2249 property covering a percentage of the total private land area within the proposed ~~local~~ special
2250 district to sign a request, petition, or protest:

2251 (a) a parcel of real property may not be included in the calculation of the required
2252 percentage unless the request or petition is signed by:

2253 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
2254 ownership interest in that parcel; or

2255 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
2256 of owners of that parcel;

2257 (b) the signature of a person signing a request or petition in a representative capacity on
2258 behalf of an owner is invalid unless:

2259 (i) the person's representative capacity and the name of the owner the person represents

2260 are indicated on the request or petition with the person's signature; and

2261 (ii) the person provides documentation accompanying the request or petition that
2262 reasonably substantiates the person's representative capacity; and

2263 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
2264 request or petition on behalf of a deceased owner.

2265 Section 19. Section **17B-1-104.5** is amended to read:

2266 **17B-1-104.5. Groundwater right owner provisions -- Vote.**

2267 (1) For purposes of this title, an owner of a groundwater right, is on the date of the
2268 filing of a groundwater right owner petition or groundwater right owner request, the owner
2269 according to:

2270 (a) a deed recorded with the county recorder in accordance with Section [73-1-10](#); or

2271 (b) a water right of record filed in the state engineer's office in accordance with Section
2272 [73-1-10](#).

2273 (2) For purposes of each provision of this title that requires the owners of groundwater
2274 rights covering a percentage of the total groundwater rights within the proposed [~~local~~] special
2275 district to sign a request, petition, or protest:

2276 (a) a groundwater right may not be included in the calculation of the required
2277 percentage unless the request or petition is signed by:

2278 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
2279 ownership interest in that groundwater right; or

2280 (ii) if the groundwater right is owned by joint tenants or tenants by the entirety, 50% of
2281 the number of owners of that groundwater right;

2282 (b) the signature of a person signing a request or petition in a representative capacity on
2283 behalf of an owner is invalid unless:

2284 (i) the person's representative capacity and the name of the owner the person represents
2285 are indicated on the request or petition with the person's signature; and

2286 (ii) the person provides documentation accompanying the request or petition that
2287 reasonably substantiates the person's representative capacity; and

2288 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
2289 request or petition on behalf of the estate of a deceased owner.

2290 (3) For an election by groundwater right owners described in this title, each owner of a

2291 groundwater right is entitled to cast one vote.

2292 Section 20. Section **17B-1-105** is amended to read:

2293 **17B-1-105. Name of special district -- Name change.**

2294 (1) (a) The name of each ~~local~~ special district created on or after May 1, 2000 shall
2295 comply with Subsection **17-50-103(2)(a)**.

2296 (b) The board of each ~~local~~ special district affected by Subsection **17-50-103(2)(b)**
2297 shall ensure that after January 1, 2005 the ~~local~~ special district name complies with the
2298 requirements of ~~that~~ Subsection **17-50-103(2)(b)**.

2299 (2) The name of a ~~local~~ special district created after April 30, 2007 may not include
2300 the name of a county or municipality.

2301 (3) The name of a ~~local~~ special district may include words descriptive of the type of
2302 service that the district provides.

2303 (4) (a) A ~~local~~ special district board may change the name of that ~~local~~ special
2304 district as provided in this Subsection (4).

2305 (b) To initiate a name change, the ~~local~~ special district board shall:

2306 (i) hold a public hearing on the proposed name change;

2307 (ii) adopt a resolution approving the name change; and

2308 (iii) file with the lieutenant governor a notice of an impending name change, as defined
2309 in Section **67-1a-6.7**, that meets the requirements of Subsection **67-1a-6.7(3)**.

2310 (c) Upon the lieutenant governor's issuance of a certificate of name change under
2311 Section **67-1a-6.7**, the ~~local~~ special district board shall:

2312 (i) if the ~~local~~ special district is located within the boundary of a single county,
2313 submit to the recorder of that county:

2314 (A) the original:

2315 (I) notice of an impending name change; and

2316 (II) certificate of name change; and

2317 (B) a certified copy of the resolution approving the name change; or

2318 (ii) if the ~~local~~ special district is located within the boundaries of more than a single
2319 county:

2320 (A) submit to the recorder of one of those counties:

2321 (I) the original of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

2322 (II) a certified copy of the resolution approving the name change; and
2323 (B) submit to the recorder of each other county:
2324 (I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and
2325 (II) a certified copy of the resolution approving the name change.
2326 (d) (i) A name change under this Subsection (4) becomes effective upon the lieutenant
2327 governor's issuance of a certificate of name change under Section [67-1a-6.7](#).
2328 (ii) Notwithstanding Subsection (4)(d)(i), the [local] special district may not operate
2329 under the new name until the documents listed in Subsection (4)(c) are recorded in the office of
2330 the recorder of each county in which the [local] special district is located.
2331 Section 21. Section **17B-1-106** is amended to read:
2332 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
2333 **certain property.**
2334 (1) As used in this section:
2335 (a) (i) "Affected entity" means each county, municipality, [local] special district under
2336 this title, special service district, school district, interlocal cooperation entity established under
2337 Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
2338 (A) whose services or facilities are likely to require expansion or significant
2339 modification because of an intended use of land; or
2340 (B) that has filed with the [local] special district a copy of the general or long-range
2341 plan of the county, municipality, [local] special district, school district, interlocal cooperation
2342 entity, or specified public utility.
2343 (ii) "Affected entity" does not include the [local] special district that is required under
2344 this section to provide notice.
2345 (b) "Specified public utility" means an electrical corporation, gas corporation, or
2346 telephone corporation, as those terms are defined in Section [54-2-1](#).
2347 (2) (a) If a [local] special district under this title located in a county of the first or
2348 second class prepares a long-range plan regarding the [local] special district's facilities
2349 proposed for the future or amends an already existing long-range plan, the [local] special
2350 district shall, before preparing a long-range plan or amendments to an existing long-range plan,
2351 provide written notice, as provided in this section, of the [local] special district's intent to
2352 prepare a long-range plan or to amend an existing long-range plan.

2353 (b) Each notice under Subsection (2)(a) shall:

2354 (i) indicate that the [local] special district intends to prepare a long-range plan or to

2355 amend a long-range plan, as the case may be;

2356 (ii) describe or provide a map of the geographic area that will be affected by the

2357 long-range plan or amendments to a long-range plan;

2358 (iii) be:

2359 (A) sent to each county in whose unincorporated area and each municipality in whose

2360 boundaries is located the land on which the proposed long-range plan or amendments to a

2361 long-range plan are expected to indicate that the proposed facilities will be located;

2362 (B) sent to each affected entity;

2363 (C) sent to the Utah Geospatial Resource Center created in Section [63A-16-505](#);

2364 (D) sent to each association of governments, established pursuant to an interlocal

2365 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or

2366 municipality described in Subsection (2)(b)(iii)(A) is a member; and

2367 (E) (I) placed on the Utah Public Notice Website created under Section [63A-16-601](#), if

2368 the [local] special district:

2369 (Aa) is required under Subsection [52-4-203](#)(3) to use that website to provide public

2370 notice of a meeting; or

2371 (Bb) voluntarily chooses to place notice on that website despite not being required to

2372 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

2373 (II) the state planning coordinator appointed under Section [63J-4-401](#), if the [local]

2374 special district does not provide notice on the Utah Public Notice Website under Subsection

2375 (2)(b)(iii)(E)(I);

2376 (iv) with respect to the notice to counties and municipalities described in Subsection

2377 (2)(b)(iii)(A) and affected entities, invite them to provide information for the [local] special

2378 district to consider in the process of preparing, adopting, and implementing the long-range plan

2379 or amendments to a long-range plan concerning:

2380 (A) impacts that the use of land proposed in the proposed long-range plan or

2381 amendments to a long-range plan may have on the county, municipality, or affected entity; and

2382 (B) uses of land that the county, municipality, or affected entity is planning or

2383 considering that may conflict with the proposed long-range plan or amendments to a long-range

2384 plan; and

2385 (v) include the address of an Internet website, if the [local] special district has one, and
2386 the name and telephone number of an individual where more information can be obtained
2387 concerning the [local] special district's proposed long-range plan or amendments to a
2388 long-range plan.

2389 (3) (a) Except as provided in Subsection (3)(d), each [local] special district intending to
2390 acquire real property in a county of the first or second class for the purpose of expanding the
2391 [local] special district's infrastructure or other facilities used for providing the services that the
2392 [local] special district is authorized to provide shall provide written notice, as provided in this
2393 Subsection (3), of the [local] special district's intent to acquire the property if the intended use
2394 of the property is contrary to:

2395 (i) the anticipated use of the property under the county or municipality's general plan;

2396 or

2397 (ii) the property's current zoning designation.

2398 (b) Each notice under Subsection (3)(a) shall:

2399 (i) indicate that the [local] special district intends to acquire real property;

2400 (ii) identify the real property; and

2401 (iii) be sent to:

2402 (A) each county in whose unincorporated area and each municipality in whose
2403 boundaries the property is located; and

2404 (B) each affected entity.

2405 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
2406 63G-2-305(8).

2407 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the [local] special
2408 district previously provided notice under Subsection (2) identifying the general location within
2409 the municipality or unincorporated part of the county where the property to be acquired is
2410 located.

2411 (ii) If a [local] special district is not required to comply with the notice requirement of
2412 Subsection (3)(a) because of application of Subsection (3)(d)(i), the [local] special district shall
2413 provide the notice specified in Subsection (3)(a) as soon as practicable after the [local] special
2414 district's acquisition of the real property.

2415 Section 22. Section **17B-1-107** is amended to read:

2416 **17B-1-107. Recording a release of lien.**

2417 If a [local] special district records a lien upon real property or a groundwater right for
2418 an unpaid assessment by the owner and the owner then pays the assessment in full, including,
2419 subject to Section **17B-1-902.1**, any interest and administrative costs, the [local] special district
2420 recording the lien shall record the release of the lien.

2421 Section 23. Section **17B-1-110** is amended to read:

2422 **17B-1-110. Compliance with nepotism requirements.**

2423 Each [local] special district shall comply with Title 52, Chapter 3, Prohibiting
2424 Employment of Relatives.

2425 Section 24. Section **17B-1-111** is amended to read:

2426 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

2427 (1) (a) If a [local] special district wishes to impose impact fees, the board of trustees of
2428 the [local] special district shall:

2429 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,
2430 Chapter 36a, Impact Fees Act;

2431 (ii) make a copy of the impact fee resolution available to the public at least 14 days
2432 before the date of the public hearing and hold a public hearing on the proposed impact fee
2433 resolution; and

2434 (iii) provide reasonable notice of the public hearing at least 14 days before the date of
2435 the hearing.

2436 (b) After the public hearing, the board of trustees may:

2437 (i) adopt the impact fee resolution as proposed;

2438 (ii) amend the impact fee resolution and adopt or reject it as amended; or

2439 (iii) reject the resolution.

2440 (2) A [local] special district meets the requirements of reasonable notice required by
2441 this section if it:

2442 (a) posts notice of the hearing or meeting in at least three public places within the
2443 jurisdiction; or

2444 (b) gives actual notice of the hearing or meeting.

2445 (3) The [local] special district's board of trustees may enact a resolution establishing

2446 stricter notice requirements than those required by this section.

2447 (4) (a) Proof that one of the two forms of notice required by this section was given is
2448 prima facie evidence that notice was properly given.

2449 (b) If notice given under authority of this section is not challenged within 30 days from
2450 the date of the meeting for which the notice was given, the notice is considered adequate and
2451 proper.

2452 Section 25. Section 17B-1-113 is amended to read:

2453 **17B-1-113. Liability insurance.**

2454 (1) Each [local] special district with an annual operating budget of \$50,000 or more
2455 shall obtain liability insurance as considered appropriate by the [local] special district board.

2456 (2) Each [local] special district with an annual operating budget of less than \$50,000 is
2457 not required to obtain liability insurance, but liability insurance is encouraged, as considered
2458 appropriate by the [local] special district board.

2459 Section 26. Section 17B-1-114 is amended to read:

2460 **17B-1-114. Special district property taxes on a parity with general taxes.**

2461 Unless otherwise specifically provided by statute, property taxes levied by a [local]
2462 special district shall constitute a lien on the property on a parity with and collectible at the same
2463 time and in the same manner as general county taxes that are a lien on the property.

2464 Section 27. Section 17B-1-115 is amended to read:

2465 **17B-1-115. Validation of previously created special districts -- Continuation of**
2466 **certain special districts under this chapter -- Providing a previously authorized service.**

2467 (1) Each [local] special district created before April 30, 2007 under the law in effect at
2468 the time of the creation is declared to be validly and legally constituted.

2469 (2) An entity created and operating under the law in effect before April 30, 2007 as a
2470 [local] special district but not as a cemetery maintenance district, drainage district, fire
2471 protection district, improvement district, irrigation district, metropolitan water district,
2472 mosquito abatement district, public transit district, service area, or water conservancy district
2473 shall continue on and after April 30, 2007 as a [local] special district subject to the provisions
2474 of this chapter but not subject to the provisions of [~~Chapter 2a, Provisions Applicable to~~
2475 ~~Different Types of Local Districts~~] Chapter 2a, Provisions Applicable to Different Types of
2476 Special Districts.

2477 (3) Nothing in this title may be construed to prohibit or limit a [local] special district
2478 from providing on or after April 30, 2007 a service that it was authorized before that date to
2479 provide.

2480 Section 28. Section **17B-1-116** is amended to read:

2481 **17B-1-116. Property exempt from taxation and execution.**

2482 All property and assets of a [local] special district are exempt from taxation and exempt
2483 from execution.

2484 Section 29. Section **17B-1-118** is amended to read:

2485 **17B-1-118. Special district hookup fee -- Preliminary design or site plan from a**
2486 **specified public agency.**

2487 (1) As used in this section:

2488 (a) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
2489 meter, or appurtenance to connect to a [local] special district water, sewer, storm water, power,
2490 or other utility system.

2491 (b) "Impact fee" has the same meaning as defined in Section [11-36a-102](#).

2492 (c) "Specified public agency" means:

2493 (i) the state;

2494 (ii) a school district; or

2495 (iii) a charter school.

2496 (d) "State" includes any department, division, or agency of the state.

2497 (2) A [local] special district may not impose or collect a hookup fee that exceeds the
2498 reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to
2499 the [local] special district water, sewer, storm water, power, or other utility system.

2500 (3) (a) A specified public agency intending to develop its land shall submit a
2501 development plan and schedule to each [local] special district from which the specified public
2502 agency anticipates the development will receive service:

2503 (i) as early as practicable in the development process, but no later than the
2504 commencement of construction; and

2505 (ii) with sufficient detail to enable the [local] special district to assess:

2506 (A) the demand for public facilities listed in Subsections [11-36a-102](#)(17)(a), (b), (c),

2507 (d), (e), and (g) caused by the development;

2508 (B) the amount of any hookup fees, or impact fees or substantive equivalent;

2509 (C) any credit against an impact fee; and

2510 (D) the potential for waiving an impact fee.

2511 (b) The [local] special district shall respond to a specified public agency's submission
2512 under Subsection (3)(a) with reasonable promptness in order to allow the specified public
2513 agency to consider information the [local] special district provides under Subsection (3)(a)(ii)
2514 in the process of preparing the budget for the development.

2515 (4) Upon a specified public agency's submission of a development plan and schedule as
2516 required in Subsection (3) that complies with the requirements of that subsection, the specified
2517 public agency vests in the [local] special district's hookup fees and impact fees in effect on the
2518 date of submission.

2519 Section 30. Section 17B-1-119 is amended to read:

2520 **17B-1-119. Duty to comply with local land use provisions.**

2521 A [local] special district shall comply with Title 10, Chapter 9a, Municipal Land Use,
2522 Development, and Management Act, and Title 17, Chapter 27a, County Land Use,
2523 Development, and Management Act, as applicable, if a land use authority consults with or
2524 allows the [local] special district to participate in any way in a land use authority's land use
2525 development review or approval process.

2526 Section 31. Section 17B-1-120 is amended to read:

2527 **17B-1-120. Exactions -- Exaction for water interest -- Requirement to offer to**
2528 **original owner property acquired by exaction.**

2529 (1) A [local] special district may impose an exaction on a service received by an
2530 applicant, including, subject to Subsection (2), an exaction for a water interest if:

2531 (a) the [local] special district establishes that a legitimate [local] special district interest
2532 makes the exaction essential; and

2533 (b) the exaction is roughly proportionate, both in nature and extent, to the impact of the
2534 proposed service on the [local] special district.

2535 (2) (a) (i) A [local] special district shall base an exaction for a water interest on the
2536 culinary water authority's established calculations of projected water interest requirements.

2537 (ii) If requested by a service applicant, the culinary authority shall provide the basis for
2538 the culinary water authority's calculations described in Subsection (2)(a)(i).

2539 (b) A [local] special district may not impose an exaction for a water interest if the
2540 culinary water authority's existing available water interests exceed the water interests needed to
2541 meet the reasonable future water requirement of the public, as determined in accordance with
2542 Section 73-1-4.

2543 (3) (a) If a [local] special district plans to dispose of surplus real property that was
2544 acquired under this section and has been owned by the [local] special district for less than 15
2545 years, the [local] special district shall offer to reconvey the surplus real property, without
2546 receiving additional consideration, first to a person who granted the real property to the [local]
2547 special district.

2548 (b) The person described in Subsection (3)(a) shall, within 90 days after the day on
2549 which a [local] special district makes an offer under Subsection (3)(a), accept or reject the
2550 offer.

2551 (c) If a person rejects an offer under Subsection (3)(b), the [local] special district may
2552 sell the real property.

2553 Section 32. Section 17B-1-121 is amended to read:

2554 **17B-1-121. Limit on fees -- Requirement to itemize and account for fees --**

2555 **Appeals.**

2556 (1) A [local] special district may not impose or collect:

2557 (a) an application fee that exceeds the reasonable cost of processing the application; or

2558 (b) an inspection or review fee that exceeds the reasonable cost of performing an
2559 inspection or review.

2560 (2) (a) Upon request by a service applicant who is charged a fee or an owner of
2561 residential property upon which a fee is imposed, a [local] special district shall provide a
2562 statement of each itemized fee and calculation method for each fee.

2563 (b) If an applicant who is charged a fee or an owner of residential property upon which
2564 a fee is imposed submits a request for a statement of each itemized fee no later than 30 days
2565 after the day on which the applicant or owner pays the fee, the [local] special district shall, no
2566 later than 10 days after the day on which the request is received, provide or commit to provide
2567 within a specific time:

2568 (i) for each fee, any studies, reports, or methods relied upon by the [local] special
2569 district to create the calculation method described in Subsection (2)(a);

2570 (ii) an accounting of each fee paid;
 2571 (iii) how each fee will be distributed by the [toeat] special district; and
 2572 (iv) information on filing a fee appeal through the process described in Subsection
 2573 (2)(c).

2574 (c) (i) A [toeat] special district shall establish an impartial fee appeal process to
 2575 determine whether a fee reflects only the reasonable estimated cost of delivering the service for
 2576 which the fee was paid.

2577 (ii) A party to a fee appeal described in Subsection (2)(c)(i) may petition for judicial
 2578 review of the [toeat] special district's final decision.

2579 (3) A [toeat] special district may not impose on or collect from a public agency a fee
 2580 associated with the public agency's development of the public agency's land other than:

2581 (a) subject to Subsection (1), a hookup fee; or

2582 (b) an impact fee, as defined in Section 11-36a-102 and subject to Section 11-36a-402,
 2583 for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g).

2584 Section 33. Section 17B-1-201 is amended to read:

2585 **Part 2. Creation of a District**

2586 **17B-1-201. Definitions.**

2587 As used in this part:

2588 (1) "Applicable area" means:

2589 (a) for a county, the unincorporated area of the county that is included within the
 2590 proposed [toeat] special district; or

2591 (b) for a municipality, the area of the municipality that is included within the proposed
 2592 [toeat] special district.

2593 (2) "Governing body" means:

2594 (a) for a county or municipality, the legislative body of the county or municipality; and

2595 (b) for a [toeat] special district, the board of trustees of the [toeat] special district.

2596 (3) "Groundwater right owner petition" means a petition under Subsection
 2597 17B-1-203(1)(c).

2598 (4) "Groundwater right owner request" means a request under Section 17B-1-204 that
 2599 is signed by owners of water rights as provided in Subsection 17B-1-204(2)(b)(ii).

2600 (5) "Initiating [toeat] special district" means a [toeat] special district that adopts a

2601 resolution proposing the creation of a [local] special district under Subsection 17B-1-203(1)(e).

2602 (6) "Petition" means a petition under Subsection 17B-1-203(1)(a), (b), or (c).

2603 (7) "Property owner petition" means a petition under Subsection 17B-1-203(1)(a).

2604 (8) "Property owner request" means a request under Section 17B-1-204 that is signed
2605 by owners of real property as provided in Subsection 17B-1-204(2)(b)(i).

2606 (9) "Registered voter request" means a request under Section 17B-1-204 that is signed
2607 by registered voters as provided in Subsection 17B-1-204(2)(b)(iii).

2608 (10) "Registered voter petition" means a petition under Subsection 17B-1-203(1)(b).

2609 (11) "Request" means a request as described in Section 17B-1-204.

2610 (12) "Responsible body" means the governing body of:

2611 (a) the municipality in which the proposed [local] special district is located, if the
2612 petition or resolution proposes the creation of a [local] special district located entirely within a
2613 single municipality;

2614 (b) the county in which the proposed [local] special district is located, if the petition or
2615 resolution proposes the creation of a [local] special district located entirely within a single
2616 county and all or part of the proposed [local] special district is located within:

2617 (i) the unincorporated part of the county; or

2618 (ii) more than one municipality within the county;

2619 (c) if the petition or resolution proposes the creation of a [local] special district located
2620 within more than one county, the county whose boundaries include more of the area of the
2621 proposed [local] special district than is included within the boundaries of any other county; or

2622 (d) the initiating [local] special district, if a resolution proposing the creation of a
2623 [local] special district is adopted under Subsection 17B-1-203(1)(e).

2624 (13) "Responsible clerk" means the clerk of the county or the clerk or recorder of the
2625 municipality whose legislative body is the responsible body.

2626 Section 34. Section 17B-1-202 is amended to read:

2627 **17B-1-202. Special district may be created -- Services that may be provided --**
2628 **Limitations.**

2629 (1) (a) A [local] special district may be created as provided in this part to provide
2630 within its boundaries service consisting of:

2631 (i) the operation of an airport;

- 2632 (ii) the operation of a cemetery;
- 2633 (iii) fire protection, paramedic, and emergency services, including consolidated 911
- 2634 and emergency dispatch services;
- 2635 (iv) garbage collection and disposal;
- 2636 (v) health care, including health department or hospital service;
- 2637 (vi) the operation of a library;
- 2638 (vii) abatement or control of mosquitos and other insects;
- 2639 (viii) the operation of parks or recreation facilities or services;
- 2640 (ix) the operation of a sewage system;
- 2641 (x) the construction and maintenance of a right-of-way, including:
- 2642 (A) a curb;
- 2643 (B) a gutter;
- 2644 (C) a sidewalk;
- 2645 (D) a street;
- 2646 (E) a road;
- 2647 (F) a water line;
- 2648 (G) a sewage line;
- 2649 (H) a storm drain;
- 2650 (I) an electricity line;
- 2651 (J) a communications line;
- 2652 (K) a natural gas line; or
- 2653 (L) street lighting;
- 2654 (xi) transportation, including public transit and providing streets and roads;
- 2655 (xii) the operation of a system, or one or more components of a system, for the
- 2656 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
- 2657 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
- 2658 the system is operated on a wholesale or retail level or both;
- 2659 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
- 2660 groundwater right for the development and execution of a groundwater management plan in
- 2661 cooperation with and approved by the state engineer in accordance with Section [73-5-15](#);
- 2662 (xiv) law enforcement service;

2663 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
2664 or the conversion to underground of an existing electric utility line;

2665 (xvi) the control or abatement of earth movement or a landslide;

2666 (xvii) the operation of animal control services and facilities; or

2667 (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle
2668 charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter
2669 42a, Commercial Property Assessed Clean Energy Act.

2670 (b) Each [local] special district that provides the service of the underground installation
2671 of an electric utility line or the conversion to underground of an existing electric utility line
2672 shall, in installing or converting the line, provide advance notice to and coordinate with the
2673 utility that owns the line.

2674 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
2675 the banking of groundwater rights by a [local] special district in a critical management area as
2676 defined in Section 73-5-15 following the adoption of a groundwater management plan by the
2677 state engineer under Section 73-5-15.

2678 (i) A [local] special district may manage the groundwater rights it acquires under
2679 Subsection 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater
2680 management plan described in this Subsection (1)(c).

2681 (ii) A groundwater right held by a [local] special district to satisfy the provisions of a
2682 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

2683 (iii) (A) A [local] special district may divest itself of a groundwater right subject to a
2684 determination that the groundwater right is not required to facilitate the groundwater
2685 management plan described in this Subsection (1)(c).

2686 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
2687 73-1-4 beginning on the date of divestiture.

2688 (iv) Upon a determination by the state engineer that an area is no longer a critical
2689 management area as defined in Section 73-5-15, a groundwater right held by the [local] special
2690 district is subject to Section 73-1-4.

2691 (v) A [local] special district created in accordance with Subsection (1)(a)(xiii) to
2692 develop and execute a groundwater management plan may hold or acquire a right to surface
2693 waters that are naturally tributary to the groundwater basin subject to the groundwater

2694 management plan if the surface waters are appropriated in accordance with Title 73, Water and
2695 Irrigation, and used in accordance with Title 73, Chapter 3b, Groundwater Recharge and
2696 Recovery Act.

2697 (2) ~~[For purposes of]~~ As used in this section:

2698 (a) "Operation" means all activities involved in providing the indicated service
2699 including acquisition and ownership of property reasonably necessary to provide the indicated
2700 service and acquisition, construction, and maintenance of facilities and equipment reasonably
2701 necessary to provide the indicated service.

2702 (b) "System" means the aggregate of interrelated components that combine together to
2703 provide the indicated service including, for a sewage system, collection and treatment.

2704 (3) (a) A ~~[local]~~ special district may not be created to provide and may not after its
2705 creation provide more than four of the services listed in Subsection (1).

2706 (b) Subsection (3)(a) may not be construed to prohibit a ~~[local]~~ special district from
2707 providing more than four services if, before April 30, 2007, the ~~[local]~~ special district was
2708 authorized to provide those services.

2709 (4) (a) Except as provided in Subsection (4)(b), a ~~[local]~~ special district may not be
2710 created to provide and may not after its creation provide to an area the same service that may
2711 already be provided to that area by another political subdivision, unless the other political
2712 subdivision gives its written consent.

2713 (b) For purposes of Subsection (4)(a), a ~~[local]~~ special district does not provide the
2714 same service as another political subdivision if it operates a component of a system that is
2715 different from a component operated by another political subdivision but within the same:

- 2716 (i) sewage system; or
- 2717 (ii) water system.

2718 (5) (a) Except for a ~~[local]~~ special district in the creation of which an election is not
2719 required under Subsection [17B-1-214\(3\)\(d\)](#), the area of a ~~[local]~~ special district may include all
2720 or part of the unincorporated area of one or more counties and all or part of one or more
2721 municipalities.

2722 (b) The area of a ~~[local]~~ special district need not be contiguous.

2723 (6) For a ~~[local]~~ special district created before May 5, 2008, the authority to provide
2724 fire protection service also includes the authority to provide:

- 2725 (a) paramedic service; and
- 2726 (b) emergency service, including hazardous materials response service.
- 2727 (7) A [local] special district created before May 11, 2010, authorized to provide the
- 2728 construction and maintenance of curb, gutter, or sidewalk may provide a service described in
- 2729 Subsection (1)(a)(x) on or after May 11, 2010.
- 2730 (8) A [local] special district created before May 10, 2011, authorized to provide
- 2731 culinary, irrigation, sewage, or storm water services may provide a service described in
- 2732 Subsection (1)(a)(xii) on or after May 10, 2011.
- 2733 (9) A [local] special district may not be created under this chapter for two years after
- 2734 the date on which a [local] special district is dissolved as provided in Section 17B-1-217 if the
- 2735 [local] special district proposed for creation:
- 2736 (a) provides the same or a substantially similar service as the dissolved [local] special
- 2737 district; and
- 2738 (b) is located in substantially the same area as the dissolved [local] special district.
- 2739 Section 35. Section 17B-1-203 is amended to read:
- 2740 **17B-1-203. Process to initiate the creation of a special district -- Petition or**
- 2741 **resolution.**
- 2742 (1) The process to create a [local] special district may be initiated by:
- 2743 (a) unless the proposed [local] special district is a [local] special district to acquire or
- 2744 assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a
- 2745 petition signed by the owners of private real property that:
- 2746 (i) is located within the proposed [local] special district;
- 2747 (ii) covers at least 33% of the total private land area within the proposed [local] special
- 2748 district as a whole and within each applicable area;
- 2749 (iii) is equal in value to at least 25% of the value of all private real property within the
- 2750 proposed [local] special district as a whole and within each applicable area; and
- 2751 (iv) complies with the requirements of Subsection 17B-1-205(1) and Section
- 2752 17B-1-208;
- 2753 (b) subject to Section 17B-1-204, a petition that:
- 2754 (i) is signed by registered voters residing within the proposed [local] special district as
- 2755 a whole and within each applicable area, equal in number to at least 33% of the number of

2756 votes cast in the proposed [local] special district as a whole and in each applicable area,
2757 respectively, for the office of governor at the last regular general election prior to the filing of
2758 the petition; and

2759 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section
2760 17B-1-208;

2761 (c) if the proposed [local] special district is a [local] special district to acquire or assess
2762 a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition
2763 signed by the owners of groundwater rights that:

2764 (i) are diverted within the proposed [local] special district;

2765 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with
2766 groundwater rights within the proposed [local] special district as a whole and within each
2767 applicable area; and

2768 (iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

2769 (d) a resolution proposing the creation of a [local] special district, adopted by the
2770 legislative body of each county whose unincorporated area, whether in whole or in part,
2771 includes and each municipality whose boundaries include any of the proposed [local] special
2772 district; or

2773 (e) a resolution proposing the creation of a [local] special district, adopted by the board
2774 of trustees of an existing [local] special district whose boundaries completely encompass the
2775 proposed [local] special district, if:

2776 (i) the proposed [local] special district is being created to provide one or more
2777 components of the same service that the initiating [local] special district is authorized to
2778 provide; and

2779 (ii) the initiating [local] special district is not providing to the area of the proposed
2780 [local] special district any of the components that the proposed [local] special district is being
2781 created to provide.

2782 (2) (a) Each resolution under Subsection (1)(d) or (e) shall:

2783 (i) describe the area proposed to be included in the proposed [local] special district;

2784 (ii) be accompanied by a map that shows the boundaries of the proposed [local] special
2785 district;

2786 (iii) describe the service proposed to be provided by the proposed [local] special

2787 district;

2788 (iv) if the resolution proposes the creation of a specialized [~~local~~] special district,
2789 specify the type of specialized [~~local~~] special district proposed to be created;

2790 (v) explain the anticipated method of paying the costs of providing the proposed
2791 service;

2792 (vi) state the estimated average financial impact on a household within the proposed
2793 [~~local~~] special district;

2794 (vii) state the number of members that the board of trustees of the proposed [~~local~~]
2795 special district will have, consistent with the requirements of Subsection 17B-1-302(4);

2796 (viii) for a proposed basic [~~local~~] special district:

2797 (A) state whether the members of the board of trustees will be elected or appointed or
2798 whether some members will be elected and some appointed, as provided in Section
2799 17B-1-1402;

2800 (B) if one or more members will be elected, state the basis upon which each elected
2801 member will be elected; and

2802 (C) if applicable, explain how the election or appointment of board members will
2803 transition from one method to another based on stated milestones or events, as provided in
2804 Section 17B-1-1402;

2805 (ix) for a proposed improvement district whose remaining area members or county
2806 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
2807 members will be elected; and

2808 (x) for a proposed service area that is entirely within the unincorporated area of a single
2809 county, state whether the initial board of trustees will be:

2810 (A) the county legislative body;

2811 (B) appointed as provided in Section 17B-1-304; or

2812 (C) elected as provided in Section 17B-1-306.

2813 (b) Each county or municipal legislative body adopting a resolution under Subsection
2814 (1)(d) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a
2815 copy of the resolution to the responsible body if the county or municipal legislative body's
2816 resolution is one of multiple resolutions adopted by multiple county or municipal legislative
2817 bodies proposing the creation of the same [~~local~~] special district.

2818 Section 36. Section **17B-1-204** is amended to read:

2819 **17B-1-204. Request for service required before filing of petition -- Request**
2820 **requirements.**

2821 (1) A petition may not be filed until after:

2822 (a) a request has been filed with:

2823 (i) the clerk of each county in whose unincorporated area any part of the proposed
2824 [~~local~~] special district is located; and

2825 (ii) the clerk or recorder of each municipality in which any part of the proposed [~~local~~]
2826 special district is located; and

2827 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

2828 (i) has adopted a resolution under Subsection **17B-1-212**(1) indicating whether it will
2829 provide the requested service; or

2830 (ii) is considered to have declined to provide the requested service under Subsection
2831 **17B-1-212**(2) or (3).

2832 (2) Each request under Subsection (1)(a) shall:

2833 (a) ask the county or municipality to provide the service proposed to be provided by the
2834 proposed [~~local~~] special district within the applicable area; and

2835 (b) be signed by:

2836 (i) unless the request is a request to create a [~~local~~] special district to acquire or assess a
2837 groundwater right under Section **17B-1-202**, the owners of private real property that:

2838 (A) is located within the proposed [~~local~~] special district;

2839 (B) covers at least 10% of the total private land area within the applicable area; and

2840 (C) is equal in value to at least 7% of the value of all private real property within the
2841 applicable area;

2842 (ii) if the request is a request to create a [~~local~~] special district to acquire or assess a
2843 groundwater right under Section **17B-1-202**, the owners of groundwater rights that:

2844 (A) are diverted within the proposed [~~local~~] special district; and

2845 (B) cover at least 10% of the amount of groundwater diverted in accordance with
2846 groundwater rights within the applicable area; or

2847 (iii) registered voters residing within the applicable area equal in number to at least
2848 10% of the number of votes cast in the applicable area for the office of governor at the last

2849 general election prior to the filing of the request.

2850 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a
2851 municipality in a petition under Section 10-2-403 filed before and still pending at the time of
2852 filing of a petition shall be considered to be part of that municipality.

2853 Section 37. Section 17B-1-205 is amended to read:

2854 **17B-1-205. Petition and request requirements -- Withdrawal of signature.**

2855 (1) Each petition and request shall:

2856 (a) indicate the typed or printed name and current residence address of each property
2857 owner, groundwater right owner, or registered voter signing the petition;

2858 (b) (i) if it is a property owner request or petition, indicate the address of the property
2859 as to which the owner is signing the request or petition; or

2860 (ii) if it is a groundwater right owner request or petition, indicate the location of the
2861 diversion of the groundwater as to which the owner is signing the groundwater right owner
2862 request or petition;

2863 (c) describe the entire area of the proposed [toeat] special district;

2864 (d) be accompanied by a map showing the boundaries of the entire proposed [toeat]
2865 special district;

2866 (e) specify the service proposed to be provided by the proposed [toeat] special district;

2867 (f) if the petition or request proposes the creation of a specialized [toeat] special
2868 district, specify the type of specialized [toeat] special district proposed to be created;

2869 (g) for a proposed basic [toeat] special district:

2870 (i) state whether the members of the board of trustees will be elected or appointed or
2871 whether some members will be elected and some appointed, as provided in Section
2872 17B-1-1402;

2873 (ii) if one or more members will be elected, state the basis upon which each elected
2874 member will be elected; and

2875 (iii) if applicable, explain how the election or appointment of board members will
2876 transition from one method to another based on stated milestones or events, as provided in
2877 Section 17B-1-1402;

2878 (h) for a proposed improvement district whose remaining area members or county
2879 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those

2880 members will be elected; and

2881 (i) for a proposed service area that is entirely within the unincorporated area of a single
2882 county, state whether the initial board of trustees will be:

2883 (i) the county legislative body;

2884 (ii) appointed as provided in Section 17B-1-304; or

2885 (iii) elected as provided in Section 17B-1-306;

2886 (j) designate up to five signers of the petition or request as sponsors, one of whom shall
2887 be designated as the contact sponsor, with the mailing address and telephone number of each;

2888 (k) if the petition or request is a groundwater right owner petition or request proposing
2889 the creation of a ~~local~~ special district to acquire a groundwater right under Section

2890 17B-1-202, explain the anticipated method:

2891 (i) of paying for the groundwater right acquisition; and

2892 (ii) of addressing blowing dust created by the reduced use of water; and

2893 (l) if the petition or request is a groundwater right owner petition or request proposing
2894 the creation of a ~~local~~ special district to assess a groundwater right under Section 17B-1-202,

2895 explain the anticipated method:

2896 (i) of assessing the groundwater right and securing payment of the assessment; and

2897 (ii) of addressing blowing dust created by the reduced use of water.

2898 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the
2899 signer's signature at any time before the filing of the request or petition by filing a written
2900 withdrawal or reinstatement with:

2901 (a) in the case of a request:

2902 (i) the clerk of the county or the clerk or recorder of the municipality in whose
2903 applicable area the signer's property is located, if the request is a property owner request;

2904 (ii) the clerk of the county or the clerk or recorder of the municipality in whose
2905 applicable area the signer's groundwater diversion point is located, if the request is a

2906 groundwater right owner request; or

2907 (iii) the clerk of the county or the clerk or recorder of the municipality in whose
2908 applicable area the signer resides, if the request is a registered voter request; or

2909 (b) in the case of a petition, the responsible clerk.

2910 Section 38. Section 17B-1-207 is amended to read:

2911 **17B-1-207. Signature on request may be used on petition.**

2912 A signature on a request may be used toward fulfilling the signature requirement of a
2913 petition:

2914 (1) if the request notifies the signer in conspicuous language that the signature, unless
2915 withdrawn, would also be used for purposes of a petition to create a [local] special district; and

2916 (2) unless the signer files a written withdrawal of the signature before the petition is
2917 filed.

2918 Section 39. Section **17B-1-208** is amended to read:

2919 **17B-1-208. Additional petition requirements and limitations.**

2920 (1) Each petition shall:

2921 (a) be filed with the responsible clerk;

2922 (b) separately group signatures by county and municipality, so that all signatures of the
2923 owners of real property located within or of registered voters residing within each county
2924 whose unincorporated area includes and each municipality whose boundaries include part of
2925 the proposed [local] special district are grouped separately; and

2926 (c) state the number of members that the board of trustees of the proposed [local]
2927 special district will have, consistent with the requirements of Subsection [17B-1-302\(4\)](#).

2928 (2) (a) A petition may not propose the creation of a [local] special district that includes
2929 an area located within the unincorporated part of a county or within a municipality if the
2930 legislative body of that county or municipality has adopted a resolution under Subsection
2931 [17B-1-212\(1\)](#) indicating that the county or municipality will provide to that area the service
2932 proposed to be provided by the proposed [local] special district.

2933 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is
2934 considered to have declined to provide the requested service under Subsection [17B-1-212\(3\)](#).

2935 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that
2936 proposes the creation of a [local] special district whose area excludes that part of the
2937 unincorporated area of a county or that part of a municipality to which the county or
2938 municipality has indicated, in a resolution adopted under Section [17B-1-212](#), it will provide the
2939 requested service.

2940 (3) A petition may not propose the creation of a [local] special district whose area
2941 includes:

2942 (a) some or all of an area described in a previously filed petition that, subject to
2943 Subsection 17B-1-202(4)(b):

2944 (i) proposes the creation of a [~~local~~] special district to provide the same service as
2945 proposed by the later filed petition; and

2946 (ii) is still pending at the time the later petition is filed; or

2947 (b) some or all of an area within a political subdivision that provides in that area the
2948 same service proposed to be provided by the proposed [~~local~~] special district.

2949 (4) A petition may not be filed more than 12 months after a county or municipal
2950 legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is
2951 considered to have declined to provide the requested service under Subsection 17B-1-212(2) or
2952 (3).

2953 Section 40. Section 17B-1-209 is amended to read:

2954 **17B-1-209. Petition certification -- Amended petition.**

2955 (1) No later than five days after the day on which a petition is filed, the responsible
2956 clerk shall mail a copy of the petition to the clerk of each other county and the clerk or recorder
2957 of each municipality in which any part of the proposed [~~local~~] special district is located.

2958 (2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each
2959 county whose unincorporated area includes and the clerk or recorder of each municipality
2960 whose boundaries include part of the proposed [~~local~~] special district shall:

2961 (i) with the assistance of other county or municipal officers from whom the county
2962 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's
2963 respective county or municipality, whether the petition complies with the requirements of
2964 Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, and Subsections 17B-1-208(2), (3),
2965 and (4); and

2966 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under
2967 Subsection (2)(a)(i).

2968 (b) The responsible clerk may rely on the determinations of other county clerks or
2969 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's
2970 determinations and certification or rejection under Subsection (3).

2971 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

2972 (i) determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), or

2973 (c), as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208; and

2974 (ii) (A) if the responsible clerk determines that the petition complies with the
2975 applicable requirements:

2976 (I) (Aa) certify the petition and deliver the certified petition to the responsible body;
2977 and

2978 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2979 (II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to
2980 the legislative body of each county whose unincorporated area includes and each municipality
2981 whose boundaries include any of the proposed basic ~~basic~~ special district, with a notice
2982 indicating that the clerk has determined that the petition complies with applicable
2983 requirements; or

2984 (B) if the responsible clerk determines that the petition fails to comply with any of the
2985 applicable requirements, reject the petition and notify the contact sponsor in writing of the
2986 rejection and the reasons for the rejection.

2987 (b) (i) A petition for which an election is not required under Subsection 17B-1-214(3)
2988 and that proposes the creation of a basic ~~basic~~ special district that has within its boundaries
2989 fewer than one residential dwelling unit per 10 acres of land may not be certified without the
2990 approval, by resolution, of the legislative body of each county whose unincorporated area
2991 includes and each municipality whose boundaries include any of the proposed ~~basic~~ special
2992 district.

2993 (ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a
2994 county or municipal legislative body may hold one or more public hearings on the petition.

2995 (iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that
2996 subsection, the responsible clerk shall, within 10 days after its approval:

2997 (A) certify the petition and deliver the certified petition to the responsible body; and

2998 (B) mail or deliver written notification of the certification to the contact sponsor.

2999 (4) Except for a petition described in Subsection (3)(b)(i), if the responsible clerk fails
3000 to certify or reject a petition within 45 days after its filing, the petition shall be considered to be
3001 certified.

3002 (5) The responsible clerk shall certify or reject petitions in the order in which they are
3003 filed.

3004 (6) (a) If the responsible clerk rejects a petition under Subsection (3)(a)(ii)(B), the
3005 petition may be amended to correct the deficiencies for which it was rejected and then refiled.

3006 (b) A valid signature on a petition that was rejected under Subsection (3)(a)(ii)(B) may
3007 be used toward fulfilling the applicable signature requirement of the petition as amended under
3008 Subsection (6)(a).

3009 (c) If a petition is amended and refiled under Subsection (6)(a) after having been
3010 rejected by the responsible clerk under Subsection (3)(a)(ii)(B), the amended petition shall be
3011 considered as newly filed, and its processing priority shall be determined by the date on which
3012 it is refiled.

3013 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall
3014 act in good faith in making the determinations under this section.

3015 Section 41. Section 17B-1-210 is amended to read:

3016 **17B-1-210. Public hearing.**

3017 (1) The legislative body of each county and municipality with which a request is filed
3018 or that adopts a resolution under Subsection 17B-1-203(1)(d) and the board of trustees of each
3019 [~~local~~] special district that adopts a resolution under Subsection 17B-1-203(1)(e) shall hold a
3020 public hearing or a set of public hearings, sufficient in number and location to ensure that no
3021 substantial group of residents of the proposed [~~local~~] special district need travel an
3022 unreasonable distance to attend a public hearing.

3023 (2) Each public hearing under Subsection (1) shall be held:

3024 (a) no later than 45 days after:

3025 (i) for a public hearing on a request, certification of a request under Subsection
3026 17B-1-206(1)(b)(i); or

3027 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection
3028 17B-1-203(1)(d) or (e);

3029 (b) within the proposed [~~local~~] special district;

3030 (c) except as provided in Subsections (6) and (7), within the applicable area; and

3031 (d) for the purpose of:

3032 (i) for a public hearing on a request, allowing public input on:

3033 (A) whether the requested service is needed in the area of the proposed [~~local~~] special
3034 district;

3035 (B) whether the service should be provided by the county or municipality or the
3036 proposed [local] special district; and

3037 (C) all other matters relating to the request or the proposed [local] special district; or

3038 (ii) for a public hearing on a resolution, allowing the public to ask questions of and
3039 obtain further information from the governing body holding the hearing regarding the issues
3040 contained in or raised by the resolution.

3041 (3) A quorum of each governing body holding a public hearing under this section shall
3042 be present throughout each hearing held by that governing body.

3043 (4) Each hearing under this section shall be held on a weekday evening other than a
3044 holiday beginning no earlier than 6 p.m.

3045 (5) At the beginning and end of each hearing concerning a resolution, the governing
3046 body shall announce the deadline for filing protests and generally explain the protest procedure
3047 and requirements.

3048 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
3049 set of hearings required under this section if all the requirements of this section, other than the
3050 requirements of Subsection (2)(c), are met as to each hearing.

3051 (7) Notwithstanding Subsection (2)(c), a governing body may hold a public hearing or
3052 set of public hearings outside the applicable area if:

3053 (a) there is no reasonable place to hold a public hearing within the applicable area; and

3054 (b) the public hearing or set of public hearings is held as close to the applicable area as
3055 reasonably possible.

3056 Section 42. Section **17B-1-211** is amended to read:

3057 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3058 (1) Before holding a public hearing or set of public hearings under Section **17B-1-210**,
3059 the legislative body of each county or municipality with which a request is filed or that adopts a
3060 resolution under Subsection **17B-1-203**(1)(d) and the board of trustees of each [local] special
3061 district that adopts a resolution under Subsection **17B-1-203**(1)(e) shall:

3062 (a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population
3063 of the applicable area and at places within the area that are most likely to provide actual notice
3064 to residents of the area; and

3065 (ii) publish notice on the Utah Public Notice Website created in Section **63A-16-601**,

3066 for two weeks before the hearing or the first of the set of hearings; or

3067 (b) mail a notice to each registered voter residing within and each owner of real
3068 property located within the proposed [~~local~~] special district.

3069 (2) Each notice required under Subsection (1) shall:

3070 (a) if the hearing or set of hearings is concerning a resolution:

3071 (i) contain the entire text or an accurate summary of the resolution; and

3072 (ii) state the deadline for filing a protest against the creation of the proposed [~~local~~]
3073 special district;

3074 (b) clearly identify each governing body involved in the hearing or set of hearings;

3075 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
3076 the hearing or set of hearings; and

3077 (d) describe or include a map of the entire proposed [~~local~~] special district.

3078 (3) County or municipal legislative bodies may jointly provide the notice required
3079 under this section if all the requirements of this section are met as to each notice.

3080 Section 43. Section **17B-1-212** is amended to read:

3081 **17B-1-212. Resolution indicating whether the requested service will be provided.**

3082 (1) (a) Within 60 days after the last hearing required under Section **17B-1-210**
3083 concerning a request, the legislative body of each county whose unincorporated area includes
3084 and the legislative body of each municipality whose boundaries include any part of the
3085 proposed [~~local~~] special district shall adopt a resolution indicating whether the county or
3086 municipality will provide to the area of the proposed [~~local~~] special district within its
3087 boundaries the service proposed to be provided by the proposed [~~local~~] special district.

3088 (b) If a county or municipality adopts a resolution indicating that the county or
3089 municipality will provide the service proposed to be provided by the proposed [~~local~~] special
3090 district under Subsection (1)(a), the resolution shall include a reasonable timeline for the
3091 county or municipality to begin providing the service.

3092 (2) If the legislative body of a county or municipality fails to adopt a resolution within
3093 the time provided under Subsection (1), the county or municipal legislative body shall be
3094 considered to have declined to provide the service requested and to have consented to the
3095 creation of the [~~local~~] special district.

3096 (3) If the county or municipality adopts a resolution under Subsection (1) indicating

3097 that it will provide the requested service but does not, within 120 days after the adoption of that
3098 resolution, take substantial measures to provide the requested service, the county or municipal
3099 legislative body shall be considered to have declined to provide the requested service.

3100 (4) Each county or municipality that adopts a resolution under Subsection (1)

3101 indicating that it will provide the requested service:

3102 (a) shall diligently proceed to take all measures necessary to provide the service; and

3103 (b) if the county or municipality fails to timely provide the requested service, the
3104 county will be considered to have declined to provide the service and the creation of the ~~[local]~~
3105 special district may proceed accordingly.

3106 Section 44. Section **17B-1-213** is amended to read:

3107 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**
3108 **approving creation for certain districts.**

3109 (1) For purposes of this section, "adequate protests" means protests that are:

3110 (a) filed with the county clerk, municipal clerk or recorder, or ~~[local]~~ special district
3111 secretary or clerk, as the case may be, within 60 days after the last public hearing required
3112 under Section **17B-1-210**; and

3113 (b) signed by:

3114 (i) the owners of private real property that:

3115 (A) is located within the proposed ~~[local]~~ special district;

3116 (B) covers at least 25% of the total private land area within the applicable area; and

3117 (C) is equal in value to at least 15% of the value of all private real property within the
3118 applicable area; or

3119 (ii) registered voters residing within the applicable area equal in number to at least 25%
3120 of the number of votes cast in the applicable area for the office of president of the United States
3121 at the most recent election prior to the adoption of the resolution.

3122 (2) An owner may withdraw a protest at any time before the expiration of the 60-day
3123 period described in Subsection (1)(a).

3124 (3) If adequate protests are filed, the governing body that adopted a resolution under
3125 Subsection **17B-1-203**(1)(d) or (e):

3126 (a) may not:

3127 (i) hold or participate in an election under Subsection **17B-1-214**(1) with respect to the

3128 applicable area;

3129 (ii) take any further action under the protested resolution to create a [toeat] special
3130 district or include the applicable area in a [toeat] special district; or

3131 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or
3132 (e) proposing the creation of a [toeat] special district including substantially the same area as
3133 the applicable area and providing the same service as the proposed [toeat] special district in the
3134 protested resolution; and

3135 (b) shall, within five days after receiving adequate protests, mail or deliver written
3136 notification of the adequate protests to the responsible body.

3137 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a
3138 proposed [toeat] special district whose boundaries do not include an applicable area that is the
3139 subject of adequate protests.

3140 (5) (a) If adequate protests are not filed with respect to a resolution proposing the
3141 creation of a [toeat] special district for which an election is not required under Subsection
3142 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the [toeat] special
3143 district shall be adopted by:

3144 (i) (A) the legislative body of a county whose unincorporated area is included within
3145 the proposed [toeat] special district; and

3146 (B) the legislative body of a municipality whose area is included within the proposed
3147 [toeat] special district; or

3148 (ii) the board of trustees of the initiating [toeat] special district.

3149 (b) Each resolution adopted under Subsection (5)(a) shall:

3150 (i) describe the area included in the [toeat] special district;

3151 (ii) be accompanied by a map that shows the boundaries of the [toeat] special district;

3152 (iii) describe the service to be provided by the [toeat] special district;

3153 (iv) state the name of the [toeat] special district; and

3154 (v) provide a process for the appointment of the members of the initial board of
3155 trustees.

3156 Section 45. Section 17B-1-214 is amended to read:

3157 **17B-1-214. Election -- Exceptions.**

3158 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an

3159 election on the question of whether the [local] special district should be created shall be held
3160 by:

3161 (i) if the proposed [local] special district is located entirely within a single county, the
3162 responsible clerk; or

3163 (ii) except as provided under Subsection (1)(b), if the proposed [local] special district
3164 is located within more than one county, the clerk of each county in which part of the proposed
3165 [local] special district is located, in cooperation with the responsible clerk.

3166 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed [local] special district is
3167 located within more than one county and the only area of a county that is included within the
3168 proposed [local] special district is located within a single municipality, the election for that
3169 area shall be held by the municipal clerk or recorder, in cooperation with the responsible clerk.

3170 (2) Each election under Subsection (1) shall be held at the next special or regular
3171 general election date that is:

3172 (a) for an election pursuant to a property owner or registered voter petition, more than
3173 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

3174 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
3175 required under Section 17B-1-210.

3176 (3) The election requirement of Subsection (1) does not apply to:

3177 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the
3178 owners of private real property that:

3179 (i) is located within the proposed [local] special district;

3180 (ii) covers at least 67% of the total private land area within the proposed [local] special
3181 district as a whole and within each applicable area; and

3182 (iii) is equal in value to at least 50% of the value of all private real property within the
3183 proposed [local] special district as a whole and within each applicable area;

3184 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of
3185 registered voters residing within the proposed [local] special district as a whole and within each
3186 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
3187 [local] special district as a whole and in each applicable area, respectively, for the office of
3188 governor at the last general election prior to the filing of the petition;

3189 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the

3190 petition contains the signatures of the owners of groundwater rights that:

3191 (i) are diverted within the proposed [local] special district; and

3192 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with
3193 groundwater rights within the proposed [local] special district as a whole and within each
3194 applicable area;

3195 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,
3196 that proposes the creation of a [local] special district to provide fire protection, paramedic, and
3197 emergency services or law enforcement service, if the proposed [local] special district:

3198 (i) includes the unincorporated area, whether in whole or in part, of one or more
3199 counties; or

3200 (ii) consists of an area that:

3201 (A) has a boundary that is the same as the boundary of the municipality whose
3202 legislative body adopts the resolution proposing the creation of the [local] special district;

3203 (B) previously received fire protection, paramedic, and emergency services or law
3204 enforcement service from another [local] special district; and

3205 (C) may be withdrawn from the other [local] special district under Section 17B-1-505
3206 without an election because the withdrawal is pursuant to an agreement under Subsection
3207 17B-1-505(5)(a)(ii)(A) or (5)(b);

3208 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution
3209 proposes the creation of a [local] special district that has no registered voters within its
3210 boundaries;

3211 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,
3212 that proposes the creation of a [local] special district described in Subsection
3213 17B-1-202(1)(a)(xiii); or

3214 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services
3215 district.

3216 (4) (a) If the proposed [local] special district is located in more than one county, the
3217 responsible clerk shall coordinate with the clerk of each other county and the clerk or recorder
3218 of each municipality involved in an election under Subsection (1) so that the election is held on
3219 the same date and in a consistent manner in each jurisdiction.

3220 (b) The clerk of each county and the clerk or recorder of each municipality involved in

3221 an election under Subsection (1) shall cooperate with the responsible clerk in holding the
3222 election.

3223 (c) Except as otherwise provided in this part, each election under Subsection (1) shall
3224 be governed by Title 20A, Election Code.

3225 Section 46. Section **17B-1-215** is amended to read:

3226 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**
3227 **Certificate of incorporation -- Special district incorporated as specialized special district**
3228 **or basic special district -- Effective date.**

3229 (1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file
3230 with the lieutenant governor:

3231 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
3232 that meets the requirements of Subsection [67-1a-6.5](#)(3); and

3233 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#).

3234 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
3235 lieutenant governor within 10 days after:

3236 (i) the canvass of an election under Section [17B-1-214](#), if a majority of those voting at
3237 the election within the proposed [~~local~~] special district as a whole vote in favor of the creation
3238 of a [~~local~~] special district;

3239 (ii) certification of a petition as to which the election requirement of Subsection
3240 [17B-1-214](#)(1) does not apply because of Subsection [17B-1-214](#)(3)(a), (b), or (c); or

3241 (iii) adoption of a resolution, under Subsection [17B-1-213](#)(5) approving the creation of
3242 a [~~local~~] special district for which an election was not required under Subsection
3243 [17B-1-214](#)(3)(d), (e), (f), or (g) by the legislative body of each county whose unincorporated
3244 area is included within and the legislative body of each municipality whose area is included
3245 within the proposed [~~local~~] special district, or by the board of trustees of the initiating [~~local~~]
3246 special district.

3247 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
3248 Section [67-1a-6.5](#), the responsible body shall:

3249 (a) if the [~~local~~] special district is located within the boundary of a single county,
3250 submit to the recorder of that county:

3251 (i) the original:

- 3252 (A) notice of an impending boundary action;
- 3253 (B) certificate of incorporation; and
- 3254 (C) approved final local entity plat; and
- 3255 (ii) if applicable, a certified copy of each resolution adopted under Subsection
- 3256 17B-1-213(5); or
- 3257 (b) if the [local] special district is located within the boundaries of more than a single
- 3258 county:
- 3259 (i) submit to the recorder of one of those counties:
- 3260 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and
- 3261 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 3262 17B-1-213(5); and
- 3263 (ii) submit to the recorder of each other county:
- 3264 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);
- 3265 and
- 3266 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 3267 17B-1-213(5).
- 3268 (3) The area of each [local] special district consists of:
- 3269 (a) if an election was held under Section 17B-1-214, the area of the new [local] special
- 3270 district as approved at the election;
- 3271 (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c),
- 3272 the area of the proposed [local] special district as described in the petition; or
- 3273 (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), (f), or
- 3274 (g), the area of the new [local] special district as described in the resolution adopted under
- 3275 Subsection 17B-1-213(5).
- 3276 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under
- 3277 Section 67-1a-6.5, the [local] special district is created and incorporated as:
- 3278 (i) the type of specialized [local] special district that was specified in the petition under
- 3279 Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e),
- 3280 if the petition or resolution proposed the creation of a specialized [local] special district; or
- 3281 (ii) a basic [local] special district, if the petition or resolution did not propose the
- 3282 creation of a specialized [local] special district.

3283 (b) (i) The effective date of a [local] special district's incorporation for purposes of
3284 assessing property within the [local] special district is governed by Section 59-2-305.5.

3285 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
3286 recorder of each county in which the property is located, a newly incorporated [local] special
3287 district may not:

- 3288 (A) levy or collect a property tax on property within the [local] special district;
- 3289 (B) levy or collect an assessment on property within the [local] special district; or
- 3290 (C) charge or collect a fee for service provided to property within the [local] special
3291 district.

3292 Section 47. Section 17B-1-216 is amended to read:

3293 **17B-1-216. Costs and expenses of creating a special district.**

3294 (1) Except as provided in Subsection (2), each county whose unincorporated area
3295 includes and each municipality whose boundaries include some or all of the proposed [local]
3296 special district shall bear their respective costs and expenses associated with the procedure
3297 under this part for creating a [local] special district.

3298 (2) Within a year after its creation, each [local] special district shall reimburse the costs
3299 and expenses associated with the preparation, certification, and recording of the approved final
3300 local entity plat of the [local] special district and accompanying documents under Section
3301 17B-1-215.

3302 Section 48. Section 17B-1-217 is amended to read:

3303 **17B-1-217. Activity required -- Dissolution -- Conclusive presumption regarding**
3304 **creation and existence.**

3305 (1) A [local] special district that is not engaged in one or more of the following
3306 activities, services, or duties is subject to dissolution in accordance with Subsections (5) and
3307 (6):

- 3308 (a) levying and collecting a tax;
- 3309 (b) providing a commodity or service;
- 3310 (c) collecting a fee or charging an assessment for a commodity, service, facility, or
3311 improvement provided by the [local] special district;
- 3312 (d) undertaking planning necessary for the provision of a commodity, service, facility,
3313 or improvement as reflected in a written study or report;

3314 (e) acquiring or maintaining property or an easement necessary for a service, facility, or
3315 improvement to be provided by the [local] special district in accordance with a general or
3316 master plan adopted by the district;

3317 (f) constructing, installing, maintaining, owning, or operating infrastructure for the
3318 provision of a commodity, service, facility, or improvement; or

3319 (g) legally incurring debt, contracting, or otherwise being obligated to provide a
3320 commodity, service, facility, or improvement within a reasonable period of time.

3321 (2) For a [local] special district created after May 14, 2013, the [local] special district
3322 shall file with the state auditor a written certification:

3323 (a) declaring that the district is engaged in an activity, service, or duty described in
3324 Subsection (1);

3325 (b) identifying the activity in which the [local] special district is engaged; and

3326 (c) no later than five years after the date on which a [local] special district is created as
3327 reflected in the certificate of incorporation issued by the lieutenant governor under Section
3328 [67-1a-6.5](#).

3329 (3) (a) The state auditor shall send a deficiency notice in accordance with Subsection
3330 (3)(c) if:

3331 (i) a [local] special district fails to deliver a certification in accordance with Subsection
3332 (2); or

3333 (ii) the state auditor determines that, subject to Subsection (3)(b), a [local] special
3334 district created after January 1, 2005, and before May 15, 2013, is not engaged in an activity,
3335 service, or duty required under Subsection (1) within five years after the date on which the
3336 [local] special district is created as reflected in the certificate of incorporation issued by the
3337 lieutenant governor under Section [67-1a-6.5](#) or thereafter.

3338 (b) The state auditor shall make a determination described in Subsection (3)(a)(ii)
3339 based on:

3340 (i) the [local] special district's failure to file a required annual financial report with the
3341 state auditor in accordance with Section [17B-1-639](#); or

3342 (ii) subject to Subsection (7), other credible information related to Subsection (1).

3343 (c) (i) The state auditor shall send the deficiency notice to the [local] special district
3344 and the Utah Association of Special Districts.

3345 (ii) The deficiency notice shall state that the [local] special district is required to file
3346 with the state auditor a written certification:

3347 (A) declaring that the district was and continues to be engaged in an activity, service,
3348 or duty described in Subsection (1) prior to the date of the deficiency notice; and

3349 (B) identifying the activity, service, or duty in which the [local] special district is
3350 engaged.

3351 (4) If within four months of receiving a deficiency notice, a [local] special district fails
3352 to file a written certification with the state auditor in accordance with Subsection (2) or

3353 (3)(c)(ii), the state auditor shall, in writing:

3354 (a) notify the lieutenant governor that the [local] special district has failed to meet the
3355 requirements of this section and specify the reason for the district's failure; and

3356 (b) request that the lieutenant governor dissolve the [local] special district in
3357 accordance with Subsections (5) and (6).

3358 (5) If the lieutenant governor receives a request to dissolve a [local] special district
3359 from the state auditor in accordance with Subsection (4), the lieutenant governor shall:

3360 (a) issue a certification of dissolution under Section 67-1a-6.5; and

3361 (b) send a copy of the certification of dissolution to:

3362 (i) the state auditor;

3363 (ii) the State Tax Commission;

3364 (iii) the recorder of the county in which the [local] special district is located, or, if the
3365 [local] special district is located in more than one county, the recorder of each county in which
3366 the [local] special district is located;

3367 (iv) the last known address of the [local] special district; and

3368 (v) the Utah Association of Special Districts.

3369 (6) A [local] special district identified in a certification of dissolution is dissolved:

3370 (a) upon recordation of the certification by the county recorder; or

3371 (b) if the [local] special district is located within more than one county, upon
3372 recordation of the certification by the county recorder of the last county to record.

3373 (7) Notwithstanding any other provision of law, a [local] special district shall be
3374 conclusively presumed to have been lawfully created, existing, and active if for two years
3375 following the district's creation under Subsection 17B-1-215(4):

3376 (a) the district has:
3377 (i) levied and collected a tax; or
3378 (ii) collected a fee, charge, or assessment for a commodity, service, facility, or
3379 improvement provided by the district; and
3380 (b) no challenge has been filed in court to the existence or creation of the district.
3381 Section 49. Section **17B-1-301** is amended to read:
3382 **17B-1-301. Board of trustees duties and powers.**
3383 (1) (a) Each [~~local~~] special district shall be governed by a board of trustees which shall
3384 manage and conduct the business and affairs of the district and shall determine all questions of
3385 district policy.
3386 (b) All powers of a [~~local~~] special district are exercised through the board of trustees.
3387 (2) The board of trustees may:
3388 (a) fix the location of the [~~local~~] special district's principal place of business and the
3389 location of all offices and departments, if any;
3390 (b) fix the times of meetings of the board of trustees;
3391 (c) select and use an official district seal;
3392 (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to
3393 district officers power to employ employees and agents, for the operation of the [~~local~~] special
3394 district and its properties and prescribe or delegate to district officers the power to prescribe the
3395 duties, compensation, and terms and conditions of employment of those employees and agents;
3396 (e) require district officers and employees charged with the handling of district funds to
3397 provide surety bonds in an amount set by the board or provide a blanket surety bond to cover
3398 officers and employees;
3399 (f) contract for or employ professionals to perform work or services for the [~~local~~]
3400 special district that cannot satisfactorily be performed by the officers or employees of the
3401 district;
3402 (g) through counsel, prosecute on behalf of or defend the [~~local~~] special district in all
3403 court actions or other proceedings in which the district is a party or is otherwise involved;
3404 (h) adopt bylaws for the orderly functioning of the board;
3405 (i) adopt and enforce rules and regulations for the orderly operation of the [~~local~~]
3406 special district or for carrying out the district's purposes;

- 3407 (j) prescribe a system of civil service for district employees;
- 3408 (k) on behalf of the [local] special district, enter into contracts that the board considers
3409 to be for the benefit of the district;
- 3410 (l) acquire, construct or cause to be constructed, operate, occupy, control, and use
3411 buildings, works, or other facilities for carrying out the purposes of the [local] special district;
- 3412 (m) on behalf of the [local] special district, acquire, use, hold, manage, occupy, and
3413 possess property necessary to carry out the purposes of the district, dispose of property when
3414 the board considers it appropriate, and institute and maintain in the name of the district any
3415 action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated
3416 with district property;
- 3417 (n) delegate to a district officer the exercise of a district duty; and
- 3418 (o) exercise all powers and perform all functions in the operation of the [local] special
3419 district and its properties as are ordinarily exercised by the governing body of a political
3420 subdivision of the state and as are necessary to accomplish the purposes of the district.
- 3421 (3) (a) As used in this Subsection (3), "interim vacancy period" means:
- 3422 (i) if any member of the [local] special district board is elected, the period of time that:
3423 (A) begins on the day on which an election is held to elect a [local] special district
3424 board member; and
- 3425 (B) ends on the day on which the [local] special district board member-elect begins the
3426 member's term; or
- 3427 (ii) if any member of the [local] special district board is appointed, the period of time
3428 that:
- 3429 (A) begins on the day on which an appointing authority posts a notice of vacancy in
3430 accordance with Section 17B-1-304; and
- 3431 (B) ends on the day on which the person who is appointed by the [local] special district
3432 board to fill the vacancy begins the person's term.
- 3433 (b) (i) The [local] special district may not hire during an interim vacancy period a
3434 manager, a chief executive officer, a chief administrative officer, an executive director, or a
3435 similar position to perform executive and administrative duties or functions.
- 3436 (ii) Notwithstanding Subsection (3)(b)(i):
3437 (A) the [local] special district may hire an interim manager, a chief executive officer, a

3438 chief administrative officer, an executive director, or a similar position during an interim
3439 vacancy period; and

3440 (B) the interim manager's, chief executive officer's, chief administrative officer's, or
3441 similar position's employment shall terminate once a new manager, chief executive officer,
3442 chief administrative officer, or similar position is hired by the new ~~[local]~~ special district board
3443 after the interim vacancy period has ended.

3444 (c) Subsection (3)(b) does not apply if:

3445 (i) all the elected ~~[local]~~ special district board members who held office on the day of
3446 the election for the ~~[local]~~ special district board members, whose term of office was vacant for
3447 the election are re-elected to the ~~[local]~~ special district board; and

3448 (ii) all the appointed ~~[local]~~ special district board members who were appointed whose
3449 term of appointment was expiring are re-appointed to the ~~[local]~~ special district board.

3450 (4) A ~~[local]~~ special district board that hires an interim manager, a chief executive
3451 officer, a chief administrative officer, an executive director, or a similar position in accordance
3452 with this section may not, on or after May 10, 2011, enter into an employment contract that
3453 contains an automatic renewal provision with the interim manager, chief executive officer,
3454 chief administrative officer, executive director, or similar position.

3455 Section 50. Section **17B-1-302** is amended to read:

3456 **17B-1-302. Board member qualifications -- Number of board members.**

3457 (1) Except as provided in Section **17B-2a-905**, each member of a ~~[local]~~ special district
3458 board of trustees shall be:

3459 (a) a registered voter at the location of the member's residence; and

3460 (b) except as otherwise provided in Subsection (2) or (3), a resident within:

3461 (i) the boundaries of the ~~[local]~~ special district; and

3462 (ii) if applicable, the boundaries of the division of the ~~[local]~~ special district from
3463 which the member is elected or appointed.

3464 (2) (a) As used in this Subsection (2):

3465 (i) "Proportional number" means the number of members of a board of trustees that
3466 bears, as close as mathematically possible, the same proportion to all members of the board that
3467 the number of seasonally occupied homes bears to all residences within the district that receive
3468 service from the district.

3469 (ii) "Seasonally occupied home" means a single-family residence:

3470 (A) that is located within the [local] special district;

3471 (B) that receives service from the [local] special district; and

3472 (C) whose owner does not reside permanently at the residence but may occupy the

3473 residence on a temporary or seasonal basis.

3474 (b) If over 50% of the residences within a [local] special district that receive service
3475 from the [local] special district are seasonally occupied homes, the requirement under
3476 Subsection (1)(b) is replaced, for a proportional number of members of the board of trustees,
3477 with the requirement that the member be an owner of land, or an agent or officer of the owner
3478 of land, that:

3479 (i) receives service from the district; and

3480 (ii) is located within the [local] special district and, if applicable, the division from
3481 which the member is elected.

3482 (3) (a) For a board of trustees member in a basic [local] special district, or in any other
3483 type of [local] special district that is located solely within a county of the fourth, fifth, or sixth
3484 class, that has within the district's boundaries fewer than one residential dwelling unit per 10
3485 acres of land, the requirement under Subsection (1)(b) may be replaced by the requirement that
3486 the member be a resident within the boundaries of the [local] special district, or that the
3487 member be an owner of land within the [local] special district that receives service from the
3488 district or an agent or officer of the owner.

3489 (b) A member of the board of trustees of a service area described in Subsection
3490 [17B-2a-905](#)(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is
3491 not subject to the requirements described in Subsection (1)(b) if the elected official was elected
3492 at large by the voters of the county.

3493 (c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the
3494 county legislative body may appoint to the [local] special district board one of the county
3495 legislative body's own members, regardless of whether the member resides within the
3496 boundaries described in Subsection (1)(b), if:

3497 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

3498 (A) for the appointment of a new board member, Subsections [17B-1-304](#)(2) and (3); or

3499 (B) for an appointment to fill a midterm vacancy, Subsection [20A-1-512](#)(1)(a)(ii) or

3500 Subsection 20A-1-512(2);

3501 (ii) fewer qualified candidates timely file to be considered for appointment to the
3502 [local] special district board than are necessary to fill the board;

3503 (iii) the county legislative body appoints each of the qualified candidates who timely
3504 filed to be considered for appointment to the board; and

3505 (iv) the county legislative body appoints a member of the body to the [local] special
3506 district board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c),
3507 who was:

3508 (A) elected at large by the voters of the county;

3509 (B) elected from a division of the county that includes more than 50% of the
3510 geographic area of the [local] special district; or

3511 (C) if the [local] special district is divided into divisions under Section 17B-1-306.5,
3512 elected from a division of the county that includes more than 50% of the geographic area of the
3513 division of the [local] special district in which there is a board vacancy.

3514 (d) If it is necessary to reconstitute the board of trustees of a [local] special district
3515 located solely within a county of the fourth, fifth, or sixth class because the term of a majority
3516 of the members of the board has expired without new trustees having been elected or appointed
3517 as required by law, even if sufficient qualified candidates timely file to be considered for a
3518 vacancy on the board, the county legislative body may appoint to the [local] special district
3519 board no more than one of the county legislative body's own members who does not satisfy the
3520 requirements of Subsection (1).

3521 (4) (a) Except as otherwise provided by statute, the number of members of each board
3522 of trustees of a [local] special district that has nine or fewer members shall have an odd number
3523 of members that is no fewer than three.

3524 (b) If a board of trustees of a [local] special district has more than nine members, the
3525 number of members may be odd or even.

3526 (5) For a newly created [local] special district, the number of members of the initial
3527 board of trustees shall be the number specified:

3528 (a) for a [local] special district whose creation was initiated by a petition under
3529 Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or

3530 (b) for a [local] special district whose creation was initiated by a resolution under

3531 Subsection 17B-1-203(1)(d) or (e), in the resolution.

3532 (6) (a) For an existing [~~local~~] special district, the number of members of the board of
3533 trustees may be changed by a two-thirds vote of the board of trustees.

3534 (b) No change in the number of members of a board of trustees under Subsection (6)(a)
3535 may:

3536 (i) violate Subsection (4); or

3537 (ii) serve to shorten the term of any member of the board.

3538 Section 51. Section 17B-1-303 is amended to read:

3539 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
3540 **of board member contact information.**

3541 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
3542 member of a board of trustees begins at noon on the January 1 following the member's election
3543 or appointment.

3544 (b) The term of each member of the initial board of trustees of a newly created [~~local~~]
3545 special district begins:

3546 (i) upon appointment, for an appointed member; and

3547 (ii) upon the member taking the oath of office after the canvass of the election at which
3548 the member is elected, for an elected member.

3549 (c) The term of each water conservancy district board member whom the governor
3550 appoints in accordance with Subsection 17B-2a-1005(2)(c):

3551 (i) begins on the later of the following:

3552 (A) the date on which the Senate consents to the appointment; or

3553 (B) the expiration date of the prior term; and

3554 (ii) ends on the February 1 that is approximately four years after the date described in
3555 Subsection (1)(c)(i)(A) or (B).

3556 (d) The term of a member of a board of trustees whom an appointing authority appoints
3557 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3558 (e) If the member of the board of trustees fails to assume or qualify for office on
3559 January 1 for any reason, the term begins on the date the member assumes or qualifies for
3560 office.

3561 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)

3562 and (iii), the term of each member of a board of trustees is four years, except that
3563 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
3564 two-year term so that the term of approximately half the board members expires every two
3565 years.

3566 (ii) If the terms of members of the initial board of trustees of a newly created [~~local~~
3567 special district do not begin on January 1 because of application of Subsection (1)(b), the terms
3568 of those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in
3569 the terms of their successors complying with:

3570 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
3571 a member's election or appointment; and

3572 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

3573 (iii) If the term of a member of a board of trustees does not begin on January 1 because
3574 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
3575 complying with the requirement under Subsection (1)(a) that the successor member's term,
3576 regardless of whether the incumbent is the successor, begins at noon on January 1 following the
3577 successor member's election or appointment.

3578 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
3579 subtract more than a year from a member's term.

3580 (b) Each board of trustees member shall serve until a successor is duly elected or
3581 appointed and qualified, unless the member earlier is removed from office or resigns or
3582 otherwise leaves office.

3583 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
3584 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed
3585 successor:

3586 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

3587 (ii) the member may continue to serve until a successor is duly elected or appointed
3588 and qualified.

3589 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
3590 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

3591 (ii) A judge, county clerk, notary public, or the [~~local~~ special district clerk may
3592 administer an oath of office.

3593 (b) The member of the board of trustees taking the oath of office shall file the oath of
3594 office with the clerk of the ~~[local]~~ special district.

3595 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
3596 does not invalidate any official act of that member.

3597 (4) A board of trustees member may serve any number of terms.

3598 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
3599 trustees position is filled in accordance with Section [20A-1-512](#).

3600 (b) When the number of members of a board of trustees increases in accordance with
3601 Subsection [17B-1-302\(6\)](#), the appointing authority may appoint an individual to fill a new
3602 board of trustees position in accordance with Section [17B-1-304](#) or [20A-1-512](#).

3603 (6) (a) ~~[For purposes of]~~ As used in this Subsection (6):

3604 (i) "Appointed official" means a person who:

3605 (A) is appointed as a member of a ~~[local]~~ special district board of trustees by a county
3606 or municipality that is entitled to appoint a member to the board; and

3607 (B) holds an elected position with the appointing county or municipality.

3608 (ii) "Appointing entity" means the county or municipality that appointed the appointed
3609 official to the board of trustees.

3610 (b) The board of trustees shall declare a midterm vacancy for the board position held
3611 by an appointed official if:

3612 (i) during the appointed official's term on the board of trustees, the appointed official
3613 ceases to hold the elected position with the appointing entity; and

3614 (ii) the appointing entity submits a written request to the board to declare the vacancy.

3615 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
3616 appointing entity shall appoint another person to fill the remaining unexpired term on the board
3617 of trustees.

3618 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or
3619 crime insurance for the faithful performance of the member's duties, in the amount and with the
3620 sureties or with an insurance company that the board of trustees prescribes.

3621 (b) The ~~[local]~~ special district:

3622 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or
3623 crime insurance as a group or for members individually; and

3624 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this
3625 Subsection (7).

3626 (8) (a) The lieutenant governor may extend the term of an elected district board
3627 member by one year in order to compensate for a change in the election year under Subsection
3628 17B-1-306(14).

3629 (b) When the number of members of a board of trustees increases in accordance with
3630 Subsection 17B-1-302(6), to ensure that the term of approximately half of the board members
3631 expires every two years in accordance with Subsection (2)(a):

3632 (i) the board shall set shorter terms for approximately half of the new board members,
3633 chosen by lot; and

3634 (ii) the initial term of a new board member position may be less than two or four years.

3635 (9) (a) A ~~local~~ special district shall:

3636 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name,
3637 phone number, and email address of each member of the ~~local~~ special district's board of
3638 trustees;

3639 (ii) update the information described in Subsection (9)(a)(i) when:

3640 (A) the membership of the board of trustees changes; or

3641 (B) a member of the board of trustees' phone number or email address changes; and

3642 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
3643 on which the change requiring the update occurs.

3644 (b) This Subsection (9) applies regardless of whether the county or municipal
3645 legislative body also serves as the board of trustees of the ~~local~~ special district.

3646 Section 52. Section 17B-1-304 is amended to read:

3647 **17B-1-304. Appointment procedures for appointed members.**

3648 (1) The appointing authority may, by resolution, appoint persons to serve as members
3649 of a ~~local~~ special district board by following the procedures established by this section.

3650 (2) (a) In any calendar year when appointment of a new ~~local~~ special district board
3651 member is required, the appointing authority shall prepare a notice of vacancy that contains:

3652 (i) the positions that are vacant that shall be filled by appointment;

3653 (ii) the qualifications required to be appointed to those positions;

3654 (iii) the procedures for appointment that the governing body will follow in making

3655 those appointments; and

3656 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
3657 to be considered for appointment to those positions.

3658 (b) The appointing authority shall:

3659 (i) post the notice of vacancy in four public places within the [~~local~~] special district at
3660 least one month before the deadline for accepting nominees for appointment; and

3661 (ii) post the notice of vacancy on the Utah Public Notice Website, created in Section
3662 [63A-16-601](#), for five days before the deadline for accepting nominees for appointment.

3663 (c) The appointing authority may bill the [~~local~~] special district for the cost of
3664 preparing, printing, and publishing the notice.

3665 (3) (a) After the appointing authority is notified of a vacancy and has satisfied the
3666 requirements described in Subsection (2), the appointing authority shall select a person to fill
3667 the vacancy from the applicants who meet the qualifications established by law.

3668 (b) The appointing authority shall:

3669 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
3670 appointment;

3671 (ii) allow any interested persons to be heard; and

3672 (iii) adopt a resolution appointing a person to the [~~local~~] special district board.

3673 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
3674 appointing authority, the appointing authority shall select the appointee from the two top
3675 candidates by lot.

3676 (4) Persons appointed to serve as members of the [~~local~~] special district board serve
3677 four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of
3678 the appointing body.

3679 (5) (a) At the end of each board member's term, the position is considered vacant, and,
3680 after following the appointment procedures established in this section, the appointing authority
3681 may either reappoint the incumbent board member or appoint a new member.

3682 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
3683 successor is elected or appointed and qualified in accordance with Subsection [17B-1-303\(2\)\(b\)](#).

3684 (6) Notwithstanding any other provision of this section, if the appointing authority
3685 appoints one of its own members and that member meets all applicable statutory board member

3686 qualifications, the appointing authority need not comply with Subsection (2) or (3).

3687 Section 53. Section **17B-1-305** is amended to read:

3688 **17B-1-305. Notice of offices to be filled.**

3689 On or before February 1 of each election year in which board members of a [local]
3690 special district are elected, the board of each [local] special district required to participate in an
3691 election that year shall prepare and transmit to the clerk of each county in which any part of the
3692 district is located a written notice that:

3693 (1) designates the offices to be filled at that year's election; and

3694 (2) identifies the dates for filing a declaration of candidacy for those offices.

3695 Section 54. Section **17B-1-306** is amended to read:

3696 **17B-1-306. Special district board -- Election procedures.**

3697 (1) Except as provided in Subsection (12), each elected board member shall be selected
3698 as provided in this section.

3699 (2) (a) Each election of a [local] special district board member shall be held:

3700 (i) at the same time as the municipal general election or the regular general election, as
3701 applicable; and

3702 (ii) at polling places designated by the [local] special district board in consultation with
3703 the county clerk for each county in which the [local] special district is located, which polling
3704 places shall coincide with municipal general election or regular general election polling places,
3705 as applicable, whenever feasible.

3706 (b) The [local] special district board, in consultation with the county clerk, may
3707 consolidate two or more polling places to enable voters from more than one district to vote at
3708 one consolidated polling place.

3709 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
3710 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
3711 polling place per division of the district, designated by the district board.

3712 (ii) Each polling place designated by an irrigation district board under Subsection
3713 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
3714 (2)(a)(ii).

3715 (3) The clerk of each [local] special district with a board member position to be filled
3716 at the next municipal general election or regular general election, as applicable, shall provide

3717 notice of:

3718 (a) each elective position of the [toeat] special district to be filled at the next municipal
3719 general election or regular general election, as applicable;

3720 (b) the constitutional and statutory qualifications for each position; and

3721 (c) the dates and times for filing a declaration of candidacy.

3722 (4) The clerk of the [toeat] special district shall publish the notice described in
3723 Subsection (3):

3724 (a) by posting the notice on the Utah Public Notice Website created in Section
3725 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy;

3726 (b) by posting the notice in at least five public places within the [toeat] special district
3727 at least 10 days before the first day for filing a declaration of candidacy; and

3728 (c) if the [toeat] special district has a website, on the [toeat] special district's website
3729 for 10 days before the first day for filing a declaration of candidacy.

3730 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
3731 [toeat] special district board position, an individual shall file a declaration of candidacy in
3732 person with an official designated by the [toeat] special district within the candidate filing
3733 period for the applicable election year in which the election for the [toeat] special district board
3734 is held and:

3735 (i) during the [toeat] special district's standard office hours, if the standard office hours
3736 provide at least three consecutive office hours each day during the candidate filing period that
3737 is not a holiday or weekend; or

3738 (ii) if the standard office hours of a [toeat] special district do not provide at least three
3739 consecutive office hours each day, a three-hour consecutive time period each day designated by
3740 the [toeat] special district during the candidate filing period that is not a holiday or weekend.

3741 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
3742 filing time shall be extended until the close of normal office hours on the following regular
3743 business day.

3744 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
3745 declaration of candidacy with the official designated by the [toeat] special district if:

3746 (i) the individual is located outside of the state during the entire filing period;

3747 (ii) the designated agent appears in person before the official designated by the [toeat]

3748 special district; and

3749 (iii) the individual communicates with the official designated by the [~~local~~] special
3750 district using an electronic device that allows the individual and official to see and hear each
3751 other.

3752 (d) (i) Before the filing officer may accept any declaration of candidacy from an
3753 individual, the filing officer shall:

3754 (A) read to the individual the constitutional and statutory qualification requirements for
3755 the office that the individual is seeking; and

3756 (B) require the individual to state whether the individual meets those requirements.

3757 (ii) If the individual does not meet the qualification requirements for the office, the
3758 filing officer may not accept the individual's declaration of candidacy.

3759 (iii) If it appears that the individual meets the requirements of candidacy, the filing
3760 officer shall accept the individual's declaration of candidacy.

3761 (e) The declaration of candidacy shall be in substantially the following form:

3762 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
3763 _____, City of _____, County of _____, state of Utah, (Zip
3764 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
3765 office of board of trustees member for _____ (state the name of the
3766 [~~local~~] special district); that I am a candidate for that office to be voted upon at the next
3767 election; and that, if filing via a designated agent, I will be out of the state of Utah during the
3768 entire candidate filing period, and I hereby request that my name be printed upon the official
3769 ballot for that election.

3770 (Signed) _____

3771 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
3772 of _____, _____.

3773 (Signed) _____

3774 (Clerk or Notary Public)".

3775 (f) An agent designated under Subsection (5)(c) may not sign the form described in
3776 Subsection (5)(e).

3777 (g) Each individual wishing to become a valid write-in candidate for an elective [~~local~~]
3778 special district board position is governed by Section [20A-9-601](#).

3779 (h) If at least one individual does not file a declaration of candidacy as required by this
3780 section, an individual shall be appointed to fill that board position in accordance with the
3781 appointment provisions of Section 20A-1-512.

3782 (i) If only one candidate files a declaration of candidacy and there is no write-in
3783 candidate who complies with Section 20A-9-601, the board, in accordance with Section
3784 20A-1-206, may:

3785 (i) consider the candidate to be elected to the position; and

3786 (ii) cancel the election.

3787 (6) (a) A primary election may be held if:

3788 (i) the election is authorized by the [toeat] special district board; and

3789 (ii) the number of candidates for a particular local board position or office exceeds
3790 twice the number of persons needed to fill that position or office.

3791 (b) The primary election shall be conducted:

3792 (i) on the same date as the municipal primary election or the regular primary election,
3793 as applicable; and

3794 (ii) according to the procedures for primary elections provided under Title 20A,
3795 Election Code.

3796 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
3797 deadline for filing a declaration of candidacy, the [toeat] special district clerk shall certify the
3798 candidate names to the clerk of each county in which the [toeat] special district is located.

3799 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
3800 20A-6-305, the clerk of each county in which the [toeat] special district is located and the
3801 [toeat] special district clerk shall coordinate the placement of the name of each candidate for
3802 [toeat] special district office in the nonpartisan section of the ballot with the appropriate
3803 election officer.

3804 (ii) If consolidation of the [toeat] special district election ballot with the municipal
3805 general election ballot or the regular general election ballot, as applicable, is not feasible, the
3806 [toeat] special district board of trustees, in consultation with the county clerk, shall provide for
3807 a separate [toeat] special district election ballot to be administered by poll workers at polling
3808 places designated under Subsection (2).

3809 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board

3810 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3811 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
3812 prescribe the form of the ballot for each board member election.

3813 (B) Each ballot for an election of an irrigation district board member shall be in a
3814 nonpartisan format.

3815 (C) The name of each candidate shall be placed on the ballot in the order specified
3816 under Section [20A-6-305](#).

3817 (8) (a) Each voter at an election for a board of trustees member of a ~~[local]~~ special
3818 district shall:

3819 (i) be a registered voter within the district, except for an election of:

3820 (A) an irrigation district board of trustees member; or

3821 (B) a basic ~~[local]~~ special district board of trustees member who is elected by property
3822 owners; and

3823 (ii) meet the requirements to vote established by the district.

3824 (b) Each voter may vote for as many candidates as there are offices to be filled.

3825 (c) The candidates who receive the highest number of votes are elected.

3826 (9) Except as otherwise provided by this section, the election of ~~[local]~~ special district
3827 board members is governed by Title 20A, Election Code.

3828 (10) (a) Except as provided in Subsection [17B-1-303\(8\)](#), a person elected to serve on a
3829 ~~[local]~~ special district board shall serve a four-year term, beginning at noon on the January 1
3830 after the person's election.

3831 (b) A person elected shall be sworn in as soon as practical after January 1.

3832 (11) (a) Except as provided in Subsection (11)(b), each ~~[local]~~ special district shall
3833 reimburse the county or municipality holding an election under this section for the costs of the
3834 election attributable to that ~~[local]~~ special district.

3835 (b) Each irrigation district shall bear the district's own costs of each election the district
3836 holds under this section.

3837 (12) This section does not apply to an improvement district that provides electric or gas
3838 service.

3839 (13) Except as provided in Subsection [20A-3a-605\(1\)\(b\)](#), the provisions of Title 20A,
3840 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3841 (14) (a) As used in this Subsection (14), "board" means:

3842 (i) a [~~local~~] special district board; or

3843 (ii) the administrative control board of a special service district that has elected
3844 members on the board.

3845 (b) A board may hold elections for membership on the board at a regular general
3846 election instead of a municipal general election if the board submits an application to the
3847 lieutenant governor that:

3848 (i) requests permission to hold elections for membership on the board at a regular
3849 general election instead of a municipal general election; and

3850 (ii) indicates that holding elections at the time of the regular general election is
3851 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
3852 material reason.

3853 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
3854 governor may approve the application if the lieutenant governor concludes that holding the
3855 elections at the regular general election is beneficial based on the criteria described in
3856 Subsection (14)(b)(ii).

3857 (d) If the lieutenant governor approves a board's application described in this section:

3858 (i) all future elections for membership on the board shall be held at the time of the
3859 regular general election; and

3860 (ii) the board may not hold elections at the time of a municipal general election unless
3861 the board receives permission from the lieutenant governor to hold all future elections for
3862 membership on the board at a municipal general election instead of a regular general election,
3863 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3864 (15) (a) This Subsection (15) applies to a [~~local~~] special district if:

3865 (i) the [~~local~~] special district's board members are elected by the owners of real
3866 property, as provided in Subsection [17B-1-1402\(1\)\(b\)](#); and

3867 (ii) the [~~local~~] special district was created before January 1, 2020.

3868 (b) The board of a [~~local~~] special district described in Subsection (15)(a) may conduct
3869 an election:

3870 (i) to fill a board member position that expires at the end of the term for that board
3871 member's position; and

3872 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
3873 term of a board member.

3874 (c) An election under Subsection (15)(b) may be conducted as determined by the
3875 [local] special district board, subject to Subsection (15)(d).

3876 (d) (i) The [local] special district board shall provide to property owners eligible to
3877 vote at the [local] special district election:

3878 (A) notice of the election; and

3879 (B) a form to nominate an eligible individual to be elected as a board member.

3880 (ii) (A) The [local] special district board may establish a deadline for a property owner
3881 to submit a nomination form.

3882 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after
3883 the board provides the notice and nomination form under Subsection (15)(d)(i).

3884 (iii) (A) After the deadline for submitting nomination forms, the [local] special district
3885 board shall provide a ballot to all property owners eligible to vote at the [local] special district
3886 election.

3887 (B) A [local] special district board shall allow at least five days for ballots to be
3888 returned.

3889 (iv) A [local] special district board shall certify the results of an election under this
3890 Subsection (15) during an open meeting of the board.

3891 Section 55. Section 17B-1-306.5 is amended to read:

3892 **17B-1-306.5. Dividing a special district into divisions.**

3893 (1) Subject to Subsection (3), the board of trustees of a [local] special district that has
3894 elected board members may, upon a vote of two-thirds of the members of the board, divide the
3895 [local] special district, or the portion of the [local] special district represented by elected board
3896 of trustees members, into divisions so that some or all of the elected members of the board of
3897 trustees may be elected by division rather than at large.

3898 (2) Subject to Subsection (3), the appointing authority of a [local] special district that
3899 has appointed board members may, upon a vote of two-thirds of the members of the appointing
3900 authority, divide the [local] special district, or the portion of the [local] special district
3901 represented by appointed board members, into divisions so that some or all of the appointed
3902 members of the board of trustees may be appointed by division rather than at large.

3903 (3) Before dividing a [local] special district into divisions or before changing the
3904 boundaries of divisions already established, the board of trustees under Subsection (1), or the
3905 appointing authority, under Subsection (2), shall:

3906 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

3907 (b) hold a public hearing at which any interested person may appear and speak for or
3908 against the proposal.

3909 (4) (a) The board of trustees or the appointing authority shall review the division
3910 boundaries at least every 10 years.

3911 (b) Except for changes in the divisions necessitated by annexations to or withdrawals
3912 from the [local] special district, the boundaries of divisions established under Subsection (1) or
3913 (2) may not be changed more often than every five years.

3914 (c) Changes to the boundaries of divisions already established under Subsection (1) or
3915 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

3916 Section 56. Section **17B-1-307** is amended to read:

3917 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**
3918 **group insurance plan -- Reimbursement of expenses.**

3919 (1) (a) Except as provided in Subsection **17B-1-308**(1)(e), a member of a board of
3920 trustees may receive compensation for service on the board, as determined by the board of
3921 trustees.

3922 (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per
3923 year.

3924 (c) (i) As determined by the board of trustees, a member of the board of trustees may
3925 participate in a group insurance plan provided to employees of the [local] special district on the
3926 same basis as employees of the [local] special district.

3927 (ii) The amount that the [local] special district pays to provide a member with coverage
3928 under a group insurance plan shall be included as part of the member's compensation for
3929 purposes of Subsection (1)(b).

3930 (d) The amount that a [local] special district pays employer-matching employment
3931 taxes, if a member of the board of trustees is treated as an employee for federal tax purposes,
3932 does not constitute compensation under Subsection (1).

3933 (2) In addition to the compensation provided under Subsection (1), the board of

3934 trustees may elect to allow a member to receive per diem and travel expenses for up to 12
3935 meetings or activities per year in accordance with rules adopted by the board of trustees or
3936 Section 11-55-103.

3937 Section 57. Section 17B-1-308 is amended to read:

3938 **17B-1-308. Boards of trustees composed of county or municipal legislative body**
3939 **members.**

3940 (1) If a county or municipal legislative body also serves as the board of trustees of a
3941 [local] special district:

3942 (a) the board of trustees shall hold district meetings and keep district minutes,
3943 accounts, and other records separate from those of the county or municipality;

3944 (b) subject to Subsection (2), the board of trustees may use, respectively, existing
3945 county or municipal facilities and personnel for district purposes;

3946 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board
3947 of trustees member coincides with the member's term as a county or municipal legislative body
3948 member;

3949 (d) each board of trustees member represents the district at large; and

3950 (e) board members may not receive compensation for service as board members in
3951 addition to compensation the board members receive as members of a county or municipal
3952 legislative body.

3953 (2) The county or municipal legislative body, as the case may be, shall charge the
3954 [local] special district, and the [local] special district shall pay to the county or municipality, a
3955 reasonable amount for:

3956 (a) the county or municipal facilities that the district uses; and

3957 (b) except for services that the county or municipal legislative body members render,
3958 the services that the county or municipality renders to the [local] special district.

3959 Section 58. Section 17B-1-310 is amended to read:

3960 **17B-1-310. Quorum of board of trustees -- Meetings of the board.**

3961 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees
3962 constitutes a quorum for the transaction of board business, and action by a majority of a
3963 quorum constitutes action of the board.

3964 (ii) Except as otherwise required by law, an otherwise valid action of the board is not

3965 made invalid because of the method chosen by the board to take or memorialize the action.

3966 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that
3967 require more than a majority to constitute a quorum or that require action by more than a
3968 majority of a quorum to constitute action by the board.

3969 (ii) A board with five or more members may not adopt bylaws or rules that require a
3970 vote of more than two-thirds of the board to constitute board action except for a board action to
3971 dispose of real property owned by the [local] special district.

3972 (2) The board of trustees shall hold such regular and special meetings as the board
3973 determines at a location that the board determines.

3974 (3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4,
3975 Open and Public Meetings Act.

3976 (b) Subject to Subsection (3)(c), a board of trustees shall:

3977 (i) adopt rules of order and procedure to govern a public meeting of the board of
3978 trustees;

3979 (ii) conduct a public meeting in accordance with the rules of order and procedure
3980 described in Subsection (3)(b)(i); and

3981 (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available
3982 to the public:

3983 (A) at each meeting of the board of trustees; and

3984 (B) on the [local] special district's public website, if available.

3985 (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52,
3986 Chapter 4, Open and Public Meetings Act.

3987 Section 59. Section **17B-1-311** is amended to read:

3988 **17B-1-311. Board member prohibited from district employment -- Exception.**

3989 (1) No elected or appointed member of the board of trustees of a [local] special district
3990 may, while serving on the board, be employed by the district, whether as an employee or under
3991 a contract.

3992 (2) No person employed by a [local] special district, whether as an employee or under a
3993 contract, may serve on the board of that [local] special district.

3994 (3) A [local] special district is not in violation of a prohibition described in Subsection
3995 (1) or (2) if the [local] special district:

3996 (a) treats a member of a board of trustees as an employee for income tax purposes; and
 3997 (b) complies with the compensation limits of Section 17B-1-307 for purposes of that
 3998 member.

3999 (4) This section does not apply to a [local] special district if:

4000 (a) fewer than 3,000 people in the state live within 40 miles of the [local] special
 4001 district's boundaries or primary place of employment, measured over all weather public roads;
 4002 and

4003 (b) with respect to the employment of a board of trustees member under Subsection
 4004 (1):

- 4005 (i) the job opening has had reasonable public notice; and
- 4006 (ii) the person employed is the best qualified candidate for the position.

4007 (5) This section does not apply to a board of trustees of a large public transit district as
 4008 described in Chapter 2a, Part 8, Public Transit District Act.

4009 Section 60. Section 17B-1-312 is amended to read:

4010 **17B-1-312. Training for board members.**

4011 (1) (a) Each member of a board of trustees of a [local] special district shall, within one
 4012 year after taking office, complete the training described in Subsection (2).

4013 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a [local]
 4014 special district takes office each time the member is elected or appointed to a new term,
 4015 including an appointment to fill a midterm vacancy in accordance with Subsection
 4016 17B-1-303(5) or (6).

4017 (2) In conjunction with the Utah Association of Special Districts, the state auditor
 4018 shall:

4019 (a) develop a training curriculum for the members of [local] special district boards;

4020 (b) with the assistance of other state offices and departments the state auditor considers
 4021 appropriate and at times and locations established by the state auditor, carry out the training of
 4022 members of [local] special district boards; and

4023 (c) ensure that any training required under this Subsection (2) complies with Title 63G,
 4024 Chapter 22, State Training and Certification Requirements.

4025 (3) (a) A [local] special district board of trustees may compensate each member of the
 4026 board for each day of training described in Subsection (2) that the member completes, in

4027 accordance with Section [11-55-103](#).

4028 (b) The compensation authorized under Subsection (3)(a) is in addition to all other
4029 amounts of compensation and expense reimbursement authorized under this chapter.

4030 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
4031 member more than once per year.

4032 (4) The state auditor shall issue a certificate of completion to each board member that
4033 completes the training described in Subsection (2).

4034 Section 61. Section **17B-1-313** is amended to read:

4035 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
4036 **No contest after contest period.**

4037 (1) After the board of trustees of a ~~local~~ special district adopts a resolution or takes
4038 other action on behalf of the district, the board may provide for the publication of a notice of
4039 the resolution or other action.

4040 (2) Each notice under Subsection (1) shall:

4041 (a) include, as the case may be:

4042 (i) the language of the resolution or a summary of the resolution; or

4043 (ii) a description of the action taken by the board;

4044 (b) state that:

4045 (i) any person in interest may file an action in district court to contest the regularity,
4046 formality, or legality of the resolution or action within 30 days after the date of publication; and

4047 (ii) if the resolution or action is not contested by filing an action in district court within
4048 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
4049 action after the expiration of the 30-day period; and

4050 (c) be posted on the Utah Public Notice Website created in Section [63A-16-601](#).

4051 (3) For a period of 30 days after the date of the publication, any person in interest may
4052 contest the regularity, formality, or legality of the resolution or other action by filing an action
4053 in district court.

4054 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
4055 the regularity, formality, or legality of the resolution or action for any cause.

4056 Section 62. Section **17B-1-314** is amended to read:

4057 **17B-1-314. Compelling attendance at board meetings.**

4058 The board of trustees of a [local] special district may:

4059 (1) compel the attendance of its own members at its meetings; and

4060 (2) provide penalties it considers necessary for the failure to attend.

4061 Section 63. Section **17B-1-401** is amended to read:

4062 **17B-1-401. Definitions.**

4063 [~~For purposes of~~] As used in this part:

4064 (1) "Applicable area" means:

4065 (a) for a county, the unincorporated area of the county that is included within the area
4066 proposed for annexation; or

4067 (b) for a municipality, the area of the municipality that is included within the area
4068 proposed for annexation.

4069 (2) "Retail" means, with respect to a service provided by a municipality or [local]
4070 special district, that the service is provided directly to the ultimate user.

4071 (3) "Wholesale" means, with respect to a service provided by a [local] special district,
4072 that the service is not provided directly to the ultimate user but is provided to a retail provider.

4073 Section 64. Section **17B-1-402** is amended to read:

4074 **17B-1-402. Annexation of area outside special district.**

4075 (1) An area outside the boundaries of a [local] special district may be annexed to the
4076 [local] special district, as provided in this part, in order to provide to the area a service that the
4077 [local] special district provides.

4078 (2) The area proposed to be annexed:

4079 (a) may consist of one or more noncontiguous areas; and

4080 (b) need not be adjacent to the boundaries of the proposed annexing [local] special
4081 district.

4082 (3) With respect to a [local] special district in the creation of which an election was not
4083 required under Subsection **17B-1-214**(3)(d):

4084 (a) an unincorporated area of a county may not be annexed to the [local] special district
4085 unless, after annexation, at least a majority of the unincorporated area of the county will be
4086 included in the [local] special district; and

4087 (b) the annexation of any part of an area within a municipality shall include all of the
4088 area within the municipality.

4089 (4) A ~~local~~ special district may not annex an area located within a project area
4090 described in a project area plan adopted by the military installation development authority
4091 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the
4092 authority's approval.

4093 Section 65. Section **17B-1-403** is amended to read:

4094 **17B-1-403. Initiation of annexation process -- Petition and resolution.**

4095 (1) Except as provided in Sections [17B-1-415](#), [17B-1-416](#), and [17B-1-417](#), the process
4096 to annex an area to a ~~local~~ special district may be initiated by:

4097 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet
4098 of water allotted to the land owned by the elector and subject to Subsection (2), a petition
4099 signed by the owners of all of the acre-feet of water allotted to the land proposed for
4100 annexation; or

4101 (ii) for all other districts:

4102 (A) a petition signed by:

4103 (I) the owners of private real property that:

4104 (Aa) is located within the area proposed to be annexed;

4105 (Bb) covers at least 10% of the total private land area within the entire area proposed to
4106 be annexed and within each applicable area; and

4107 (Cc) is equal in assessed value to at least 10% of the assessed value of all private real
4108 property within the entire area proposed to be annexed and within each applicable area; or

4109 (II) the owner of all the publicly owned real property, if all the real property within the
4110 area proposed for annexation is owned by a public entity other than the federal government; or

4111 (B) a petition signed by registered voters residing within the entire area proposed to be
4112 annexed and within each applicable area equal in number to at least 10% of the number of
4113 votes cast within the entire area proposed to be annexed and within each applicable area,
4114 respectively, for the office of governor at the last regular general election before the filing of
4115 the petition;

4116 (b) a resolution adopted by the legislative body of each county whose unincorporated
4117 area includes and each municipality whose boundaries include any of the area proposed to be
4118 annexed; or

4119 (c) a resolution adopted by the board of trustees of the proposed annexing ~~local~~

4120 special district if, for at least 12 consecutive months immediately preceding adoption of the
4121 resolution, the [~~local~~] special district has provided:

4122 (i) retail service to the area; or

4123 (ii) a wholesale service to a provider of the same service that has provided that service
4124 on a retail basis to the area.

4125 (2) If an association representing all acre-feet of water allotted to the land that is
4126 proposed to be annexed to a [~~local~~] special district signs a petition under Subsection (1)(a)(i),
4127 pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the
4128 association, the petition shall be considered to have been signed by the owners of all of the
4129 acre-feet of water allotted to the land proposed for annexation, even though less than all of the
4130 owners within the association consented to the association signing the petition.

4131 (3) Each petition and resolution under Subsection (1) shall:

4132 (a) describe the area proposed to be annexed; and

4133 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

4134 (4) The legislative body of each county and municipality that adopts a resolution under
4135 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of
4136 the resolution to the board of trustees of the proposed annexing [~~local~~] special district.

4137 Section 66. Section **17B-1-404** is amended to read:

4138 **17B-1-404. Petition requirements.**

4139 (1) Each petition under Subsection **17B-1-403**(1)(a) shall:

4140 (a) indicate the typed or printed name and current residence address of each person
4141 signing the petition;

4142 (b) separately group signatures by county and municipality, so that all signatures of the
4143 owners of real property located within or of registered voters residing within each county
4144 whose unincorporated area includes and each municipality whose boundaries include part of
4145 the area proposed for annexation are grouped separately;

4146 (c) if it is a petition under Subsection **17B-1-403**(1)(a)(i) or (ii)(A), indicate the address
4147 of the property as to which the owner is signing the petition;

4148 (d) designate up to three signers of the petition as sponsors, one of whom shall be
4149 designated the contact sponsor, with the mailing address and telephone number of each;

4150 (e) be filed with the board of trustees of the proposed annexing [~~local~~] special district;

4151 and

4152 (f) for a petition under Subsection 17B-1-403(1)(a)(i), state the proposed method of
4153 supplying water to the area proposed to be annexed.

4154 (2) By submitting a written withdrawal or reinstatement with the board of trustees of
4155 the proposed annexing [~~local~~] special district, a signer of a petition may withdraw, or once
4156 withdrawn, reinstate the signer's signature at any time:

4157 (a) before the public hearing under Section 17B-1-409 is held; or

4158 (b) if a hearing is not held because of Subsection 17B-1-413(1) or because no hearing
4159 is requested under Subsection 17B-1-413(2)(a)(ii)(B), until 20 days after the [~~local~~] special
4160 district provides notice under Subsection 17B-1-413(2)(a)(i).

4161 Section 67. Section 17B-1-405 is amended to read:

4162 **17B-1-405. Petition certification.**

4163 (1) Within 30 days after the filing of a petition under Subsection 17B-1-403(1)(a)(i) or
4164 (ii) or within the time that the [~~local~~] special district and each petition sponsor designate by
4165 written agreement, the board of trustees of the proposed annexing [~~local~~] special district shall:

4166 (a) with the assistance of officers of the county in which the area proposed to be
4167 annexed is located from whom the board requests assistance, determine whether the petition
4168 meets the requirements of Subsection 17B-1-403(1)(a)(i) or (ii), as the case may be, Subsection
4169 17B-1-403(3), and Subsection 17B-1-404(1); and

4170 (b) (i) if the board determines that the petition complies with the requirements, certify
4171 the petition and mail or deliver written notification of the certification to the contact sponsor;
4172 or

4173 (ii) if the board determines that the petition fails to comply with any of the
4174 requirements, reject the petition and mail or deliver written notification of the rejection and the
4175 reasons for the rejection to the contact sponsor.

4176 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be
4177 amended to correct the deficiencies for which it was rejected and then refiled.

4178 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
4179 used toward fulfilling the applicable signature requirement of the petition as amended under
4180 Subsection (2)(a).

4181 (3) The board shall process an amended petition filed under Subsection (2)(a) in the

4182 same manner as an original petition under Subsection (1).

4183 Section 68. Section 17B-1-406 is amended to read:

4184 **17B-1-406. Notice to county and municipality -- Exception.**

4185 (1) Except as provided in Subsection (2), within 10 days after certifying a petition
4186 under Subsection 17B-1-405(1)(b) the board of trustees of the proposed annexing [toeat]
4187 special district shall mail or deliver a written notice of the proposed annexation, with a copy of
4188 the certification and a copy of the petition, to the legislative body of each:

4189 (a) county in whose unincorporated area any part of the area proposed for annexation is
4190 located; and

4191 (b) municipality in which any part of the area proposed for annexation is located.

4192 (2) The board is not required to send a notice under Subsection (1) to:

4193 (a) a county or municipality that does not provide the service proposed to be provided
4194 by the [toeat] special district; or

4195 (b) a county or municipality whose legislative body has adopted an ordinance or
4196 resolution waiving the notice requirement as to:

4197 (i) the proposed annexing [toeat] special district; or

4198 (ii) the service that the proposed annexing [toeat] special district provides.

4199 (3) For purposes of this section, an area proposed to be annexed to a municipality in a
4200 petition under Section 10-2-403 filed before and still pending at the time of the filing of a
4201 petition under Subsection 17B-1-403(1)(a) and an area included within a municipality's
4202 annexation policy plan under Section 10-2-401.5 shall be considered to be part of that
4203 municipality.

4204 Section 69. Section 17B-1-407 is amended to read:

4205 **17B-1-407. Notice of intent to consider providing service -- Public hearing**
4206 **requirements.**

4207 (1) (a) If the legislative body of a county or municipality whose applicable area is
4208 proposed to be annexed to a [toeat] special district in a petition under Subsection
4209 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to
4210 the applicable area the service that the proposed annexing [toeat] special district provides, the
4211 legislative body shall, within 30 days after receiving the notice under Subsection 17B-1-406(1),
4212 mail or deliver a written notice to the board of trustees of the proposed annexing [toeat] special

4213 district indicating that intent.

4214 (b) (i) A notice of intent under Subsection (1)(a) suspends the [toeat] special district's
4215 annexation proceeding as to the applicable area of the county or municipality that submits the
4216 notice of intent until the county or municipality:

4217 (A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the service
4218 proposed to be provided by the proposed annexing [toeat] special district; or

4219 (B) is considered under Subsection 17B-1-408(2) or (3) to have declined to provide the
4220 service.

4221 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an
4222 applicable area does not prevent the [toeat] special district from continuing to pursue the
4223 annexation proceeding with respect to other applicable areas for which no notice of intent was
4224 submitted.

4225 (c) If a legislative body does not mail or deliver a notice of intent within the time
4226 required under Subsection (1)(a), the legislative body shall be considered to have declined to
4227 provide the service.

4228 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall
4229 hold a public hearing or a set of public hearings, sufficient in number and location to ensure
4230 that no substantial group of residents of the area proposed for annexation need travel an
4231 unreasonable distance to attend a public hearing.

4232 (3) Each public hearing under Subsection (2) shall be held:

4233 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

4234 (b) except as provided in Subsections (6) and (7), within the applicable area; and

4235 (c) for the purpose of allowing public input on:

4236 (i) whether the service is needed in the area proposed for annexation;

4237 (ii) whether the service should be provided by the county or municipality or the
4238 proposed annexing [toeat] special district; and

4239 (iii) all other matters relating to the issue of providing the service or the proposed
4240 annexation.

4241 (4) A quorum of the legislative body of each county or municipal legislative body
4242 holding a public hearing under this section shall be present throughout each hearing held by
4243 that county or municipal legislative body.

4244 (5) Each hearing under this section shall be held on a weekday evening other than a
4245 holiday beginning no earlier than 6 p.m.

4246 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
4247 set of hearings required under this section if all the requirements of this section, other than the
4248 requirements of Subsection (3)(b), are met as to each hearing.

4249 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may
4250 hold a public hearing or set of public hearings outside the applicable area if:

4251 (a) there is no reasonable place to hold a public hearing within the applicable area; and

4252 (b) the public hearing or set of public hearings is held as close to the applicable area as
4253 reasonably possible.

4254 (8) Before holding a public hearing or set of public hearings under this section, the
4255 legislative body of each county or municipality that receives a request for service shall provide
4256 notice of the hearing or set of hearings as provided in Section 17B-1-211.

4257 Section 70. Section 17B-1-408 is amended to read:

4258 **17B-1-408. Resolution indicating whether the requested service will be provided.**

4259 (1) Within 30 days after the last hearing required under Section 17B-1-407 is held, the
4260 legislative body of each county and municipality that sent a notice of intent under Subsection
4261 17B-1-407(1) shall adopt a resolution indicating whether the county or municipality will
4262 provide to the area proposed for annexation within its boundaries the service proposed to be
4263 provided by the proposed annexing ~~local~~ special district.

4264 (2) If the county or municipal legislative body fails to adopt a resolution within the
4265 time provided under Subsection (1), the county or municipality shall be considered to have
4266 declined to provide the service.

4267 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)
4268 indicating that the county or municipality will provide the service but the county or
4269 municipality does not, within 120 days after the adoption of that resolution, take substantial
4270 measures to provide the service, the county or municipality shall be considered to have
4271 declined to provide the service.

4272 (4) Each county or municipality whose legislative body adopts a resolution under
4273 Subsection (1) indicating that the county or municipality will provide the service shall
4274 diligently proceed to take all measures necessary to provide the service.

4275 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)
4276 indicating that the county or municipality will provide the service and the county or
4277 municipality takes substantial measures within the time provided in Subsection (3) to provide
4278 the service, the ~~[local]~~ special district's annexation proceeding as to the applicable area of that
4279 county or municipality is terminated and that applicable area is considered deleted from the
4280 area proposed to be annexed in a petition under Subsection 17B-1-403(1)(a).

4281 Section 71. Section 17B-1-409 is amended to read:

4282 **17B-1-409. Public hearing on proposed annexation.**

4283 (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of
4284 each ~~[local]~~ special district that certifies a petition that was filed under Subsection
4285 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection
4286 17B-1-403(1)(b), or adopts a resolution under Subsection 17B-1-403(1)(c) shall hold a public
4287 hearing on the proposed annexation and provide notice of the hearing as provided in Section
4288 17B-1-410.

4289 (2) Each public hearing under Subsection (1) shall be held:

4290 (a) within 45 days after:

4291 (i) if no notice to a county or municipal legislative body is required under Section
4292 17B-1-406, petition certification under Section 17B-1-405; or

4293 (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted
4294 by the deadline:

4295 (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of
4296 intent; or

4297 (B) termination of a suspension of the annexation proceeding under Subsection
4298 17B-1-407(1)(b);

4299 (b) (i) for a ~~[local]~~ special district located entirely within a single county:

4300 (A) within or as close as practicable to the area proposed to be annexed; or

4301 (B) at the ~~[local]~~ special district office; or

4302 (ii) for a ~~[local]~~ special district located in more than one county:

4303 (A) (I) within the county in which the area proposed to be annexed is located; and

4304 (II) within or as close as practicable to the area proposed to be annexed; or

4305 (B) if the ~~[local]~~ special district office is reasonably accessible to all residents within

4306 the area proposed to be annexed, at the [local] special district office;

4307 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

4308 (d) for the purpose of allowing:

4309 (i) the public to ask questions and obtain further information about the proposed

4310 annexation and issues raised by it; and

4311 (ii) any interested person to address the board regarding the proposed annexation.

4312 (3) A quorum of the board of trustees of the proposed annexing [local] special district

4313 shall be present throughout each public hearing held under this section.

4314 (4) (a) After holding a public hearing under this section or, if no hearing is held
4315 because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under

4316 Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by

4317 resolution deny the annexation and terminate the annexation procedure if:

4318 (i) for a proposed annexation initiated by a petition under Subsection

4319 17B-1-403(1)(a)(i) or (ii), the board determines that:

4320 (A) it is not feasible for the [local] special district to provide service to the area

4321 proposed to be annexed; or

4322 (B) annexing the area proposed to be annexed would be inequitable to the owners of
4323 real property or residents already within the [local] special district; or

4324 (ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b)

4325 or (c), the board determines not to pursue annexation.

4326 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its
4327 reasons for denying the annexation.

4328 Section 72. Section 17B-1-410 is amended to read:

4329 **17B-1-410. Notice of public hearing.**

4330 (1) Before holding a public hearing required under Section 17B-1-409, the board of
4331 trustees of each proposed annexing [local] special district shall:

4332 (a) mail notice of the public hearing and the proposed annexation to:

4333 (i) if the [local] special district is funded predominantly by revenues from a property
4334 tax, each owner of private real property located within the area proposed to be annexed, as
4335 shown upon the county assessment roll last equalized as of the previous December 31; or

4336 (ii) if the [local] special district is not funded predominantly by revenues from a

4337 property tax, each registered voter residing within the area proposed to be annexed, as
4338 determined by the voter registration list maintained by the county clerk as of a date selected by
4339 the board of trustees that is at least 20 but not more than 60 days before the public hearing; and

4340 (b) post notice of the public hearing and the proposed annexation in at least four
4341 conspicuous places within the area proposed to be annexed, no less than 10 and no more than
4342 30 days before the public hearing.

4343 (2) Each notice required under Subsection (1) shall:

4344 (a) describe the area proposed to be annexed;

4345 (b) identify the proposed annexing [~~local~~] special district;

4346 (c) state the date, time, and location of the public hearing;

4347 (d) provide a [~~local~~] special district telephone number where additional information
4348 about the proposed annexation may be obtained;

4349 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical
4350 resident and upon the typical property owner within the area proposed to be annexed if the
4351 proposed annexation is completed; and

4352 (f) except for a proposed annexation under a petition that meets the requirements of
4353 Subsection 17B-1-413(1), explain that property owners and registered voters within the area
4354 proposed to be annexed may protest the annexation by filing a written protest with the [~~local~~]
4355 special district board of trustees within 30 days after the public hearing.

4356 Section 73. Section 17B-1-411 is amended to read:

4357 **17B-1-411. Modifications to area proposed for annexation -- Limitations.**

4358 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30
4359 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within
4360 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area
4361 proposed for annexation to include land not previously included in that area or to exclude land
4362 from that area if the modification enhances the feasibility of the proposed annexation.

4363 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land
4364 within an applicable area if:

4365 (i) the entire area proposed to be annexed consists of more than that applicable area;

4366 (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable
4367 area that an election would have been required under Subsection 17B-1-412(3) if that

4368 applicable area were the entire area proposed to be annexed; and

4369 (iii) the other requirements of Subsection (1)(a) are met.

4370 (2) A board of trustees may not add property under Subsection (1) to the area proposed
4371 for annexation without the consent of the owner of that property.

4372 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may
4373 not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the
4374 modification, the election was required because of protests filed under Section 17B-1-412.

4375 (4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A)
4376 or (B), a modification may not be made unless the requirements of Subsection
4377 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be
4378 annexed.

4379 (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a
4380 modification under this section but fails to meet those requirements after modification:

4381 (a) the ~~[local]~~ special district board shall give notice as provided in Section 17B-1-410
4382 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and

4383 (b) the petition shall be considered in all respects as one that does not meet the
4384 requirements of Subsection 17B-1-413(1).

4385 Section 74. Section 17B-1-412 is amended to read:

4386 **17B-1-412. Protests -- Election.**

4387 (1) (a) An owner of private real property located within or a registered voter residing
4388 within an area proposed to be annexed may protest an annexation by filing a written protest
4389 with the board of trustees of the proposed annexing ~~[local]~~ special district, except:

4390 (i) as provided in Section 17B-1-413;

4391 (ii) for an annexation under Section 17B-1-415; and

4392 (iii) for an annexation proposed by a ~~[local]~~ special district that receives sales and use
4393 tax funds from the counties, cities, and towns within the ~~[local]~~ special district that impose a
4394 sales and use tax under Section 59-12-2213.

4395 (b) A protest of a boundary adjustment is not governed by this section but is governed
4396 by Section 17B-1-417.

4397 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of
4398 the public hearing under Section 17B-1-409.

4399 (3) (a) Except as provided in Subsection (4), the ~~[local]~~ special district shall hold an
4400 election on the proposed annexation if:

4401 (i) timely protests are filed by:

4402 (A) the owners of private real property that:

4403 (I) is located within the area proposed to be annexed;

4404 (II) covers at least 10% of the total private land area within the entire area proposed to
4405 be annexed and within each applicable area; and

4406 (III) is equal in assessed value to at least 10% of the assessed value of all private real
4407 property within the entire area proposed to be annexed and within each applicable area; or

4408 (B) registered voters residing within the entire area proposed to be annexed and within
4409 each applicable area equal in number to at least 10% of the number of votes cast within the
4410 entire area proposed for annexation and within each applicable area, respectively, for the office
4411 of governor at the last regular general election before the filing of the petition; or

4412 (ii) the proposed annexing ~~[local]~~ special district is one that receives sales and use tax
4413 funds from the counties, cities, and towns within the ~~[local]~~ special district that impose a sales
4414 and use tax under Section [59-12-2213](#).

4415 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be
4416 phrased to indicate that a voter's casting a vote for or against the annexation includes also a
4417 vote for or against the imposition of the sales and use tax as provided in Section [59-12-2213](#).

4418 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)
4419 shall be governed by Title 20A, Election Code.

4420 (c) If a majority of registered voters residing within the area proposed to be annexed
4421 and voting on the proposal vote:

4422 (i) in favor of annexation, the board of trustees shall, subject to Subsections
4423 [17B-1-414](#)(1)(b), (2), and (3), complete the annexation by adopting a resolution approving
4424 annexation of the area; or

4425 (ii) against annexation, the annexation process is terminated, the board may not adopt a
4426 resolution approving annexation of the area, and the area proposed to be annexed may not for
4427 two years be the subject of an effort under this part to annex to the same ~~[local]~~ special district.

4428 (4) If sufficient protests are filed under this section to require an election for a
4429 proposed annexation to which the protest provisions of this section are applicable, a board of

4430 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and
4431 terminating the annexation process without holding an election.

4432 Section 75. Section 17B-1-413 is amended to read:

4433 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
4434 **petitions.**

4435 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),
4436 Sections 17B-1-409 and 17B-1-410 do not apply:

4437 (a) if the process to annex an area to a [~~local~~] special district was initiated by:

4438 (i) a petition under Subsection 17B-1-403(1)(a)(i);

4439 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners
4440 of private real property that:

4441 (A) is located within the area proposed to be annexed;

4442 (B) covers at least 75% of the total private land area within the entire area proposed to
4443 be annexed and within each applicable area; and

4444 (C) is equal in assessed value to at least 75% of the assessed value of all private real
4445 property within the entire area proposed to be annexed and within each applicable area; or

4446 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered
4447 voters residing within the entire area proposed to be annexed and within each applicable area
4448 equal in number to at least 75% of the number of votes cast within the entire area proposed to
4449 be annexed and within each applicable area, respectively, for the office of governor at the last
4450 regular general election before the filing of the petition;

4451 (b) to an annexation under Section 17B-1-415; or

4452 (c) to a boundary adjustment under Section 17B-1-417.

4453 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
4454 Section 17B-1-405, the [~~local~~] special district board:

4455 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);
4456 and

4457 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
4458 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

4459 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
4460 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is

4461 submitted, within 20 days after the [local] special district provides notice under Subsection
4462 (2)(a)(i), to the [local] special district board by an owner of property that is located within or a
4463 registered voter residing within the area proposed to be annexed who did not sign the
4464 annexation petition.

4465 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4466 (i) be given:

4467 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4468 certification; or

4469 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
4470 than 30 days before the public hearing; and

4471 (B) by:

4472 (I) posting written notice at the [local] special district's principal office and in one or
4473 more other locations within or proximate to the area proposed to be annexed as are reasonable
4474 under the circumstances, considering the number of parcels included in that area, the size of the
4475 area, the population of the area, and the contiguousness of the area; and

4476 (II) providing written notice:

4477 (Aa) to at least one newspaper of general circulation, if there is one, within the area
4478 proposed to be annexed or to a local media correspondent; and

4479 (Bb) on the Utah Public Notice Website created in Section 63A-16-601; and

4480 (ii) contain a brief explanation of the proposed annexation and include the name of the
4481 [local] special district, the service provided by the [local] special district, a description or map
4482 of the area proposed to be annexed, a [local] special district telephone number where additional
4483 information about the proposed annexation may be obtained, and, for a notice under Subsection
4484 (2)(a)(i), an explanation of the right of a property owner or registered voter to request a public
4485 hearing as provided in Subsection (2)(a)(ii)(B).

4486 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
4487 required for a public hearing under Subsection (2)(a)(ii)(A).

4488 Section 76. Section 17B-1-414 is amended to read:

4489 **17B-1-414. Resolution approving an annexation -- Filing of notice and plat with**
4490 **lieutenant governor -- Recording requirements -- Effective date.**

4491 (1) (a) Subject to Subsection (1)(b), the [local] special district board shall adopt a

4492 resolution approving the annexation of the area proposed to be annexed or rejecting the
4493 proposed annexation within 90 days after:

4494 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests
4495 to require an election are not filed;

4496 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

4497 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
4498 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

4499 (B) expiration of the time for submitting a request for public hearing under Subsection
4500 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
4501 hearing.

4502 (b) If the [local] special district has entered into an agreement with the United States
4503 that requires the consent of the United States for an annexation of territory to the district, a
4504 resolution approving annexation under this part may not be adopted until the written consent of
4505 the United States is obtained and filed with the board of trustees.

4506 (2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with
4507 the lieutenant governor:

4508 (A) a copy of a notice of an impending boundary action, as defined in Section
4509 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,
4510 Subsection (2)(b); and

4511 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

4512 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant
4513 governor:

4514 (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
4515 17B-1-412(3)(c)(i), or Section 17B-1-415; and

4516 (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
4517 municipal annexation that causes an automatic annexation to a [local] special district under
4518 Section 17B-1-416.

4519 (b) For an automatic annexation to a [local] special district under Section 17B-1-416,
4520 the notice of an impending boundary action required under Subsection (2)(a) shall state that an
4521 area outside the boundaries of the [local] special district is being automatically annexed to the
4522 [local] special district under Section 17B-1-416 because of a municipal annexation under Title

4523 10, Chapter 2, Part 4, Annexation.

4524 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
4525 67-1a-6.5, the board shall:

4526 (i) if the annexed area is located within the boundary of a single county, submit to the
4527 recorder of that county:

4528 (A) the original:

4529 (I) notice of an impending boundary action;

4530 (II) certificate of annexation; and

4531 (III) approved final local entity plat; and

4532 (B) a certified copy of the annexation resolution; or

4533 (ii) if the annexed area is located within the boundaries of more than a single county:

4534 (A) submit to the recorder of one of those counties:

4535 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

4536 (II) a certified copy of the annexation resolution; and

4537 (B) submit to the recorder of each other county:

4538 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);

4539 and

4540 (II) a certified copy of the annexation resolution.

4541 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
4542 under this part of an area located in a county of the first class to a [local] special district:

4543 (i) created to provide fire protection, paramedic, and emergency services; and

4544 (ii) in the creation of which an election was not required because of Subsection

4545 17B-1-214(3)(d).

4546 (b) An annexation under this part is complete and becomes effective:

4547 (i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the
4548 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or

4549 (B) on January 1 for a fire district annexation, if the lieutenant governor issues the
4550 certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or

4551 (ii) upon the lieutenant governor's issuance of the certificate of annexation under
4552 Section 67-1a-6.5, for any other annexation.

4553 (c) (i) The effective date of a [local] special district annexation for purposes of

4554 assessing property within the annexed area is governed by Section 59-2-305.5.

4555 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
4556 recorder of each county in which the property is located, a [toeat] special district may not:

- 4557 (A) levy or collect a property tax on property within the annexed area;
- 4558 (B) levy or collect an assessment on property within the annexed area; or
- 4559 (C) charge or collect a fee for service provided to property within the annexed area.

4560 (iii) Subsection (3)(c)(ii)(C):

4561 (A) may not be construed to limit a [toeat] special district's ability before annexation to
4562 charge and collect a fee for service provided to property that is outside the [toeat] special
4563 district's boundary; and

4564 (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the
4565 [toeat] special district's annexation, with respect to a fee that the [toeat] special district was
4566 charging for service provided to property within the annexed area immediately before the area
4567 was annexed to the [toeat] special district.

4568 Section 77. Section 17B-1-415 is amended to read:

4569 **17B-1-415. Annexation of wholesale district through expansion of retail provider**
4570 **-- Annexation of a special district that provides transportation services.**

4571 (1) (a) A [toeat] special district that provides a wholesale service may adopt a
4572 resolution approving the annexation of an area outside the [toeat] special district's boundaries
4573 if:

4574 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
4575 a municipality or another [toeat] special district that:

4576 (A) acquires the wholesale service from the [toeat] special district and provides it as a
4577 retail service;

4578 (B) is, before the annexation or other addition, located at least partly within the [toeat]
4579 special district; and

4580 (C) after the annexation or other addition will provide to the annexed or added area the
4581 same retail service that the [toeat] special district provides as a wholesale service to the
4582 municipality or other [toeat] special district; and

4583 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
4584 another [toeat] special district that provides the same wholesale service as the proposed

4585 annexing [local] special district.

4586 (b) For purposes of this section:

4587 (i) a [local] special district providing public transportation service shall be considered
4588 to be providing a wholesale service; and

4589 (ii) a municipality included within the boundaries of the [local] special district
4590 providing public transportation service shall be considered to be acquiring that wholesale
4591 service from the [local] special district and providing it as a retail service and to be providing
4592 that retail service after the annexation or other addition to the annexed or added area, even
4593 though the municipality does not in fact provide that service.

4594 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a [local]
4595 special district providing a wholesale service and located partly or entirely within the
4596 boundaries of another [local] special district that provides the same wholesale service may be
4597 annexed to the [local] special district if:

4598 (a) the conditions under Subsection (1)(a)(i) are present; and

4599 (b) the proposed annexing [local] special district and the other [local] special district
4600 follow the same procedure as is required for a boundary adjustment under Section 17B-1-417,
4601 including both district boards adopting a resolution approving the annexation of the area to the
4602 proposed annexing [local] special district and the withdrawal of that area from the other
4603 district.

4604 (3) A [local] special district that provides transportation services may adopt a
4605 resolution approving the annexation of the area outside of the [local] special district's
4606 boundaries if:

4607 (a) the area is within a county that has levied a sales and use tax under Section
4608 59-12-2216; and

4609 (b) the county legislative body has adopted a resolution approving the annexation of
4610 the areas outside of the [local] special district.

4611 (4) Upon the adoption of an annexation resolution under this section, the board of the
4612 annexing [local] special district shall comply with the requirements of Subsection
4613 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a
4614 copy of notice as provided in Section 67-1a-6.5.

4615 (5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.

4616 Section 78. Section 17B-1-416 is amended to read:

4617 **17B-1-416. Automatic annexation to a district providing fire protection,**
4618 **paramedic, and emergency services or law enforcement service.**

4619 (1) An area outside the boundaries of a [toeat] special district that is annexed to a
4620 municipality or added to a municipality by a boundary adjustment under Title 10, Chapter 2,
4621 Part 4, Annexation, is automatically annexed to the [toeat] special district if:

4622 (a) the [toeat] special district provides:

4623 (i) fire protection, paramedic, and emergency services; or

4624 (ii) law enforcement service;

4625 (b) an election for the creation of the [toeat] special district was not required because of
4626 Subsection 17B-1-214(3)(d); and

4627 (c) before the municipal annexation or boundary adjustment, the entire municipality
4628 that is annexing the area or adding the area by boundary adjustment was included within the
4629 [toeat] special district.

4630 (2) The effective date of an annexation under this section is governed by Subsection
4631 17B-1-414(3)(b).

4632 Section 79. Section 17B-1-417 is amended to read:

4633 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4634 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
4635 **Recording requirements -- Effective date.**

4636 (1) As used in this section, "affected area" means the area located within the
4637 boundaries of one [toeat] special district that will be removed from that [toeat] special district
4638 and included within the boundaries of another [toeat] special district because of a boundary
4639 adjustment under this section.

4640 (2) The boards of trustees of two or more [toeat] special districts having a common
4641 boundary and providing the same service on the same wholesale or retail basis may adjust their
4642 common boundary as provided in this section.

4643 (3) (a) The board of trustees of each [toeat] special district intending to adjust a
4644 boundary that is common with another [toeat] special district shall:

4645 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4646 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days

4647 after the adoption of the resolution under Subsection (3)(a)(i); and
4648 (iii) (A) post notice:
4649 (I) in at least four conspicuous places within the [local] special district at least two
4650 weeks before the public hearing; and
4651 (II) on the Utah Public Notice Website created in Section 63A-16-601, for two weeks;
4652 or
4653 (B) mail a notice to each owner of property located within the affected area and to each
4654 registered voter residing within the affected area.
4655 (b) The notice required under Subsection (3)(a)(iii) shall:
4656 (i) state that the board of trustees of the [local] special district has adopted a resolution
4657 indicating the board's intent to adjust a boundary that the [local] special district has in common
4658 with another [local] special district that provides the same service as the [local] special district;
4659 (ii) describe the affected area;
4660 (iii) state the date, time, and location of the public hearing required under Subsection
4661 (3)(a)(ii);
4662 (iv) provide a [local] special district telephone number where additional information
4663 about the proposed boundary adjustment may be obtained;
4664 (v) explain the financial and service impacts of the boundary adjustment on property
4665 owners or residents within the affected area; and
4666 (vi) state in conspicuous and plain terms that the board of trustees may approve the
4667 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
4668 written protests to the adjustment are filed with the board by:
4669 (A) the owners of private real property that:
4670 (I) is located within the affected area;
4671 (II) covers at least 50% of the total private land area within the affected area; and
4672 (III) is equal in assessed value to at least 50% of the assessed value of all private real
4673 property within the affected area; or
4674 (B) registered voters residing within the affected area equal in number to at least 50%
4675 of the votes cast in the affected area for the office of governor at the last regular general
4676 election before the filing of the protests.
4677 (c) The boards of trustees of the [local] special districts whose boundaries are being

4678 adjusted may jointly:

4679 (i) post or mail the notice required under Subsection (3)(a)(iii); and

4680 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4681 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
4682 may adopt a resolution approving the adjustment of the common boundary unless, at or before
4683 the public hearing, written protests to the boundary adjustment have been filed with the board
4684 by:

4685 (a) the owners of private real property that:

4686 (i) is located within the affected area;

4687 (ii) covers at least 50% of the total private land area within the affected area; and

4688 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4689 property within the affected area; or

4690 (b) registered voters residing within the affected area equal in number to at least 50%
4691 of the votes cast in the affected area for the office of governor at the last regular general
4692 election before the filing of the protests.

4693 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4694 each ~~[local]~~ special district whose boundaries are being adjusted has adopted a resolution under
4695 Subsection (4).

4696 (6) The board of the ~~[local]~~ special district whose boundaries are being adjusted to
4697 include the affected area shall:

4698 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
4699 lieutenant governor:

4700 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
4701 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

4702 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

4703 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
4704 under Section [67-1a-6.5](#):

4705 (i) if the affected area is located within the boundary of a single county, submit to the
4706 recorder of that county:

4707 (A) the original:

4708 (I) notice of an impending boundary action;

4709 (II) certificate of boundary adjustment; and
 4710 (III) approved final local entity plat; and
 4711 (B) a certified copy of each resolution adopted under Subsection (4); or
 4712 (ii) if the affected area is located within the boundaries of more than a single county:
 4713 (A) submit to the recorder of one of those counties:
 4714 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and
 4715 (II) a certified copy of each resolution adopted under Subsection (4); and
 4716 (B) submit to the recorder of each other county:
 4717 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);
 4718 and
 4719 (II) a certified copy of each resolution adopted under Subsection (4).
 4720 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
 4721 under Section 67-1a-6.5, the affected area is annexed to the [local] special district whose
 4722 boundaries are being adjusted to include the affected area, and the affected area is withdrawn
 4723 from the [local] special district whose boundaries are being adjusted to exclude the affected
 4724 area.
 4725 (b) (i) The effective date of a boundary adjustment under this section for purposes of
 4726 assessing property within the affected area is governed by Section 59-2-305.5.
 4727 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
 4728 recorder of the county in which the property is located, a [local] special district in whose
 4729 boundary an affected area is included because of a boundary adjustment under this section may
 4730 not:
 4731 (A) levy or collect a property tax on property within the affected area;
 4732 (B) levy or collect an assessment on property within the affected area; or
 4733 (C) charge or collect a fee for service provided to property within the affected area.
 4734 (iii) Subsection (7)(b)(ii)(C):
 4735 (A) may not be construed to limit a [local] special district's ability before a boundary
 4736 adjustment to charge and collect a fee for service provided to property that is outside the [local]
 4737 special district's boundary; and
 4738 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
 4739 [local] special district's boundary adjustment, with respect to a fee that the [local] special

4740 district was charging for service provided to property within the area affected by the boundary
4741 adjustment immediately before the boundary adjustment.

4742 Section 80. Section **17B-1-418** is amended to read:

4743 **17B-1-418. Annexed area subject to fees and taxes.**

4744 When an annexation under Section **17B-1-414** or **17B-1-415** or a boundary adjustment
4745 under Section **17B-1-417** is complete, the annexed area or the area affected by the boundary
4746 adjustment shall be subject to user fees imposed by and property, sales, and other taxes levied
4747 by or for the benefit of the [local] special district.

4748 Section 81. Section **17B-1-501** is amended to read:

4749 **17B-1-501. Definition.**

4750 As used in this part, "receiving entity" means the entity that will, after the withdrawal of
4751 an area from a [local] special district, provide to the withdrawn area the service that the [local]
4752 special district previously provided to the area.

4753 Section 82. Section **17B-1-502** is amended to read:

4754 **17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in**
4755 **certain circumstances.**

4756 (1) (a) An area within the boundaries of a [local] special district may be withdrawn
4757 from the [local] special district only as provided in this part or, if applicable, as provided in
4758 Chapter 2a, Part 11, Municipal Services District Act.

4759 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a [local]
4760 special district within a municipality because of a municipal incorporation under Title 10,
4761 Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under
4762 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the
4763 process of withdrawing that area from the [local] special district.

4764 (2) (a) An area within the boundaries of a [local] special district is automatically
4765 withdrawn from the [local] special district by the annexation of the area to a municipality or the
4766 adding of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4,
4767 Annexation, if:

4768 (i) the [local] special district provides:

4769 (A) fire protection, paramedic, and emergency services; or

4770 (B) law enforcement service;

4771 (ii) an election for the creation of the [local] special district was not required because
4772 of Subsection 17B-1-214(3)(d) or (g); and

4773 (iii) before annexation or boundary adjustment, the boundaries of the [local] special
4774 district do not include any of the annexing municipality.

4775 (b) The effective date of a withdrawal under this Subsection (2) is governed by
4776 Subsection 17B-1-512(2)(b).

4777 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of
4778 a [local] special district located in a county of the first class is automatically withdrawn from
4779 the [local] special district by the incorporation of a municipality whose boundaries include the
4780 area if:

4781 (i) the [local] special district provides municipal services, as defined in Section
4782 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services;

4783 (ii) an election for the creation of the [local] special district was not required because
4784 of Subsection 17B-1-214(3) (g); and

4785 (iii) the legislative body of the newly incorporated municipality:

4786 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of
4787 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
4788 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

4789 (B) adopts a resolution no later than 180 days after the effective date of incorporation
4790 approving the withdrawal that includes the legal description of the area to be withdrawn; and

4791 (C) delivers a copy of the resolution to the board of trustees of the [local] special
4792 district.

4793 (b) The effective date of a withdrawal under this Subsection (3) is governed by
4794 Subsection 17B-1-512(2)(a).

4795 (c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a
4796 county of the first class if:

4797 (i) the [local] special district from which the area is withdrawn provides:

4798 (A) fire protection, paramedic, and emergency services;

4799 (B) law enforcement service; or

4800 (C) municipal services, as defined in Section 17B-2a-1102;

4801 (ii) an election for the creation of the [local] special district was not required under

4802 Subsection 17B-1-214(3)(d) or (g); and

4803 (iii) for a [local] special district that provides municipal services, as defined in Section
4804 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,
4805 the 180-day period described in Subsection (3)(a)(iii)(B) is expired.

4806 (d) An area may not be withdrawn from a [local] special district that provides
4807 municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic,
4808 emergency, and law enforcement services, if:

4809 (i) the area is incorporated as a metro township; and

4810 (ii) at the election to incorporate as a metro township, the residents of the area chose to
4811 be included in a municipal services district.

4812 Section 83. Section 17B-1-503 is amended to read:

4813 **17B-1-503. Withdrawal or boundary adjustment with municipal approval.**

4814 (1) A municipality and a [local] special district whose boundaries adjoin or overlap
4815 may adjust the boundary of the [local] special district to include more or less of the
4816 municipality, including the expansion area identified in the annexation policy plan adopted by
4817 the municipality under Section 10-2-401.5, in the [local] special district by following the same
4818 procedural requirements as set forth in Section 17B-1-417 for boundary adjustments between
4819 adjoining [local] special districts.

4820 (2) (a) Notwithstanding any other provision of this title, a municipality annexing all or
4821 part of an unincorporated island or peninsula under Title 10, Chapter 2, Classification,
4822 Boundaries, Consolidation, and Dissolution of Municipalities, that overlaps a municipal
4823 services district organized under Chapter 2a, Part 11, Municipal Services District Act, may
4824 petition to withdraw the area from the municipal services district in accordance with this
4825 Subsection (2).

4826 (b) For a valid withdrawal described in Subsection (2)(a):

4827 (i) the annexation petition under Section 10-2-403 or a separate consent, signed by
4828 owners of at least 60% of the total private land area, shall state that the signers request the area
4829 to be withdrawn from the municipal services district; and

4830 (ii) the legislative body of the municipality shall adopt a resolution, which may be the
4831 resolution adopted in accordance with Subsection 10-2-418(5)(a), stating the municipal
4832 legislative body's intent to withdraw the area from the municipal services district.

4833 (c) The board of trustees of the municipal services district shall consider the
4834 municipality's petition to withdraw the area from the municipal services district within 90 days
4835 after the day on which the municipal services district receives the petition.

4836 (d) The board of trustees of the municipal services district:

4837 (i) may hold a public hearing in accordance with the notice and public hearing
4838 provisions of Section 17B-1-508;

4839 (ii) shall consider information that includes any factual data presented by the
4840 municipality and any owner of private real property who signed a petition or other form of
4841 consent described in Subsection (2)(b)(i); and

4842 (iii) identify in writing the information upon which the board of trustees relies in
4843 approving or rejecting the withdrawal.

4844 (e) The board of trustees of the municipal services district shall approve the
4845 withdrawal, effective upon the annexation of the area into the municipality or, if the
4846 municipality has already annexed the area, as soon as possible in the reasonable course of
4847 events, if the board of trustees makes a finding that:

4848 (i) (A) the loss of revenue to the municipal services district due to a withdrawal of the
4849 area will be offset by savings associated with no longer providing municipal-type services to
4850 the area; or

4851 (B) if the loss of revenue will not be offset by savings resulting from no longer
4852 providing municipal-type services to the area, the municipality agreeing to terms and
4853 conditions, which may include terms and conditions described in Subsection 17B-1-510(5), can
4854 mitigate or eliminate the loss of revenue;

4855 (ii) the annexation petition under Section 10-2-403, or a separate petition meeting the
4856 same signature requirements, states that the signers request the area to be withdrawn from the
4857 municipal services district; or

4858 (iii) the following have consented in writing to the withdrawal:

4859 (A) owners of more than 60% of the total private land area; or

4860 (B) owners of private land equal in assessed value to more than 60% of the assessed
4861 value of all private real property within the area proposed for withdrawal have consented in
4862 writing to the withdrawal.

4863 (f) If the board of trustees of the municipal services district does not make any of the

4864 findings described in Subsection (2)(e), the board of trustees may approve or reject the
4865 withdrawal based upon information upon which the board of trustees relies and that the board
4866 of trustees identifies in writing.

4867 (g) (i) If a municipality annexes an island or a part of an island before May 14, 2019,
4868 the legislative body of the municipality may initiate the withdrawal of the area from the
4869 municipal services district by adopting a resolution that:

4870 (A) requests that the area be withdrawn from the municipal services district; and

4871 (B) a final local entity plat accompanies, identifying the area proposed to be withdrawn
4872 from the municipal services district.

4873 (ii) (A) Upon receipt of the resolution and except as provided in Subsection
4874 (2)(g)(ii)(B), the board of trustees of the municipal services district shall approve the
4875 withdrawal.

4876 (B) The board of trustees of the municipal services district may reject the withdrawal if
4877 the rejection is based upon a good faith finding that lost revenues due to the withdrawal will
4878 exceed expected cost savings resulting from no longer serving the area.

4879 (h) (i) Based upon a finding described in Subsection (e) or (f):

4880 (A) the board of trustees of the municipal services district shall adopt a resolution
4881 approving the withdrawal; and

4882 (B) the chair of the board shall sign a notice of impending boundary action, as defined
4883 in Section [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#).

4884 (ii) The annexing municipality shall deliver the following to the lieutenant governor:

4885 (A) the resolution and notice of impending boundary action described in Subsection
4886 (2)(g)(i);

4887 (B) a copy of an approved final local entity plat as defined in Section [67-1a-6.5](#); and

4888 (C) any other documentation required by law.

4889 (i) (i) Once the lieutenant governor has issued an applicable certificate as defined in
4890 Section [67-1a-6.5](#), the municipality shall deliver the certificate, the resolution and notice of
4891 impending boundary action described in Subsection (2)(h)(i), the final local entity plat as
4892 defined in Section [67-1a-6.5](#), and any other document required by law, to the recorder of the
4893 county in which the area is located.

4894 (ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the

4895 area, for all purposes, is no longer part of the municipal services district.

4896 (j) The annexing municipality and the municipal services district may enter into an
4897 interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:

4898 (i) the municipality's and the district's duties and responsibilities in conducting a
4899 withdrawal under this Subsection (2); and

4900 (ii) any other matter respecting an unincorporated island that the municipality
4901 surrounds on all sides.

4902 (3) After a boundary adjustment under Subsection (1) or a withdrawal under
4903 Subsection (2) is complete:

4904 (a) the [local] special district shall, without interruption, provide the same service to
4905 any area added to the [local] special district as provided to other areas within the [local] special
4906 district; and

4907 (b) the municipality shall, without interruption, provide the same service that the
4908 [local] special district previously provided to any area withdrawn from the [local] special
4909 district.

4910 (4) No area within a municipality may be added to the area of a [local] special district
4911 under this section if the area is part of a [local] special district that provides the same wholesale
4912 or retail service as the first [local] special district.

4913 Section 84. Section **17B-1-504** is amended to read:

4914 **17B-1-504. Initiation of withdrawal process -- Notice of petition.**

4915 (1) Except as provided in Section **17B-1-505**, the process to withdraw an area from a
4916 [local] special district may be initiated:

4917 (a) for a [local] special district funded predominantly by revenues from property taxes
4918 or service charges other than those based upon acre-feet of water:

4919 (i) by a petition signed by the owners of private real property that:

4920 (A) is located within the area proposed to be withdrawn;

4921 (B) covers at least 51% of the total private land within the area proposed to be
4922 withdrawn; and

4923 (C) is equal in taxable value to at least 51% of the taxable value of all private real
4924 property within the area proposed to be withdrawn;

4925 (ii) by a petition signed by registered voters residing within the area proposed to be

4926 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the
4927 office of governor at the last regular general election before the filing of the petition;

4928 (iii) by a resolution adopted by the board of trustees of the [local] special district in
4929 which the area proposed to be withdrawn is located, which:

4930 (A) states the reasons for withdrawal; and

4931 (B) is accompanied by a general description of the area proposed to be withdrawn; or

4932 (iv) by a resolution to file a petition with the [local] special district to withdraw from
4933 the [local] special district all or a specified portion of the area within a municipality or county,
4934 adopted by the governing body of a municipality that has within its boundaries an area located
4935 within the boundaries of a [local] special district, or by the governing body of a county that has
4936 within its boundaries an area located within the boundaries of a [local] special district that is
4937 located in more than one county, which petition of the governing body shall be filed with the
4938 board of trustees only if a written request to petition the board of trustees to withdraw an area
4939 from the [local] special district has been filed with the governing body of the municipality, or
4940 county, and the request has been signed by registered voters residing within the boundaries of
4941 the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in
4942 the same area for the office of governor at the last regular general election before the filing of
4943 the petition;

4944 (b) for a [local] special district whose board of trustees is elected by electors based on
4945 the acre-feet of water allotted to the land owned by the elector:

4946 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

4947 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted
4948 to the land proposed to be withdrawn; or

4949 (c) for a [local] special district funded predominantly by revenues other than property
4950 taxes, service charges, or assessments based upon an allotment of acre-feet of water:

4951 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

4952 (ii) by a petition signed by the registered voters residing within the entire area proposed
4953 to be withdrawn, which area shall be comprised of an entire unincorporated area within the
4954 [local] special district or an entire municipality within a [local] special district, or a
4955 combination thereof, equal in number to at least 67% of the number of votes cast within the
4956 entire area proposed to be withdrawn for the office of governor at the last regular general

4957 election before the filing of the petition.

4958 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of
4959 the petition shall:

4960 (a) notify the [~~local~~] special district board with which the petition is intended to be
4961 filed that the sponsors will be soliciting signatures for a petition; and

4962 (b) mail a copy of the petition to the [~~local~~] special district board.

4963 Section 85. Section **17B-1-505** is amended to read:

4964 **17B-1-505. Withdrawal of municipality from certain districts providing fire**
4965 **protection, paramedic, and emergency services or law enforcement service or municipal**
4966 **services.**

4967 (1) As used in this section, "first responder district" means a [~~local~~] special district,
4968 other than a municipal services district, that provides:

4969 (a) fire protection, paramedic, and emergency services; or

4970 (b) law enforcement service.

4971 (2) This section applies to the withdrawal of a municipality that is entirely within the
4972 boundary of a first responder district or municipal services district that was created without the
4973 necessity of an election because of Subsection **17B-1-214(3)(d)** or (g).

4974 (3) (a) The process to withdraw a municipality from a first responder district or
4975 municipal services district may be initiated by a resolution adopted by the legislative body of
4976 the municipality, subject to Subsection (3)(b).

4977 (b) The legislative body of a municipality that is within a municipal services district
4978 may not adopt a resolution under Subsection (3)(a) to withdraw from the municipal services
4979 district unless the municipality has conducted a feasibility study in accordance with Section
4980 **17B-2a-1110**.

4981 (c) Within 10 days after adopting a resolution under Subsection (3)(a), the municipal
4982 legislative body shall submit to the board of trustees of the first responder district or municipal
4983 services district written notice of the adoption of the resolution, accompanied by a copy of the
4984 resolution.

4985 (4) If a resolution is adopted under Subsection (3)(a) by the legislative body of a
4986 municipality within a municipal services district, the municipal legislative body shall hold an
4987 election at the next municipal general election that is more than 60 days after adoption of the

4988 resolution on the question of whether the municipality should withdraw from the municipal
4989 services district.

4990 (5) (a) A municipality shall be withdrawn from a first responder district if:

4991 (i) the legislative body of the municipality adopts a resolution initiating the withdrawal
4992 under Subsection (3)(a); and

4993 (ii) (A) whether before or after the effective date of this section, the municipality and
4994 first responder district agree in writing to the withdrawal; or

4995 (B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of
4996 the municipality approve the withdrawal at an election held for that purpose.

4997 (b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study
4998 is conducted under Section 17B-1-505.5 and a public hearing is held under Subsection
4999 17B-1-505.5(14), the municipality and first responder district agree in writing to the
5000 withdrawal.

5001 (6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

5002 (a) a feasibility study is conducted under Section 17B-1-505.5; and

5003 (b) (i) the feasibility study concludes that the withdrawal is functionally and financially
5004 feasible for the municipality and the first responder district; or

5005 (ii) (A) the feasibility study concludes that the withdrawal would be functionally and
5006 financially feasible for the municipality and the first responder district if conditions specified in
5007 the feasibility study are met; and

5008 (B) the legislative body of the municipality adopts a resolution irrevocably committing
5009 the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal
5010 is approved by the municipality's voters.

5011 (7) If a majority of those voting on the question of withdrawal at an election held under
5012 Subsection (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be withdrawn
5013 from the ~~[local]~~ special district.

5014 (8) (a) Within 10 days after the canvass of an election at which a withdrawal under this
5015 section is submitted to voters, the municipal legislative body shall send written notice to the
5016 board of the first responder district or municipal services district from which the municipality
5017 is proposed to withdraw.

5018 (b) Each notice under Subsection (8)(a) shall:

- 5019 (i) state the results of the withdrawal election; and
- 5020 (ii) if the withdrawal was approved by voters, be accompanied by a copy of an
- 5021 approved final local entity plat, as defined in Section 67-1a-6.5.
- 5022 (9) The effective date of a withdrawal under this section is governed by Subsection
- 5023 17B-1-512(2)(a).
- 5024 Section 86. Section 17B-1-505.5 is amended to read:
- 5025 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a special**
- 5026 **district providing fire protection, paramedic, and emergency services or law enforcement**
- 5027 **service.**
- 5028 (1) As used in this section:
- 5029 (a) "Feasibility consultant" means a person with expertise in:
- 5030 (i) the processes and economics of local government; and
- 5031 (ii) the economics of providing fire protection, paramedic, and emergency services or
- 5032 law enforcement service.
- 5033 (b) "Feasibility study" means a study to determine the functional and financial
- 5034 feasibility of a municipality's withdrawal from a first responder [~~local~~] special district.
- 5035 (c) "First responder district" means a [~~local~~] special district, other than a municipal
- 5036 services district, that provides:
- 5037 (i) fire protection, paramedic, and emergency services; or
- 5038 (ii) law enforcement service.
- 5039 (d) "Withdrawing municipality" means a municipality whose legislative body has
- 5040 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the
- 5041 municipality's withdrawal from a first responder district.
- 5042 (2) This section applies and a feasibility study shall be conducted, as provided in this
- 5043 section, if:
- 5044 (a) the legislative body of a municipality has adopted a resolution under Subsection
- 5045 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder
- 5046 district;
- 5047 (b) the municipality and first responder district have not agreed in writing to the
- 5048 withdrawal; and
- 5049 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election

5050 to be held approving the withdrawal.

5051 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
5052 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

5053 (b) The withdrawing municipality and first responder district shall jointly choose and
5054 engage a feasibility consultant according to applicable municipal or ~~local~~ special district
5055 procurement procedures.

5056 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
5057 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
5058 legislative body of the withdrawing municipality submits written notice to the first responder
5059 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
5060 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
5061 at least eight feasibility consultants provided by the Utah Association of Certified Public
5062 Accountants.

5063 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
5064 feasibility consultant that has had a contract to provide services to the withdrawing
5065 municipality or first responder district at any time during the two-year period immediately
5066 preceding the date the list is provided under Subsection (3)(c)(i).

5067 (iii) (A) Beginning with the first responder district, the first responder district and
5068 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
5069 list of feasibility consultants until one feasibility consultant remains.

5070 (B) Within five days after receiving the list of consultants from the Utah Association of
5071 Certified Public Accountants, the first responder district shall make the first elimination of a
5072 feasibility consultant from the list and notify the withdrawing municipality in writing of the
5073 elimination.

5074 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
5075 municipality and first responder district shall each, within three days after receiving the written
5076 notification of the preceding elimination, notify the other in writing of the elimination of a
5077 feasibility consultant from the list.

5078 (d) If a withdrawing municipality and first responder district do not engage a feasibility
5079 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
5080 shall engage the feasibility consultant that has not been eliminated from the list at the

5081 completion of the process described in Subsection (3)(c).

5082 (4) A feasibility consultant that conducts a feasibility study under this section shall be
5083 independent of and unaffiliated with the withdrawing municipality and first responder district.

5084 (5) In conducting a feasibility study under this section, the feasibility consultant shall
5085 consider:

5086 (a) population and population density within the withdrawing municipality;

5087 (b) current and five-year projections of demographics and economic base in the
5088 withdrawing municipality, including household size and income, commercial and industrial
5089 development, and public facilities;

5090 (c) projected growth in the withdrawing municipality during the next five years;

5091 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
5092 including overhead, of providing the same service in the withdrawing municipality as is
5093 provided by the first responder district, including:

5094 (i) the estimated cost if the first responder district continues to provide service; and

5095 (ii) the estimated cost if the withdrawing municipality provides service;

5096 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
5097 including overhead, of the first responder district providing service with:

5098 (i) the municipality included in the first responder district's service area; and

5099 (ii) the withdrawing municipality excluded from the first responder district's service
5100 area;

5101 (f) a projection of any new taxes per household that may be levied within the
5102 withdrawing municipality within five years after the withdrawal;

5103 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
5104 municipalities and unincorporated areas served by the first responder district, including any rate
5105 increase that may become necessary to maintain required coverage ratios for the first responder
5106 district's debt;

5107 (h) the physical and other assets that will be required by the withdrawing municipality
5108 to provide, without interruption or diminution of service, the same service that is being
5109 provided by the first responder district;

5110 (i) the physical and other assets that will no longer be required by the first responder
5111 district to continue to provide the current level of service to the remainder of the first responder

5112 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
5113 municipality;

5114 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
5115 district's assets between the first responder district and the withdrawing municipality, effective
5116 upon the withdrawal of the withdrawing municipality from the first responder district;

5117 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
5118 responder district and any local building authority of the first responder district, between the
5119 withdrawing municipality and the remaining first responder district, taking into consideration:

5120 (i) any requirement to maintain the excludability of interest from the income of the
5121 holder of the debt, liability, or obligation for federal income tax purposes; and

5122 (ii) any first responder district assets that have been purchased with the proceeds of
5123 bonds issued by the first responder district that the first responder district will retain and any of
5124 those assets that will be transferred to the withdrawing municipality;

5125 (l) the number and classification of first responder district employees who will no
5126 longer be required to serve the remaining portions of the first responder district after the
5127 withdrawing municipality withdraws from the first responder district, including the dollar
5128 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
5129 associated with termination of the employees if the withdrawing municipality does not employ
5130 the employees;

5131 (m) maintaining as a base, for a period of three years after withdrawal, the existing
5132 schedule of pay and benefits for first responder district employees who are transferred to the
5133 employment of the withdrawing municipality; and

5134 (n) any other factor that the feasibility consultant considers relevant to the question of
5135 the withdrawing municipality's withdrawal from the first responder district.

5136 (6) (a) For purposes of Subsections (5)(d) and (e):

5137 (i) the feasibility consultant shall assume a level and quality of service to be provided
5138 in the future to the withdrawing municipality that fairly and reasonably approximates the level
5139 and quality of service that the first responder district provides to the withdrawing municipality
5140 at the time of the feasibility study;

5141 (ii) in determining the present value cost of a service that the first responder district
5142 provides, the feasibility consultant shall consider:

5143 (A) the cost to the withdrawing municipality of providing the service for the first five
5144 years after the withdrawal; and

5145 (B) the first responder district's present and five-year projected cost of providing the
5146 same service within the withdrawing municipality; and

5147 (iii) the feasibility consultant shall consider inflation and anticipated growth in
5148 calculating the cost of providing service.

5149 (b) The feasibility consultant may not consider an allocation of first responder district
5150 assets or a transfer of first responder district employees to the extent that the allocation or
5151 transfer would impair the first responder district's ability to continue to provide the current
5152 level of service to the remainder of the first responder district without the withdrawing
5153 municipality, unless the first responder district consents to the allocation or transfer.

5154 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
5155 the feasibility consultant considers prudent and as provided in the agreement with the
5156 withdrawing municipality and first responder district, to assist the feasibility consultant to
5157 conduct a feasibility study.

5158 (8) The withdrawing municipality and first responder district shall require the
5159 feasibility consultant to:

5160 (a) complete the feasibility study within a time established by the withdrawing
5161 municipality and first responder district;

5162 (b) prepare and submit a written report communicating the results of the feasibility
5163 study, including a one-page summary of the results; and

5164 (c) attend all public hearings relating to the feasibility study under Subsection (14).

5165 (9) A written report of the results of a feasibility study under this section shall:

5166 (a) contain a recommendation concerning whether a withdrawing municipality's
5167 withdrawal from a first responder district is functionally and financially feasible for both the
5168 first responder district and the withdrawing municipality; and

5169 (b) include any conditions the feasibility consultant determines need to be satisfied in
5170 order to make the withdrawal functionally and financially feasible, including:

5171 (i) first responder district assets and liabilities to be allocated to the withdrawing
5172 municipality; and

5173 (ii) (A) first responder district employees to become employees of the withdrawing

5174 municipality; and

5175 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
5176 responder district employees that the withdrawing municipality needs to assume.

5177 (10) The withdrawing municipality and first responder district shall equally share the
5178 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
5179 municipality and first responder district and the feasibility consultant.

5180 (11) (a) Upon completion of the feasibility study and preparation of a written report,
5181 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
5182 first responder district.

5183 (b) (i) A withdrawing municipality or first responder district that disagrees with any
5184 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
5185 report under Subsection (11)(a), submit to the feasibility consultant a written objection
5186 detailing the disagreement.

5187 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
5188 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

5189 (B) A first responder district that submits a written objection under Subsection
5190 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

5191 (iii) A withdrawing municipality or first responder district may, within 10 business
5192 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
5193 consultant a written response to the objection.

5194 (iv) (A) A withdrawing municipality that submits a response under Subsection
5195 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

5196 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
5197 simultaneously deliver a copy of the response to the withdrawing municipality.

5198 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
5199 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
5200 submitting a response to an objection:

5201 (A) modify the feasibility study report or explain in writing why the feasibility
5202 consultant is not modifying the feasibility study report; and

5203 (B) deliver the modified feasibility study report or written explanation to the
5204 withdrawing municipality and first responder ~~local~~ special district.

5205 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
5206 for submitting an objection or, if an objection is submitted, within seven days after receiving a
5207 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
5208 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

5209 (a) make a copy of the report available to the public at the primary office of the
5210 withdrawing municipality; and

5211 (b) if the withdrawing municipality has a website, post a copy of the report on the
5212 municipality's website.

5213 (13) A feasibility study report or, if a feasibility study report is modified under
5214 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
5215 the challenge is that the report results from collusion or fraud.

5216 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
5217 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
5218 the withdrawing municipality's receipt of the modified feasibility study report or written
5219 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
5220 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
5221 held:

5222 (i) within the following 60 days; and

5223 (ii) for the purpose of allowing:

5224 (A) the feasibility consultant to present the results of the feasibility study; and

5225 (B) the public to become informed about the feasibility study results, to ask the
5226 feasibility consultant questions about the feasibility study, and to express the public's views
5227 about the proposed withdrawal.

5228 (b) At a public hearing under Subsection (14)(a), the legislative body of the
5229 withdrawing municipality shall:

5230 (i) provide a copy of the feasibility study for public review; and

5231 (ii) allow the public to:

5232 (A) ask the feasibility consultant questions about the feasibility study; and

5233 (B) express the public's views about the withdrawing municipality's proposed
5234 withdrawal from the first responder district.

5235 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a

5236 hearing under Subsection (14) on the Utah Public Notice Website created in Section
5237 63A-16-601, for three consecutive weeks immediately before the public hearing.

5238 (b) A notice under Subsection (15)(a) shall state:

5239 (i) the date, time, and location of the public hearing; and

5240 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
5241 office of the withdrawing municipality or on the withdrawing municipality's website.

5242 (16) Unless the withdrawing municipality and first responder district agree otherwise,
5243 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
5244 be functionally and financially feasible for the withdrawing municipality and first responder
5245 district are binding on the withdrawing municipality and first responder district if the
5246 withdrawal occurs.

5247 Section 87. Section 17B-1-506 is amended to read:

5248 **17B-1-506. Withdrawal petition requirements.**

5249 (1) Each petition under Section 17B-1-504 shall:

5250 (a) indicate the typed or printed name and current address of each owner of acre-feet of
5251 water, property owner, registered voter, or authorized representative of the governing body
5252 signing the petition;

5253 (b) separately group signatures by municipality and, in the case of unincorporated
5254 areas, by county;

5255 (c) if it is a petition signed by the owners of land, the assessment of which is based on
5256 acre-feet of water, indicate the address of the property and the property tax identification parcel
5257 number of the property as to which the owner is signing the request;

5258 (d) designate up to three signers of the petition as sponsors, or in the case of a petition
5259 filed under Subsection 17B-1-504(1)(a)(iv), designate a governmental representative as a
5260 sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing
5261 address and telephone number of each;

5262 (e) state the reasons for withdrawal; and

5263 (f) when the petition is filed with the [~~local~~] special district board of trustees, be
5264 accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn
5265 and a legal description of the area proposed to be withdrawn.

5266 (2) (a) The [~~local~~] special district may prepare an itemized list of expenses, other than

5267 attorney expenses, that will necessarily be incurred by the [local] special district in the
5268 withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor.
5269 If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the
5270 petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses
5271 to the [local] special district within 90 days of receipt. Until funds to cover the expenses are
5272 delivered to the [local] special district, the district will have no obligation to proceed with the
5273 withdrawal and the time limits on the district stated in this part will be tolled. If the expenses
5274 are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under
5275 Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been
5276 withdrawn.

5277 (b) If there is no agreement between the board of trustees of the [local] special district
5278 and the contact sponsor on the amount of expenses that will necessarily be incurred by the
5279 [local] special district in the withdrawal proceeding, either the board of trustees or the contact
5280 sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6,
5281 Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an
5282 arbitrator and the rules and procedures that will control the arbitration, either party may pursue
5283 arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

5284 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's
5285 signature at any time before the public hearing under Section 17B-1-508 by submitting a
5286 written withdrawal or reinstatement with the board of trustees of the [local] special district in
5287 which the area proposed to be withdrawn is located.

5288 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition
5289 filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a
5290 municipality to provide to the withdrawn area the service previously supplied by the [local]
5291 special district, the board of trustees of the [local] special district may, within 21 days after
5292 receiving the petition, notify the contact sponsor in writing that, before it will be considered by
5293 the board of trustees, the petition shall be presented to and approved by the governing body of
5294 the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by
5295 the [local] special district board of trustees. If the notice is timely given to the contact sponsor,
5296 the petition shall be considered to have been withdrawn until the municipality files a petition
5297 with the [local] special district under Subsection 17B-1-504(1)(a)(iv).

5298 (5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless
5299 specifically allowed by law, a public entity may not make expenditures from public funds to
5300 support or oppose the gathering of signatures on a petition for withdrawal.

5301 (b) Nothing in this section prohibits a public entity from providing factual information
5302 and analysis regarding a withdrawal petition to the public, so long as the information grants
5303 equal access to both the opponents and proponents of the petition for withdrawal.

5304 (c) Nothing in this section prohibits a public official from speaking, campaigning,
5305 contributing personal money, or otherwise exercising the public official's constitutional rights.

5306 Section 88. Section 17B-1-507 is amended to read:

5307 **17B-1-507. Withdrawal petition certification -- Amended petition.**

5308 (1) Within 30 days after the filing of a petition under Sections 17B-1-504 and
5309 17B-1-506, the board of trustees of the [~~local~~] special district in which the area proposed to be
5310 withdrawn is located shall:

5311 (a) with the assistance of officers of the county in which the area proposed to be
5312 withdrawn is located, determine whether the petition meets the requirements of Sections
5313 17B-1-504 and 17B-1-506; and

5314 (b) (i) if the petition complies with the requirements set forth in Sections 17B-1-504
5315 and 17B-1-506, certify the petition and mail or deliver written notification of the certification
5316 to the contact sponsor; or

5317 (ii) if the petition fails to comply with any of the requirements set forth in Sections
5318 17B-1-504 and 17B-1-506, reject the petition as insufficient and mail or deliver written
5319 notification of the rejection and the reasons for the rejection to the contact sponsor.

5320 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be
5321 amended to correct the deficiencies for which it was rejected and then refiled within 60 days
5322 after notice of the rejection.

5323 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
5324 used toward fulfilling the applicable signature requirement for an amended petition refiled
5325 under Subsection (2)(a).

5326 (3) The board of trustees shall process an amended petition refiled under Subsection
5327 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition
5328 is rejected for failure to comply with the requirements of Sections 17B-1-504 and 17B-1-506,

5329 the board of trustees shall issue a final rejection of the petition for insufficiency and mail or
5330 deliver written notice of the final rejection to the contact sponsor.

5331 (4) (a) A signer of a petition for which there has been a final rejection under Subsection
5332 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject
5333 the petition as insufficient.

5334 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state
5335 district court in the county in which a majority of the area proposed to be withdrawn is located.

5336 (c) The court in which an action is filed under this Subsection (4) may not overturn the
5337 board of trustees' decision to reject the petition unless the court finds that:

5338 (i) the board of trustees' decision was arbitrary or capricious; or

5339 (ii) the petition materially complies with the requirements set forth in Sections
5340 [17B-1-504](#) and [17B-1-506](#).

5341 (d) The court may award costs and expenses of an action under this section, including
5342 reasonable attorney fees, to the prevailing party.

5343 Section 89. Section **17B-1-508** is amended to read:

5344 **17B-1-508. Public hearing -- Quorum of board required to be present.**

5345 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees
5346 of a [~~local~~] special district that:

5347 (a) certifies a petition under Subsection [17B-1-507](#)(1)(b)(i) unless the petition was
5348 signed by all of the owners of private land within the area proposed to be withdrawn or all of
5349 the registered voters residing within the area proposed to be withdrawn; or

5350 (b) adopts a resolution under Subsection [17B-1-504](#)(1)(a)(iii) unless another [~~local~~]
5351 special district provides to the area proposed to be withdrawn the same retail or wholesale
5352 service as provided by the [~~local~~] special district that adopted the resolution.

5353 (2) The public hearing required by Subsection (1) for a petition certified by the board
5354 of trustees of a [~~local~~] special district under Subsection [17B-1-507](#)(1)(b)(i), other than a
5355 petition filed in accordance with Subsection [17B-1-504](#)(1)(a)(iv), may be held as an agenda
5356 item of a meeting of the board of trustees of the [~~local~~] special district without complying with
5357 the requirements of Subsection (3)(b), (3)(c), or Section [17B-1-509](#).

5358 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)
5359 shall be held:

- 5360 (a) no later than 90 days after:
- 5361 (i) certification of the petition under Subsection 17B-1-507(1)(b)(i); or
- 5362 (ii) adoption of a resolution under Subsection 17B-1-504(1)(a)(iii);
- 5363 (b) (i) for a [local] special district located entirely within a single county:
- 5364 (A) within or as close as practicable to the area proposed to be withdrawn; or
- 5365 (B) at the [local] special district office; or
- 5366 (ii) for a [local] special district located in more than one county:
- 5367 (A) (I) within the county in which the area proposed to be withdrawn is located; and
- 5368 (II) within or as close as practicable to the area proposed to be withdrawn; or
- 5369 (B) if the [local] special district office is reasonably accessible to all residents within
- 5370 the area proposed to be annexed, at the [local] special district office;
- 5371 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and
- 5372 (d) for the purpose of allowing:
- 5373 (i) the public to ask questions and obtain further information about the proposed
- 5374 withdrawal and issues raised by it; and
- 5375 (ii) any interested person to address the board of trustees concerning the proposed
- 5376 withdrawal.
- 5377 (4) A quorum of the board of trustees of the [local] special district shall be present
- 5378 throughout the public hearing provided for under this section.
- 5379 (5) A public hearing under this section may be postponed or continued to a new time,
- 5380 date, and place without further notice by a resolution of the board of trustees adopted at the
- 5381 public hearing held at the time, date, and place specified in the published notice; provided,
- 5382 however, that the public hearing may not be postponed or continued to a date later than 15 days
- 5383 after the 90-day period under Subsection (3).

Section 90. Section 17B-1-509 is amended to read:

17B-1-509. Notice of hearing and withdrawal.

- 5386 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a [local]
- 5387 special district as allowed by Subsection 17B-1-508(2), before holding a public hearing under
- 5388 Section 17B-1-508, the board of trustees of the [local] special district shall:
- 5389 (a) mail notice of the public hearing and of the proposed withdrawal to:
- 5390 (i) if the [local] special district is funded predominantly by revenues from a property

5391 tax, each owner of private real property located within the area proposed to be withdrawn, as
5392 shown upon the county assessment roll last equalized as of the previous December 31;

5393 (ii) if the [~~local~~] special district is funded by fees based upon an allotment of acre-feet
5394 of water, each owner of private real property with an allotment of water located within the area
5395 proposed to be withdrawn, as shown upon the district's records; or

5396 (iii) if the [~~local~~] special district is not funded predominantly by revenues from a
5397 property tax or fees based upon an allotment of acre-feet of water, each registered voter
5398 residing within the area proposed to be withdrawn, as determined by the voter registration list
5399 maintained by the county clerk as of a date selected by the board of trustees that is at least 20
5400 but not more than 60 days before the public hearing; and

5401 (b) post notice of the public hearing and of the proposed withdrawal in at least four
5402 conspicuous places within the area proposed to be withdrawn, no less than five nor more than
5403 30 days before the public hearing.

5404 (2) Each notice required under Subsection (1) shall:

5405 (a) describe the area proposed to be withdrawn;

5406 (b) identify the [~~local~~] special district in which the area proposed to be withdrawn is
5407 located;

5408 (c) state the date, time, and location of the public hearing;

5409 (d) state that the petition or resolution may be examined during specified times and at a
5410 specified place in the [~~local~~] special district; and

5411 (e) state that any person interested in presenting comments or other information for or
5412 against the petition or resolution may:

5413 (i) prior to the hearing, submit relevant comments and other information in writing to
5414 the board of trustees at a specified address in the [~~local~~] special district; or

5415 (ii) at the hearing, present relevant comments and other information in writing and may
5416 also present comments and information orally.

5417 Section 91. Section **17B-1-510** is amended to read:

5418 **17B-1-510. Resolution approving or rejecting withdrawal -- Criteria for approval**
5419 **or rejection -- Terms and conditions.**

5420 (1) (a) No later than 90 days after the public hearing under Section **17B-1-508**, or, if no
5421 hearing is held, within 90 days after the filing of a petition under Section **17B-1-504**, the board

5422 of trustees of the [local] special district in which the area proposed to be withdrawn is located
5423 shall adopt a resolution:

5424 (i) approving the withdrawal of some or all of the area from the [local] special district;

5425 or

5426 (ii) rejecting the withdrawal.

5427 (b) Each resolution approving a withdrawal shall:

5428 (i) include a legal description of the area proposed to be withdrawn;

5429 (ii) state the effective date of the withdrawal; and

5430 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

5431 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the
5432 board of trustees' reasons for the rejection.

5433 (2) Unless denial of the petition is required under Subsection (3), the board of trustees
5434 shall adopt a resolution approving the withdrawal of some or all of the area from the [local]
5435 special district if the board of trustees determines that:

5436 (a) the area to be withdrawn does not and will not require the service that the [local]
5437 special district provides;

5438 (b) the [local] special district will not be able to provide service to the area to be
5439 withdrawn for the reasonably foreseeable future; or

5440 (c) the area to be withdrawn has obtained the same service that is provided by the
5441 [local] special district or a commitment to provide the same service that is provided by the
5442 [local] special district from another source.

5443 (3) The board of trustees shall adopt a resolution denying the withdrawal if it
5444 determines that the proposed withdrawal would:

5445 (a) result in a breach or default by the [local] special district under:

5446 (i) any of its notes, bonds, or other debt or revenue obligations;

5447 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise
5448 credit-enhanced any debt or revenue obligations of the [local] special district; or

5449 (iii) any of its agreements with the United States or any agency of the United States;

5450 provided, however, that, if the [local] special district has entered into an agreement with the

5451 United States that requires the consent of the United States for a withdrawal of territory from

5452 the district, a withdrawal under this part may occur if the written consent of the United States is

5453 obtained and filed with the board of trustees;

5454 (b) adversely affect the ability of the [local] special district to make any payments or
5455 perform any other material obligations under:

5456 (i) any of its agreements with the United States or any agency of the United States;

5457 (ii) any of its notes, bonds, or other debt or revenue obligations; or

5458 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise
5459 credit-enhanced any debt or revenue obligations of the [local] special district;

5460 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or
5461 other debt or revenue obligation of the [local] special district;

5462 (d) create an island or peninsula of nondistrict territory within the [local] special
5463 district or of district territory within nondistrict territory that has a material adverse affect on
5464 the [local] special district's ability to provide service or materially increases the cost of
5465 providing service to the remainder of the [local] special district;

5466 (e) materially impair the operations of the remaining [local] special district; or

5467 (f) require the [local] special district to materially increase the fees it charges or
5468 property taxes or other taxes it levies in order to provide to the remainder of the district the
5469 same level and quality of service that was provided before the withdrawal.

5470 (4) In determining whether the withdrawal would have any of the results described in
5471 Subsection (3), the board of trustees may consider the cumulative impact that multiple
5472 withdrawals over a specified period of time would have on the [local] special district.

5473 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),
5474 the board of trustees may approve a resolution withdrawing an area from the [local] special
5475 district imposing terms or conditions that mitigate or eliminate the conditions listed in
5476 Subsection (3), including:

5477 (i) a requirement that the owners of property located within the area proposed to be
5478 withdrawn or residents within that area pay their proportionate share of any outstanding district
5479 bond or other obligation as determined pursuant to Subsection (5)(b);

5480 (ii) a requirement that the owners of property located within the area proposed to be
5481 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or
5482 assessments;

5483 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable

5484 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the
5485 transfer to the receiving entity of district assets that the district used before withdrawal to
5486 provide service to the withdrawn area but no longer needs because of the withdrawal; provided
5487 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the
5488 district shall immediately transfer to the receiving entity on the effective date of the
5489 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

5490 (iv) any other reasonable requirement considered to be necessary by the board of
5491 trustees.

5492 (b) Other than as provided for in Subsection 17B-1-511(2), and except as provided in
5493 Subsection (5)(e), in determining the proportionate share of outstanding bonded indebtedness
5494 or other obligations under Subsection (5)(a)(i) and for purposes of determining the allocation
5495 and transfer of district assets under Subsection (5)(a)(iii), the board of trustees and the
5496 receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the
5497 petition shall:

5498 (i) engage engineering and accounting consultants chosen by the procedure provided in
5499 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an
5500 engineering consultant need not be engaged; and

5501 (ii) require the engineering and accounting consultants engaged under Subsection
5502 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases
5503 where there is no receiving entity, the board and the sponsors of the petition the information
5504 required by Subsections (5)(f) through (h).

5505 (c) For purposes of this Subsection (5):

5506 (i) "accounting consultant" means a certified public accountant or a firm of certified
5507 public accountants with the expertise necessary to make the determinations required under
5508 Subsection (5)(h); and

5509 (ii) "engineering consultant" means a person or firm that has the expertise in the
5510 engineering aspects of the type of system by which the withdrawn area is receiving service that
5511 is necessary to make the determination required under Subsections (5)(f) and (g).

5512 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is
5513 no receiving entity, the board and the sponsors of the petition agree on an engineering
5514 consultant and an accounting consultant, each consultant shall be chosen from a list of

5515 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of
5516 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

5517 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a
5518 contract for services with the district or the receiving entity during the two-year period
5519 immediately before the list is provided to the ~~local~~ special district.

5520 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of
5521 trustees shall eliminate the name of one engineering consultant from the list of engineering
5522 consultants and the name of one accounting consultant from the list of accounting consultants
5523 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors
5524 of the petition in writing of the eliminations.

5525 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving
5526 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate
5527 another name of an engineering consultant from the list of engineering consultants and another
5528 name of an accounting consultant from the list of accounting consultants and shall notify the
5529 board of trustees in writing of the eliminations.

5530 (v) The board of trustees and the receiving entity, or in cases where there is no
5531 receiving entity, the board and the sponsors of the petition shall continue to alternate between
5532 them, each eliminating the name of one engineering consultant from the list of engineering
5533 consultants and the name of one accounting consultant from the list of accounting consultants
5534 and providing written notification of the eliminations within three days of receiving
5535 notification of the previous notification, until the name of only one engineering consultant
5536 remains on the list of engineering consultants and the name of only one accounting consultant
5537 remains on the list of accounting consultants.

5538 (e) The requirement under Subsection (5)(b) to engage engineering and accounting
5539 consultants does not apply if the board of trustees and the receiving entity, or in cases where
5540 there is no receiving entity, the board and the sponsors of the petition agree on the allocations
5541 that are the engineering consultant's responsibility under Subsection (5)(f) or the
5542 determinations that are the accounting consultant's responsibility under Subsection (5)(h);
5543 provided however, that if engineering and accounting consultants are engaged, the district and
5544 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors
5545 of the petition shall equally share the cost of the engineering and accounting consultants.

5546 (f) (i) The engineering consultant shall allocate the district assets between the district
5547 and the receiving entity as provided in this Subsection (5)(f).

5548 (ii) The engineering consultant shall allocate:

5549 (A) to the district those assets reasonably needed by the district to provide to the area
5550 of the district remaining after withdrawal the kind, level, and quality of service that was
5551 provided before withdrawal; and

5552 (B) to the receiving entity those assets reasonably needed by the receiving entity to
5553 provide to the withdrawn area the kind and quality of service that was provided before
5554 withdrawal.

5555 (iii) If the engineering consultant determines that both the [local] special district and
5556 the receiving entity reasonably need a district asset to provide to their respective areas the kind
5557 and quality of service provided before withdrawal, the engineering consultant shall:

5558 (A) allocate the asset between the [local] special district and the receiving entity
5559 according to their relative needs, if the asset is reasonably susceptible of division; or

5560 (B) allocate the asset to the [local] special district, if the asset is not reasonably
5561 susceptible of division.

5562 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated
5563 to the [local] special district.

5564 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate
5565 share of any redemption premium and the principal of and interest on:

5566 (A) the [local] special district's revenue bonds that were outstanding at the time the
5567 petition was filed;

5568 (B) the [local] special district's general obligation bonds that were outstanding at the
5569 time the petition was filed; and

5570 (C) the [local] special district's general obligation bonds that:

5571 (I) were outstanding at the time the petition was filed; and

5572 (II) are treated as revenue bonds under Subsection (5)(i); and

5573 (D) the district's bonds that were issued prior to the date the petition was filed to refund
5574 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as
5575 revenue bonds.

5576 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of

5577 redemption premium, principal, and interest shall be the amount that bears the same
5578 relationship to the total redemption premium, principal, and interest for the entire district that
5579 the average annual gross revenues from the withdrawn area during the three most recent
5580 complete fiscal years before the filing of the petition bears to the average annual gross revenues
5581 from the entire district for the same period.

5582 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be
5583 treated as a revenue bond if:

5584 (i) the bond is outstanding on the date the petition was filed; and

5585 (ii) the principal of and interest on the bond, as of the date the petition was filed, had
5586 been paid entirely from ~~[local]~~ special district revenues and not from a levy of ad valorem tax.

5587 (j) (i) Before the board of trustees of the ~~[local]~~ special district files a resolution
5588 approving a withdrawal, the receiving entity, or in cases where there is no receiving entity, the
5589 sponsors of the petition shall irrevocably deposit government obligations, as defined in
5590 Subsection 11-27-2(6), into an escrow trust fund the principal of and interest on which are
5591 sufficient to provide for the timely payment of the amount determined by the accounting
5592 consultant under Subsection (5)(h) or in an amount mutually agreeable to the board of trustees
5593 of the ~~[local]~~ special district and the receiving entity, or in cases where there is no receiving
5594 entity, the board and the sponsors of the petition. Notwithstanding Subsection 17B-1-512(1),
5595 the board of trustees may not be required to file a resolution approving a withdrawal until the
5596 requirements for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have
5597 been met; provided that, if the escrow trust fund has not been established and funded within
5598 180 days after the board of trustees passes a resolution approving a withdrawal, the resolution
5599 approving the withdrawal shall be void.

5600 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where
5601 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of
5602 the ~~[local]~~ special district:

5603 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal
5604 bonds stating that the establishment and use of the escrow to pay the proportionate share of the
5605 district's outstanding revenue bonds and general obligation bonds that are treated as revenue
5606 bonds will not adversely affect the tax-exempt status of the bonds; and

5607 (B) a written opinion of an independent certified public accountant verifying that the

5608 principal of and interest on the deposited government obligations are sufficient to provide for
5609 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection
5610 (5)(h).

5611 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of
5612 the petition shall bear all expenses of the escrow and the redemption of the bonds.

5613 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local
5614 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the
5615 escrow.

5616 (6) A requirement imposed by the board of trustees as a condition to withdrawal under
5617 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly
5618 authorized and executed written agreement between the parties to the withdrawal.

5619 (7) An area that is the subject of a withdrawal petition under Section 17B-1-504 that
5620 results in a board of trustees resolution denying the proposed withdrawal may not be the
5621 subject of another withdrawal petition under Section 17B-1-504 for two years after the date of
5622 the board of trustees resolution denying the withdrawal.

5623 Section 92. Section 17B-1-511 is amended to read:

5624 **17B-1-511. Continuation of tax levy after withdrawal to pay for proportionate**
5625 **share of district bonds.**

5626 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is
5627 established and funded pursuant to Subsection 17B-1-510(5)(j), property within the withdrawn
5628 area shall continue after withdrawal to be taxable by the ~~[local]~~ special district:

5629 (a) for the purpose of paying the withdrawn area's just proportion of the ~~[local]~~ special
5630 district's general obligation bonds or lease obligations payable from property taxes with respect
5631 to lease revenue bonds issued by a local building authority on behalf of the ~~[local]~~ special
5632 district, other than those bonds treated as revenue bonds under Subsection 17B-1-510(5)(i),
5633 until the bonded indebtedness has been satisfied; and

5634 (b) to the extent and for the years necessary to generate sufficient revenue that, when
5635 combined with the revenues from the district remaining after withdrawal, is sufficient to
5636 provide for the payment of principal and interest on the district's general obligation bonds that
5637 are treated as revenue bonds under Subsection 17B-1-510(5)(i).

5638 (2) For a ~~[local]~~ special district funded predominately by revenues other than property

5639 taxes, service charges, or assessments based upon an allotment of acre-feet of water, property
5640 within the withdrawn area shall continue to be taxable by the [local] special district for
5641 purposes of paying the withdrawn area's proportionate share of bonded indebtedness or
5642 judgments against the [local] special district incurred prior to the date the petition was filed.

5643 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing
5644 area is relieved of all other taxes, assessments, and charges levied by the district, including
5645 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the
5646 [local] special district.

5647 Section 93. Section **17B-1-512** is amended to read:

5648 **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period**
5649 **-- Judicial review.**

5650 (1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file
5651 with the lieutenant governor:

5652 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
5653 that meets the requirements of Subsection [67-1a-6.5](#)(3); and

5654 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#).

5655 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

5656 (i) within 10 days after adopting a resolution approving a withdrawal under Section
5657 [17B-1-510](#);

5658 (ii) on or before January 31 of the year following the board of trustees' receipt of a
5659 notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or
5660 copy between July 1 and December 31; or

5661 (iii) on or before the July 31 following the board of trustees' receipt of a notice or copy
5662 described in Subsection (1)(c), if the board of trustees receives the notice or copy between
5663 January 1 and June 30.

5664 (c) The board of trustees shall comply with the requirements described in Subsection
5665 (1)(b)(ii) or (iii) after:

5666 (i) receiving:

5667 (A) a notice under Subsection [10-2-425](#)(2) of an automatic withdrawal under
5668 Subsection [17B-1-502](#)(2);

5669 (B) a copy of the municipal legislative body's resolution approving an automatic

5670 withdrawal under Subsection 17B-1-502(3)(a); or
5671 (C) notice of a withdrawal of a municipality from a [local] special district under
5672 Section 17B-1-502; or
5673 (ii) entering into an agreement with a municipality under Subsection
5674 17B-1-505(5)(a)(ii)(A) or (5)(b).
5675 (d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section
5676 67-1a-6.5, the board shall:
5677 (i) if the withdrawn area is located within the boundary of a single county, submit to
5678 the recorder of that county:
5679 (A) the original:
5680 (I) notice of an impending boundary action;
5681 (II) certificate of withdrawal; and
5682 (III) approved final local entity plat; and
5683 (B) if applicable, a certified copy of the resolution or notice referred to in Subsection
5684 (1)(b); or
5685 (ii) if the withdrawn area is located within the boundaries of more than a single county,
5686 submit:
5687 (A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)
5688 and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to
5689 one of those counties; and
5690 (B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)
5691 and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other
5692 county.
5693 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
5694 Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal
5695 under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a [local] special
5696 district under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of
5697 the withdrawal resolution, if applicable.
5698 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
5699 the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.
5700 (3) (a) The [local] special district may provide for the publication of any resolution

5701 approving or denying the withdrawal of an area:

5702 (i) in a newspaper of general circulation in the area proposed for withdrawal; and

5703 (ii) as required in Section 45-1-101.

5704 (b) In lieu of publishing the entire resolution, the [local] special district may publish a
5705 notice of withdrawal or denial of withdrawal, containing:

5706 (i) the name of the [local] special district;

5707 (ii) a description of the area proposed for withdrawal;

5708 (iii) a brief explanation of the grounds on which the board of trustees determined to
5709 approve or deny the withdrawal; and

5710 (iv) the times and place where a copy of the resolution may be examined, which shall
5711 be at the place of business of the [local] special district, identified in the notice, during regular
5712 business hours of the [local] special district as described in the notice and for a period of at
5713 least 30 days after the publication of the notice.

5714 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
5715 deny a withdrawal of an area from the [local] special district by submitting a request, within 60
5716 days after the resolution is adopted under Section 17B-1-510, to the board of trustees,
5717 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of
5718 trustees based its decision to deny the withdrawal.

5719 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
5720 trustees, the board may consider the suggestions for mitigation and adopt a resolution
5721 approving or denying the request in the same manner as provided in Section 17B-1-510 with
5722 respect to the original resolution denying the withdrawal and file a notice of the action as
5723 provided in Subsection (1).

5724 (6) (a) Any person in interest may seek judicial review of:

5725 (i) the board of trustees' decision to withdraw an area from the [local] special district;

5726 (ii) the terms and conditions of a withdrawal; or

5727 (iii) the board's decision to deny a withdrawal.

5728 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
5729 district court in the county in which a majority of the area proposed to be withdrawn is located:

5730 (i) if the resolution approving or denying the withdrawal is published under Subsection
5731 (3), within 60 days after the publication or after the board of trustees' denial of the request

5732 under Subsection (5);

5733 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
5734 the resolution approving or denying the withdrawal is adopted; or

5735 (iii) if a request is submitted to the board of trustees of a [local] special district under
5736 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the
5737 board adopts a resolution under Subsection (5) unless the resolution is published under
5738 Subsection (3), in which event the action shall be filed within 60 days after the publication.

5739 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
5740 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

5741 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

5742 (ii) the court finds that the board materially failed to follow the procedures set forth in
5743 this part.

5744 (d) A court may award costs and expenses of an action under this section, including
5745 reasonable attorney fees, to the prevailing party.

5746 (7) After the applicable contest period under Subsection (4) or (6), no person may
5747 contest the board of trustees' approval or denial of withdrawal for any cause.

5748 Section 94. Section **17B-1-513** is amended to read:

5749 **17B-1-513. Termination of terms of trustees representing withdrawn areas.**

5750 (1) Except as provided in Subsection (4), on the effective date of withdrawal of an area
5751 from a [local] special district, any trustee residing in the withdrawn area shall cease to be a
5752 member of the board of trustees of the [local] special district.

5753 (2) Except as provided in Subsection (4), if the [local] special district has been divided
5754 into divisions for the purpose of electing or appointing trustees and the area withdrawn from a
5755 district constitutes all or substantially all of the area in a division of the [local] special district
5756 that is represented by a member of the board of trustees, on the effective date of the
5757 withdrawal, the trustee representing the division shall cease to be a member of the board of
5758 trustees of the [local] special district.

5759 (3) In the event of a vacancy on the board of trustees as a result of an area being
5760 withdrawn from the [local] special district:

5761 (a) the board of trustees shall reduce the number of trustees of the [local] special
5762 district as provided by law; or

5763 (b) the trustee vacancy shall be filled as provided by law.

5764 (4) Subsections (1) and (2) apply only to a trustee who is required by law to be a
5765 resident of the ~~[local]~~ special district or of a particular division within the ~~[local]~~ special
5766 district.

5767 Section 95. Section **17B-1-601** is amended to read:

5768 **Part 6. Fiscal Procedures for Special Districts**

5769 **17B-1-601. Definitions.**

5770 As used in this part:

5771 (1) "Appropriation" means an allocation of money by the board of trustees for a
5772 specific purpose.

5773 (2) "Budget" means a plan of financial operations for a fiscal year which embodies
5774 estimates of proposed expenditures for given purposes and the proposed means of financing
5775 them, and may refer to the budget of a particular fund for which a budget is required by law or
5776 it may refer collectively to the budgets for all such funds.

5777 (3) "Budget officer" means the person appointed by the ~~[local]~~ special district board of
5778 trustees to prepare the budget for the district.

5779 (4) "Budget year" means the fiscal year for which a budget is prepared.

5780 (5) "Calendar year entity" means a ~~[local]~~ special district whose fiscal year begins
5781 January 1 and ends December 31 of each calendar year as described in Section **17B-1-602**.

5782 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,
5783 which is the fiscal year next preceding the budget year.

5784 (7) "Deficit" has the meaning given under generally accepted accounting principles as
5785 reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.

5786 (8) "Estimated revenue" means the amount of revenue estimated to be received from all
5787 sources during the budget year in each fund for which a budget is being prepared.

5788 (9) "Financial officer" means the official under Section **17B-1-642**.

5789 (10) "Fiscal year" means the annual period for accounting for fiscal operations in each
5790 district.

5791 (11) "Fiscal year entity" means a ~~[local]~~ special district whose fiscal year begins July 1
5792 of each year and ends on June 30 of the following year as described in Section **17B-1-602**.

5793 (12) "Fund" has the meaning given under generally accepted accounting principles as

5794 reflected in the Uniform Accounting Manual for [~~Local~~] Special Districts.

5795 (13) "Fund balance" has the meaning given under generally accepted accounting
5796 principles as reflected in the Uniform Accounting Manual for [~~Local~~] Special Districts.

5797 (14) "General fund" is as defined by the Governmental Accounting Standards Board as
5798 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office
5799 of the Utah State Auditor.

5800 (15) "Governmental funds" means the general fund, special revenue fund, debt service
5801 fund, and capital projects fund of a [~~local~~] special district.

5802 (16) "Interfund loan" means a loan of cash from one fund to another, subject to future
5803 repayment.

5804 (17) "Last completed fiscal year" means the fiscal year next preceding the current fiscal
5805 year.

5806 [~~(18) "Local district general fund" means the general fund used by a local district.]~~

5807 [~~(19)~~] (18) "Proprietary funds" means enterprise funds and the internal service funds of
5808 a [~~local~~] special district.

5809 [~~(20)~~] (19) "Public funds" means any money or payment collected or received by an
5810 officer or employee of a [~~local~~] special district acting in an official capacity and includes
5811 money or payment to the officer or employee for services or goods provided by the district, or
5812 the officer or employee while acting within the scope of employment or duty.

5813 [~~(21)~~] (20) "Retained earnings" has the meaning given under generally accepted
5814 accounting principles as reflected in the Uniform Accounting Manual for [~~Local~~] Special
5815 Districts.

5816 (21) "Special district general fund" means the general fund used by a special district.

5817 (22) "Special fund" means any [~~local~~] special district fund other than the [~~local~~] special
5818 district's general fund.

5819 Section 96. Section **17B-1-602** is amended to read:

5820 **17B-1-602. Fiscal year.**

5821 The fiscal year of each [~~local~~] special district shall be, as determined by the board of
5822 trustees:

5823 (1) the calendar year; or

5824 (2) the period from July 1 to the following June 30.

5825 Section 97. Section **17B-1-603** is amended to read:

5826 **17B-1-603. Uniform accounting system.**

5827 The accounting records of each [~~local~~] special district shall be established and
5828 maintained, and financial statements prepared from those records, in conformance with
5829 generally accepted accounting principles promulgated from time to time by authoritative bodies
5830 in the United States.

5831 Section 98. Section **17B-1-604** is amended to read:

5832 **17B-1-604. Funds and account groups maintained.**

5833 Each district shall maintain, according to its own accounting needs, some or all of the
5834 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting
5835 Manual for [~~Local~~] Special Districts.

5836 Section 99. Section **17B-1-605** is amended to read:

5837 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

5838 (1) The budget officer of each [~~local~~] special district shall prepare for each budget year
5839 a budget for each of the following funds:

5840 (a) the General Fund;

5841 (b) special revenue funds;

5842 (c) debt service funds;

5843 (d) capital projects funds;

5844 (e) proprietary funds, in accordance with Section [17B-1-629](#);

5845 (f) if the [~~local~~] special district has a local fund, as defined in Section [53-2a-602](#), the
5846 local fund; and

5847 (g) any other fund or funds for which a budget is required by the uniform system of
5848 budgeting, accounting, and reporting.

5849 (2) (a) Major capital improvements financed by general obligation bonds, capital
5850 grants, or interfund transfers shall use a capital projects fund budget unless the improvements
5851 financed are to be used for proprietary type activities.

5852 (b) The [~~local~~] special district shall prepare a separate budget for the term of the
5853 projects as well as the annual budget required under Subsection (1).

5854 Section 100. Section **17B-1-606** is amended to read:

5855 **17B-1-606. Total of revenues to equal expenditures.**

5856 (1) The budget for each fund under Section 17B-1-605 shall provide a financial plan
5857 for the budget year.

5858 (2) Each budget shall specify in tabular form:

5859 (a) estimates of all anticipated revenues, classified by the account titles prescribed in
5860 the Uniform Accounting Manual for [~~Local~~] Special Districts; and

5861 (b) all appropriations for expenditures, classified by the account titles prescribed in the
5862 Uniform Accounting Manual for [~~Local~~] Special Districts.

5863 (3) The total of the anticipated revenues shall equal the total of appropriated
5864 expenditures.

5865 Section 101. Section 17B-1-607 is amended to read:

5866 **17B-1-607. Tentative budget to be prepared -- Review by governing body.**

5867 (1) On or before the first regularly scheduled meeting of the board of trustees in
5868 November for a calendar year entity and May for a fiscal year entity, the budget officer of each
5869 [~~local~~] special district shall prepare for the ensuing year, in a format prescribed by the state
5870 auditor, and file with the board of trustees a tentative budget for each fund for which a budget
5871 is required.

5872 (2) (a) Each tentative budget under Subsection (1) shall provide in tabular form:

5873 (i) actual revenues and expenditures for the last completed fiscal year;

5874 (ii) estimated total revenues and expenditures for the current fiscal year; and

5875 (iii) the budget officer's estimates of revenues and expenditures for the budget year.

5876 (b) The budget officer shall estimate the amount of revenue available to serve the needs
5877 of each fund, estimate the portion to be derived from all sources other than general property
5878 taxes, and estimate the portion that shall be derived from general property taxes.

5879 (3) The tentative budget, when filed by the budget officer with the board of trustees,
5880 shall contain the estimates of expenditures together with specific work programs and any other
5881 supporting data required by this part or requested by the board.

5882 (4) The board of trustees shall review, consider, and tentatively adopt the tentative
5883 budget in any regular meeting or special meeting called for that purpose and may amend or
5884 revise the tentative budget in any manner that the board considers advisable prior to public
5885 hearings, but no appropriation required for debt retirement and interest or reduction of any
5886 existing deficits under Section 17B-1-613, or otherwise required by law, may be reduced below

5887 the minimums so required.

5888 (5) When a new district is created, the board of trustees shall:

5889 (a) prepare a budget covering the period from the date of incorporation to the end of
5890 the fiscal year;

5891 (b) substantially comply with all other provisions of this part with respect to notices
5892 and hearings; and

5893 (c) pass the budget as soon after incorporation as feasible.

5894 Section 102. Section **17B-1-608** is amended to read:

5895 **17B-1-608. Tentative budget and data -- Public records.**

5896 (1) The tentative budget adopted by the board of trustees and all supporting schedules
5897 and data are public records.

5898 (2) At least seven days before adopting a final budget in a public meeting, the [total]
5899 special district shall:

5900 (a) make the tentative budget available for public inspection at the [total] special
5901 district's principal place of business during regular business hours;

5902 (b) if the [total] special district has a website, publish the tentative budget on the
5903 [total] special district's website; and

5904 (c) in accordance with Section **63A-16-601**, do one of the following:

5905 (i) publish the tentative budget on the Utah Public Notice Website; or

5906 (ii) publish on the Utah Public Notice Website a link to a website on which the
5907 tentative budget is published.

5908 Section 103. Section **17B-1-609** is amended to read:

5909 **17B-1-609. Hearing to consider adoption -- Notice.**

5910 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

5911 (a) establish the time and place of a public hearing to consider its adoption; and

5912 (b) except as provided in Subsection (6), order that notice of the hearing:

5913 (i) be posted in three public places within the district; and

5914 (ii) be published at least seven days before the hearing on the Utah Public Notice
5915 Website created in Section **63A-16-601**.

5916 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
5917 required in Subsection (1)(b):

5918 (a) may be combined with the notice required under Section 59-2-919; and
 5919 (b) shall be published in accordance with the advertisement provisions of Section
 5920 59-2-919.

5921 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
 5922 notice required in Subsection (1)(b):

5923 (a) may be combined with the notice required under Section 17B-1-643; and
 5924 (b) shall be published or mailed in accordance with the notice provisions of Section
 5925 17B-1-643.

5926 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
 5927 prima facie evidence that notice was properly given.

5928 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
 5929 30 days after the day on which the hearing is held, the notice is adequate and proper.

5930 (6) A board of trustees of a [toeat] special district with an annual operating budget of
 5931 less than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

5932 (a) mailing a written notice, postage prepaid, to each voter in the [toeat] special
 5933 district; and

5934 (b) posting the notice in three public places within the district.

5935 Section 104. Section 17B-1-612 is amended to read:

5936 **17B-1-612. Accumulated fund balances -- Limitations -- Excess balances --**
 5937 **Unanticipated excess of revenues -- Reserves for capital projects.**

5938 (1) (a) A [toeat] special district may accumulate retained earnings or fund balances, as
 5939 appropriate, in any fund.

5940 (b) For the general fund only, a [toeat] special district may only use an accumulated
 5941 fund balance to:

5942 (i) provide working capital to finance expenditures from the beginning of the budget
 5943 year until general property taxes or other applicable revenues are collected, subject to
 5944 Subsection (1)(c);

5945 (ii) provide a resource to meet emergency expenditures under Section 17B-1-623; and

5946 (iii) cover a pending year-end excess of expenditures over revenues from an
 5947 unavoidable shortfall in revenues, subject to Subsection (1)(d).

5948 (c) Subsection (1)(b)(i) does not authorize a [toeat] special district to appropriate a

5949 fund balance for budgeting purposes, except as provided in Subsection (4).

5950 (d) Subsection (1)(b)(iii) does not authorize a [local] special district to appropriate a
5951 fund balance to avoid an operating deficit during a budget year except:

5952 (i) as provided under Subsection (4); or

5953 (ii) for emergency purposes under Section 17B-1-623.

5954 (2) (a) Except as provided in Subsection (2)(b), the accumulation of a fund balance in
5955 the general fund may not exceed the most recently adopted general fund budget, plus 100% of
5956 the current year's property tax.

5957 (b) Notwithstanding Subsection (2)(a), a [local] special district may accumulate in the
5958 general fund mineral lease revenue that the [local] special district receives from the United
5959 States under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq., through a distribution
5960 under:

5961 (i) Title 35A, Chapter 8, Part 3, Community Impact Fund Act; or

5962 (ii) Title 59, Chapter 21, Mineral Lease Funds.

5963 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted
5964 under Subsection (2), the district shall appropriate the excess in accordance with Section
5965 17B-1-613.

5966 (4) A [local] special district may utilize any fund balance in excess of 5% of the total
5967 revenues of the general fund for budget purposes.

5968 (5) (a) Within a capital projects fund, the board of trustees may, in any budget year,
5969 appropriate from estimated revenue or fund balance to a reserve for capital projects for the
5970 purpose of financing future specific capital projects, including new construction, capital
5971 repairs, replacement, and maintenance, under a formal long-range capital plan that the board of
5972 trustees adopts.

5973 (b) A [local] special district may allow a reserve amount under Subsection (5)(a) to
5974 accumulate from year to year until the accumulated total is sufficient to permit economical
5975 expenditure for the specified purposes.

5976 (c) A [local] special district may disburse from a reserve account under Subsection
5977 (5)(a) only by a budget appropriation that the [local] special district adopts in accordance with
5978 this part.

5979 (d) A [local] special district shall ensure that the expenditures from the appropriation

5980 budget accounts described in this Subsection (5) conform to all requirements of this part
5981 relating to execution and control of budgets.

5982 Section 105. Section **17B-1-613** is amended to read:

5983 **17B-1-613. Appropriations not to exceed estimated expendable revenue --**
5984 **Appropriations for existing deficits.**

5985 (1) The board of trustees of a [total] special district may not make any appropriation in
5986 the final budget of any fund in excess of the estimated expendable revenue for the budget year
5987 of the fund.

5988 (2) If there is a deficit fund balance in a fund at the close of the last completed fiscal
5989 year, the board of trustees of a [total] special district shall include an item of appropriation for
5990 the deficit in the current budget of the fund equal to:

5991 (a) at least 5% of the total revenue of the fund in the last completed fiscal year; or

5992 (b) if the deficit is equal to less than 5% of the total revenue of the fund in the last
5993 completed fiscal year, the entire amount of the deficit.

5994 (3) The provisions of this section do not require a [total] special district to add revenue
5995 to a fund that is used for debt service of a limited obligation, unless the revenue is pledged
5996 toward the limited obligation.

5997 Section 106. Section **17B-1-614** is amended to read:

5998 **17B-1-614. Adoption of final budget -- Certification and filing.**

5999 (1) The board of trustees of each [total] special district shall by resolution adopt a
6000 budget for the ensuing fiscal year for each fund for which a budget is required under this part
6001 prior to the beginning of the fiscal year, except as provided in Sections [59-2-919](#) through
6002 [59-2-923](#).

6003 (2) The [total] special district's budget officer shall certify a copy of the final budget
6004 for each fund and file it with the state auditor within 30 days after adoption.

6005 Section 107. Section **17B-1-615** is amended to read:

6006 **17B-1-615. Budgets in effect for budget year.**

6007 (1) Upon final adoption, each budget shall be in effect for the budget year, subject to
6008 amendment as provided in this part.

6009 (2) A certified copy of the adopted budgets shall be filed in the special district office
6010 and shall be available to the public during regular business hours.

6011 Section 108. Section **17B-1-617** is amended to read:

6012 **17B-1-617. Fund expenditures -- Budget officer's duties.**

6013 (1) The budget officer of each [~~local~~] special district shall require all expenditures
6014 within each fund to conform with the fund budget.

6015 (2) No appropriation may be encumbered and no expenditure may be made against any
6016 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,
6017 except in cases of emergency as provided in Section **17B-1-623**.

6018 Section 109. Section **17B-1-618** is amended to read:

6019 **17B-1-618. Purchasing procedures.**

6020 All purchases or encumbrances by a [~~local~~] special district shall be made or incurred
6021 according to the purchasing procedures established for each district by the district's rulemaking
6022 authority, as that term is defined in Section **63G-6a-103**, and only on an order or approval of
6023 the person or persons duly authorized.

6024 Section 110. Section **17B-1-619** is amended to read:

6025 **17B-1-619. Expenditures or encumbrances in excess of appropriations prohibited**
6026 **-- Processing claims.**

6027 (1) A [~~local~~] special district may not make or incur expenditures or encumbrances in
6028 excess of total appropriations in the budget as adopted or as subsequently amended.

6029 (2) An obligation contracted by any officer in excess of total appropriations in the
6030 budget is not enforceable against the district.

6031 (3) No check or warrant to cover a claim against an appropriation may be drawn until
6032 the claim has been processed as provided by this part.

6033 Section 111. Section **17B-1-620** is amended to read:

6034 **17B-1-620. Transfer of appropriation balance between accounts in same fund.**

6035 (1) The board of trustees of each [~~local~~] special district shall establish policies for the
6036 transfer of any unencumbered or unexpended appropriation balance or portion of the balance
6037 from one account in a fund to another account within the same fund, subject to Subsection (2).

6038 (2) An appropriation for debt retirement and interest, reduction of deficit, or other
6039 appropriation required by law or covenant may not be reduced below the minimums required.

6040 Section 112. Section **17B-1-621** is amended to read:

6041 **17B-1-621. Review of individual governmental fund budgets -- Hearing.**

6042 (1) The board of trustees of a [~~local~~] special district may, at any time during the budget
6043 year, review the individual budgets of the governmental funds for the purpose of determining if
6044 the total of any of them should be increased.

6045 (2) If the board of trustees decides that the budget total of one or more of these funds
6046 should be increased, it shall follow the procedures established in Sections [17B-1-609](#) and
6047 [17B-1-610](#) for holding a public hearing.

6048 Section 113. Section **17B-1-623** is amended to read:

6049 **17B-1-623. Emergency expenditures.**

6050 The board of trustees of a [~~local~~] special district may, by resolution, amend a budget
6051 and authorize an expenditure of money that results in a deficit in the district's general fund
6052 balance if:

6053 (1) the board determines that:

6054 (a) an emergency exists; and

6055 (b) the expenditure is reasonably necessary to meet the emergency; and

6056 (2) the expenditure is used to meet the emergency.

6057 Section 114. Section **17B-1-626** is amended to read:

6058 **17B-1-626. Loans by one fund to another.**

6059 (1) Subject to this section, restrictions imposed by bond covenants, restrictions in
6060 Section [53-2a-605](#), or other controlling regulations, the board of trustees of a [~~local~~] special
6061 district may authorize an interfund loan from one fund to another.

6062 (2) An interfund loan under Subsection (1) shall be in writing and specify the terms
6063 and conditions of the loan, including the:

6064 (a) effective date of the loan;

6065 (b) name of the fund loaning the money;

6066 (c) name of the fund receiving the money;

6067 (d) amount of the loan;

6068 (e) subject to Subsection (3), term of and repayment schedule for the loan;

6069 (f) subject to Subsection (4), interest rate of the loan;

6070 (g) method of calculating interest applicable to the loan;

6071 (h) procedures for:

6072 (i) applying interest to the loan; and

- 6073 (ii) paying interest on the loan; and
6074 (i) other terms and conditions the board of trustees determines applicable.
- 6075 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed
6076 10 years.
- 6077 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the
6078 board of trustees shall apply an interest rate that reflects the rate of potential gain had the funds
6079 been deposited or invested in a comparable investment.
- 6080 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under
6081 Subsection (2)(f):
- 6082 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less
6083 than the rate offered by the Public Treasurers' Investment Fund that was created for public
6084 funds transferred to the state treasurer in accordance with Section 51-7-5; or
- 6085 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be
6086 less than the greater of the rate offered by:
- 6087 (A) the Public Treasurers' Investment Fund that was created for public funds
6088 transferred to the state treasurer in accordance with Section 51-7-5; or
- 6089 (B) a United States Treasury note of a comparable term.
- 6090 (5) (a) For an interfund loan under Subsection (1), the board of trustees shall:
- 6091 (i) hold a public hearing;
- 6092 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the
6093 proposed terms and conditions of the interfund loan under Subsection (2);
- 6094 (iii) provide notice of the public hearing in the same manner as required under Section
6095 17B-1-609 as if the hearing were a budget hearing; and
- 6096 (iv) authorize the interfund loan by resolution in a public meeting.
- 6097 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the
6098 interfund loan is included in an original budget or in a subsequent budget amendment
6099 previously approved by the board of trustees for the current fiscal year.
- 6100 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan
6101 is:
- 6102 (a) a loan from the ~~local~~ special district general fund to any other fund of the ~~local~~
6103 special district; or

6104 (b) a short-term advance from the ~~[local]~~ special district's cash and investment pool to
6105 individual funds that are repaid by the end of the fiscal year.

6106 Section 115. Section **17B-1-627** is amended to read:

6107 **17B-1-627. Property tax levy -- Time for setting -- Computation of total levy --**
6108 **Apportionment of proceeds -- Maximum levy.**

6109 (1) The board of trustees of each ~~[local]~~ special district authorized to levy a property
6110 tax, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the
6111 real and personal property tax rate for various district purposes by the date set under Section
6112 [59-2-912](#), but the rate may be set at an appropriate later date in accordance with Sections
6113 [59-2-919](#) through [59-2-923](#).

6114 (2) In its computation of the total levy, the board of trustees shall determine the
6115 requirements of each fund for which property taxes are to be levied and shall specify in its
6116 resolution adopting the tax rate the amount apportioned to each fund.

6117 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as
6118 revenue in the general fund.

6119 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to
6120 the appropriate accounts in the applicable special funds.

6121 (5) The combined levies for each district for all purposes in any year, excluding the
6122 retirement of general obligation bonds and the payment of any interest on the bonds, and any
6123 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated
6124 by the laws governing each district.

6125 Section 116. Section **17B-1-629** is amended to read:

6126 **17B-1-629. Operating and capital budgets.**

6127 (1) (a) As used in this section, "operating and capital budget" means a plan of financial
6128 operation for a proprietary or other required special fund, embodying estimates of operating
6129 resources and expenses and other outlays for a fiscal year.

6130 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and
6131 the procedures and controls relating to them in other sections of this part do not apply or refer
6132 to the "operating and capital budgets" provided for in this section.

6133 (2) On or before the time the board of trustees adopts budgets for the governmental
6134 funds under Section [17B-1-605](#), it shall adopt for the ensuing year an operating and capital

6135 budget for each proprietary fund and shall adopt the type of budget for other special funds
6136 which is required by the Uniform Accounting Manual for ~~Local~~ Special Districts.

6137 (3) Operating and capital budgets shall be adopted and administered in the following
6138 manner:

6139 (a) (i) On or before the first regularly scheduled meeting of the board of trustees, in
6140 November for calendar year entities and May for fiscal year entities, the budget officer shall
6141 prepare for the ensuing fiscal year, and file with the board of trustees, a tentative operating and
6142 capital budget for each proprietary fund and for other required special funds, together with
6143 specific work programs and any other supporting data required by the board.

6144 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable
6145 allocations of costs between funds are included in a tentative budget, a written notice of the
6146 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least
6147 seven days before the hearing.

6148 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall
6149 identify:

6150 (A) the enterprise utility fund from which money is being transferred;

6151 (B) the amount being transferred; and

6152 (C) the fund to which the money is being transferred.

6153 (b) (i) The board of trustees shall review and consider the tentative budgets at any
6154 regular meeting or special meeting called for that purpose.

6155 (ii) The board of trustees may make any changes in the tentative budgets that it
6156 considers advisable.

6157 (c) Budgets for proprietary or other required special funds shall comply with the public
6158 hearing requirements established in Sections [17B-1-609](#) and [17B-1-610](#).

6159 (d) (i) The board of trustees shall adopt an operating and capital budget for each
6160 proprietary fund for the ensuing fiscal year before the beginning of each fiscal year, except as
6161 provided in Sections [59-2-919](#) through [59-2-923](#).

6162 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified
6163 by the budget officer and filed by the officer in the district office and shall be available to the
6164 public during regular business hours.

6165 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after

6166 adoption.

6167 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget
6168 year, subject to later amendment.

6169 (ii) During the budget year, the board of trustees may, in any regular meeting or special
6170 meeting called for that purpose, review any one or more of the operating and capital budgets
6171 for the purpose of determining if the total of any of them should be increased.

6172 (iii) If the board of trustees decides that the budget total of one or more of these
6173 proprietary funds should be increased, the board shall follow the procedures established in
6174 Section 17B-1-630.

6175 (f) Expenditures from operating and capital budgets shall conform to the requirements
6176 relating to budgets specified in Sections 17B-1-617 through 17B-1-620.

6177 Section 117. Section 17B-1-631 is amended to read:

6178 **17B-1-631. District clerk -- Meetings and records.**

6179 (1) The board of trustees of each [hoat] special district shall appoint a district clerk.

6180 (2) If required, the clerk may be chosen from among the members of the board of
6181 trustees, except the chair.

6182 (3) The district clerk or other appointed person shall attend the meetings and keep a
6183 record of the proceedings of the board of trustees.

6184 Section 118. Section 17B-1-632 is amended to read:

6185 **17B-1-632. District clerk -- Bookkeeping duties.**

6186 The district clerk or other designated person not performing treasurer duties shall
6187 maintain the financial records for each fund of the [hoat] special district and all related
6188 subsidiary records, including a list of the outstanding bonds, their purpose, amount, terms, date,
6189 and place payable.

6190 Section 119. Section 17B-1-633 is amended to read:

6191 **17B-1-633. District treasurer -- Duties generally.**

6192 (1) (a) The board of trustees of each [hoat] special district shall appoint a district
6193 treasurer.

6194 (b) (i) If required, the treasurer may be chosen from among the members of the board
6195 of trustees, except that the board chair may not be district treasurer.

6196 (ii) The district clerk may not also be the district treasurer.

6197 (2) The district treasurer is custodian of all money, bonds, or other securities of the
6198 district.

6199 (3) The district treasurer shall:

6200 (a) determine the cash requirements of the district and provide for the deposit and
6201 investment of all money by following the procedures and requirements of Title 51, Chapter 7,
6202 State Money Management Act;

6203 (b) receive all public funds and money payable to the district within three business days
6204 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

6205 (c) keep an accurate detailed account of all money received under Subsection (3)(b) in
6206 the manner provided in this part and as directed by the district's board of trustees by resolution;
6207 and

6208 (d) collect all special taxes and assessments as provided by law and ordinance.

6209 Section 120. Section **17B-1-635** is amended to read:

6210 **17B-1-635. Duties with respect to issuance of checks.**

6211 (1) The district clerk or other designated person not performing treasurer duties shall
6212 prepare the necessary checks after having determined that:

6213 (a) the claim was authorized by:

6214 (i) the board of trustees; or

6215 (ii) the ~~local~~ special district financial officer, if the financial officer is not the clerk, in
6216 accordance with Section [17B-1-642](#);

6217 (b) the claim does not overexpend the appropriate departmental budget established by
6218 the board of trustees; and

6219 (c) the expenditure was approved in advance by the board of trustees or its designee.

6220 (2) (a) (i) The treasurer or any other person appointed by the board of trustees shall
6221 sign all checks.

6222 (ii) The person maintaining the financial records may not sign any single signature
6223 check.

6224 (b) In a ~~local~~ special district with an expenditure budget of less than \$50,000 per
6225 year, a member of the board of trustees shall also sign all checks.

6226 (c) Before affixing a signature, the treasurer or other designated person shall determine
6227 that a sufficient amount is on deposit in the appropriate bank account of the district to honor

6228 the check.

6229 Section 121. Section **17B-1-639** is amended to read:

6230 **17B-1-639. Annual financial reports -- Audit reports.**

6231 (1) Within 180 days after the close of each fiscal year, the district shall prepare an
6232 annual financial report in conformity with generally accepted accounting principles as
6233 prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

6234 (2) The requirement under Subsection (1) to prepare an annual financial report may be
6235 satisfied by presentation of the audit report furnished by the auditor.

6236 (3) Copies of the annual financial report or the audit report furnished by the auditor
6237 shall be filed with the state auditor and shall be filed as a public document in the district office.

6238 Section 122. Section **17B-1-640** is amended to read:

6239 **17B-1-640. Audits required.**

6240 (1) An audit of each [~~local~~] special district is required to be performed in conformity
6241 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
6242 Organizations, and Other Local Entities Act.

6243 (2) The board of trustees shall appoint an auditor for the purpose of complying with the
6244 requirements of this section and with Title 51, Chapter 2a, Accounting Reports from Political
6245 Subdivisions, Interlocal Organizations, and Other Local Entities Act.

6246 Section 123. Section **17B-1-641** is amended to read:

6247 **17B-1-641. Special district may expand uniform procedures -- Limitation.**

6248 (1) Subject to Subsection (2), a [~~local~~] special district may expand the uniform
6249 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual
6250 for [~~Local~~] Special Districts prepared by the state auditor under Subsection [67-3-1\(16\)](#), to
6251 better serve the needs of the district.

6252 (2) A [~~local~~] special district may not deviate from or alter the basic prescribed
6253 classification systems for the identity of funds and accounts set forth in the Uniform
6254 Accounting Manual for [~~Local~~] Special Districts.

6255 Section 124. Section **17B-1-642** is amended to read:

6256 **17B-1-642. Approval of district expenditures.**

6257 (1) The board of trustees of each [~~local~~] special district shall approve all expenditures
6258 of the district except as otherwise provided in this section.

6259 (2) The board of trustees may authorize the district manager or other official approved
6260 by the board to act as the financial officer for the purpose of approving:

6261 (a) payroll checks, if the checks are prepared in accordance with a schedule approved
6262 by the board; and

6263 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and
6264 materials.

6265 (3) Notwithstanding Subsection (2), the board of trustees shall, at least quarterly,
6266 review all expenditures authorized by the financial officer.

6267 (4) The board of trustees shall set a maximum sum over which all purchases may not
6268 be made without the board's approval.

6269 Section 125. Section **17B-1-643** is amended to read:

6270 **17B-1-643. Imposing or increasing a fee for service provided by special district.**

6271 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
6272 by a ~~[local]~~ special district, each ~~[local]~~ special district board of trustees shall first hold a public
6273 hearing at which:

6274 (i) the ~~[local]~~ special district shall demonstrate its need to impose or increase the fee;
6275 and

6276 (ii) any interested person may speak for or against the proposal to impose a fee or to
6277 increase an existing fee.

6278 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
6279 no earlier than 6 p.m.

6280 (c) A public hearing required under this Subsection (1) may be combined with a public
6281 hearing on a tentative budget required under Section **17B-1-610**.

6282 (d) Except to the extent that this section imposes more stringent notice requirements,
6283 the ~~[local]~~ special district board shall comply with Title 52, Chapter 4, Open and Public
6284 Meetings Act, in holding the public hearing under Subsection (1)(a).

6285 (2) (a) Each ~~[local]~~ special district board shall give notice of a hearing under
6286 Subsection (1) as provided in Subsections (2)(b) and (c) or Subsection (2)(d).

6287 (b) The ~~[local]~~ special district board shall:

6288 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website,
6289 created in Section **63A-16-601**; and

6290 (ii) post at least one of the notices required under Subsection (2)(a) per 1,000
6291 population within the [toeat] special district, at places within the [toeat] special district that are
6292 most likely to provide actual notice to residents within the [toeat] special district, subject to a
6293 maximum of 10 notices.

6294 (c) The notice described in Subsection (2)(b) shall state that the [toeat] special district
6295 board intends to impose or increase a fee for a service provided by the [toeat] special district
6296 and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall
6297 be not less than seven days after the day the first notice is published, for the purpose of hearing
6298 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
6299 the proposed imposition or increase.

6300 (d) (i) In lieu of providing notice under Subsection (2)(b), the [toeat] special district
6301 board of trustees may give the notice required under Subsection (2)(a) by mailing the notice to
6302 those within the district who:

6303 (A) will be charged the fee for a district service, if the fee is being imposed for the first
6304 time; or

6305 (B) are being charged a fee, if the fee is proposed to be increased.

6306 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

6307 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
6308 fee.

6309 (e) If the hearing required under this section is combined with the public hearing
6310 required under Section 17B-1-610, the notice required under this Subsection (2):

6311 (i) may be combined with the notice required under Section 17B-1-609; and

6312 (ii) shall be posted or mailed in accordance with the notice provisions of this section.

6313 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
6314 evidence that notice was properly given.

6315 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
6316 within 30 days after the date of the hearing, the notice is considered adequate and proper.

6317 (3) After holding a public hearing under Subsection (1), a [toeat] special district board
6318 may:

6319 (a) impose the new fee or increase the existing fee as proposed;

6320 (b) adjust the amount of the proposed new fee or the increase of the existing fee and

6321 then impose the new fee or increase the existing fee as adjusted; or

6322 (c) decline to impose the new fee or increase the existing fee.

6323 (4) This section applies to each new fee imposed and each increase of an existing fee
6324 that occurs on or after July 1, 1998.

6325 (5) (a) This section does not apply to an impact fee.

6326 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
6327 Impact Fees Act.

6328 Section 126. Section **17B-1-644** is amended to read:

6329 **17B-1-644. Definitions -- Electronic payments -- Fee.**

6330 (1) As used in this section:

6331 (a) "Electronic payment" means the payment of money to a [~~local~~] special district by
6332 electronic means, including by means of a credit card, charge card, debit card, prepaid or stored
6333 value card or similar device, or automatic clearinghouse transaction.

6334 (b) "Electronic payment fee" means an amount of money to defray the discount fee,
6335 processing fee, or other fee charged by a credit card company or processing agent to process an
6336 electronic payment.

6337 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party
6338 that charges a fee to process an electronic payment.

6339 (2) A [~~local~~] special district may accept an electronic payment for the payment of funds
6340 which the [~~local~~] special district could have received through another payment method.

6341 (3) A [~~local~~] special district that accepts an electronic payment may charge an
6342 electronic payment fee.

6343 Section 127. Section **17B-1-645** is amended to read:

6344 **17B-1-645. Residential fee credit.**

6345 (1) A [~~local~~] special district may create a fee structure under this title that permits:

6346 (a) a home owner or residential tenant to file for a fee credit for a fee charged by the
6347 [~~local~~] special district, if the credit is based on:

6348 (i) the home owner's annual income; or

6349 (ii) the residential tenant's annual income; or

6350 (b) an owner of federally subsidized housing to file for a credit for a fee charged by the
6351 [~~local~~] special district.

6352 (2) If a [local] special district permits a person to file for a fee credit under Subsection
6353 (1)(a), the [local] special district shall make the credit available to:

- 6354 (a) a home owner; and
- 6355 (b) a residential tenant.

6356 Section 128. Section 17B-1-701 is amended to read:

6357 **Part 7. Special District Budgets and Audit Reports**

6358 **17B-1-701. Definitions.**

6359 As used in this part:

6360 (1) "Audit reports" means the reports of any independent audit of the district performed
6361 by:

- 6362 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports
6363 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
- 6364 (b) the state auditor; or
- 6365 (c) the legislative auditor.

6366 (2) "Board" means the [local] special district board of trustees.

6367 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

- 6368 (a) estimates of proposed expenditures for given purposes and the proposed means of
6369 financing them;
- 6370 (b) the source and amount of estimated revenue for the district for the fiscal year;
- 6371 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund
6372 balance for each fund at the end of the fiscal year; and
- 6373 (d) capital projects or budgets for proposed construction or improvement to capital
6374 facilities within the district.

6375 (4) "Constituent entity" means any county, city, or town that levies property taxes
6376 within the boundaries of the district.

6377 (5) (a) "Customer agencies" means those governmental entities, except school districts,
6378 institutions of higher education, and federal government agencies that purchase or obtain
6379 services from the [local] special district.

6380 (b) "Customer agencies" for purposes of state agencies means the state auditor.

6381 Section 129. Section 17B-1-702 is amended to read:

6382 **17B-1-702. Special districts to submit budgets.**

6383 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by
6384 the board, and at least 30 days before the board adopts a final budget, the board of each [local]
6385 special district with an annual budget of \$50,000 or more shall send a copy of its tentative
6386 budget and notice of the time and place for its budget hearing to:

- 6387 (i) each of its constituent entities that has in writing requested a copy; and
6388 (ii) to each of its customer agencies that has in writing requested a copy.

6389 (b) Within 30 days after it is approved by the board, and at least 30 days before the
6390 board adopts a final budget, the board of trustees of a large public transit district as defined in
6391 Section [17B-2a-802](#) shall send a copy of its tentative budget and notice of the time and place
6392 for its budget hearing to:

- 6393 (i) each of its constituent entities;
6394 (ii) each of its customer agencies that has in writing requested a copy;
6395 (iii) the governor; and
6396 (iv) the Legislature.

6397 (c) The [local] special district shall include with the tentative budget a signature sheet
6398 that includes:

- 6399 (i) language that the constituent entity or customer agency received the tentative budget
6400 and has no objection to it; and
6401 (ii) a place for the chairperson or other designee of the constituent entity or customer
6402 agency to sign.

6403 (2) Each constituent entity and each customer agency that receives the tentative budget
6404 shall review the tentative budget submitted by the district and either:

- 6405 (a) sign the signature sheet and return it to the district; or
6406 (b) attend the budget hearing or other meeting scheduled by the district to discuss the
6407 objections to the proposed budget.

6408 (3) (a) If any constituent entity or customer agency that received the tentative budget
6409 has not returned the signature sheet to the [local] special district within 15 calendar days after
6410 the tentative budget was mailed, the [local] special district shall send a written notice of the
6411 budget hearing to each constituent entity or customer agency that did not return a signature
6412 sheet and invite them to attend that hearing.

6413 (b) If requested to do so by any constituent entity or customer agency, the [local]

6414 special district shall schedule a meeting to discuss the budget with the constituent entities and
6415 customer agencies.

6416 (c) At the budget hearing, the [~~local~~] special district board shall:

6417 (i) explain its budget and answer any questions about it;

6418 (ii) specifically address any questions or objections raised by the constituent entity,
6419 customer agency, or those attending the meeting; and

6420 (iii) seek to resolve the objections.

6421 (4) Nothing in this part prevents a [~~local~~] special district board from approving or
6422 implementing a budget over any or all constituent entity's or customer agency's protests,
6423 objections, or failure to respond.

6424 Section 130. Section **17B-1-703** is amended to read:

6425 **17B-1-703. Special districts to submit audit reports.**

6426 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to
6427 the board, the board of each [~~local~~] special district with an annual budget of \$50,000 or more
6428 shall send a copy of any audit report to:

6429 (i) each of its constituent entities that has in writing requested a copy; and

6430 (ii) each of its customer agencies that has in writing requested a copy.

6431 (b) Within 30 days after it is presented to the board, the board of a large public transit
6432 district as defined in Section **17B-2a-802** shall send a copy of its annual audit report to:

6433 (i) each of its constituent entities; and

6434 (ii) each of its customer agencies that has in writing requested a copy.

6435 (2) Each constituent entity and each customer agency that received the audit report
6436 shall review the audit report submitted by the district and, if necessary, request a meeting with
6437 the district board to discuss the audit report.

6438 (3) At the meeting, the [~~local~~] special district board shall:

6439 (a) answer any questions about the audit report; and

6440 (b) discuss their plans to implement suggestions made by the auditor.

6441 Section 131. Section **17B-1-801** is amended to read:

6442 **Part 8. Special District Personnel Management**

6443 **17B-1-801. Establishment of special district merit system.**

6444 (1) A merit system of personnel administration for the [~~local~~] special districts of the

6445 state, their departments, offices, and agencies, except as otherwise specifically provided, is
6446 established.

6447 (2) This part does not apply to a [~~local~~] special district with annual revenues less than
6448 \$50,000.

6449 Section 132. Section **17B-1-802** is amended to read:

6450 **17B-1-802. Review of personnel policies.**

6451 Each [~~local~~] special district that has full or part-time employees shall annually review
6452 its personnel policies to ensure that they conform to the requirements of state and federal law.

6453 Section 133. Section **17B-1-803** is amended to read:

6454 **17B-1-803. Merit principles.**

6455 A [~~local~~] special district may establish a personnel system administered in a manner
6456 that will provide for the effective implementation of merit principles that provide for:

6457 (1) recruiting, selecting, and advancing employees on the basis of their relative ability,
6458 knowledge, and skills, including open consideration of qualified applicants for initial
6459 appointment;

6460 (2) providing equitable and adequate compensation;

6461 (3) training employees as needed to assure high-quality performance;

6462 (4) retaining employees on the basis of the adequacy of their performance, and
6463 separation of employees whose inadequate performance cannot be corrected;

6464 (5) fair treatment of applicants and employees in all aspects of personnel
6465 administration without regard to race, color, religion, sex, national origin, political affiliation,
6466 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

6467 (6) providing information to employees regarding their political rights and prohibited
6468 practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through 1508 et seq.; and

6469 (7) providing a formal procedure for processing the appeals and grievances of
6470 employees without discrimination, coercion, restraint, or reprisal.

6471 Section 134. Section **17B-1-804** is amended to read:

6472 **17B-1-804. Compliance with Labor Code requirements.**

6473 Each [~~local~~] special district shall comply with the requirements of Section [34-32-1.1](#).

6474 Section 135. Section **17B-1-805** is amended to read:

6475 **17B-1-805. Human resource management requirement.**

6476 (1) As used in this section:

6477 (a) "Governing body" means the same as that term is defined in Section 17B-1-201.

6478 (b) "Human resource management duties" means the exercise of human resource
6479 management functions and responsibilities, including:

6480 (i) complying with federal and state employment law;

6481 (ii) administering compensation and benefits; and

6482 (iii) ensuring employee safety.

6483 (c) "Human resource management training" means a program designed to instruct an
6484 individual on the performance of human resource management duties.

6485 (2) If a ~~local~~ special district has full or part-time employees, the governing body
6486 shall:

6487 (a) adopt human resource management policies;

6488 (b) assign human resource management duties to one of the district's employees or
6489 another person; and

6490 (c) ensure that the employee or person assigned under Subsection (2)(b) receives
6491 human resource management training.

6492 Section 136. Section 17B-1-901 is amended to read:

6493 **17B-1-901. Providing and billing for multiple commodities, services, or facilities**
6494 **-- Suspending service to a delinquent customer.**

6495 (1) If a ~~local~~ special district provides more than one commodity, service, or facility,
6496 the district may bill for the fees and charges for all commodities, services, and facilities in a
6497 single bill.

6498 (2) Regardless of the number of commodities, services, or facilities furnished by a
6499 ~~local~~ special district, the ~~local~~ special district may suspend furnishing any commodity,
6500 service, or facility to a customer if the customer fails to pay all fees and charges when due.

6501 (3) (a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a
6502 ~~local~~ special district may not suspend furnishing any commodity, service, or facility to a
6503 customer if discontinuance of the service is requested by a private third party, including an
6504 individual, a private business, or a nonprofit organization, that is not the customer.

6505 (b) (i) An owner of land or the owner's agent may request that service be temporarily
6506 discontinued for maintenance-related activities.

6507 (ii) An owner of land or the owner's agent may not request temporary discontinuance of
6508 service under Subsection (3)(b)(i) if the request is for the purpose of debt collection, eviction,
6509 or any other unlawful purpose.

6510 Section 137. Section **17B-1-902** is amended to read:

6511 **17B-1-902. Lien for past due service fees -- Notice -- Partial payment allocation.**

6512 (1) (a) A [~~local~~] special district may hold a lien on a customer's property for past due
6513 fees for commodities, services, or facilities that the district has provided to the customer's
6514 property by certifying, subject to Subsection (3), to the treasurer of the county in which the
6515 customer's property is located the amount of past due fees, including, subject to Section
6516 [17B-1-902.1](#), applicable interest and administrative costs.

6517 (b) (i) Upon certification under Subsection (1)(a), the past due fees, and if applicable,
6518 interest and administrative costs, become a political subdivision lien that is a nonrecurring tax
6519 notice charge, as those terms are defined in Section [11-60-102](#), on the customer's property to
6520 which the commodities, services, or facilities were provided in accordance with Title 11,
6521 Chapter 60, Political Subdivision Lien Authority.

6522 (ii) A lien described in this Subsection (1) has the same priority as, but is separate and
6523 distinct from, a property tax lien.

6524 (2) (a) If a [~~local~~] special district certifies past due fees under Subsection (1)(a), the
6525 treasurer of the county shall provide a notice, in accordance with this Subsection (2), to the
6526 owner of the property for which the [~~local~~] special district has incurred the past due fees.

6527 (b) In providing the notice required in Subsection (2)(a), the treasurer of the county
6528 shall:

6529 (i) include the amount of past due fees that a [~~local~~] special district has certified on or
6530 before July 15 of the current year;

6531 (ii) provide contact information, including a phone number, for the property owner to
6532 contact the [~~local~~] special district to obtain more information regarding the amount described in
6533 Subsection (2)(b)(i); and

6534 (iii) notify the property owner that:

6535 (A) if the amount described in Subsection (2)(b)(i) is not paid in full by September 15
6536 of the current year, any unpaid amount will be included on the property tax notice required by
6537 Section [59-2-1317](#); and

6538 (B) the failure to pay the amount described in Subsection (2)(b)(i) has resulted in a lien
6539 on the property in accordance with Subsection (1)(b).

6540 (c) The treasurer of the county shall provide the notice required by this Subsection (2)
6541 to a property owner on or before August 1.

6542 (3) (a) If a [local] special district certifies an unpaid amount in accordance with
6543 Subsection (1)(a), the county treasurer shall include the unpaid amount on a property tax notice
6544 issued in accordance with Section 59-2-1317.

6545 (b) If an unpaid fee, administrative cost, or interest is included on a property tax notice
6546 in accordance with Subsection (3)(a), the county treasurer shall on the property tax notice:

6547 (i) clearly state that the unpaid fee, administrative cost, or interest is for a service
6548 provided by the [local] special district; and

6549 (ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax,
6550 fee, interest, or penalty that is included on the property tax notice in accordance with Section
6551 59-2-1317.

6552 (4) A lien under Subsection (1) is not valid if the [local] special district makes
6553 certification under Subsection (1)(a) after the filing for record of a document conveying title of
6554 the customer's property to a new owner.

6555 (5) Nothing in this section may be construed to:

6556 (a) waive or release the customer's obligation to pay fees that the district has imposed;

6557 (b) preclude the certification of a lien under Subsection (1) with respect to past due
6558 fees for commodities, services, or facilities provided after the date that title to the property is
6559 transferred to a new owner; or

6560 (c) nullify or terminate a valid lien.

6561 (6) After all amounts owing under a lien established as provided in this section have
6562 been paid, the [local] special district shall file for record in the county recorder's office a
6563 release of the lien.

6564 Section 138. Section 17B-1-902.1 is amended to read:

6565 **17B-1-902.1. Interest -- Collection of administrative costs.**

6566 (1) (a) A [local] special district may charge interest on a past due fee or past due
6567 charge.

6568 (b) If a [local] special district charges interest as described in Subsection (1)(b), the

6569 [local] special district shall calculate the interest rate for a calendar year:

6570 (i) based on the federal short-term rate determined by the secretary of the treasury
6571 under Section 6621, Internal Revenue Code, in effect for the preceding fourth calendar quarter;
6572 and

6573 (ii) as simple interest at the rate of eighteen percentage points above the federal
6574 short-term rate.

6575 (c) If a [local] special district charges interest on a past due fee collected by the [local]
6576 special district, regardless of whether the fee is certified, the [local] special district may charge
6577 the interest monthly but may not compound the interest more frequently than annually.

6578 (2) (a) A [local] special district may charge and collect only one of the following:

6579 (i) a one-time penalty charge not to exceed 8% for a past-due fee; or

6580 (ii) an administrative cost for some or all of the following:

6581 (A) the collection cost of a past due fee or charge;

6582 (B) reasonable attorney fees actually incurred for collection and foreclosure costs, if
6583 applicable; and

6584 (C) any other cost.

6585 (b) A [local] special district may not charge interest on an administrative cost.

6586 Section 139. Section **17B-1-903** is amended to read:

6587 **17B-1-903. Authority to require written application for water or sewer service**
6588 **and to terminate for failure to pay -- Limitations.**

6589 (1) A [local] special district that owns or controls a system for furnishing water or
6590 providing sewer service or both may:

6591 (a) before furnishing water or providing sewer service to a property, require the
6592 property owner or an authorized agent to submit a written application, signed by the owner or
6593 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the
6594 property, whether occupied by the owner or by a tenant or other occupant, according to the
6595 rules and regulations adopted by the [local] special district; and

6596 (b) if a customer fails to pay for water furnished or sewer service provided to the
6597 customer's property, discontinue furnishing water or providing sewer service to the property
6598 until all amounts for water furnished or sewer service provided are paid, subject to Subsection
6599 (2).

6600 (2) Unless a valid lien has been established as provided in Section 17B-1-902, has not
6601 been satisfied, and has not been terminated by a sale as provided in Section 17B-1-902, a
6602 [~~local~~] special district may not:

6603 (a) use a customer's failure to pay for water furnished or sewer service provided to the
6604 customer's property as a basis for not furnishing water or providing sewer service to the
6605 property after ownership of the property is transferred to a subsequent owner; or

6606 (b) require an owner to pay for water that was furnished or sewer service that was
6607 provided to the property before the owner's ownership.

6608 Section 140. Section 17B-1-904 is amended to read:

6609 **17B-1-904. Collection of service fees.**

6610 (1) As used in this section:

6611 (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a [~~local~~]
6612 special district for expenses associated with its efforts to collect past due service fees from a
6613 customer.

6614 (b) "Customer" means the owner of real property to which a [~~local~~] special district has
6615 provided a service for which the [~~local~~] special district charges a service fee.

6616 (c) "Damages" means an amount equal to the greater of:

6617 (i) \$100; and

6618 (ii) triple the past due service fees.

6619 (d) "Default date" means the date on which payment for service fees becomes past due.

6620 (e) "Past due service fees" means service fees that on or after the default date have not
6621 been paid.

6622 (f) "Prelitigation damages" means an amount that is equal to the greater of:

6623 (i) \$50; and

6624 (ii) triple the past due service fees.

6625 (g) "Service fee" means an amount charged by a [~~local~~] special district to a customer
6626 for a service, including furnishing water, providing sewer service, and providing garbage
6627 collection service, that the district provides to the customer's property.

6628 (2) A customer is liable to a [~~local~~] special district for past due service fees and
6629 collection costs if:

6630 (a) the customer has not paid service fees before the default date;

6631 (b) the [local] special district mails the customer notice as provided in Subsection (4);
6632 and

6633 (c) the past due service fees remain unpaid 15 days after the [local] special district has
6634 mailed notice.

6635 (3) If a customer has not paid the [local] special district the past due service fees and
6636 collection costs within 30 days after the [local] special district mails notice, the [local] special
6637 district may make an offer to the customer that the [local] special district will forego filing a
6638 civil action under Subsection (5) if the customer pays the [local] special district an amount that:

6639 (a) consists of the past due service fees, collection costs, prelitigation damages, and, if
6640 the [local] special district retains an attorney to recover the past due service fees, a reasonable
6641 attorney fee not to exceed \$50; and

6642 (b) if the customer's property is residential, may not exceed \$100.

6643 (4) (a) Each notice under Subsection (2)(b) shall:

6644 (i) be in writing;

6645 (ii) be mailed to the customer by the United States mail, postage prepaid;

6646 (iii) notify the customer that:

6647 (A) if the past due service fees are not paid within 15 days after the day on which the
6648 [local] special district mailed notice, the customer is liable for the past due service fees and
6649 collection costs; and

6650 (B) the [local] special district may file civil action if the customer does not pay to the
6651 [local] special district the past due service fees and collection costs within 30 calendar days
6652 from the day on which the [local] special district mailed notice; and

6653 (iv) be in substantially the following form:

6654 Date: _____

6655 To: _____

6656 Service address: _____

6657 Account or invoice number(s): _____

6658 Date(s) of service: _____

6659 Amount past due: _____

6660 You are hereby notified that water or sewer service fees (or both) owed by you are in
6661 default. In accordance with Section [17B-1-902](#), Utah Code Annotated, if you do not pay the

6662 past due amount within 15 days from the day on which this notice was mailed to you, you are
6663 liable for the past due amount together with collection costs of \$20.

6664 You are further notified that if you do not pay the past due amount and the \$20
6665 collection costs within 30 calendar days from the day on which this notice was mailed to you,
6666 an appropriate civil legal action may be filed against you for the past due amount, interest,
6667 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the
6668 past due amounts, but the combined total of all these amounts may not exceed \$200 if your
6669 property is residential.

6670 (Signed) _____

6671 Name of [local] special district _____

6672 Address of [local] special district _____

6673 Telephone number of [local] special district _____

6674 (b) Written notice under this section is conclusively presumed to have been given if the
6675 notice is:

6676 (i) properly deposited in the United States mail, postage prepaid, by certified or
6677 registered mail, return receipt requested; and

6678 (ii) addressed to the customer at the customer's:

6679 (A) address as it appears in the records of the [local] special district; or

6680 (B) last-known address.

6681 (5) (a) A [local] special district may file a civil action against the customer if the
6682 customer fails to pay the past due service fees and collection costs within 30 calendar days
6683 from the date on which the [local] special district mailed notice under Subsection (2)(b).

6684 (b) (i) In a civil action under this Subsection (5), a customer is liable to the [local]
6685 special district for an amount that:

6686 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable
6687 attorney fee, and damages; and

6688 (B) if the customer's property is residential, may not exceed \$200.

6689 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,
6690 waive interest, court costs, the attorney fee, and damages, or any combination of them.

6691 (c) If a [local] special district files a civil action under this Subsection (5) before 31
6692 calendar days after the day on which the [local] special district mailed notice under Subsection

6693 (2)(b), a customer may not be held liable for an amount in excess of past due service fees.

6694 (d) A [local] special district may not file a civil action under this Subsection (5) unless
6695 the customer has failed to pay the past due service fees and collection costs within 30 days
6696 from the day on which the [local] special district mailed notice under Subsection (2)(b).

6697 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall
6698 be paid to and be the property of the [local] special district that furnished water or provided
6699 sewer service and may not be retained by a person who is not that [local] special district.

6700 (b) A [local] special district may not contract for a person to retain any amounts
6701 charged or collected as prelitigation damages or as damages.

6702 (7) This section may not be construed to limit a [local] special district from obtaining
6703 relief to which it may be entitled under other applicable statute or cause of action.

6704 Section 141. Section **17B-1-905** is amended to read:

6705 **17B-1-905. Right of entry on premises of water user.**

6706 A person authorized by a [local] special district that provides a service from a water
6707 system or sewer system may enter upon a premise furnished with or provided that water service
6708 or sewer service to:

6709 (1) examine an apparatus related to or used by the water system or sewer system;

6710 (2) examine the amount of water used or wastewater discharged by the water system or
6711 sewer system and the manner of use or discharge; or

6712 (3) make a necessary shutoff for vacancy, delinquency, or a violation of a [local]
6713 special district rule or regulation relating to the water service or sewer service.

6714 Section 142. Section **17B-1-906** is amended to read:

6715 **17B-1-906. Extraterritorial supply of surplus.**

6716 If a [local] special district runs a surplus product or surplus capacity of a service that the
6717 [local] special district is authorized to provide under Section **17B-1-202**, the [local] special
6718 district may sell or deliver the product or service to others beyond the [local] special district
6719 boundaries.

6720 Section 143. Section **17B-1-1001** is amended to read:

6721 **Part 10. Special District Property Tax Levy**

6722 **17B-1-1001. Provisions applicable to property tax levy.**

6723 (1) Each [local] special district that levies and collects property taxes shall levy and

6724 collect them according to the provisions of Title 59, Chapter 2, Property Tax Act.

6725 (2) As used in this section:

6726 (a) "Appointed board of trustees" means a board of trustees of a ~~[local]~~ special district
6727 that includes a member who is appointed to the board of trustees in accordance with Section
6728 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable
6729 provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local~~
6730 ~~Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

6731 (b) "Elected board of trustees" means a board of trustees of a ~~[local]~~ special district that
6732 consists entirely of members who are elected to the board of trustees in accordance with
6733 Subsection (4), Section 17B-1-306, or any of the applicable provisions in ~~[Title 17B, Chapter~~
6734 ~~2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a,
6735 Provisions Applicable to Different Types of Special Districts.

6736 (3) (a) For a taxable year beginning on or after January 1, 2018, a ~~[local]~~ special district
6737 may not levy or collect property tax revenue that exceeds the certified tax rate unless:

6738 (i) to the extent that the revenue from the property tax was pledged before January 1,
6739 2018, the ~~[local]~~ special district pledges the property tax revenue to pay for bonds or other
6740 obligations of the ~~[local]~~ special district; or

6741 (ii) the proposed tax or increase in the property tax rate has been approved by:

6742 (A) an elected board of trustees;

6743 (B) subject to Subsection (3)(b), an appointed board of trustees;

6744 (C) a majority of the registered voters within the ~~[local]~~ special district who vote in an
6745 election held for that purpose on a date specified in Section 20A-1-204;

6746 (D) the legislative body of the appointing authority; or

6747 (E) the legislative body of:

6748 (I) a majority of the municipalities partially or completely included within the
6749 boundary of the specified ~~[local]~~ special district; or

6750 (II) the county in which the specified ~~[local]~~ special district is located, if the county has
6751 some or all of its unincorporated area included within the boundary of the specified ~~[local]~~
6752 special district.

6753 (b) For a ~~[local]~~ special district with an appointed board of trustees, each appointed
6754 member of the board of trustees shall comply with the trustee reporting requirements described

6755 in Section [17B-1-1003](#) before the [~~local~~] special district may impose a property tax levy that
6756 exceeds the certified tax rate.

6757 (4) (a) Notwithstanding provisions to the contrary in [~~Title 17B, Chapter 2a, Provisions~~
6758 ~~Applicable to Different Types of Local Districts~~] Title 17B, Chapter 2a, Provisions Applicable
6759 to Different Types of Special Districts, and subject to Subsection (4)(b), members of the board
6760 of trustees of a [~~local~~] special district shall be elected, if:

6761 (i) two-thirds of all members of the board of trustees of the [~~local~~] special district vote
6762 in favor of changing to an elected board of trustees; and

6763 (ii) the legislative body of each municipality or county that appoints a member to the
6764 board of trustees adopts a resolution approving the change to an elected board of trustees.

6765 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
6766 the term of any member of the board of trustees serving at the time of the change.

6767 (5) Subsections (2), (3), and (4) do not apply to:

6768 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

6769 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

6770 (c) a [~~local~~] special district in which:

6771 (i) the board of trustees consists solely of:

6772 (A) land owners or the land owners' agents; or

6773 (B) as described in Subsection [17B-1-302\(3\)](#), land owners or the land owners' agents or
6774 officers; and

6775 (ii) there are no residents within the [~~local~~] special district at the time a property tax is
6776 levied.

6777 Section 144. Section **17B-1-1002** is amended to read:

6778 **17B-1-1002. Limit on special district property tax levy -- Exclusions.**

6779 (1) The rate at which a [~~local~~] special district levies a property tax for district operation
6780 and maintenance expenses on the taxable value of taxable property within the district may not
6781 exceed:

6782 (a) .0008, for a basic [~~local~~] special district;

6783 (b) .0004, for a cemetery maintenance district;

6784 (c) .0004, for a drainage district;

6785 (d) .0008, for a fire protection district;

- 6786 (e) .0008, for an improvement district;
- 6787 (f) .0005, for a metropolitan water district;
- 6788 (g) .0004, for a mosquito abatement district;
- 6789 (h) .0004, for a public transit district;
- 6790 (i) (i) .0023, for a service area that:
- 6791 (A) is located in a county of the first or second class; and
- 6792 (B) (I) provides fire protection, paramedic, and emergency services; or
- 6793 (II) subject to Subsection (3), provides law enforcement services; or
- 6794 (ii) .0014, for each other service area;
- 6795 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district; or
- 6796 (k) .0008 for a municipal services district.
- 6797 (2) Property taxes levied by a ~~local~~ special district are excluded from the limit
- 6798 applicable to that district under Subsection (1) if the taxes are:
- 6799 (a) levied under Section 17B-1-1103 by a ~~local~~ special district, other than a water
- 6800 conservancy district, to pay principal of and interest on general obligation bonds issued by the
- 6801 district;
- 6802 (b) levied to pay debt and interest owed to the United States; or
- 6803 (c) levied to pay assessments or other amounts due to a water users association or other
- 6804 public cooperative or private entity from which the district procures water.
- 6805 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax
- 6806 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a
- 6807 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses
- 6808 on or after November 30 in the year in which the tax is first collected and each subsequent year
- 6809 that the tax is collected:
- 6810 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement
- 6811 services; or
- 6812 (b) any other generally assessed fee for law enforcement services.
- 6813 Section 145. Section 17B-1-1003 is amended to read:
- 6814 **17B-1-1003. Trustee reporting requirement.**
- 6815 (1) As used in this section:
- 6816 (a) "Appointed board of trustees" means a board of trustees of a ~~local~~ special district

6817 that includes a member who is appointed to the board of trustees in accordance with Section
6818 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable
6819 provisions in [~~Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local~~
6820 ~~Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

6821 (b) "Legislative entity" means:

6822 (i) the member's appointing authority, if the appointing authority is a legislative body;

6823 or

6824 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

6825 (c) (i) "Member" means an individual who is appointed to a board of trustees for a

6826 [~~local~~] special district in accordance with Section 17B-1-304, Subsection 17B-1-303(5),

6827 Subsection 17B-1-306(5)(h), or any of the applicable provisions in [~~Title 17B, Chapter 2a,~~

6828 ~~Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions

6829 Applicable to Different Types of Special Districts.

6830 (ii) "Member" includes a member of the board of trustees who holds an elected

6831 position with a municipality, county, or another [~~local~~] special district that is partially or

6832 completely included within the boundaries of the [~~local~~] special district.

6833 (d) "Nominating entity" means the legislative body that submits nominees for
6834 appointment to the board of trustees to an appointing authority.

6835 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate
6836 for the taxable year.

6837 (2) (a) If a [~~local~~] special district board of trustees adopts a tentative budget that
6838 includes a property tax increase, each member shall report to the member's legislative entity on
6839 the property tax increase.

6840 (b) (i) The [~~local~~] special district shall request that each of the legislative entities that
6841 appoint or nominate a member to the [~~local~~] special district's board of trustees hear the report
6842 required by Subsection (2)(a) at a public meeting of each legislative entity.

6843 (ii) The request to make a report may be made by:

6844 (A) the member appointed or nominated by the legislative entity; or

6845 (B) another member of the board of trustees.

6846 (c) The member appointed or nominated by the legislative entity shall make the report
6847 required by Subsection (2)(a) at a public meeting that:

6848 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;
6849 (ii) includes the report as a separate agenda item; and
6850 (iii) is held within 40 days after the day on which the legislative entity receives a
6851 request to hear the report.

6852 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
6853 the day on which the legislative entity receives a request to hear the report required by
6854 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.

6855 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
6856 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
6857 shall be considered satisfied.

6858 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
6859 include:

6860 (i) a statement that the [~~local~~] special district intends to levy a property tax at a rate that
6861 exceeds the certified tax rate for the taxable year;

6862 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
6863 be generated by the proposed increase in the certified tax rate;

6864 (iii) the approximate percentage increase in ad valorem tax revenue for the [~~local~~]
6865 special district based on the proposed property tax increase; and

6866 (iv) any other information requested by the legislative entity.

6867 (b) The legislative entity shall allow time during the meeting for comment from the
6868 legislative entity and members of the public on the property tax increase.

6869 (4) (a) If more than one member is appointed to the board of trustees by the same
6870 legislative entity, a majority of the members appointed or nominated by the legislative entity
6871 shall be present to provide the report required by Subsection (2) and described in Subsection
6872 (3).

6873 (b) The chair of the board of trustees shall appoint another member of the board of
6874 trustees to provide the report described in Subsection (3) to the legislative entity if:

6875 (i) the member appointed or nominated by the legislative entity is unable or unwilling
6876 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

6877 (ii) the absence of the member appointed or nominated by the legislative entity results
6878 in:

6879 (A) no member who was appointed or nominated by the legislative entity being present
6880 to provide the report; or

6881 (B) an inability to comply with Subsection (4)(a).

6882 (5) A [~~local~~] special district board of trustees may approve a property tax increase only
6883 after the conditions of this section have been satisfied or considered satisfied for each member
6884 of the board of trustees.

6885 Section 146. Section **17B-1-1101** is amended to read:

6886 **Part 11. Special District Bonds**

6887 **17B-1-1101. Provisions applicable to a special district's issuance of bonds.**

6888 Subject to the provisions of this part:

6889 (1) each [~~local~~] special district that issues bonds shall:

6890 (a) issue them as provided in, as applicable:

6891 (i) Title 11, Chapter 14, Local Government Bonding Act; or

6892 (ii) Title 11, Chapter 42, Assessment Area Act; and

6893 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

6894 (2) each [~~local~~] special district that issues refunding bonds shall issue them as provided
6895 in Title 11, Chapter 27, Utah Refunding Bond Act.

6896 Section 147. Section **17B-1-1102** is amended to read:

6897 **17B-1-1102. General obligation bonds.**

6898 (1) Except as provided in Subsections (3) and (7), if a district intends to issue general
6899 obligation bonds, the district shall first obtain the approval of district voters for issuance of the
6900 bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local
6901 Government Bonding Act.

6902 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
6903 the district, subject to, for a water conservancy district, the property tax levy limits of Section
6904 [17B-2a-1006](#).

6905 (3) A district may issue refunding general obligation bonds, as provided in Title 11,
6906 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

6907 (4) (a) A [~~local~~] special district may not issue general obligation bonds if the issuance
6908 of the bonds will cause the outstanding principal amount of all of the district's general
6909 obligation bonds to exceed the amount that results from multiplying the fair market value of

6910 the taxable property within the district, as determined under Subsection 11-14-301(3)(b), by a
6911 number that is:

- 6912 (i) .05, for a basic [~~local~~] special district, except as provided in Subsection (7);
- 6913 (ii) .004, for a cemetery maintenance district;
- 6914 (iii) .002, for a drainage district;
- 6915 (iv) .004, for a fire protection district;
- 6916 (v) .024, for an improvement district;
- 6917 (vi) .1, for an irrigation district;
- 6918 (vii) .1, for a metropolitan water district;
- 6919 (viii) .0004, for a mosquito abatement district;
- 6920 (ix) .03, for a public transit district;
- 6921 (x) .12, for a service area; or
- 6922 (xi) .05 for a municipal services district.

6923 (b) Bonds or other obligations of a [~~local~~] special district that are not general obligation
6924 bonds are not included in the limit stated in Subsection (4)(a).

6925 (5) A district may not be considered to be a municipal corporation for purposes of the
6926 debt limitation of the Utah Constitution, Article XIV, Section 4.

6927 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter
6928 13, Interlocal Cooperation Act, may not be considered to be bonds of a [~~local~~] special district
6929 that participates in the agreement creating the administrative or legal entity.

6930 (7) (a) As used in this Subsection (7), "property owner district" means a [~~local~~] special
6931 district whose board members are elected by property owners, as provided in Subsection
6932 17B-1-1402(1)(b).

6933 (b) A property owner district may issue a general obligation bond with the consent of:

- 6934 (i) the owners of all property within the district; and
- 6935 (ii) all registered voters, if any, within the boundary of the district.

6936 (c) A property owner district may use proceeds from a bond issued under this
6937 Subsection (7) to fund:

- 6938 (i) the acquisition and construction of a system or improvement authorized in the
6939 district's creation resolution; and
- 6940 (ii) a connection outside the boundary of the district between systems or improvements

6941 within the boundary of the district.

6942 (d) The consent under Subsection (7)(b) is sufficient for any requirement necessary for
6943 the issuance of a general obligation bond.

6944 (e) A general obligation bond issued under this Subsection (7):

6945 (i) shall mature no later than 40 years after the date of issuance; and

6946 (ii) is not subject to the limit under Subsection (4)(a)(i).

6947 (f) (i) A property owner district may not issue a general obligation bond under this
6948 Subsection (7) if the issuance will cause the outstanding principal amount of all the district's
6949 general obligation bonds to exceed one-half of the market value of all real property within the
6950 district.

6951 (ii) Market value under Subsection (7)(f)(i) shall:

6952 (A) be based on the value that the real property will have after all improvements
6953 financed by the general obligation bonds are constructed; and

6954 (B) be determined by appraisal by an appraiser who is a member of the Appraisal
6955 Institute.

6956 (g) With respect to a general obligation bond issued under this Subsection (7), the
6957 board of a property owner district may, by resolution, delegate to one or more officers of the
6958 district, the authority to:

6959 (i) approve the final interest rate, price, principal amount, maturity, redemption
6960 features, and other terms of the bond;

6961 (ii) approve and execute a document relating to the issuance of the bond; and

6962 (iii) approve a contract related to the acquisition and construction of an improvement,
6963 facility, or property to be financed with proceeds from the bond.

6964 (h) (i) A person may commence a lawsuit or other proceeding to contest the legality of
6965 the issuance of a general obligation bond issued under this Subsection (7) or any provision
6966 relating to the security or payment of the bond if the lawsuit or other proceeding is commenced
6967 within 30 days after the publication of:

6968 (A) the resolution authorizing the issuance of the general obligation bond; or

6969 (B) a notice of the bond issuance containing substantially the items required under
6970 Subsection [11-14-316\(2\)](#).

6971 (ii) Following the period described in Subsection (7)(h)(i), no person may bring a

6972 lawsuit or other proceeding to contest for any reason the regularity, formality, or legality of a
6973 general obligation bond issued under this Subsection (7).

6974 (i) (i) A property owner district that charges and collects an impact fee or other fee on
6975 real property at the time the real property is sold may proportionally pay down a general
6976 obligation bond issued under this Subsection (7) from the money collected from the impact fee
6977 or other fee.

6978 (ii) A property owner district that proportionally pays down a general obligation bond
6979 under Subsection (7)(i)(i) shall reduce the property tax rate on the parcel of real property on
6980 which the district charged and collected an impact fee or other charge, to reflect the amount of
6981 outstanding principal of a general obligation bond issued under this Subsection (7) that was
6982 paid down and is attributable to that parcel.

6983 (j) If a property owner fails to pay a property tax that the property owner district
6984 imposes in connection with a general obligation bond issued under this Subsection (7), the
6985 district may impose a property tax penalty at an annual rate of .07, in addition to any other
6986 penalty allowed by law.

6987 Section 148. Section **17B-1-1103** is amended to read:

6988 **17B-1-1103. Levy to pay for general obligation bonds.**

6989 (1) (a) If a district has issued general obligation bonds, or expects to have debt service
6990 payments due on general obligation bonds during the current year, the district's board of
6991 trustees may make an annual levy of ad valorem property taxes in order to:

6992 (i) pay the principal of and interest on the general obligation bonds;

6993 (ii) establish a sinking fund for defaults and future debt service on the general
6994 obligation bonds; and

6995 (iii) establish a reserve to secure payment of the general obligation bonds.

6996 (b) A levy under Subsection (1)(a) is:

6997 (i) for a water conservancy district, subject to the limit stated in Section **17B-2a-1006**;

6998 and

6999 (ii) for each other ~~[local]~~ special district, without limitation as to rate or amount.

7000 (2) (a) Each district that levies a tax under Subsection (1) shall:

7001 (i) levy the tax as a separate and special levy for the specific purposes stated in

7002 Subsection (1); and

7003 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of
7004 and interest on the general obligation bonds, even though the proceeds may be used to establish
7005 or replenish a sinking fund under Subsection (1)(a)(ii) or a reserve under Subsection (1)(a)(iii).

7006 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district
7007 obligation in existence at the time the bonds were issued.

7008 Section 149. Section **17B-1-1104** is amended to read:

7009 **17B-1-1104. Pledge of revenues to pay for bonds.**

7010 Bonds may be payable from and secured by the pledge of all or any specified part of:

7011 (1) the revenues to be derived by the special district from providing its services and
7012 from the operation of its facilities and other properties;

7013 (2) sales and use taxes, property taxes, and other taxes;

7014 (3) federal, state, or local grants;

7015 (4) in the case of special assessment bonds, the special assessments pledged to repay
7016 the special assessment bonds; and

7017 (5) other money legally available to the district.

7018 Section 150. Section **17B-1-1105** is amended to read:

7019 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**
7020 **revenue bonds -- Authority to make agreements and covenants to provide for bond**
7021 **repayment.**

7022 (1) A [~~local~~] special district intending to issue revenue bonds may, but is not required
7023 to, submit to district voters for their approval the issuance of the revenue bonds at an election
7024 held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

7025 (2) Each [~~local~~] special district that has issued revenue bonds shall impose rates and
7026 charges for the services or commodities it provides fully sufficient, along with other sources of
7027 district revenues, to carry out all undertakings of the district with respect to its revenue bonds.

7028 (3) A [~~local~~] special district that issues revenue bonds may:

7029 (a) agree to pay operation and maintenance expenses of the district from the proceeds
7030 of the ad valorem taxes authorized in Subsection **17B-1-103(2)(g)**; and

7031 (b) for the benefit of bondholders, enter into covenants that:

7032 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

7033 (ii) provide for other pertinent matters that the board of trustees considers proper to

7034 assure the marketability of the bonds.

7035 Section 151. Section 17B-1-1107 is amended to read:

7036 **17B-1-1107. Ratification of previously issued bonds and previously entered**
7037 **contracts.**

7038 All bonds issued or contracts entered into by a [toeat] special district before April 30,
7039 2007 are ratified, validated, and confirmed and declared to be valid and legally binding
7040 obligations of the district in accordance with their terms.

7041 Section 152. Section 17B-1-1201 is amended to read:

7042 **Part 12. Special District Validation Proceedings**

7043 **17B-1-1201. Definitions.**

7044 As used in this part:

7045 (1) "Eligible function" means:

7046 (a) a power conferred on a [toeat] special district under this title;

7047 (b) a tax or assessment levied by a [toeat] special district;

7048 (c) an act or proceeding that a [toeat] special district:

7049 (i) has taken; or

7050 (ii) contemplates taking; or

7051 (d) a district contract, whether already executed or to be executed in the future,
7052 including a contract for the acquisition, construction, maintenance, or operation of works for
7053 the district.

7054 (2) "Validation order" means a court order adjudicating the validity of an eligible
7055 function.

7056 (3) "Validation petition" means a petition requesting a validation order.

7057 (4) "Validation proceedings" means judicial proceedings occurring in district court
7058 pursuant to a validation petition.

7059 Section 153. Section 17B-1-1202 is amended to read:

7060 **17B-1-1202. Authority to file a validation petition -- Petition requirements --**
7061 **Amending or supplementing a validation petition.**

7062 (1) The board of trustees of a [toeat] special district may at any time file a validation
7063 petition.

7064 (2) Each validation petition shall:

- 7065 (a) describe the eligible function for which a validation order is sought;
7066 (b) set forth:
7067 (i) the facts upon which the validity of the eligible function is founded; and
7068 (ii) any other information or allegations necessary to a determination of the validation
7069 petition;
7070 (c) be verified by the chair of the board of trustees; and
7071 (d) be filed in the district court of the county in which the district's principal office is
7072 located.

7073 (3) A [~~local~~] special district may amend or supplement a validation petition:

- 7074 (a) at any time before the hearing under Section 17B-1-1203; or
7075 (b) after the hearing under Section 17B-1-1203, with permission of the court.

7076 Section 154. Section 17B-1-1204 is amended to read:

7077 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
7078 **supplemented validation petition.**

7079 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
7080 validation petition, the [~~local~~] special district that filed the petition shall post notice:

7081 (a) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks
7082 immediately before the hearing; and

7083 (b) in the [~~local~~] special district's principal office at least 21 days before the date set for
7084 the hearing.

7085 (2) Each notice under Subsection (1) shall:

- 7086 (a) state the date, time, and place of the hearing on the validation petition;
7087 (b) include a general description of the contents of the validation petition; and
7088 (c) if applicable, state the location where a complete copy of a contract that is the
7089 subject of the validation petition may be examined.

7090 (3) If a district amends or supplements a validation petition under Subsection
7091 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
7092 is not required to publish or post notice again unless required by the court.

7093 Section 155. Section 17B-1-1207 is amended to read:

7094 **17B-1-1207. Findings, conclusions, and judgment -- Costs -- Effect of judgment --**
7095 **Appeal.**

7096 (1) After the hearing under Section 17B-1-1203 on a validation petition, the district
7097 court shall:

- 7098 (a) make and enter written findings of fact and conclusions of law; and
- 7099 (b) render a judgment as warranted.

7100 (2) A district court may apportion costs among the parties as the court determines
7101 appropriate.

7102 (3) A district court judgment adjudicating matters raised by a validation petition:

7103 (a) is binding and conclusive as to the [local] special district and all other parties to the
7104 validation proceedings; and

7105 (b) constitutes a permanent injunction against any action or proceeding to contest any
7106 matter adjudicated in the validation proceedings.

7107 (4) (a) Each appeal of a final judgment in validation proceedings shall be filed with the
7108 Supreme Court.

7109 (b) An appeal of a final judgment in validation proceedings may be filed only by a
7110 party to the validation proceedings.

7111 (c) The appellate court hearing an appeal under this section shall expedite the hearing
7112 of the appeal.

7113 Section 156. Section 17B-1-1301 is amended to read:

7114 **Part 13. Dissolution of a Special District**

7115 **17B-1-1301. Definitions.**

7116 For purposes of this part:

7117 (1) "Active" means, with respect to a [local] special district, that the district is not
7118 inactive.

7119 (2) "Administrative body" means:

7120 (a) if the [local] special district proposed to be dissolved has a duly constituted board
7121 of trustees in sufficient numbers to form a quorum, the board of trustees; or

7122 (b) except as provided in Subsection (2)(a):

7123 (i) for a [local] special district located entirely within a single municipality, the
7124 legislative body of that municipality;

7125 (ii) for a [local] special district located in multiple municipalities within the same
7126 county or at least partly within the unincorporated area of a county, the legislative body of that

7127 county; or

7128 (iii) for a [local] special district located within multiple counties, the legislative body
7129 of the county whose boundaries include more of the [local] special district than is included
7130 within the boundaries of any other county.

7131 (3) "Clerk" means:

7132 (a) the board of trustees if the board is also the administrative body under Subsection
7133 (2)(a);

7134 (b) the clerk or recorder of the municipality whose legislative body is the
7135 administrative body under Subsection (2)(b)(i); or

7136 (c) the clerk of the county whose legislative body is the administrative body under
7137 Subsection (2)(b)(ii) or (iii).

7138 (4) "Inactive" means, with respect to a [local] special district, that during the preceding
7139 three years the district has not:

7140 (a) provided any service or otherwise operated;

7141 (b) received property taxes or user or other fees; and

7142 (c) expended any funds.

7143 Section 157. Section **17B-1-1302** is amended to read:

7144 **17B-1-1302. Special district dissolution.**

7145 A [local] special district may be dissolved as provided in this part.

7146 Section 158. Section **17B-1-1303** is amended to read:

7147 **17B-1-1303. Initiation of dissolution process.**

7148 The process to dissolve a [local] special district may be initiated by:

7149 (1) for an inactive [local] special district:

7150 (a) (i) for a [local] special district whose board of trustees is elected by electors based

7151 on the acre-feet of water allotted to the land owned by the elector, a petition signed by the

7152 owners of 25% of the acre-feet of water allotted to the land within the [local] special district; or

7153 (ii) for all other districts:

7154 (A) a petition signed by the owners of private real property that:

7155 (I) is located within the [local] special district proposed to be dissolved;

7156 (II) covers at least 25% of the private land area within the [local] special district; and

7157 (III) is equal in assessed value to at least 25% of the assessed value of all private real

7158 property within the [local] special district; or

7159 (B) a petition signed by registered voters residing within the [local] special district
7160 proposed to be dissolved equal in number to at least 25% of the number of votes cast in the
7161 district for the office of governor at the last regular general election before the filing of the
7162 petition; or

7163 (b) a resolution adopted by the administrative body; and

7164 (2) for an active [local] special district, a petition signed by:

7165 (a) for a [local] special district whose board of trustees is elected by electors based on
7166 the acre-feet of water allotted to the land owned by the elector, the owners of 33% of the
7167 acre-feet of water allotted to the land within the [local] special district;

7168 (b) for a [local] special district created to acquire or assess a groundwater right for the
7169 development and execution of a groundwater management plan in coordination with the state
7170 engineer in accordance with Section 73-5-15, the owners of groundwater rights that:

7171 (i) are diverted within the district; and

7172 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with
7173 the groundwater rights within the district as a whole; or

7174 (c) for all other districts:

7175 (i) the owners of private real property that:

7176 (A) is located within the [local] special district proposed to be dissolved;

7177 (B) covers at least 33% of the private land area within the [local] special district; and

7178 (C) is equal in assessed value to at least 25% of the assessed value of all private real
7179 property within the [local] special district; or

7180 (ii) 33% of registered voters residing within the [local] special district proposed to be
7181 dissolved.

7182 Section 159. Section 17B-1-1304 is amended to read:

7183 **17B-1-1304. Petition requirements.**

7184 (1) Each petition under Subsection 17B-1-1303(1)(a) or (2) shall:

7185 (a) indicate the typed or printed name and current residence address of each owner of
7186 acre-feet of water, property owner, or registered voter signing the petition;

7187 (b) if it is a petition signed by the owners of acre-feet of water or property owners,
7188 indicate the address of the property as to which the owner is signing;

7189 (c) designate up to three signers of the petition as sponsors, one of whom shall be
7190 designated the contact sponsor, with the mailing address and telephone number of each; and

7191 (d) be filed with the clerk.

7192 (2) A signer of a petition to dissolve a [~~local~~] special district may withdraw, or, once
7193 withdrawn, reinstate the signer's signature at any time until 30 days after the public hearing
7194 under Section 17B-1-1306.

7195 Section 160. Section 17B-1-1305 is amended to read:

7196 **17B-1-1305. Petition certification.**

7197 (1) Within 30 days after the filing of a petition under Subsection 17B-1-1303(1)(a) or
7198 (2), the clerk shall:

7199 (a) with the assistance of officers of the county in which the [~~local~~] special district is
7200 located from whom the clerk requests assistance, determine whether the petition meets the
7201 requirements of Section 17B-1-1303 and Subsection 17B-1-1304(1); and

7202 (b) (i) if the clerk determines that the petition complies with the requirements, certify
7203 the petition and mail or deliver written notification of the certification to the contact sponsor;
7204 or

7205 (ii) if the clerk determines that the petition fails to comply with any of the
7206 requirements, reject the petition and mail or deliver written notification of the rejection and the
7207 reasons for the rejection to the contact sponsor.

7208 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be
7209 amended to correct the deficiencies for which it was rejected and then refiled.

7210 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
7211 used toward fulfilling the applicable signature requirement of the petition as amended under
7212 Subsection (2)(a).

7213 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the
7214 same manner as an original petition under Subsection (1).

7215 Section 161. Section 17B-1-1306 is amended to read:

7216 **17B-1-1306. Public hearing.**

7217 (1) For each petition certified under Section 17B-1-1305 and each resolution that an
7218 administrative body adopts under Subsection 17B-1-1303(1)(b), the administrative body shall
7219 hold a public hearing on the proposed dissolution.

- 7220 (2) The administrative body shall hold a public hearing under Subsection (1):
7221 (a) no later than 45 days after certification of the petition under Section 17B-1-1305 or
7222 adoption of a resolution under Subsection 17B-1-1303(1)(b), as the case may be;
7223 (b) within the ~~local~~ special district proposed to be dissolved;
7224 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and
7225 (d) for the purpose of allowing:
7226 (i) the administrative body to explain the process the administrative body will follow to
7227 study and prepare the proposed dissolution;
7228 (ii) the public to ask questions and obtain further information about the proposed
7229 dissolution and issues raised by it; and
7230 (iii) any interested person to address the administrative body concerning the proposed
7231 dissolution.

7232 (3) A quorum of the administrative body shall be present throughout each public
7233 hearing under this section.

7234 Section 162. Section 17B-1-1307 is amended to read:

7235 **17B-1-1307. Notice of public hearing and of dissolution.**

7236 (1) Before holding a public hearing required under Section 17B-1-1306, the
7237 administrative body shall:

7238 (a) post notice of the public hearing and of the proposed dissolution:

7239 (i) on the Utah Public Notice Website created in Section 63A-16-601, for 30 days
7240 before the public hearing; and

7241 (ii) in at least four conspicuous places within the ~~local~~ special district proposed to be
7242 dissolved, no less than five and no more than 30 days before the public hearing; or

7243 (b) mail a notice to each owner of property located within the ~~local~~ special district
7244 and to each registered voter residing within the ~~local~~ special district.

7245 (2) Each notice required under Subsection (1) shall:

7246 (a) identify the ~~local~~ special district proposed to be dissolved and the service it was
7247 created to provide; and

7248 (b) state the date, time, and location of the public hearing.

7249 Section 163. Section 17B-1-1308 is amended to read:

7250 **17B-1-1308. Second public hearing -- Dissolution resolution -- Limitations on**

7251 **dissolution.**

7252 (1) (a) Within 180 days after the day on which the administrative body holds the public
7253 hearing described in Section 17B-1-1306, the administrative body shall hold a second public
7254 hearing to:

7255 (i) publicly explain the result of the study and preparation described in Subsection
7256 17B-1-1306(2)(d)(i);

7257 (ii) describe whether the proposed dissolution meets each criterion described in
7258 Subsection (2); and

7259 (iii) adopt a resolution in accordance with Subsection (1)(b) or (c).

7260 (b) Subject to Subsection (2), after a proposed dissolution petition has been certified
7261 under Section 17B-1-1305, the administrative body shall adopt a resolution:

7262 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection
7263 (2); and

7264 (ii) (A) for an inactive [local] special district, approving the dissolution of the [local]
7265 special district; or

7266 (B) for an active [local] special district, initiating the dissolution election described in
7267 Section 17B-1-1309.

7268 (c) Subject to Subsection (2), for a proposed dissolution of an inactive district that an
7269 administrative body initiates by adopting a resolution under Subsection 17B-1-1303(1)(b), the
7270 administrative body may adopt a resolution:

7271 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection
7272 (2); and

7273 (ii) approving the dissolution of the inactive [local] special district.

7274 (2) The administrative body may not adopt a resolution under Subsection (1) unless:

7275 (a) any outstanding debt of the [local] special district is:

7276 (i) satisfied and discharged in connection with the dissolution; or

7277 (ii) assumed by another governmental entity with the consent of all the holders of that
7278 debt and all the holders of other debts of the [local] special district;

7279 (b) for a [local] special district that has provided service during the preceding three
7280 years or undertaken planning or other activity preparatory to providing service:

7281 (i) another entity has committed to:

7282 (A) provide the same service to the area being served or proposed to be served by the
7283 ~~[local]~~ special district; and

7284 (B) purchase, at fair market value, the assets of the ~~[local]~~ special district that are
7285 required to provide the service; and

7286 (ii) all who are to receive the service have consented to the service being provided by
7287 the other entity; and

7288 (c) all outstanding contracts to which the ~~[local]~~ special district is a party are resolved
7289 through mutual termination or the assignment of the ~~[local]~~ special district's rights, duties,
7290 privileges, and responsibilities to another entity with the consent of the other parties to the
7291 contract.

7292 Section 164. Section **17B-1-1309** is amended to read:

7293 **17B-1-1309. Election to dissolve an active special district.**

7294 (1) When an administrative body adopts a resolution to initiate a dissolution election
7295 under Subsection **17B-1-1308(1)(b)(ii)**, an election shall be held on the question of whether the
7296 ~~[local]~~ special district should be dissolved by:

7297 (a) if the ~~[local]~~ special district proposed to be dissolved is located entirely within a
7298 single county, the ~~[local]~~ special district clerk, in cooperation with the county clerk; or

7299 (b) if the ~~[local]~~ special district proposed to be dissolved is located within more than
7300 one county, in cooperation with the ~~[local]~~ special district clerk:

7301 (i) the clerk of each county where part of the ~~[local]~~ special district is located in more
7302 than one municipality or in an unincorporated area within the same county;

7303 (ii) the clerk or recorder of each municipality where part of the ~~[local]~~ special district is
7304 not located in another municipality or in an unincorporated area within the same county; and

7305 (iii) the clerk of each county where part of the ~~[local]~~ special district is located only in
7306 an unincorporated area within the county.

7307 (2) Each election under Subsection (1) shall be held at the next special or regular
7308 general election that is more than 60 days after the day on which the administrative body
7309 adopts a resolution in accordance with Section **17B-1-1308**.

7310 (3) (a) If the ~~[local]~~ special district proposed to be dissolved is located in more than
7311 one county, the ~~[local]~~ special district clerk shall coordinate with the officials described in
7312 Subsection (1)(b) to ensure that the election is held on the same date and in a consistent manner

7313 in each jurisdiction.

7314 (b) The clerk of each county and the clerk or recorder of each municipality involved in
7315 an election under Subsection (1) shall cooperate with the ~~[local]~~ special district clerk in holding
7316 the election.

7317 (4) If the ~~[local]~~ special district proposed to be dissolved is an irrigation district under
7318 Title 17B, Chapter 2a, Part 5, Irrigation District Act:

7319 (a) the electors shall consist of the landowners whose land has allotments of water
7320 through the district; and

7321 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of
7322 water allotted to the land the elector owns within the district.

7323 (5) If the ~~[local]~~ special district proposed to be dissolved is a district created to acquire
7324 or assess a groundwater right for the development and execution of a groundwater management
7325 plan in accordance with Section 73-5-15:

7326 (a) the electors shall consist of the owners of groundwater rights within the district; and

7327 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of
7328 groundwater that is within the district and reflected in the elector's water right.

7329 (6) If the ~~[local]~~ special district proposed to be dissolved is a basic ~~[local]~~ special
7330 district, except for a district described in Subsection (5), and if the area of the basic ~~[local]~~
7331 special district contains less than one residential unit per 50 acres of land at the time of the
7332 filing of a petition described in Subsection 17B-1-1303(2):

7333 (a) the electors shall consist of the owners of privately owned real property within a
7334 basic ~~[local]~~ special district under ~~[Title 17B, Chapter 1, Part 14, Basic Local District]~~ Title
7335 17B, Chapter 1, Part 14, Basic Special District; and

7336 (b) each elector may cast one vote for each acre or fraction of an acre of land that the
7337 elector owns within the district.

7338 (7) Except as otherwise provided in this part, Title 20A, Election Code, governs each
7339 election under Subsection (1).

7340 Section 165. Section 17B-1-1310 is amended to read:

7341 **17B-1-1310. Notice to lieutenant governor -- Recording requirements --**
7342 **Distribution of remaining assets.**

7343 (1) The administrative body, shall file with the lieutenant governor a copy of a notice

7344 of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements
7345 of Subsection 67-1a-6.5(3):

7346 (a) within 30 days after the day on which the administrative body adopts a resolution
7347 approving the dissolution of an inactive [local] special district; or

7348 (b) within 30 days after the day on which a majority of the voters within an active
7349 [local] special district approve the dissolution of the [local] special district in an election
7350 described in Subsection 17B-1-1309(2).

7351 (2) Upon the lieutenant governor's issuance of a certificate of dissolution under Section
7352 67-1a-6.5, the administrative body shall:

7353 (a) if the [local] special district was located within the boundary of a single county,
7354 submit to the recorder of that county:

7355 (i) the original:

7356 (A) notice of an impending boundary action; and

7357 (B) certificate of dissolution; and

7358 (ii) a certified copy of the resolution that the administrative body adopts under
7359 Subsection 17B-1-1308(1); or

7360 (b) if the [local] special district was located within the boundaries of more than a single
7361 county:

7362 (i) submit to the recorder of one of those counties:

7363 (A) the original notice of an impending boundary action and certificate of dissolution;

7364 and

7365 (B) if applicable, a certified copy of the resolution that the administrative body adopts
7366 under Subsection 17B-1-1308(1); and

7367 (ii) submit to the recorder of each other county:

7368 (A) a certified copy of the notice of an impending boundary action and certificate of
7369 dissolution; and

7370 (B) if applicable, a certified copy of the resolution that the administrative body adopts
7371 under Subsection 17B-1-1308(1).

7372 (3) Upon the lieutenant governor's issuance of the certificate of dissolution under
7373 Section 67-1a-6.5, the [local] special district is dissolved.

7374 (4) (a) After the dissolution of a [local] special district under this part, the

7375 administrative body shall use any assets of the [local] special district remaining after paying all
7376 debts and other obligations of the [local] special district to pay costs associated with the
7377 dissolution process.

7378 (b) If the administrative body is not the board of trustees of the dissolved [local]
7379 special district, the administrative body shall pay any costs of the dissolution process remaining
7380 after exhausting the remaining assets of the [local] special district as described in Subsection
7381 (4)(a).

7382 (c) If the administrative body is the board of trustees of the dissolved [local] special
7383 district, each entity that has committed to provide a service that the dissolved [local] special
7384 district previously provided, as described in Subsection 17B-1-1308(2)(b), shall pay, in the
7385 same proportion that the services the entity commits to provide bear to all of the services the
7386 [local] special district provided, any costs of the dissolution process remaining after exhausting
7387 the remaining assets of the dissolved [local] special district described in Subsection (4)(a).

7388 (5) (a) The administrative body shall distribute any assets of the [local] special district
7389 that remain after the payment of debts, obligations, and costs under Subsection (4) in the
7390 following order of priority:

7391 (i) if there is a readily identifiable connection between the remaining assets and a
7392 financial burden borne by the real property owners in the dissolved [local] special district,
7393 proportionately to those real property owners;

7394 (ii) if there is a readily identifiable connection between the remaining assets and a
7395 financial burden borne by the recipients of a service that the dissolved [local] special district
7396 provided, proportionately to those recipients; and

7397 (iii) subject to Subsection (6), to each entity that has committed to provide a service
7398 that the dissolved [local] special district previously provided, as described in Subsection
7399 17B-1-1309(1)(b)(ii), in the same proportion that the services the entity commits to provide
7400 bear to all of the services the [local] special district provided.

7401 (6) An entity that receives cash reserves of the dissolved [local] special district under
7402 Subsection (5)(a)(iii) may not use the cash reserves:

7403 (a) in any way other than for the purpose the [local] special district originally intended;
7404 or

7405 (b) in any area other than within the area that the dissolved [local] special district

7406 previously served.

7407 Section 166. Section 17B-1-1401 is amended to read:

7408 **Part 14. Basic Special District**

7409 **17B-1-1401. Status of and provisions applicable to a basic special district.**

7410 A basic [local] special district:

7411 (1) operates under, is subject to, and has the powers set forth in this chapter; and

7412 (2) is not subject to [~~Chapter 2a, Provisions Applicable to Different Types of Local~~
7413 ~~Districts~~] Chapter 2a, Provisions Applicable to Different Types of Special Districts.

7414 Section 167. Section 17B-1-1402 is amended to read:

7415 **17B-1-1402. Board of trustees of a basic special district.**

7416 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution
7417 under Subsection 17B-1-203(1)(d) or (e), and except as provided in Subsection (2), the
7418 members of a board of trustees of a basic [local] special district may be:

7419 (a) (i) elected by registered voters; or

7420 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

7421 (b) if the area of the [local] special district contains less than one residential dwelling
7422 unit per 50 acres of land at the time the resolution is adopted or the petition is filed, elected by
7423 the owners of real property within the [local] special district based on:

7424 (i) the amount of acreage owned by property owners;

7425 (ii) the assessed value of property owned by property owners; or

7426 (iii) water rights:

7427 (A) relating to the real property within the [local] special district;

7428 (B) that the real property owner:

7429 (I) owns; or

7430 (II) has transferred to the [local] special district.

7431 (2) As specified in a groundwater right owner petition under Subsection
7432 17B-1-203(1)(c) or a resolution under Subsection 17B-1-203(1)(d) or (e), the members of a
7433 board of trustees of a basic [local] special district created to manage groundwater rights the
7434 district acquires or assesses under Section 17B-1-202 shall be:

7435 (a) subject to Section 17B-1-104.5, elected by the owners of groundwater rights that
7436 are diverted within the [local] special district;

7437 (b) appointed by the responsible body, as defined in Section 17B-1-201; or

7438 (c) elected or appointed as provided in Subsection (3).

7439 (3) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under

7440 Subsection 17B-1-203(1)(d) or (e) may provide for a transition from one or more methods of

7441 election or appointment under Subsection (1) or (2) to one or more other methods of election or

7442 appointment based upon milestones or events that the petition or resolution identifies.

7443 Section 168. Section 17B-1-1403 is amended to read:

7444 **17B-1-1403. Prohibition against creating new basic special districts.**

7445 A person may not create a basic ~~[local]~~ special district on or after May 12, 2020.

7446 Section 169. Section 17B-2a-102 is amended to read:

7447 **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF SPECIAL**
 7448 **DISTRICTS**

7449 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

7450 (1) Each cemetery maintenance district is governed by and has the powers stated in:

7451 (a) this part; and

7452 (b) ~~[Chapter 1, Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions

7453 Applicable to All Special Districts.

7454 (2) This part applies only to cemetery maintenance districts.

7455 (3) A cemetery maintenance district is not subject to the provisions of any other part of
 7456 this chapter.

7457 (4) If there is a conflict between a provision in ~~[Chapter 1, Provisions Applicable to All~~

7458 ~~Local Districts]~~ Chapter 1, Provisions Applicable to All Special Districts, and a provision in

7459 this part, the provision in this part governs.

7460 (5) A cemetery maintenance district shall comply with the applicable provisions of

7461 Title 8, Cemeteries.

7462 Section 170. Section 17B-2a-104 is amended to read:

7463 **17B-2a-104. Cemetery maintenance district bonding authority.**

7464 A cemetery maintenance district may issue bonds as provided in and subject to ~~[Chapter~~

7465 ~~1, Part 11, Local District Bonds]~~ Chapter 1, Part 11, Special District Bonds, to carry out the

7466 purposes of the district.

7467 Section 171. Section 17B-2a-203 is amended to read:

7468 **17B-2a-203. Provisions applicable to drainage districts.**

7469 (1) Each drainage district is governed by and has the powers stated in:

7470 (a) this part; and

7471 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions7472 Applicable to All Special Districts.

7473 (2) This part applies only to drainage districts.

7474 (3) A drainage district is not subject to the provisions of any other part of this chapter.

7475 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~7476 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in

7477 this part, the provision in this part governs.

7478 Section 172. Section **17B-2a-205** is amended to read:7479 **17B-2a-205. Additional drainage district powers.**7480 In addition to the powers conferred on a drainage district under Section **17B-1-103**, a
7481 drainage district may:

7482 (1) enter upon land for the purpose of examining the land or making a survey;

7483 (2) locate a necessary drainage canal with any necessary branches on land that the
7484 district's board of trustees considers best;7485 (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]7486 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7487 (4) after the payment or tender of compensation allowed, go upon land to construct

7488 proposed works, and thereafter enter upon that land to maintain or repair the works;

7489 (5) appropriate water for useful and beneficial purposes;

7490 (6) regulate and control, for the benefit of landholders within the district, all water
7491 developed, appropriated, or owned by the district;7492 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the
7493 same manner and for the same use and purposes as a private person;7494 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any
7495 watercourse, whether inside or outside the district; and

7496 (9) if necessary, straighten a watercourse by cutting a new channel upon land not

7497 already containing the watercourse, subject to the landowner receiving compensation for the

7498 land occupied by the new channel and for any damages, as provided under the law of eminent

7499 domain.

7500 Section 173. Section **17B-2a-209** is amended to read:

7501 **17B-2a-209. State land treated the same as private land -- Consent needed to**
7502 **affect school and institutional trust land -- Owner of state land has same rights as owner**
7503 **of private land.**

7504 (1) Subject to Subsection (2), a drainage district may treat state land the same as
7505 private land with respect to the drainage of land for agricultural purposes.

7506 (2) A drainage district may not affect school or institutional trust land under this part or
7507 [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to
7508 All Special Districts, without the consent of the director of the School and Institutional Trust
7509 Lands Administration acting in accordance with Sections [53C-1-102](#) and [53C-1-303](#).

7510 (3) The state and each person holding unpatented state land under entries or contracts
7511 of purchase from the state have all the rights, privileges, and benefits under this part and
7512 [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to
7513 All Special Districts, that a private owner of that land would have.

7514 Section 174. Section **17B-2a-303** is amended to read:

7515 **17B-2a-303. Provisions applicable to fire protection districts.**

7516 (1) Each fire protection district is governed by and has the powers stated in:

7517 (a) this part; and

7518 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7519 Applicable to All Special Districts.

7520 (2) This part applies only to fire protection districts.

7521 (3) A fire protection district is not subject to the provisions of any other part of this
7522 chapter.

7523 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7524 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7525 this part, the provision in this part governs.

7526 Section 175. Section **17B-2a-304** is amended to read:

7527 **17B-2a-304. Additional fire protection district power.**

7528 In addition to the powers conferred on a fire protection district under Section
7529 [17B-1-103](#), a fire protection district may issue bonds as provided in and subject to [~~Chapter 1,~~

7530 ~~Part 11, Local District Bonds]~~ Chapter 1, Part 11, Special District Bonds, to carry out the
7531 purposes of the district.

7532 Section 176. Section **17B-2a-402** is amended to read:

7533 **17B-2a-402. Provisions applicable to improvement districts.**

7534 (1) Each improvement district is governed by and has the powers stated in:

7535 (a) this part; and

7536 (b) ~~[Chapter 1, Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions
7537 Applicable to All Special Districts.

7538 (2) This part applies only to improvement districts.

7539 (3) An improvement district is not subject to the provisions of any other part of this
7540 chapter.

7541 (4) If there is a conflict between a provision in ~~[Chapter 1, Provisions Applicable to All~~
7542 ~~Local Districts]~~ Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7543 this part, the provision in this part governs.

7544 Section 177. Section **17B-2a-403** is amended to read:

7545 **17B-2a-403. Additional improvement district powers.**

7546 (1) In addition to the powers conferred on an improvement district under Section
7547 **17B-1-103**, an improvement district may:

7548 (a) acquire through construction, purchase, gift, or condemnation, or any combination
7549 of these methods, and operate all or any part of a system for:

7550 (i) the supply, treatment, and distribution of water;

7551 (ii) the collection, treatment, and disposition of sewage;

7552 (iii) the collection, retention, and disposition of storm and flood waters;

7553 (iv) the generation, distribution, and sale of electricity, subject to Section **17B-2a-406**;

7554 and

7555 (v) the transmission of natural or manufactured gas if:

7556 (A) the system is connected to a gas plant, as defined in Section **54-2-1**, of a gas
7557 corporation, as defined in Section **54-2-1**, that is regulated under Section **54-4-1**;

7558 (B) the system is to be used to facilitate gas utility service within the district; and

7559 (C) the gas utility service was not available within the district before the acquisition of
7560 the system;

- 7561 (b) issue bonds in accordance with [~~Chapter 1, Part 11, Local District Bonds~~] Chapter
7562 1, Part 11, Special District Bonds, to carry out the purposes of the improvement district;
- 7563 (c) appropriate or acquire water or water rights inside or outside the improvement
7564 district's boundaries;
- 7565 (d) sell water or other services to consumers residing outside the improvement district's
7566 boundaries;
- 7567 (e) enter into a contract with a gas corporation that is regulated under Section [54-4-1](#)
7568 to:
- 7569 (i) provide for the operation or maintenance of all or part of a system for the
7570 transmission of natural or manufactured gas; or
- 7571 (ii) lease or sell all or a portion of a system described in Subsection (1)(e)(i) to a gas
7572 corporation;
- 7573 (f) enter into a contract with a person for:
- 7574 (i) the purchase or sale of water or electricity;
- 7575 (ii) the use of any facility owned by the person; or
- 7576 (iii) the purpose of handling the person's industrial and commercial waste and sewage;
- 7577 (g) require pretreatment of industrial and commercial waste and sewage; and
- 7578 (h) impose a penalty or surcharge against a public entity or other person with which the
7579 improvement district has entered into a contract for the construction, acquisition, or operation
7580 of all or a part of a system for the collection, treatment, and disposal of sewage, if the public
7581 entity or other person fails to comply with the provisions of the contract.
- 7582 (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas
7583 corporation regulated under Section [54-4-1](#) and not by the district.
- 7584 (3) An improvement district may not begin to provide sewer service to an area where
7585 sewer service is already provided by an existing sewage collection system operated by a
7586 municipality or other political subdivision unless the municipality or other political subdivision
7587 gives its written consent.
- 7588 (4) An improvement district authorized to operate all or any part of a system for the
7589 collection, treatment, or disposition of sewage may acquire, construct, or operate a resource
7590 recovery project in accordance with Section [19-6-508](#).
- 7591 Section 178. Section **17B-2a-502** is amended to read:

7592 **17B-2a-502. Provisions applicable to irrigation districts.**

7593 (1) Each irrigation district is governed by and has the powers stated in:

7594 (a) this part; and

7595 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions7596 Applicable to All Special Districts.

7597 (2) This part applies only to irrigation districts.

7598 (3) An irrigation district is not subject to the provisions of any other part of this
7599 chapter.7600 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7601 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7602 this part, the provision in this part governs.7603 Section 179. Section **17B-2a-503** is amended to read:7604 **17B-2a-503. Additional irrigation district powers -- No authority to levy property**
7605 **tax.**7606 (1) In addition to the powers conferred on an irrigation district under Section
7607 **17B-1-103**, an irrigation district may:7608 (a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7609 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7610 (b) purchase stock of an irrigation, canal, or reservoir company;

7611 (c) enter upon any land in the district to make a survey and to locate and construct a
7612 canal and any necessary lateral;7613 (d) convey water rights or other district property to the United States as partial or full
7614 consideration under a contract with the United States;7615 (e) pursuant to a contract with the United States, lease or rent water to private land, an
7616 entryman, or a municipality in the neighborhood of the district;7617 (f) if authorized under a contract with the United States, collect money on behalf of the
7618 United States in connection with a federal reclamation project and assume the incident duties
7619 and liabilities;

7620 (g) acquire water from inside or outside the state;

7621 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land
7622 within the district:

7623 (i) to a municipality, corporation, association, or individual inside or outside the
7624 district;

7625 (ii) for irrigation or any other beneficial use; and

7626 (iii) at a price and on terms that the board considers appropriate; and

7627 (i) repair a break in a reservoir or canal or remedy any other district disaster.

7628 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed
7629 five years.

7630 (b) A vested or prescriptive right to the use of water may not attach to the land because
7631 of a lease or rental of water under Subsection (1)(h).

7632 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a
7633 property tax.

7634 Section 180. Section 17B-2a-602 is amended to read:

7635 **17B-2a-602. Provisions applicable to metropolitan water districts.**

7636 (1) Each metropolitan water district is governed by and has the powers stated in:

7637 (a) this part; and

7638 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7639 Applicable to All Special Districts.

7640 (2) This part applies only to metropolitan water districts.

7641 (3) A metropolitan water district is not subject to the provisions of any other part of
7642 this chapter.

7643 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7644 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7645 this part, the provision in this part governs.

7646 (5) Before September 30, 2019, a metropolitan water district shall submit a written
7647 report to the Revenue and Taxation Interim Committee that describes, for the metropolitan
7648 water district's fiscal year that ended in 2018, the percentage and amount of revenue in the
7649 metropolitan water district from:

7650 (a) property taxes;

7651 (b) water rates; and

7652 (c) all other sources.

7653 Section 181. Section 17B-2a-603 is amended to read:

7654 **17B-2a-603. Additional metropolitan water district powers.**

7655 In addition to the powers conferred on a metropolitan water district under Section
7656 **17B-1-103**, a metropolitan water district may:

7657 (1) acquire or lease any real or personal property or acquire any interest in real or
7658 personal property, as provided in Subsections **17B-1-103**(2)(a) and (b), whether inside or
7659 outside the district or inside or outside the state;

7660 (2) encumber real or personal property or an interest in real or personal property that
7661 the district owns;

7662 (3) acquire or construct works, facilities, and improvements, as provided in Subsection
7663 **17B-1-103**(2)(d), whether inside or outside the district or inside or outside the state;

7664 (4) acquire water, works, water rights, and sources of water necessary or convenient to
7665 the full exercise of the district's powers, whether the water, works, water rights, or sources of
7666 water are inside or outside the district or inside or outside the state, and encumber, transfer an
7667 interest in, or dispose of water, works, water rights, and sources of water;

7668 (5) develop, store, and transport water;

7669 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful
7670 beneficial use;

7671 (7) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7672 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district; and

7673 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company,
7674 irrigation company, water company, or water users association, for the purpose of acquiring the
7675 right to use water or water infrastructure.

7676 Section 182. Section **17B-2a-702** is amended to read:

7677 **17B-2a-702. Provisions applicable to mosquito abatement districts.**

7678 (1) Each mosquito abatement district is governed by and has the powers stated in:

7679 (a) this part; and

7680 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
7681 Applicable to All Special Districts.

7682 (2) This part applies only to mosquito abatement districts.

7683 (3) A mosquito abatement district is not subject to the provisions of any other part of
7684 this chapter.

7685 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
7686 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in
7687 this part, the provision in this part governs.

7688 Section 183. Section **17B-2a-703** is amended to read:

7689 **17B-2a-703. Additional mosquito abatement district powers.**

7690 In addition to the powers conferred on a mosquito abatement district under Section
7691 17B-1-103, a mosquito abatement district may:

7692 (1) take all necessary and proper steps for the extermination of mosquitos, flies,
7693 crickets, grasshoppers, and other insects:

7694 (a) within the district; or

7695 (b) outside the district, if lands inside the district are benefitted;

7696 (2) abate as nuisances all stagnant pools of water and other breeding places for
7697 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state
7698 from which mosquitos migrate into the district;

7699 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and
7700 examine the territory and to remove from the territory, without notice, stagnant water or other
7701 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;

7702 (4) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
7703 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7704 (5) make a contract to indemnify or compensate an owner of land or other property for
7705 injury or damage that the exercise of district powers necessarily causes or arising out of the use,
7706 taking, or damage of property for a district purpose; and

7707 (6) in addition to the accumulated fund balance allowed under Section 17B-1-612,
7708 establish a reserve fund, not to exceed the greater of 25% of the district's annual operating
7709 budget or \$50,000, to pay for extraordinary abatement measures, including a vector-borne
7710 public health emergency.

7711 Section 184. Section **17B-2a-802** is amended to read:

7712 **17B-2a-802. Definitions.**

7713 As used in this part:

7714 (1) "Affordable housing" means housing occupied or reserved for occupancy by
7715 households that meet certain gross household income requirements based on the area median

7716 income for households of the same size.

7717 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
7718 households that meet specific area median income targets or ranges of area median income
7719 targets.

7720 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
7721 by households with gross household incomes that are more than 60% of the area median
7722 income for households of the same size.

7723 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
7724 municipality appointing a member to a public transit district board of trustees.

7725 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
7726 small public transit district to serve as chief executive officer.

7727 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
7728 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and
7729 responsibilities assigned to the general manager but prescribed by the board of trustees to be
7730 fulfilled by the chief executive officer.

7731 (4) "Council of governments" means a decision-making body in each county composed
7732 of membership including the county governing body and the mayors of each municipality in the
7733 county.

7734 (5) "Department" means the Department of Transportation created in Section 72-1-201.

7735 (6) "Executive director" means a person appointed by the board of trustees of a large
7736 public transit district to serve as executive director.

7737 (7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

7738 (8) "Fixed guideway capital development" means the same as that term is defined in
7739 Section 72-1-102.

7740 (9) (a) "General manager" means a person appointed by the board of trustees of a small
7741 public transit district to serve as general manager.

7742 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
7743 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public
7744 transit district.

7745 (10) "Large public transit district" means a public transit district that provides public
7746 transit to an area that includes:

- 7747 (a) more than 65% of the population of the state based on the most recent official
7748 census or census estimate of the United States Census Bureau; and
7749 (b) two or more counties.
- 7750 (11) (a) "Locally elected public official" means a person who holds an elected position
7751 with a county or municipality.
7752 (b) "Locally elected public official" does not include a person who holds an elected
7753 position if the elected position is not with a county or municipality.
- 7754 (12) "Metropolitan planning organization" means the same as that term is defined in
7755 Section [72-1-208.5](#).
- 7756 (13) "Multicounty district" means a public transit district located in more than one
7757 county.
- 7758 (14) "Operator" means a public entity or other person engaged in the transportation of
7759 passengers for hire.
- 7760 (15) (a) "Public transit" means regular, continuing, shared-ride, surface transportation
7761 services that are open to the general public or open to a segment of the general public defined
7762 by age, disability, or low income.
7763 (b) "Public transit" does not include transportation services provided by:
7764 (i) chartered bus;
7765 (ii) sightseeing bus;
7766 (iii) taxi;
7767 (iv) school bus service;
7768 (v) courtesy shuttle service for patrons of one or more specific establishments; or
7769 (vi) intra-terminal or intra-facility shuttle services.
- 7770 (16) "Public transit district" means a ~~local~~ special district that provides public transit
7771 services.
- 7772 (17) "Small public transit district" means any public transit district that is not a large
7773 public transit district.
- 7774 (18) "Station area plan" means a plan developed and adopted by a municipality in
7775 accordance with Section [10-9a-403.1](#).
- 7776 (19) "Transit facility" means a transit vehicle, transit station, depot, passenger loading
7777 or unloading zone, parking lot, or other facility:

- 7778 (a) leased by or operated by or on behalf of a public transit district; and
- 7779 (b) related to the public transit services provided by the district, including:
- 7780 (i) railway or other right-of-way;
- 7781 (ii) railway line; and
- 7782 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
- 7783 a transit vehicle.

7784 (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
 7785 operated as public transportation by a public transit district.

7786 (21) "Transit-oriented development" means a mixed use residential or commercial area
 7787 that is designed to maximize access to public transit and includes the development of land
 7788 owned by a large public transit district.

7789 (22) "Transit-supportive development" means a mixed use residential or commercial
 7790 area that is designed to maximize access to public transit and does not include the development
 7791 of land owned by a large public transit district.

7792 Section 185. Section **17B-2a-803** is amended to read:

7793 **17B-2a-803. Provisions applicable to public transit districts.**

7794 (1) (a) Each public transit district is governed by and has the powers stated in:

- 7795 (i) this part; and
- 7796 (ii) except as provided in Subsection (1)(b), [~~Chapter 1, Provisions Applicable to All~~
 7797 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

7798 (b) (i) Except for Sections [17B-1-301](#), [17B-1-311](#), and [17B-1-313](#), the following
 7799 provisions do not apply to public transit districts:

- 7800 (A) Chapter 1, Part 3, Board of Trustees; and
- 7801 (B) Section [17B-2a-905](#).
- 7802 (ii) A public transit district is not subject to [~~Chapter 1, Part 6, Fiscal Procedures for~~
 7803 ~~Local Districts~~] Chapter 1, Part 6, Fiscal Procedures for Special Districts.

7804 (2) This part applies only to public transit districts.

7805 (3) A public transit district is not subject to the provisions of any other part of this
 7806 chapter.

7807 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~
 7808 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in

7809 this part, the provision in this part governs.

7810 (5) The provisions of Subsection 53-3-202(3)(b) do not apply to a motor vehicle owned
7811 in whole or in part by a public transit district.

7812 Section 186. Section 17B-2a-804 is amended to read:

7813 **17B-2a-804. Additional public transit district powers.**

7814 (1) In addition to the powers conferred on a public transit district under Section
7815 17B-1-103, a public transit district may:

7816 (a) provide a public transit system for the transportation of passengers and their
7817 incidental baggage;

7818 (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,
7819 levy and collect property taxes only for the purpose of paying:

7820 (i) principal and interest of bonded indebtedness of the public transit district; or

7821 (ii) a final judgment against the public transit district if:

7822 (A) the amount of the judgment exceeds the amount of any collectable insurance or
7823 indemnity policy; and

7824 (B) the district is required by a final court order to levy a tax to pay the judgment;

7825 (c) insure against:

7826 (i) loss of revenues from damage to or destruction of some or all of a public transit
7827 system from any cause;

7828 (ii) public liability;

7829 (iii) property damage; or

7830 (iv) any other type of event, act, or omission;

7831 (d) subject to Section 72-1-202 pertaining to fixed guideway capital development
7832 within a large public transit district, acquire, contract for, lease, construct, own, operate,
7833 control, or use:

7834 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
7835 parking lot, or any other facility necessary or convenient for public transit service; or

7836 (ii) any structure necessary for access by persons and vehicles;

7837 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
7838 equipment, service, employee, or management staff of an operator; and

7839 (ii) provide for a sublease or subcontract by the operator upon terms that are in the

7840 public interest;

7841 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

7842 (g) accept a grant, contribution, or loan, directly through the sale of securities or

7843 equipment trust certificates or otherwise, from the United States, or from a department,

7844 instrumentality, or agency of the United States;

7845 (h) study and plan transit facilities in accordance with any legislation passed by

7846 Congress;

7847 (i) cooperate with and enter into an agreement with the state or an agency of the state

7848 or otherwise contract to finance to establish transit facilities and equipment or to study or plan

7849 transit facilities;

7850 (j) subject to Subsection [17B-2a-808.1\(5\)](#), issue bonds as provided in and subject to

7851 [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry

7852 out the purposes of the district;

7853 (k) from bond proceeds or any other available funds, reimburse the state or an agency

7854 of the state for an advance or contribution from the state or state agency;

7855 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available

7856 under federal law, including complying with labor standards and making arrangements for

7857 employees required by the United States or a department, instrumentality, or agency of the

7858 United States;

7859 (m) sell or lease property;

7860 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or

7861 transit-supportive developments;

7862 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner

7863 or member in a development with limited liabilities in accordance with Subsection (1)(p),

7864 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with

7865 Subsection (3), transit-oriented developments or transit-supportive developments; and

7866 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a

7867 transit-oriented development or a transit-supportive development in connection with project

7868 area development as defined in Section [17C-1-102](#) by:

7869 (i) investing in a project as a limited partner or a member, with limited liabilities; or

7870 (ii) subordinating an ownership interest in real property owned by the public transit

7871 district.

7872 (2) (a) A public transit district may only assist in the development of areas under
7873 Subsection (1)(p) that have been approved by the board of trustees, and in the manners
7874 described in Subsection (1)(p).

7875 (b) A public transit district may not invest in a transit-oriented development or
7876 transit-supportive development as a limited partner or other limited liability entity under the
7877 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,
7878 makes an equity contribution equal to no less than 25% of the appraised value of the property
7879 to be contributed by the public transit district.

7880 (c) (i) For transit-oriented development projects, a public transit district shall adopt
7881 transit-oriented development policies and guidelines that include provisions on affordable
7882 housing.

7883 (ii) For transit-supportive development projects, a public transit district shall work with
7884 the metropolitan planning organization and city and county governments where the project is
7885 located to collaboratively seek to create joint plans for the areas within one-half mile of transit
7886 stations, including plans for affordable housing.

7887 (d) A current board member of a public transit district to which the board member is
7888 appointed may not have any interest in the transactions engaged in by the public transit district
7889 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's
7890 fiduciary duty as a board member.

7891 (3) For any transit-oriented development or transit-supportive development authorized
7892 in this section, the public transit district shall:

7893 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the
7894 development, including effect on:

7895 (i) service and ridership;

7896 (ii) regional plans made by the metropolitan planning agency;

7897 (iii) the local economy;

7898 (iv) the environment and air quality;

7899 (v) affordable housing; and

7900 (vi) integration with other modes of transportation;

7901 (b) provide evidence to the public of a quantifiable positive return on investment,

7902 including improvements to public transit service; and

7903 (c) coordinate with the Department of Transportation in accordance with Section
7904 72-1-202 pertaining to fixed guideway capital development and associated parking facilities
7905 within a station area plan for a transit oriented development within a large public transit
7906 district.

7907 (4) For any fixed guideway capital development project with oversight by the
7908 Department of Transportation as described in Section 72-1-202, a large public transit district
7909 shall coordinate with the Department of Transportation in all aspects of the project, including
7910 planning, project development, outreach, programming, environmental studies and impact
7911 statements, impacts on public transit operations, and construction.

7912 (5) A public transit district may participate in a transit-oriented development only if:

7913 (a) for a transit-oriented development involving a municipality:

7914 (i) the relevant municipality has developed and adopted a station area plan; and

7915 (ii) the municipality is in compliance with Sections 10-9a-403 and 10-9a-408 regarding
7916 the inclusion of moderate income housing in the general plan and the required reporting
7917 requirements; or

7918 (b) for a transit-oriented development involving property in an unincorporated area of a
7919 county, the county is in compliance with Sections 17-27a-403 and 17-27a-408 regarding
7920 inclusion of moderate income housing in the general plan and required reporting requirements.

7921 (6) A public transit district may be funded from any combination of federal, state,
7922 local, or private funds.

7923 (7) A public transit district may not acquire property by eminent domain.

7924 Section 187. Section 17B-2a-817 is amended to read:

7925 **17B-2a-817. Voter approval required for property tax levy.**

7926 Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax
7927 under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit
7928 district may levy a property tax, as provided in and subject to [~~Chapter 1, Part 10, Local~~
7929 ~~District Property Tax Levy~~] Chapter 1, Part 10, Special District Property Tax Levy, if:

7930 (1) the district first submits the proposal to levy the property tax to voters within the
7931 district; and

7932 (2) a majority of voters within the district voting on the proposal vote in favor of the

7933 tax at an election held for that purpose on a date specified in Section [20A-1-204](#).

7934 Section 188. Section **17B-2a-902** is amended to read:

7935 **17B-2a-902. Provisions applicable to service areas.**

7936 (1) Each service area is governed by and has the powers stated in:

7937 (a) this part; and

7938 (b) except as provided in Subsection (5), [~~Chapter 1, Provisions Applicable to All~~

7939 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

7940 (2) This part applies only to service areas.

7941 (3) A service area is not subject to the provisions of any other part of this chapter.

7942 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~

7943 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in

7944 this part, the provision in this part governs.

7945 (5) (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a
7946 service area may not charge or collect a fee under Section [17B-1-643](#) for:

7947 (i) law enforcement services;

7948 (ii) fire protection services;

7949 (iii) 911 ambulance or paramedic services as defined in Section [26-8a-102](#) that are
7950 provided under a contract in accordance with Section [26-8a-405.2](#); or

7951 (iv) emergency services.

7952 (b) Subsection (5)(a) does not apply to:

7953 (i) a fee charged or collected on an individual basis rather than a general basis;

7954 (ii) a non-911 service as defined in Section [26-8a-102](#) that is provided under a contract
7955 in accordance with Section [26-8a-405.2](#);

7956 (iii) an impact fee charged or collected for a public safety facility as defined in Section
7957 [11-36a-102](#); or

7958 (iv) a service area that includes within the boundary of the service area a county of the
7959 fifth or sixth class.

7960 Section 189. Section **17B-2a-903** is amended to read:

7961 **17B-2a-903. Additional service area powers -- Property tax limitation for service**
7962 **area providing law enforcement service.**

7963 (1) In addition to the powers conferred on a service area under Section [17B-1-103](#), a

7964 service area:

7965 (a) may issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District~~
7966 ~~Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7967 (b) that, until April 30, 2007, was a regional service area, may provide park, recreation,
7968 or parkway services, or any combination of those services; and

7969 (c) may, with the consent of the county in which the service area is located, provide
7970 planning and zoning service.

7971 (2) A service area that provides law enforcement service may not levy a property tax or
7972 increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:

7973 (a) (i) the legislative body of each municipality that is partly or entirely within the
7974 boundary of the service area; and

7975 (ii) the legislative body of the county with an unincorporated area within the boundary
7976 of the service area; or

7977 (b) (i) a majority of the legislative bodies of all municipalities that are partly or entirely
7978 within the boundary of the service area; and

7979 (ii) two-thirds of the legislative body of the county with an unincorporated area within
7980 the boundary of the service area.

7981 Section 190. Section **17B-2a-904** is amended to read:

7982 **17B-2a-904. Regional service areas to become service areas -- Change from**
7983 **regional service area to service area not to affect rights, obligations, board makeup, or**
7984 **property of former regional service area.**

7985 (1) Each regional service area, created and operating under the law in effect before
7986 April 30, 2007, becomes on that date a service area, governed by and subject to [~~Chapter 1,~~
7987 ~~Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to All Special
7988 Districts, and this part.

7989 (2) The change of an entity from a regional service area to a service area under
7990 Subsection (1) does not affect:

7991 (a) the entity's basic structure and operations or its nature as a body corporate and
7992 politic and a political subdivision of the state;

7993 (b) the ability of the entity to provide the service that the entity:

7994 (i) was authorized to provide before the change; and

- 7995 (ii) provided before the change;
- 7996 (c) the validity of the actions taken, bonds issued, or contracts or other obligations
- 7997 entered into by the entity before the change;
- 7998 (d) the ability of the entity to continue to impose and collect taxes, fees, and other
- 7999 charges for the service it provides;
- 8000 (e) the makeup of the board of trustees;
- 8001 (f) the entity's ownership of property acquired before the change; or
- 8002 (g) any other powers, rights, or obligations that the entity had before the change, except
- 8003 as modified by this part.

8004 Section 191. Section **17B-2a-907** is amended to read:

8005 **17B-2a-907. Adding a new service within a service area.**

8006 A service area may begin to provide within the boundaries of the service area a service

8007 that it had not previously provided by using the procedures set forth in [~~Chapter 1, Part 2,~~

8008 ~~Creation of a Local District~~] Chapter 1, Part 2, Creation of a Special District, for the creation of

8009 a service area as though a new service area were being created to provide that service.

8010 Section 192. Section **17B-2a-1003** is amended to read:

8011 **17B-2a-1003. Provisions applicable to water conservancy districts.**

8012 (1) Each water conservancy district is governed by and has the powers stated in:

8013 (a) this part; and

8014 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions

8015 Applicable to All Special Districts.

8016 (2) This part applies only to water conservancy districts.

8017 (3) A water conservancy district is not subject to the provisions of any other part of this

8018 chapter.

8019 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~

8020 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in

8021 this part, the provision in this part governs.

8022 (5) Before September 30, 2019, a water conservancy district shall submit a written

8023 report to the Revenue and Taxation Interim Committee that describes, for the water

8024 conservancy district's fiscal year that ended in 2018, the percentage and amount of revenue in

8025 the water conservancy district from:

- 8026 (a) property taxes;
- 8027 (b) water rates; and
- 8028 (c) all other sources.

8029 Section 193. Section **17B-2a-1004** is amended to read:

8030 **17B-2a-1004. Additional water conservancy district powers -- Limitations on**
8031 **water conservancy districts.**

8032 (1) In addition to the powers conferred on a water conservancy district under Section
8033 [17B-1-103](#), a water conservancy district may:

8034 (a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
8035 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

8036 (b) acquire or lease any real or personal property or acquire any interest in real or
8037 personal property, as provided in Subsections [17B-1-103](#)(2)(a) and (b), whether inside or
8038 outside the district;

8039 (c) acquire or construct works, facilities, or improvements, as provided in Subsection
8040 [17B-1-103](#)(2)(d), whether inside or outside the district;

8041 (d) acquire water, works, water rights, and sources of water necessary or convenient to
8042 the full exercise of the district's powers, whether the water, works, water rights, or sources of
8043 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or
8044 dispose of water, works, water rights, and sources of water;

8045 (e) fix rates and terms for the sale, lease, or other disposal of water;

8046 (f) acquire rights to the use of water from works constructed or operated by the district
8047 or constructed or operated pursuant to a contract to which the district is a party, and sell rights
8048 to the use of water from those works;

8049 (g) levy assessments against lands within the district to which water is allotted on the
8050 basis of:

8051 (i) a uniform district-wide value per acre foot of irrigation water; or

8052 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the
8053 district into units and fixes a different value per acre foot of water in the respective units;

8054 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at
8055 rates that are equitable, though not necessarily equal or uniform, for like classes of service;

8056 (i) adopt and modify plans and specifications for the works for which the district was

8057 organized;

8058 (j) investigate and promote water conservation and development;

8059 (k) appropriate and otherwise acquire water and water rights inside or outside the state;

8060 (l) develop, store, treat, and transport water;

8061 (m) acquire stock in canal companies, water companies, and water users associations;

8062 (n) acquire, construct, operate, or maintain works for the irrigation of land;

8063 (o) subject to Subsection (2), sell water and water services to individual customers and

8064 charge sufficient rates for the water and water services supplied;

8065 (p) own property for district purposes within the boundaries of a municipality; and

8066 (q) coordinate water resource planning among public entities.

8067 (2) (a) A water conservancy district and another political subdivision of the state may

8068 contract with each other, and a water conservancy district may contract with one or more public

8069 entities and private persons, for:

8070 (i) the joint operation or use of works owned by any party to the contract; or

8071 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related

8072 services.

8073 (b) An agreement under Subsection (2)(a) may provide for the joint use of works

8074 owned by one of the contracting parties if the agreement provides for reasonable compensation.

8075 (c) A statutory requirement that a district supply water to its own residents on a priority

8076 basis does not apply to a contract under Subsection (2)(a).

8077 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,

8078 including:

8079 (i) a term of years specified by the contract;

8080 (ii) a requirement that the purchasing party make specified payments, without regard to

8081 actual taking or use;

8082 (iii) a requirement that the purchasing party pay user charges, charges for the

8083 availability of water or water facilities, or other charges for capital costs, debt service,

8084 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not

8085 the related water, water rights, or facilities are acquired, completed, operable, or operating, and

8086 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or

8087 services for any reason;

8088 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or
8089 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

8090 (A) the methods for financing the costs of acquisition, construction, and operation of
8091 the joint facilities;

8092 (B) the method for allocating the costs of acquisition, construction, and operation of
8093 the facilities among the parties consistent with their respective interests in or rights to the
8094 facilities;

8095 (C) a management committee comprised of representatives of the parties, which may
8096 be responsible for the acquisition, construction, and operation of the facilities as the parties
8097 determine; and

8098 (D) the remedies upon a default by any party in the performance of its obligations
8099 under the contract, which may include a provision obligating or enabling the other parties to
8100 succeed to all or a portion of the ownership interest or contractual rights and obligations of the
8101 defaulting party; and

8102 (v) provisions that a purchasing party make payments from:

8103 (A) general or other funds of the purchasing party;

8104 (B) the proceeds of assessments levied under this part;

8105 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36a,
8106 Impact Fees Act;

8107 (D) revenues from the operation of the water system of a party receiving water or
8108 services under the contract;

8109 (E) proceeds of any revenue-sharing arrangement between the parties, including
8110 amounts payable as a percentage of revenues or net revenues of the water system of a party
8111 receiving water or services under the contract; and

8112 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)
8113 through (E).

8114 (3) (a) A water conservancy district may enter into a contract with another state or a
8115 political subdivision of another state for the joint construction, operation, or ownership of a
8116 water facility.

8117 (b) Water from any source in the state may be appropriated and used for beneficial
8118 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

8119 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not
8120 sell water to a customer located within a municipality for domestic or culinary use without the
8121 consent of the municipality.

8122 (b) Subsection (4)(a) does not apply if:

8123 (i) the property of a customer to whom a water conservancy district sells water was, at
8124 the time the district began selling water to the customer, within an unincorporated area of a
8125 county; and

8126 (ii) after the district begins selling water to the customer, the property becomes part of
8127 a municipality through municipal incorporation or annexation.

8128 (5) A water conservancy district may not carry or transport water in transmountain
8129 diversion if title to the water was acquired by a municipality by eminent domain.

8130 (6) A water conservancy district may not be required to obtain a franchise for the
8131 acquisition, ownership, operation, or maintenance of property.

8132 (7) A water conservancy district may not acquire by eminent domain title to or
8133 beneficial use of vested water rights for transmountain diversion.

8134 Section 194. Section **17B-2a-1007** is amended to read:

8135 **17B-2a-1007. Contract assessments.**

8136 (1) As used in this section:

8137 (a) "Assessed land" means:

8138 (i) for a contract assessment under a water contract with a private water user, the land
8139 owned by the private water user that receives the beneficial use of water under the water
8140 contract; or

8141 (ii) for a contract assessment under a water contract with a public water user, the land
8142 within the boundaries of the public water user that is within the boundaries of the water
8143 conservancy district and that receives the beneficial use of water under the water contract.

8144 (b) "Contract assessment" means an assessment levied as provided in this section by a
8145 water conservancy district on assessed land.

8146 (c) "Governing body" means:

8147 (i) for a county, city, or town, the legislative body of the county, city, or town;

8148 (ii) for a [local] special district, the board of trustees of the [local] special district;

8149 (iii) for a special service district:

8150 (A) the legislative body of the county, city, or town that established the special service
8151 district, if no administrative control board has been appointed under Section 17D-1-301; or

8152 (B) the administrative control board of the special service district, if an administrative
8153 control board has been appointed under Section 17D-1-301; and

8154 (iv) for any other political subdivision of the state, the person or body with authority to
8155 govern the affairs of the political subdivision.

8156 (d) "Petitioner" means a private petitioner or a public petitioner.

8157 (e) "Private petitioner" means an owner of land within a water conservancy district
8158 who submits a petition to a water conservancy district under Subsection (3) to enter into a
8159 water contract with the district.

8160 (f) "Private water user" means an owner of land within a water conservancy district
8161 who enters into a water contract with the district.

8162 (g) "Public petitioner" means a political subdivision of the state:

8163 (i) whose territory is partly or entirely within the boundaries of a water conservancy
8164 district; and

8165 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
8166 into a water contract with the district.

8167 (h) "Public water user" means a political subdivision of the state:

8168 (i) whose territory is partly or entirely within the boundaries of a water conservancy
8169 district; and

8170 (ii) that enters into a water contract with the district.

8171 (i) "Water contract" means a contract between a water conservancy district and a
8172 private water user or a public water user under which the water user purchases, leases, or
8173 otherwise acquires the beneficial use of water from the water conservancy district for the
8174 benefit of:

8175 (i) land owned by the private water user; or

8176 (ii) land within the public water user's boundaries that is also within the boundaries of
8177 the water conservancy district.

8178 (j) "Water user" means a private water user or a public water user.

8179 (2) A water conservancy district may levy a contract assessment as provided in this
8180 section.

8181 (3) (a) The governing body of a public petitioner may authorize its chief executive
8182 officer to submit a written petition on behalf of the public petitioner to a water conservancy
8183 district requesting to enter into a water contract.

8184 (b) A private petitioner may submit a written petition to a water conservancy district
8185 requesting to enter into a water contract.

8186 (c) Each petition under this Subsection (3) shall include:

8187 (i) the petitioner's name;

8188 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

8189 (iii) a description of the land upon which the water will be used;

8190 (iv) the price to be paid for the water;

8191 (v) the amount of any service, turnout, connection, distribution system, or other charge
8192 to be paid;

8193 (vi) whether payment will be made in cash or annual installments;

8194 (vii) a provision requiring the contract assessment to become a lien on the land for
8195 which the water is petitioned and is to be allotted; and

8196 (viii) an agreement that the petitioner is bound by the provisions of this part and the
8197 rules and regulations of the water conservancy district board of trustees.

8198 (4) (a) If the board of a water conservancy district desires to consider a petition
8199 submitted by a petitioner under Subsection (3), the board shall:

8200 (i) post notice of the petition and of the hearing required under Subsection (4)(a)(ii) on
8201 the Utah Public Notice Website, created in Section [63A-16-601](#), for at least two successive
8202 weeks immediately before the date of the hearing; and

8203 (ii) hold a public hearing on the petition.

8204 (b) Each notice under Subsection (4)(a)(i) shall:

8205 (i) state that a petition has been filed and that the district is considering levying a
8206 contract assessment; and

8207 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

8208 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
8209 water conservancy district shall:

8210 (A) allow any interested person to appear and explain why the petition should not be
8211 granted; and

8212 (B) consider each written objection to the granting of the petition that the board
8213 receives before or at the hearing.

8214 (ii) The board of trustees may adjourn and reconvene the hearing as the board
8215 considers appropriate.

8216 (d) (i) Any interested person may file with the board of the water conservancy district,
8217 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
8218 a petition.

8219 (ii) Each person who fails to submit a written objection within the time provided under
8220 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
8221 levying a contract assessment.

8222 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
8223 trustees of a water conservancy district may:

8224 (a) deny the petition; or

8225 (b) grant the petition, if the board considers granting the petition to be in the best
8226 interests of the district.

8227 (6) The board of a water conservancy district that grants a petition under this section
8228 may:

8229 (a) make an allotment of water for the benefit of assessed land;

8230 (b) authorize any necessary construction to provide for the use of water upon the terms
8231 and conditions stated in the water contract;

8232 (c) divide the district into units and fix a different rate for water purchased or otherwise
8233 acquired and for other charges within each unit, if the rates and charges are equitable, although
8234 not equal and uniform, for similar classes of services throughout the district; and

8235 (d) levy a contract assessment on assessed land.

8236 (7) (a) The board of trustees of each water conservancy district that levies a contract
8237 assessment under this section shall:

8238 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
8239 to be recorded in the office of the recorder of each county in which assessed land is located;
8240 and

8241 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
8242 auditor of each county in which assessed land is located the amount of the contract assessment.

8243 (b) Upon the recording of the resolution, ordinance, or order, in accordance with
8244 Subsection (7)(a)(i):

8245 (i) the contract assessment associated with allotting water to the assessed land under
8246 the water contract becomes a political subdivision lien, as that term is defined in Section
8247 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision
8248 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

8249 (ii) (A) the board of trustees of the water conservancy district shall certify the amount
8250 of the assessment to the county treasurer; and

8251 (B) the county treasurer shall include the certified amount on the property tax notice
8252 required by Section [59-2-1317](#) for that year.

8253 (c) (i) Each county in which assessed land is located shall collect the contract
8254 assessment in the same manner as taxes levied by the county.

8255 (ii) If the amount of a contract assessment levied under this section is not paid in full in
8256 a given year:

8257 (A) by September 15, the governing body of the water conservancy district that levies
8258 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
8259 the property is located; and

8260 (B) the county treasurer shall include the certified amount on the property tax notice
8261 required by Section [59-2-1317](#) for that year.

8262 (8) (a) The board of trustees of each water conservancy district that levies a contract
8263 assessment under this section shall:

8264 (i) hold a public hearing, before August 8 of each year in which a contract assessment
8265 is levied, to hear and consider objections filed under Subsection (8)(b); and

8266 (ii) post a notice:

8267 (A) on the Utah Public Notice Website, created in Section [63A-16-601](#), for at least the
8268 two consecutive weeks before the public hearing; and

8269 (B) that contains a general description of the assessed land, the amount of the contract
8270 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

8271 (b) An owner of assessed land within the water conservancy district who believes that
8272 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
8273 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to

8274 the assessment, stating the grounds for the objection.

8275 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
8276 consider the evidence and arguments supporting each objection.

8277 (ii) After hearing and considering the evidence and arguments supporting an objection,
8278 the board of trustees:

8279 (A) shall enter a written order, stating its decision; and

8280 (B) may modify the assessment.

8281 (d) (i) An owner of assessed land may file a petition in district court seeking review of
8282 a board of trustees' order under Subsection (8)(c)(ii)(A).

8283 (ii) Each petition under Subsection (8)(d)(i) shall:

8284 (A) be filed within 30 days after the board enters its written order;

8285 (B) state specifically the part of the board's order for which review is sought; and

8286 (C) be accompanied by a bond with good and sufficient security in an amount not
8287 exceeding \$200, as determined by the court clerk.

8288 (iii) If more than one owner of assessed land seeks review, the court may, upon a
8289 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
8290 the reviews and hear them together.

8291 (iv) The court shall act as quickly as possible after a petition is filed.

8292 (v) A court may not disturb a board of trustees' order unless the court finds that the
8293 contract assessment on the petitioner's assessed land is manifestly disproportionate to
8294 assessments imposed upon other land in the district.

8295 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
8296 conclusively considered to have been made in proportion to the benefits conferred on the land
8297 in the district.

8298 (9) Each resolution, ordinance, or order under which a water conservancy district
8299 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
8300 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
8301 may continue to levy the assessment according to the terms of the resolution, ordinance, or
8302 order.

8303 (10) A contract assessment is not a levy of an ad valorem property tax and is not
8304 subject to the limits stated in Section [17B-2a-1006](#).

8305 Section 195. Section **17B-2a-1104** is amended to read:

8306 **17B-2a-1104. Additional municipal services district powers.**

8307 In addition to the powers conferred on a municipal services district under Section
8308 **17B-1-103**, a municipal services district may:

8309 (1) notwithstanding Subsection **17B-1-202**(3), provide no more than six municipal
8310 services;

8311 (2) assist a municipality or a county located within a municipal services district by
8312 providing staffing and administrative services, including:

8313 (a) human resources staffing and services;

8314 (b) finance and budgeting staffing and services; and

8315 (c) information technology staffing and services; and

8316 (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]

8317 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district.

8318 Section 196. Section **17B-2a-1106** is amended to read:

8319 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

8320 (1) Notwithstanding any other provision of law regarding the membership of a [~~local~~]
8321 special district board of trustees, the initial board of trustees of a municipal services district
8322 shall consist of the county legislative body.

8323 (2) (a) If, after the initial creation of a municipal services district, an area within the
8324 district is incorporated as a municipality as defined in Section **10-1-104** and the area is not
8325 withdrawn from the district in accordance with Section **17B-1-502** or **17B-1-505**, or an area
8326 within the municipality is annexed into the municipal services district in accordance with
8327 Section **17B-2a-1103**, the district's board of trustees shall be as follows:

8328 (i) subject to Subsection (2)(b), a member of that municipality's governing body;

8329 (ii) one member of the county council of the county in which the municipal services
8330 district is located; and

8331 (iii) the total number of board members is not required to be an odd number.

8332 (b) A member described in Subsection (2)(a)(i) shall be:

8333 (i) for a municipality other than a metro township, designated by the municipal
8334 legislative body; and

8335 (ii) for a metro township, the mayor of the metro township or, during any period of

8336 time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro
8337 township council elects in accordance with Subsection 10-3b-503(4).

8338 (3) For a board of trustees described in Subsection (2), each board member's vote is
8339 weighted using the proportion of the municipal services district population that resides:

8340 (a) for each member described in Subsection (2)(a)(i), within that member's
8341 municipality; and

8342 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated
8343 county.

8344 (4) The board may adopt a resolution providing for future board members to be
8345 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

8346 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees
8347 may adopt a resolution to determine the internal governance of the board.

8348 (6) The municipal services district and the county may enter into an agreement for the
8349 provision of legal services to the municipal services district.

8350 Section 197. Section 17C-1-102 is amended to read:

8351 **17C-1-102. Definitions.**

8352 As used in this title:

8353 (1) "Active project area" means a project area that has not been dissolved in accordance
8354 with Section 17C-1-702.

8355 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,
8356 that an agency is authorized to receive:

8357 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax
8358 increment under Subsection 17C-1-403(3);

8359 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax
8360 increment under Section 17C-1-406;

8361 (c) under a project area budget approved by a taxing entity committee; or

8362 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
8363 tax increment.

8364 (3) "Affordable housing" means housing owned or occupied by a low or moderate
8365 income family, as determined by resolution of the agency.

8366 (4) "Agency" or "community reinvestment agency" means a separate body corporate

- 8367 and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community
8368 development and renewal agency under previous law:
- 8369 (a) that is a political subdivision of the state;
- 8370 (b) that is created to undertake or promote project area development as provided in this
8371 title; and
- 8372 (c) whose geographic boundaries are coterminous with:
- 8373 (i) for an agency created by a county, the unincorporated area of the county; and
8374 (ii) for an agency created by a municipality, the boundaries of the municipality.
- 8375 (5) "Agency funds" means money that an agency collects or receives for agency
8376 operations, implementing a project area plan or an implementation plan as defined in Section
8377 17C-1-1001, or other agency purposes, including:
- 8378 (a) project area funds;
- 8379 (b) income, proceeds, revenue, or property derived from or held in connection with the
8380 agency's undertaking and implementation of project area development or agency-wide project
8381 development as defined in Section 17C-1-1001;
- 8382 (c) a contribution, loan, grant, or other financial assistance from any public or private
8383 source;
- 8384 (d) project area incremental revenue as defined in Section 17C-1-1001; or
8385 (e) property tax revenue as defined in Section 17C-1-1001.
- 8386 (6) "Annual income" means the same as that term is defined in regulations of the
8387 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as
8388 amended or as superseded by replacement regulations.
- 8389 (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.
- 8390 (8) "Base taxable value" means, unless otherwise adjusted in accordance with
8391 provisions of this title, a property's taxable value as shown upon the assessment roll last
8392 equalized during the base year.
- 8393 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year
8394 during which the assessment roll is last equalized:
- 8395 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
8396 before the project area plan's effective date;
- 8397 (b) for a post-June 30, 1993, urban renewal or economic development project area

8398 plan, or a community reinvestment project area plan that is subject to a taxing entity
8399 committee:

8400 (i) before the date on which the taxing entity committee approves the project area
8401 budget; or

8402 (ii) if taxing entity committee approval is not required for the project area budget,
8403 before the date on which the community legislative body adopts the project area plan;

8404 (c) for a project on an inactive airport site, after the later of:

8405 (i) the date on which the inactive airport site is sold for remediation and development;
8406 or

8407 (ii) the date on which the airport that operated on the inactive airport site ceased
8408 operations; or

8409 (d) for a community development project area plan or a community reinvestment
8410 project area plan that is subject to an interlocal agreement, as described in the interlocal
8411 agreement.

8412 (10) "Basic levy" means the portion of a school district's tax levy constituting the
8413 minimum basic levy under Section [59-2-902](#).

8414 (11) "Board" means the governing body of an agency, as described in Section
8415 [17C-1-203](#).

8416 (12) "Budget hearing" means the public hearing on a proposed project area budget
8417 required under Subsection [17C-2-201\(2\)\(d\)](#) for an urban renewal project area budget,
8418 Subsection [17C-3-201\(2\)\(d\)](#) for an economic development project area budget, or Subsection
8419 [17C-5-302\(2\)\(e\)](#) for a community reinvestment project area budget.

8420 (13) "Closed military base" means land within a former military base that the Defense
8421 Base Closure and Realignment Commission has voted to close or realign when that action has
8422 been sustained by the president of the United States and Congress.

8423 (14) "Combined incremental value" means the combined total of all incremental values
8424 from all project areas, except project areas that contain some or all of a military installation or
8425 inactive industrial site, within the agency's boundaries under project area plans and project area
8426 budgets at the time that a project area budget for a new project area is being considered.

8427 (15) "Community" means a county or municipality.

8428 (16) "Community development project area plan" means a project area plan adopted

8429 under Chapter 4, Part 1, Community Development Project Area Plan.

8430 (17) "Community legislative body" means the legislative body of the community that
8431 created the agency.

8432 (18) "Community reinvestment project area plan" means a project area plan adopted
8433 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

8434 (19) "Contest" means to file a written complaint in the district court of the county in
8435 which the agency is located.

8436 (20) "Development impediment" means a condition of an area that meets the
8437 requirements described in Section 17C-2-303 for an urban renewal project area or Section
8438 17C-5-405 for a community reinvestment project area.

8439 (21) "Development impediment hearing" means a public hearing regarding whether a
8440 development impediment exists within a proposed:

8441 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section
8442 17C-2-302; or

8443 (b) community reinvestment project area under Section 17C-5-404.

8444 (22) "Development impediment study" means a study to determine whether a
8445 development impediment exists within a survey area as described in Section 17C-2-301 for an
8446 urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

8447 (23) "Economic development project area plan" means a project area plan adopted
8448 under Chapter 3, Part 1, Economic Development Project Area Plan.

8449 (24) "Fair share ratio" means the ratio derived by:

8450 (a) for a municipality, comparing the percentage of all housing units within the
8451 municipality that are publicly subsidized income targeted housing units to the percentage of all
8452 housing units within the county in which the municipality is located that are publicly
8453 subsidized income targeted housing units; or

8454 (b) for the unincorporated part of a county, comparing the percentage of all housing
8455 units within the unincorporated county that are publicly subsidized income targeted housing
8456 units to the percentage of all housing units within the whole county that are publicly subsidized
8457 income targeted housing units.

8458 (25) "Family" means the same as that term is defined in regulations of the United
8459 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended

8460 or as superseded by replacement regulations.

8461 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

8462 (27) "Hazardous waste" means any substance defined, regulated, or listed as a
8463 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
8464 or toxic substance, or identified as hazardous to human health or the environment, under state
8465 or federal law or regulation.

8466 (28) "Housing allocation" means project area funds allocated for housing under Section
8467 [17C-2-203](#), [17C-3-202](#), or [17C-5-307](#) for the purposes described in Section [17C-1-412](#).

8468 (29) "Housing fund" means a fund created by an agency for purposes described in
8469 Section [17C-1-411](#) or [17C-1-412](#) that is comprised of:

8470 (a) project area funds, project area incremental revenue as defined in Section
8471 [17C-1-1001](#), or property tax revenue as defined in Section [17C-1-1001](#) allocated for the
8472 purposes described in Section [17C-1-411](#); or

8473 (b) an agency's housing allocation.

8474 (30) (a) "Inactive airport site" means land that:

8475 (i) consists of at least 100 acres;

8476 (ii) is occupied by an airport:

8477 (A) (I) that is no longer in operation as an airport; or

8478 (II) (Aa) that is scheduled to be decommissioned; and

8479 (Bb) for which a replacement commercial service airport is under construction; and

8480 (B) that is owned or was formerly owned and operated by a public entity; and

8481 (iii) requires remediation because:

8482 (A) of the presence of hazardous waste or solid waste; or

8483 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
8484 electric service, water system, and sewer system, needed to support development of the site.

8485 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
8486 described in Subsection (30)(a).

8487 (31) (a) "Inactive industrial site" means land that:

8488 (i) consists of at least 1,000 acres;

8489 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
8490 facility; and

8491 (iii) requires remediation because of the presence of hazardous waste or solid waste.

8492 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
8493 described in Subsection (31)(a).

8494 (32) "Income targeted housing" means housing that is owned or occupied by a family
8495 whose annual income is at or below 80% of the median annual income for a family within the
8496 county in which the housing is located.

8497 (33) "Incremental value" means a figure derived by multiplying the marginal value of
8498 the property located within a project area on which tax increment is collected by a number that
8499 represents the adjusted tax increment from that project area that is paid to the agency.

8500 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
8501 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

8502 (35) (a) "Local government building" means a building owned and operated by a
8503 community for the primary purpose of providing one or more primary community functions,
8504 including:

8505 (i) a fire station;

8506 (ii) a police station;

8507 (iii) a city hall; or

8508 (iv) a court or other judicial building.

8509 (b) "Local government building" does not include a building the primary purpose of
8510 which is cultural or recreational in nature.

8511 (36) "Major transit investment corridor" means the same as that term is defined in
8512 Section [10-9a-103](#).

8513 (37) "Marginal value" means the difference between actual taxable value and base
8514 taxable value.

8515 (38) "Military installation project area" means a project area or a portion of a project
8516 area located within a federal military installation ordered closed by the federal Defense Base
8517 Realignment and Closure Commission.

8518 (39) "Municipality" means a city, town, or metro township as defined in Section
8519 [10-2a-403](#).

8520 (40) "Participant" means one or more persons that enter into a participation agreement
8521 with an agency.

8522 (41) "Participation agreement" means a written agreement between a person and an
8523 agency that:

8524 (a) includes a description of:

8525 (i) the project area development that the person will undertake;

8526 (ii) the amount of project area funds the person may receive; and

8527 (iii) the terms and conditions under which the person may receive project area funds;

8528 and

8529 (b) is approved by resolution of the board.

8530 (42) "Plan hearing" means the public hearing on a proposed project area plan required
8531 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
8532 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d)
8533 for a community development project area plan, or Subsection 17C-5-104(3)(e) for a
8534 community reinvestment project area plan.

8535 (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or
8536 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project
8537 area plan's adoption.

8538 (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July
8539 1, 1993, whether or not amended subsequent to the project area plan's adoption.

8540 (45) "Private," with respect to real property, means property not owned by a public
8541 entity or any other governmental entity.

8542 (46) "Project area" means the geographic area described in a project area plan within
8543 which the project area development described in the project area plan takes place or is
8544 proposed to take place.

8545 (47) "Project area budget" means a multiyear projection of annual or cumulative
8546 revenues and expenses and other fiscal matters pertaining to a project area prepared in
8547 accordance with:

8548 (a) for an urban renewal project area, Section 17C-2-201;

8549 (b) for an economic development project area, Section 17C-3-201;

8550 (c) for a community development project area, Section 17C-4-204; or

8551 (d) for a community reinvestment project area, Section 17C-5-302.

8552 (48) "Project area development" means activity within a project area that, as

8553 determined by the board, encourages, promotes, or provides development or redevelopment for
8554 the purpose of implementing a project area plan, including:

8555 (a) promoting, creating, or retaining public or private jobs within the state or a
8556 community;

8557 (b) providing office, manufacturing, warehousing, distribution, parking, or other
8558 facilities or improvements;

8559 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
8560 remediating environmental issues;

8561 (d) providing residential, commercial, industrial, public, or other structures or spaces,
8562 including recreational and other facilities incidental or appurtenant to the structures or spaces;

8563 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
8564 existing structures;

8565 (f) providing open space, including streets or other public grounds or space around
8566 buildings;

8567 (g) providing public or private buildings, infrastructure, structures, or improvements;

8568 (h) relocating a business;

8569 (i) improving public or private recreation areas or other public grounds;

8570 (j) eliminating a development impediment or the causes of a development impediment;

8571 (k) redevelopment as defined under the law in effect before May 1, 2006; or

8572 (l) any activity described in this Subsection (48) outside of a project area that the board
8573 determines to be a benefit to the project area.

8574 (49) "Project area funds" means tax increment or sales and use tax revenue that an
8575 agency receives under a project area budget adopted by a taxing entity committee or an
8576 interlocal agreement.

8577 (50) "Project area funds collection period" means the period of time that:

8578 (a) begins the day on which the first payment of project area funds is distributed to an
8579 agency under a project area budget approved by a taxing entity committee or an interlocal
8580 agreement; and

8581 (b) ends the day on which the last payment of project area funds is distributed to an
8582 agency under a project area budget approved by a taxing entity committee or an interlocal
8583 agreement.

8584 (51) "Project area plan" means an urban renewal project area plan, an economic
8585 development project area plan, a community development project area plan, or a community
8586 reinvestment project area plan that, after the project area plan's effective date, guides and
8587 controls the project area development.

8588 (52) (a) "Property tax" means each levy on an ad valorem basis on tangible or
8589 intangible personal or real property.

8590 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
8591 Tax.

8592 (53) "Public entity" means:

8593 (a) the United States, including an agency of the United States;

8594 (b) the state, including any of the state's departments or agencies; or

8595 (c) a political subdivision of the state, including a county, municipality, school district,
8596 [~~local~~] special district, special service district, community reinvestment agency, or interlocal
8597 cooperation entity.

8598 (54) "Publicly owned infrastructure and improvements" means water, sewer, storm
8599 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,
8600 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or
8601 other facilities, infrastructure, and improvements benefitting the public and to be publicly
8602 owned or publicly maintained or operated.

8603 (55) "Record property owner" or "record owner of property" means the owner of real
8604 property, as shown on the records of the county in which the property is located, to whom the
8605 property's tax notice is sent.

8606 (56) "Sales and use tax revenue" means revenue that is:

8607 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;

8608 and

8609 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

8610 (57) "Superfund site":

8611 (a) means an area included in the National Priorities List under the Comprehensive
8612 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

8613 (b) includes an area formerly included in the National Priorities List, as described in
8614 Subsection (57)(a), but removed from the list following remediation that leaves on site the

8615 waste that caused the area to be included in the National Priorities List.

8616 (58) "Survey area" means a geographic area designated for study by a survey area

8617 resolution to determine whether:

8618 (a) one or more project areas within the survey area are feasible; or

8619 (b) a development impediment exists within the survey area.

8620 (59) "Survey area resolution" means a resolution adopted by a board that designates a

8621 survey area.

8622 (60) "Taxable value" means:

8623 (a) the taxable value of all real property a county assessor assesses in accordance with
8624 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

8625 (b) the taxable value of all real and personal property the commission assesses in
8626 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

8627 (c) the year end taxable value of all personal property a county assessor assesses in
8628 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
8629 tax rolls of the taxing entity.

8630 (61) (a) "Tax increment" means the difference between:

8631 (i) the amount of property tax revenue generated each tax year by a taxing entity from
8632 the area within a project area designated in the project area plan as the area from which tax
8633 increment is to be collected, using the current assessed value of the property and each taxing
8634 entity's current certified tax rate as defined in Section 59-2-924; and

8635 (ii) the amount of property tax revenue that would be generated from that same area
8636 using the base taxable value of the property and each taxing entity's current certified tax rate as
8637 defined in Section 59-2-924.

8638 (b) "Tax increment" does not include taxes levied and collected under Section
8639 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

8640 (i) the project area plan was adopted before May 4, 1993, whether or not the project
8641 area plan was subsequently amended; and

8642 (ii) the taxes were pledged to support bond indebtedness or other contractual
8643 obligations of the agency.

8644 (62) "Taxing entity" means a public entity that:

8645 (a) levies a tax on property located within a project area; or

8646 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

8647 (63) "Taxing entity committee" means a committee representing the interests of taxing
8648 entities, created in accordance with Section 17C-1-402.

8649 (64) "Unincorporated" means not within a municipality.

8650 (65) "Urban renewal project area plan" means a project area plan adopted under
8651 Chapter 2, Part 1, Urban Renewal Project Area Plan.

8652 Section 198. Section 17C-1-409 is amended to read:

8653 **17C-1-409. Allowable uses of agency funds.**

8654 (1) (a) An agency may use agency funds:

8655 (i) for any purpose authorized under this title;

8656 (ii) for administrative, overhead, legal, or other operating expenses of the agency,
8657 including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for
8658 a business resource center;

8659 (iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or
8660 part of:

8661 (A) project area development in a project area, including environmental remediation
8662 activities occurring before or after adoption of the project area plan;

8663 (B) housing-related expenditures, projects, or programs as described in Section
8664 17C-1-411 or 17C-1-412;

8665 (C) an incentive or other consideration paid to a participant under a participation
8666 agreement;

8667 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the
8668 installation and construction of any publicly owned building, facility, structure, landscaping, or
8669 other improvement within the project area from which the project area funds are collected; or

8670 (E) the cost of the installation of publicly owned infrastructure and improvements
8671 outside the project area from which the project area funds are collected if the board and the
8672 community legislative body determine by resolution that the publicly owned infrastructure and
8673 improvements benefit the project area;

8674 (iv) in an urban renewal project area that includes some or all of an inactive industrial
8675 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created
8676 under Section 72-1-201, or a public transit district created under ~~[Title 17B, Chapter 2a, Part 8,~~

8677 ~~Public Transit District Act]~~ Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special
8678 Districts, for the cost of:

8679 (A) construction of a public road, bridge, or overpass;

8680 (B) relocation of a railroad track within the urban renewal project area; or

8681 (C) relocation of a railroad facility within the urban renewal project area;

8682 (v) subject to Subsection (5), to transfer funds to a community that created the agency;

8683 or

8684 (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10,
8685 Agency Taxing Authority.

8686 (b) The determination of the board and the community legislative body under
8687 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

8688 (c) An agency may not use project area funds received from a taxing entity for the
8689 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an
8690 economic development project area plan, or a community reinvestment project area plan
8691 without the community legislative body's consent.

8692 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a
8693 project area fund to another project area fund if:

8694 (A) the board approves; and

8695 (B) the community legislative body approves.

8696 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the
8697 projections for agency funds are sufficient to repay the loan amount.

8698 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,
8699 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal
8700 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for
8701 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

8702 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection
8703 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the
8704 reimbursement with:

8705 (i) the Department of Transportation; or

8706 (ii) a public transit district.

8707 (f) Before an agency may use project area funds for agency-wide project development,

8708 as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity
8709 committee or each taxing entity party to an interlocal agreement with the agency.

8710 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not
8711 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility
8712 Incentive Payments Act.

8713 (b) An agency may use sales and use tax revenue that the agency receives under an
8714 interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the
8715 interlocal agreement.

8716 (3) (a) An agency may contract with the community that created the agency or another
8717 public entity to use agency funds to reimburse the cost of items authorized by this title to be
8718 paid by the agency that are paid by the community or other public entity.

8719 (b) If land is acquired or the cost of an improvement is paid by another public entity
8720 and the land or improvement is leased to the community, an agency may contract with and
8721 make reimbursement from agency funds to the community.

8722 (4) Notwithstanding any other provision of this title, an agency may not use project
8723 area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax
8724 revenue as defined in Section 17C-1-1001, to construct a local government building unless the
8725 taxing entity committee or each taxing entity party to an interlocal agreement with the agency
8726 consents.

8727 (5) For the purpose of offsetting the community's annual local contribution to the
8728 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in
8729 a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and
8730 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in
8731 Subsection 59-12-205(5).

8732 Section 199. Section 17D-1-102 is amended to read:

8733 **17D-1-102. Definitions.**

8734 As used in this chapter:

8735 (1) "Adequate protests" means written protests timely filed by:

8736 (a) the owners of private real property that:

8737 (i) is located within the applicable area;

8738 (ii) covers at least 25% of the total private land area within the applicable area; and

8739 (iii) is equal in value to at least 15% of the value of all private real property within the
8740 applicable area; or

8741 (b) registered voters residing within the applicable area equal in number to at least 25%
8742 of the number of votes cast in the applicable area for the office of president of the United States
8743 at the most recent election prior to the adoption of the resolution or filing of the petition.

8744 (2) "Applicable area" means:

8745 (a) for a proposal to create a special service district, the area included within the
8746 proposed special service district;

8747 (b) for a proposal to annex an area to an existing special service district, the area
8748 proposed to be annexed;

8749 (c) for a proposal to add a service to the service or services provided by a special
8750 service district, the area included within the special service district; and

8751 (d) for a proposal to consolidate special service districts, the area included within each
8752 special service district proposed to be consolidated.

8753 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,
8754 water, or other real or personal property required to provide a service that a special service
8755 district is authorized to provide, including any related or appurtenant easement or right-of-way,
8756 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

8757 (4) "General obligation bond":

8758 (a) means a bond that is directly payable from and secured by ad valorem property
8759 taxes that are:

8760 (i) levied:

8761 (A) by the county or municipality that created the special service district that issues the
8762 bond; and

8763 (B) on taxable property within the special service district; and

8764 (ii) in excess of the ad valorem property taxes for the current fiscal year; and

8765 (b) does not include:

8766 (i) a short-term bond;

8767 (ii) a tax and revenue anticipation bond; or

8768 (iii) a special assessment bond.

8769 (5) "Governing body" means:

8770 (a) the legislative body of the county or municipality that creates the special service
8771 district, to the extent that the county or municipal legislative body has not delegated authority
8772 to an administrative control board created under Section 17D-1-301; or

8773 (b) the administrative control board of the special service district, to the extent that the
8774 county or municipal legislative body has delegated authority to an administrative control board
8775 created under Section 17D-1-301.

8776 (6) "Guaranteed bonds" means bonds:

8777 (a) issued by a special service district; and

8778 (b) the debt service of which is guaranteed by one or more taxpayers owning property
8779 within the special service district.

8780 [~~7~~] "~~Local district~~" has the same meaning as defined in Section ~~17B-1-102~~.]

8781 [~~8~~] (7) "Revenue bond":

8782 (a) means a bond payable from designated taxes or other revenues other than the ad
8783 valorem property taxes of the county or municipality that created the special service district;
8784 and

8785 (b) does not include:

8786 (i) an obligation constituting an indebtedness within the meaning of an applicable
8787 constitutional or statutory debt limit;

8788 (ii) a tax and revenue anticipation bond; or

8789 (iii) a special assessment bond.

8790 [~~9~~] (8) "Special assessment" means an assessment levied against property to pay all
8791 or a portion of the costs of making improvements that benefit the property.

8792 [~~10~~] (9) "Special assessment bond" means a bond payable from special assessments.

8793 (10) "Special district" has the same meaning as that term is defined in Section
8794 17B-1-102.

8795 (11) "Special service district" means a limited purpose local government entity, as
8796 described in Section 17D-1-103, that:

8797 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

8798 (b) operates under, is subject to, and has the powers set forth in this chapter.

8799 (12) "Tax and revenue anticipation bond" means a bond:

8800 (a) issued in anticipation of the collection of taxes or other revenues or a combination

8801 of taxes and other revenues; and

8802 (b) that matures within the same fiscal year as the fiscal year in which the bond is
8803 issued.

8804 Section 200. Section **17D-1-103** is amended to read:

8805 **17D-1-103. Special service district status, powers, and duties -- Registration as a**
8806 **limited purpose entity -- Limitation on districts providing jail service.**

8807 (1) A special service district:

8808 (a) is:

8809 (i) a body corporate and politic with perpetual succession, separate and distinct from
8810 the county or municipality that creates it;

8811 (ii) a quasi-municipal corporation; and

8812 (iii) a political subdivision of the state; and

8813 (b) may sue and be sued.

8814 (2) A special service district may:

8815 (a) exercise the power of eminent domain possessed by the county or municipality that
8816 creates the special service district;

8817 (b) enter into a contract that the governing authority considers desirable to carry out
8818 special service district functions, including a contract:

8819 (i) with the United States or an agency of the United States, the state, an institution of
8820 higher education, a county, a municipality, a school district, a [~~local~~] special district, another
8821 special service district, or any other political subdivision of the state; or

8822 (ii) that includes provisions concerning the use, operation, and maintenance of special
8823 service district facilities and the collection of fees or charges with respect to commodities,
8824 services, or facilities that the district provides;

8825 (c) acquire or construct facilities;

8826 (d) acquire real or personal property, or an interest in real or personal property,
8827 including water and water rights, whether by purchase, lease, gift, devise, bequest, or
8828 otherwise, and whether the property is located inside or outside the special service district, and
8829 own, hold, improve, use, finance, or otherwise deal in and with the property or property right;

8830 (e) sell, convey, lease, exchange, transfer, or otherwise dispose of all or any part of the
8831 special service district's property or assets, including water and water rights;

- 8832 (f) mortgage, pledge, or otherwise encumber all or any part of the special service
8833 district's property or assets, including water and water rights;
- 8834 (g) enter into a contract with respect to the use, operation, or maintenance of all or any
8835 part of the special service district's property or assets, including water and water rights;
- 8836 (h) accept a government grant or loan and comply with the conditions of the grant or
8837 loan;
- 8838 (i) use an officer, employee, property, equipment, office, or facility of the county or
8839 municipality that created the special service district, subject to reimbursement as provided in
8840 Subsection (4);
- 8841 (j) employ one or more officers, employees, or agents, including one or more
8842 engineers, accountants, attorneys, or financial consultants, and establish their compensation;
- 8843 (k) designate an assessment area and levy an assessment as provided in Title 11,
8844 Chapter 42, Assessment Area Act;
- 8845 (l) contract with a franchised, certificated public utility for the construction and
8846 operation of an electrical service distribution system within the special service district;
- 8847 (m) borrow money and incur indebtedness;
- 8848 (n) as provided in Part 5, Special Service District Bonds, issue bonds for the purpose of
8849 acquiring, constructing, and equipping any of the facilities required for the services the special
8850 service district is authorized to provide, including:
- 8851 (i) bonds payable in whole or in part from taxes levied on the taxable property in the
8852 special service district;
- 8853 (ii) bonds payable from revenues derived from the operation of revenue-producing
8854 facilities of the special service district;
- 8855 (iii) bonds payable from both taxes and revenues;
- 8856 (iv) guaranteed bonds, payable in whole or in part from taxes levied on the taxable
8857 property in the special service district;
- 8858 (v) tax anticipation notes;
- 8859 (vi) bond anticipation notes;
- 8860 (vii) refunding bonds;
- 8861 (viii) special assessment bonds; and
- 8862 (ix) bonds payable in whole or in part from mineral lease payments as provided in

8863 Section 11-14-308;

8864 (o) except as provided in Subsection (5), impose fees or charges or both for
8865 commodities, services, or facilities that the special service district provides;

8866 (p) provide to an area outside the special service district's boundary, whether inside or
8867 outside the state, a service that the special service district is authorized to provide within its
8868 boundary, if the governing body makes a finding that there is a public benefit to providing the
8869 service to the area outside the special service district's boundary;

8870 (q) provide other services that the governing body determines will more effectively
8871 carry out the purposes of the special service district; and

8872 (r) adopt an official seal for the special service district.

8873 (3) (a) Each special service district shall register and maintain the special service
8874 district's registration as a limited purpose entity, in accordance with Section 67-1a-15.

8875 (b) A special service district that fails to comply with Subsection (3)(a) or Section
8876 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

8877 (4) Each special service district that uses an officer, employee, property, equipment,
8878 office, or facility of the county or municipality that created the special service district shall
8879 reimburse the county or municipality a reasonable amount for what the special service district
8880 uses.

8881 (5) (a) A special service district that provides jail service as provided in Subsection
8882 17D-1-201(10) may not impose a fee or charge for the service it provides.

8883 (b) Subsection (5)(a) may not be construed to limit a special service district that
8884 provides jail service from:

8885 (i) entering into a contract with the federal government, the state, or a political
8886 subdivision of the state to provide jail service for compensation; or

8887 (ii) receiving compensation for jail service it provides under a contract described in
8888 Subsection (5)(b)(i).

8889 Section 201. Section 17D-1-106 is amended to read:

8890 **17D-1-106. Special service districts subject to other provisions.**

8891 (1) A special service district is, to the same extent as if it were a [local] special district,
8892 subject to and governed by:

8893 (a) (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-111, 17B-1-113,

8894 17B-1-116, 17B-1-118, 17B-1-119, 17B-1-120, 17B-1-121, 17B-1-304, 17B-1-307,
8895 17B-1-310, 17B-1-311, 17B-1-312, 17B-1-313, and 17B-1-314; and

8896 (ii) Sections 17B-1-305 and 17B-1-306, to the extent that a county legislative body or a
8897 municipal legislative body, as applicable, has delegated authority to an administrative control
8898 board with elected members, under Section 17D-1-301.

8899 (b) Subsections:

8900 (i) 17B-1-301(3) and (4); and

8901 (ii) 17B-1-303(1), (2)(a) and (b), (3), (4), (5), (6), (7), and (9);

8902 (c) Section 20A-1-512;

8903 (d) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,
8904 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

8905 (e) [~~Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports~~] Title 17B,
8906 Chapter 1, Part 7, Special District Budgets and Audit Reports;

8907 (f) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,
8908 Chapter 1, Part 8, Special District Personnel Management; and

8909 (g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

8910 (2) For purposes of applying the provisions listed in Subsection (1) to a special service
8911 district, each reference in those provisions to the [~~local~~] special district board of trustees means
8912 the governing body.

8913 Section 202. Section 17D-1-202 is amended to read:

8914 **17D-1-202. Limitations on the creation of a special service district.**

8915 (1) Subject to Subsection (2), the boundary of a proposed special service district may
8916 include all or part of the area within the boundary of the county or municipality that creates the
8917 special service district.

8918 (2) (a) The boundary of a proposed special service district may not include an area
8919 included within the boundary of an existing special service district that provides the same
8920 service that the proposed special service district is proposed to provide.

8921 (b) The boundary of a proposed special service district may not include an area
8922 included within the boundary of an existing [~~local~~] special district that provides the same
8923 service that the proposed special service district is proposed to provide, unless the [~~local~~]
8924 special district consents.

8925 (c) A proposed special service district may not include land that will not be benefitted
8926 by the service that the special service district is proposed to provide, unless the owner of the
8927 nonbenefitted land consents to the inclusion.

8928 (d) A county may not create a special service district that includes some or all of the
8929 area within a municipality unless the legislative body of that municipality adopts a resolution or
8930 ordinance consenting to the inclusion.

8931 (3) All areas included within a special service district need not be contiguous.

8932 Section 203. Section **17D-1-303** is amended to read:

8933 **17D-1-303. Election or appointment of administrative control board members.**

8934 (1) Except as provided in Subsection (5), a county or municipal legislative body that
8935 creates an administrative control board may provide for board members to be elected or
8936 appointed, or for some members to be elected and some appointed.

8937 (2) Except as provided in Subsection (3), each member of an administrative control
8938 board shall be elected or appointed as provided for the election or appointment, respectively, of
8939 a member of a board of trustees of a [~~local~~] special district under Title 17B, Chapter 1, Part 3,
8940 Board of Trustees.

8941 (3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4,
8942 Improvement District Act, may appoint one member to represent it on an administrative control
8943 board created for a special service district if:

8944 (a) the special service district was created by a county;

8945 (b) the municipality or improvement district:

8946 (i) provides the same service as the special service district; or

8947 (ii) provided the same service as the special service district:

8948 (A) prior to the creation of the special service district, if all or part of the municipality
8949 or improvement district was then included in the special service district; or

8950 (B) prior to all or part of the municipality or improvement district being annexed into
8951 the special service district; and

8952 (c) the special service district includes some or all of the area included within the
8953 municipality or improvement district.

8954 (4) An institution of higher education for which a special service district provides
8955 commodities, services, or facilities may appoint the number of members of an administrative

8956 control board of that special service district that are equal in number to at least 1/3 of the total
8957 number of board members.

8958 (5) With respect to an administrative control board created for a special service district
8959 created by a county of the first class to provide jail service as provided in Subsection
8960 [17D-1-201](#)(10), the county legislative body shall appoint:

8961 (a) three members from a list of at least six recommendations from the county sheriff;

8962 (b) three members from a list of at least six recommendations from municipalities
8963 within the county; and

8964 (c) three members from a list of at least six recommendations from the county
8965 executive.

8966 Section 204. Section [17D-1-305](#) is amended to read:

8967 **[17D-1-305. Compensation for administrative control board members.](#)**

8968 An administrative control board member may receive compensation and reimbursement
8969 of expenses as provided in Section [17B-1-307](#) to the same extent as if the member were a
8970 member of a board of trustees of a ~~local~~ special district.

8971 Section 205. Section [17D-1-401](#) is amended to read:

8972 **[17D-1-401. Annexing an area or adding a service to an existing special service](#)**
8973 **[district.](#)**

8974 (1) Except as provided in Subsections (3) and (4), a county or municipal legislative
8975 body acting as the governing body of the special service district may, as provided in this part:

8976 (a) annex an area to an existing special service district to provide to that area a service
8977 that the special service district is authorized to provide;

8978 (b) add a service under Section [17D-1-201](#) within the area of an existing special service
8979 district that the special service district is not already authorized to provide; or

8980 (c) both annex an area under Subsection (1)(a) and add a service under Subsection
8981 (1)(b).

8982 (2) Except for Section [17D-1-209](#), the provisions of Part 2, Creating a Special Service
8983 District, apply to and govern the process of annexing an area to an existing special service
8984 district or adding a service that the special service district is not already authorized to provide,
8985 to the same extent as if the annexation or addition were the creation of a special service district.

8986 (3) A county or municipal legislative body may not:

8987 (a) annex an area to an existing special service district if a [local] special district
8988 provides to that area the same service that the special service district is proposed to provide to
8989 the area, unless the [local] special district consents to the annexation; or

8990 (b) add a service within the area of an existing special service district if a [local]
8991 special district provides to that area the same service that is proposed to be added, unless the
8992 [local] special district consents to the addition.

8993 (4) A county or municipal legislative body may not annex an area to an existing special
8994 service district or add a service within the area of an existing special service district if the
8995 creation of a special service district including that area or providing that service would not be
8996 allowed under Part 2, Creating a Special Service District.

8997 (5) A county or municipal legislative body may not annex an area to an existing special
8998 service district or add a service within the area of an existing special service district if the area
8999 is located within a project area described in a project area plan adopted by the military
9000 installation development authority under Title 63H, Chapter 1, Military Installation
9001 Development Authority Act, unless the county or municipal legislative body has first obtained
9002 the authority's approval.

9003 Section 206. Section **17D-1-601** is amended to read:

9004 **17D-1-601. Adoption of a resolution to approve withdrawal, dissolution,**
9005 **discontinuance of a service, or reorganization.**

9006 Subject to and as provided in this part, the legislative body of the county or
9007 municipality that created a special service district may by resolution:

9008 (1) approve the withdrawal of an area from the special service district if the legislative
9009 body determines that the area should not or cannot be provided the service that the special
9010 service district provides;

9011 (2) approve the dissolution of the special service district if the legislative body
9012 determines that the special service district is no longer needed for the purposes for which it was
9013 created;

9014 (3) discontinue a service that the special service district provides; or

9015 (4) reorganize the special service district as a [local] special district.

9016 Section 207. Section **17D-1-603** is amended to read:

9017 **17D-1-603. Notice and plat to lieutenant governor -- Recording requirements.**

9018 (1) If a county or municipal legislative body adopts a resolution approving the
9019 withdrawal of an area from a special service district, the dissolution of a special service district,
9020 or the reorganization of a special service district as a ~~[local]~~ special district, the county or
9021 municipal legislative body, as the case may be, shall:

9022 (a) within 30 days after adopting the resolution, file with the lieutenant governor:

9023 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
9024 that meets the requirements of Subsection 67-1a-6.5(3); and

9025 (ii) in the case of a withdrawal, a copy of an approved final local entity plat, as defined
9026 in Section 67-1a-6.5; and

9027 (b) upon the lieutenant governor's issuance of a certificate of withdrawal, dissolution,
9028 or incorporation, as the case may be, under Section 67-1a-6.5, submit to the recorder of the
9029 county in which the special service district is located:

9030 (i) the original notice of an impending boundary action;

9031 (ii) the original certificate of withdrawal or dissolution, as the case may be;

9032 (iii) in the case of a withdrawal, the original approved final local entity plat; and

9033 (iv) a certified copy of the resolution approving the withdrawal, dissolution, or
9034 incorporation.

9035 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
9036 Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's
9037 resolution is withdrawn from the special service district.

9038 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
9039 Section 67-1a-6.5, the special service district is dissolved.

9040 (3) (a) Upon the lieutenant governor's issuance of a certificate of incorporation as
9041 provided in Section 67-1a-6.5, the special service district is:

9042 (i) reorganized and incorporated as a ~~[local]~~ special district subject to the provisions of
9043 ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1,
9044 Provisions Applicable to All Special Districts;

9045 (ii) subject to Subsection (3)(b), if the special service district is reorganized as a ~~[local]~~
9046 special district described in and subject to ~~[Title 17B, Chapter 2a, Provisions Applicable to~~
9047 ~~Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different
9048 Types of Special Districts, the applicable part of that chapter; and

9049 (iii) no longer a special service district.

9050 (b) A special service district reorganized as a ~~[local]~~ special district is a basic ~~[local]~~
9051 special district as provided in ~~[Title 17B, Chapter 1, Part 14, Basic Local District]~~ Title 17B,
9052 Chapter 1, Part 14, Basic Special District, unless the resolution adopted in accordance with
9053 Subsection 17D-1-604(5):

9054 (i) specifies that the reorganized ~~[local]~~ special district is a different type of ~~[local]~~
9055 special district other than a basic ~~[local]~~ special district; and

9056 (ii) states the type of that ~~[local]~~ special district, including the governing part in ~~[Title~~
9057 ~~17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B,
9058 Chapter 2a, Provisions Applicable to Different Types of Special Districts.

9059 Section 208. Section **17D-1-604** is amended to read:

9060 **17D-1-604. Reorganization as a special district.**

9061 (1) The legislative body of a county or municipality that has created a special service
9062 district may reorganize the special service district as a ~~[local]~~ special district in accordance
9063 with this section.

9064 (2) The process to reorganize a special service district as a ~~[local]~~ special district is
9065 initiated if the legislative body of the county or municipality that originally created the special
9066 service district adopts a resolution that:

9067 (a) indicates the legislative body's intent to reorganize the special service district as a
9068 ~~[local]~~ special district; and

9069 (b) complies with the requirements of Subsection (3).

9070 (3) A resolution to initiate reorganization described in Subsection (2) shall:

9071 (a) state the name of the special service district that is proposed to be reorganized as a
9072 ~~[local]~~ special district;

9073 (b) generally describe the boundaries of the special service district, whether or not
9074 those boundaries coincide with the boundaries of the creating county or municipality; and

9075 (c) specify each service that the special service district is authorized to provide.

9076 (4) After adopting the resolution described in Subsection (3), the legislative body of the
9077 county or municipality that created the special service district shall hold a public hearing
9078 following the notice requirements of Section 17D-1-205 applicable to the creation of a special
9079 service district, with changes as appropriate for the reorganization of the special service district

9080 as a [local] special district.

9081 (5) (a) At or following the public hearing, the county or municipal legislative body
9082 shall:

9083 (i) subject to Subsection (5)(b), adopt a resolution approving the reorganization of the
9084 special service district as a [local] special district; or

9085 (ii) abandon the reorganization.

9086 (b) A resolution approving reorganization shall:

9087 (i) state the name of the special service district that is being reorganized as a [local]
9088 special district;

9089 (ii) state the name of the [local] special district in accordance with Subsection (7);

9090 (iii) subject to Subsection (5)(c), describe the boundaries of the [local] special district;

9091 (iv) subject to Subsection (8)(a), specify the service or services to be provided by the
9092 [local] special district;

9093 (v) state:

9094 (A) whether the [local] special district is a different type of [local] special district other
9095 than a basic [local] special district; and

9096 (B) if the reorganized [local] special district is not a basic [local] special district, the
9097 type of [local] special district, including the governing part in [~~Title 17B, Chapter 2a,~~
9098 ~~Provisions Applicable to Different Types of Local Districts~~] Title 17B, Chapter 2a, Provisions
9099 Applicable to Different Types of Special Districts;

9100 (vi) state whether the [local] special district is to be governed by an appointed or an
9101 elected board of trustees, or a combination of appointed and elected trustees, in accordance
9102 with Title 17B, Chapter 1, Part 3, Board of Trustees;

9103 (vii) state whether an administrative control board established for the special service
9104 district that is being reorganized as a [local] special district will serve as the first board of
9105 trustees of the [local] special district; and

9106 (viii) contain additional provisions as necessary.

9107 (c) The boundaries of the [local] special district shall reflect the boundaries of the
9108 reorganized special service district.

9109 (6) A county may not reorganize a special service district as a [local] special district to
9110 include some or all of the area within a municipality unless the legislative body of the

9111 municipality adopts a resolution or ordinance consenting to the reorganization.

9112 (7) The name of the [local] special district:

9113 (a) shall comply with Subsection 17-50-103(2)(a); and

9114 (b) may not include the phrase "special service district."

9115 (8) A [local] special district created under this section may not provide:

9116 (a) (i) at the time of reorganization, a service that it could not have provided as the

9117 special service district prior to reorganization; or

9118 (ii) after reorganization, an additional service listed in Section 17B-1-202, unless the

9119 [local] special district adds the service in accordance with the provisions of [~~Title 17B, Chapter~~

9120 ~~1, Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to

9121 All Special Districts; and

9122 (b) more than four of the services listed in Section 17B-1-202 at any time.

9123 (9) After the lieutenant governor issues, in accordance with Section 67-1a-6.5, a

9124 certificate of incorporation for a [local] special district created under this section, the [local]

9125 special district:

9126 (a) is:

9127 (i) a body corporate and politic with perpetual succession;

9128 (ii) a quasi-municipal corporation; and

9129 (iii) a political subdivision of the state as provided in Section 17B-1-103; and

9130 (b) may, subject to Subsection (8), provide a service that:

9131 (i) the special service district was authorized to provide before reorganization; and

9132 (ii) the [local] special district is authorized to provide under the resolution adopted in

9133 accordance with Subsection (5).

9134 (10) An action taken, a bond issued, or a contract or other obligation entered into by

9135 the reorganized special service district before reorganization is a valid action, bond issuance,

9136 contract, or other obligation of the [local] special district.

9137 (11) A [local] special district created under this section:

9138 (a) may impose and collect taxes, fees, and other charges for services provided in

9139 accordance with applicable law;

9140 (b) shall own all property acquired by the special service district before reorganization;

9141 and

9142 (c) shall have a power, right, or obligation that the reorganized special service district
9143 had before the reorganization, unless otherwise provided by law.

9144 Section 209. Section 17D-2-102 is amended to read:

9145 **17D-2-102. Definitions.**

9146 As used in this chapter:

9147 (1) "Authority board" means the board of directors of a local building authority, as
9148 described in Section 17D-2-203.

9149 (2) "Bond" includes a bond, note, or other instrument issued under this chapter
9150 evidencing an indebtedness of a local building authority.

9151 (3) "Creating local entity" means the local entity that creates or created the local
9152 building authority.

9153 (4) "Governing body" means:

9154 (a) for a county, city, or town, the legislative body of the county, city, or town;

9155 (b) for a school district, the local school board for the school district;

9156 (c) for a ~~local~~ special district, the ~~local~~ special district's board of trustees; and

9157 (d) for a special service district, the special service district's governing body, as defined
9158 in Section 17D-1-102.

9159 (5) "Local building authority":

9160 (a) means a nonprofit corporation that is:

9161 (i) created as provided in Section 17D-2-201;

9162 (ii) described in Section 17D-2-103; and

9163 (iii) subject to and governed by the provisions of this chapter; and

9164 (b) includes a nonprofit corporation created as a municipal building authority before
9165 May 5, 2008 under the law then in effect.

9166 [~~(6)~~] "~~Local district~~" has the same meaning as provided in Section ~~17B-1-102~~.

9167 [~~(7)~~] (6) "Local entity" means a county, city, town, school district, ~~local~~ special
9168 district, or special service district.

9169 [~~(8)~~] (7) "Mortgage" means any instrument under which property may be encumbered
9170 as security for an obligation, including a mortgage, trust deed, indenture, pledge, assignment,
9171 security agreement, and financing statement.

9172 [~~(9)~~] (8) "Project" means an improvement, facility, property, or appurtenance to

9173 property that a local entity is permitted under law to own or acquire, whether located inside or
9174 outside the local entity's boundary, including:

- 9175 (a) a public building or other structure of any kind; and
- 9176 (b) a joint or partial interest in the improvement, facility, property, or appurtenance to
9177 property.

9178 ~~[(10)]~~ (9) "Project costs":

- 9179 (a) means all costs incurred in the development of a project; and
- 9180 (b) includes:
 - 9181 (i) organizational and incorporation fees, including filing, legal, and financial advisor
9182 fees;
 - 9183 (ii) the cost of a site for the project;
 - 9184 (iii) the cost of equipment and furnishings for the project;
 - 9185 (iv) the cost of planning and designing the project, including architectural, planning,
9186 engineering, legal, and fiscal advisor fees;
 - 9187 (v) contractor fees associated with the project;
 - 9188 (vi) the cost of issuing local building authority bonds to finance the project, including
9189 printing costs, document preparation costs, filing fees, recording fees, legal and other
9190 professional fees, underwriting costs, bond discount costs, any premium on the bonds, and any
9191 fees required to be paid to retire outstanding bonds;
 - 9192 (vii) interest on local building authority bonds issued to finance the project;
 - 9193 (viii) carrying costs;
 - 9194 (ix) interest estimated to accrue on local building authority bonds during the period of
9195 construction of the project and for 12 months after;
 - 9196 (x) any amount the governing body finds necessary to establish one or more reserve
9197 funds;
 - 9198 (xi) any amount the governing body finds necessary to provide working capital for the
9199 project;
 - 9200 (xii) all costs of transferring title of the project to the creating local entity;
 - 9201 (xiii) all costs of dissolving the local building authority; and
 - 9202 (xiv) all other reasonable costs associated with the project.
- 9203 (10) "Special district" means the same as that term is defined in Section [17B-1-102](#).

9204 (11) "Special service district" [~~has the same meaning as provided~~] means the same as
9205 that term is defined in Section 17D-1-102.

9206 Section 210. Section 17D-2-108 is amended to read:

9207 **17D-2-108. Other statutory provisions.**

9208 (1) This chapter is supplemental to existing laws relating to a local entity's acquisition,
9209 use, maintenance, management, or operation of a project.

9210 (2) Except as provided in this chapter, a local entity or local building authority that
9211 complies with the provisions of this chapter need not comply with any other statutory provision
9212 concerning the acquisition, construction, use, or maintenance of a project, including:

9213 (a) a statute relating to public bidding; and

9214 (b) Title 63G, Chapter 6a, Utah Procurement Code.

9215 (3) A local building authority is, to the same extent as if it were a [~~local~~] special
9216 district, subject to and governed by:

9217 (a) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,
9218 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

9219 (b) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,
9220 Chapter 1, Part 8, Special District Personnel Management; and

9221 (c) Section 17B-1-108.

9222 Section 211. Section 17D-3-105 is amended to read:

9223 **17D-3-105. Conservation districts subject to other provisions.**

9224 (1) Subject to Subsection (3), a conservation district is, to the same extent as if it were
9225 a [~~local~~] special district, subject to and governed by:

9226 (a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-113, 17B-1-116,
9227 17B-1-121, 17B-1-307, 17B-1-311, 17B-1-313, and 17B-1-314;

9228 (b) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,
9229 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

9230 (c) [~~Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports~~] Title 17B,
9231 Chapter 1, Part 7, Special District Budgets and Audit Reports;

9232 (d) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,
9233 Chapter 1, Part 8, Special District Personnel Management; and

9234 (e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

9235 (2) For purposes of applying the provisions listed in Subsection (1) to a conservation
9236 district, each reference in those provisions to the [~~local~~] special district board of trustees means
9237 the board of supervisors described in Section 17D-3-301.

9238 (3) A conservation district may not exercise taxing authority.

9239 Section 212. Section **17D-4-102** is amended to read:

9240 **17D-4-102. Definitions.**

9241 As used in this chapter:

9242 (1) "Board" means the board of trustees of a public infrastructure district.

9243 (2) "Creating entity" means the county, municipality, or development authority that
9244 approves the creation of a public infrastructure district.

9245 (3) "Development authority" means:

9246 (a) the Utah Inland Port Authority created in Section 11-58-201;

9247 (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

9248 (c) the military installation development authority created in Section 63H-1-201.

9249 (4) "District applicant" means the person proposing the creation of a public
9250 infrastructure district.

9251 (5) "Division" means a division of a public infrastructure district:

9252 (a) that is relatively equal in number of eligible voters or potential eligible voters to all
9253 other divisions within the public infrastructure district, taking into account existing or potential
9254 developments which, when completed, would increase or decrease the population within the
9255 public infrastructure district; and

9256 (b) which a member of the board represents.

9257 (6) "Governing document" means the document governing a public infrastructure
9258 district to which the creating entity agrees before the creation of the public infrastructure
9259 district, as amended from time to time, and subject to the limitations of [~~Title 17B, Chapter 1,~~
9260 ~~Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to
9261 All Special Districts, and this chapter.

9262 (7) (a) "Limited tax bond" means a bond:

9263 (i) that is directly payable from and secured by ad valorem property taxes that are
9264 levied:

9265 (A) by a public infrastructure district that issues the bond; and

- 9266 (B) on taxable property within the district;
- 9267 (ii) that is a general obligation of the public infrastructure district; and
- 9268 (iii) for which the ad valorem property tax levy for repayment of the bond does not
- 9269 exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year,
- 9270 except as provided in Subsection 17D-4-301(8).
- 9271 (b) "Limited tax bond" does not include:
- 9272 (i) a short-term bond;
- 9273 (ii) a tax and revenue anticipation bond; or
- 9274 (iii) a special assessment bond.
- 9275 (8) "Public infrastructure and improvements" means:
- 9276 (a) the same as that term is defined in Section 11-58-102, for a public infrastructure
- 9277 district created by the Utah Inland Port Authority created in Section 11-58-201; and
- 9278 (b) the same as that term is defined in Section 63H-1-102, for a public infrastructure
- 9279 district created by the military installation development authority created in Section 63H-1-201.
- 9280 Section 213. Section 17D-4-103 is amended to read:
- 9281 **17D-4-103. Provisions applicable to public infrastructure districts.**
- 9282 (1) Each public infrastructure district is governed by and has the powers stated in:
- 9283 (a) this chapter; and
- 9284 (b) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B,
- 9285 Chapter 1, Provisions Applicable to All Special Districts.
- 9286 (2) This chapter applies only to a public infrastructure district.
- 9287 (3) Except as modified or exempted by this chapter, a public infrastructure district is,
- 9288 to the same extent as if the public infrastructure district were a [~~local~~] special district, subject to
- 9289 the provisions in:
- 9290 (a) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B,
- 9291 Chapter 1, Provisions Applicable to All Special Districts; and
- 9292 (b) Title 20A, Election Code.
- 9293 (4) If there is a conflict between a provision in [~~Title 17B, Chapter 1, Provisions~~
- 9294 Applicable to All Local Districts] Title 17B, Chapter 1, Provisions Applicable to All Special
- 9295 Districts, and a provision in this chapter, the provision in this chapter supersedes the
- 9296 conflicting provision in [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~]

9297 Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

9298 (5) The annexation of an unincorporated area by a municipality or the adjustment of a
9299 boundary shared by more than one municipality does not affect the boundaries of a public
9300 infrastructure district.

9301 Section 214. Section **17D-4-201** is amended to read:

9302 **17D-4-201. Creation -- Annexation or withdrawal of property.**

9303 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the
9304 provisions regarding creation of a [~~local~~] special district in [~~Title 17B, Chapter 1, Provisions~~
9305 ~~Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to All Special
9306 Districts, a public infrastructure district may not be created unless:

9307 (i) if there are any registered voters within the applicable area, a petition is filed with
9308 the creating entity that contains the signatures of 100% of registered voters within the
9309 applicable area approving the creation of the public infrastructure district; and

9310 (ii) a petition is filed with the creating entity that contains the signatures of 100% of
9311 surface property owners within the applicable area consenting to the creation of the public
9312 infrastructure district.

9313 (b) Notwithstanding [~~Title 17B, Chapter 1, Part 2, Creation of a Local District~~] Title
9314 17B, Chapter 1, Part 2, Creation of a Special District, and any other provision of this chapter,
9315 the development authority may adopt a resolution creating a public infrastructure district as a
9316 subsidiary of the development authority if all owners of surface property proposed to be
9317 included within the public infrastructure district consent in writing to the creation of the public
9318 infrastructure district.

9319 (2) (a) The following do not apply to the creation of a public infrastructure district:

9320 (i) Section [17B-1-203](#);

9321 (ii) Section [17B-1-204](#);

9322 (iii) Subsection [17B-1-208\(2\)](#);

9323 (iv) Section [17B-1-212](#); or

9324 (v) Section [17B-1-214](#).

9325 (b) The protest period described in Section [17B-1-213](#) may be waived in whole or in
9326 part with the consent of:

9327 (i) 100% of registered voters within the applicable area approving the creation of the

9328 public infrastructure district; and

9329 (ii) 100% of the surface property owners within the applicable area approving the
9330 creation of the public infrastructure district.

9331 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the
9332 creation of the public infrastructure district may be adopted in accordance with Subsection
9333 [17B-1-213\(5\)](#).

9334 (d) A petition meeting the requirements of Subsection (1):

9335 (i) may be certified under Section [17B-1-209](#); and

9336 (ii) shall be filed with the lieutenant governor in accordance with Subsection
9337 [17B-1-215\(1\)\(b\)\(iii\)](#).

9338 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the
9339 boundaries of a public infrastructure district may be annexed into the public infrastructure
9340 district if the following requirements are met:

9341 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
9342 the annexation; or

9343 (B) adoption of a resolution of the board to annex the area, provided that the governing
9344 document or creation resolution for the public infrastructure district authorizes the board to
9345 annex an area outside of the boundaries of the public infrastructure district without future
9346 consent of the creating entity;

9347 (ii) if there are any registered voters within the area proposed to be annexed, a petition
9348 is filed with the creating entity that contains the signatures of 100% of registered voters within
9349 the area, demonstrating that the registered voters approve of the annexation into the public
9350 infrastructure district; and

9351 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
9352 surface property owners within the area proposed to be annexed, demonstrating the surface
9353 property owners' consent to the annexation into the public infrastructure district.

9354 (b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall
9355 file with the lieutenant governor:

9356 (i) a copy of a notice of impending boundary action, as defined in Section [67-1a-6.5](#),
9357 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

9358 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#).

9359 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be
9360 withdrawn from a public infrastructure district if the following requirements are met:

9361 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
9362 the withdrawal; or

9363 (B) adoption of a resolution of the board to withdraw the property, provided that the
9364 governing document or creation resolution for the public infrastructure district authorizes the
9365 board to withdraw property from the public infrastructure district without further consent from
9366 the creating entity;

9367 (ii) if there are any registered voters within the area proposed to be withdrawn, a
9368 petition is filed with the creating entity that contains the signatures of 100% of registered voters
9369 within the area, demonstrating that the registered voters approve of the withdrawal from the
9370 public infrastructure district; and

9371 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
9372 surface property owners within the area proposed to be withdrawn, demonstrating that the
9373 surface property owners consent to the withdrawal from the public infrastructure district.

9374 (b) If any bonds that the public infrastructure district issues are allocable to the area to
9375 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains
9376 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the
9377 bonds or any associated refunding bonds are paid.

9378 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall
9379 comply with the requirements of Section [17B-1-512](#).

9380 (5) A creating entity may impose limitations on the powers of a public infrastructure
9381 district through the governing document.

9382 (6) (a) A public infrastructure district is separate and distinct from the creating entity.

9383 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public
9384 infrastructure district:

9385 (A) is borne solely by the public infrastructure district; and

9386 (B) is not borne by the creating entity, by the state, or by any municipality, county, or
9387 other political subdivision.

9388 (ii) Notwithstanding Subsection (6)(b)(i) and Section [17B-1-216](#), the governing
9389 document may require:

9390 (A) the district applicant to bear the initial costs of the public infrastructure district;
9391 and

9392 (B) the public infrastructure district to reimburse the district applicant for the initial
9393 costs the creating entity bears.

9394 (c) Any liability, judgment, or claim against a public infrastructure district:

9395 (i) is the sole responsibility of the public infrastructure district; and

9396 (ii) does not constitute a liability, judgment, or claim against the creating entity, the
9397 state, or any municipality, county, or other political subdivision.

9398 (d) (i) (A) The public infrastructure district solely bears the responsibility of any
9399 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment
9400 the public infrastructure district imposes.

9401 (B) The creating entity does not bear the responsibility described in Subsection
9402 (6)(d)(i)(A).

9403 (ii) A public infrastructure district, and not the creating entity, shall undertake the
9404 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with
9405 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

9406 (7) A creating entity may establish criteria in determining whether to approve or
9407 disapprove of the creation of a public infrastructure district, including:

9408 (a) historical performance of the district applicant;

9409 (b) compliance with the creating entity's master plan;

9410 (c) credit worthiness of the district applicant;

9411 (d) plan of finance of the public infrastructure district; and

9412 (e) proposed development within the public infrastructure district.

9413 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of
9414 the creating entity responsible for approving or rejecting the creation of the public
9415 infrastructure district.

9416 (b) The proposed creating entity bears no liability for rejecting the proposed creation of
9417 a public infrastructure district.

9418 Section 215. Section **17D-4-203** is amended to read:

9419 **17D-4-203. Public infrastructure district powers.**

9420 A public infrastructure district shall have all of the authority conferred upon a [local]

9421 special district under Section 17B-1-103, and in addition a public infrastructure district may:

9422 (1) issue negotiable bonds to pay:

9423 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending

9424 any of the improvements, facilities, or property allowed under Section 11-14-103;

9425 (b) capital costs of improvements in an energy assessment area, as defined in Section

9426 11-42a-102, and other related costs, against the funds that the public infrastructure district will

9427 receive because of an assessment in an energy assessment area, as defined in Section

9428 11-42a-102;

9429 (c) public improvements related to the provision of housing;

9430 (d) capital costs related to public transportation; and

9431 (e) for a public infrastructure district created by a development authority, the cost of

9432 acquiring or financing public infrastructure and improvements;

9433 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,

9434 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers

9435 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal

9436 Cooperation Act, without the consent of the creating entity;

9437 (3) acquire completed or partially completed improvements for fair market value as

9438 reasonably determined by:

9439 (a) the board;

9440 (b) the creating entity, if required in the governing document; or

9441 (c) a surveyor or engineer that a public infrastructure district employs or engages to

9442 perform the necessary engineering services for and to supervise the construction or installation

9443 of the improvements;

9444 (4) contract with the creating entity for the creating entity to provide administrative

9445 services on behalf of the public infrastructure district, when agreed to by both parties, in order

9446 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and

9447 (5) for a public infrastructure district created by a development authority:

9448 (a) (i) operate and maintain public infrastructure and improvements the district

9449 acquires or finances; and

9450 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those

9451 public infrastructure and improvements; and

9452 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

9453 Section 216. Section **17D-4-204** is amended to read:

9454 **17D-4-204. Relation to other local entities.**

9455 (1) Notwithstanding the creation of a public infrastructure district, the creating entity
9456 and any other public entity, as applicable, retains all of the entity's authority over all zoning,
9457 planning, design specifications and approvals, and permitting within the public infrastructure
9458 district.

9459 (2) The inclusion of property within the boundaries of a public infrastructure district
9460 does not preclude the inclusion of the property within any other [~~local~~] special district.

9461 (3) (a) All infrastructure that is connected to another public entity's system:

9462 (i) belongs to that public entity, regardless of inclusion within the boundaries of a
9463 public infrastructure district, unless the public infrastructure district and the public entity
9464 otherwise agree; and

9465 (ii) shall comply with the design, inspection requirements, and other standards of the
9466 public entity.

9467 (b) A public infrastructure district shall convey or transfer the infrastructure described
9468 in Subsection (3)(a) free of liens or financial encumbrances to the public entity at no cost to the
9469 public entity.

9470 Section 217. Section **17D-4-301** is amended to read:

9471 **17D-4-301. Public infrastructure district bonds.**

9472 (1) (a) Subject to Subsection (1)(b), a public infrastructure district may issue negotiable
9473 bonds for the purposes described in Section **17D-4-203**, as provided in, as applicable:

9474 (i) Title 11, Chapter 14, Local Government Bonding Act;

9475 (ii) Title 11, Chapter 27, Utah Refunding Bond Act;

9476 (iii) Title 11, Chapter 42, Assessment Area Act; and

9477 (iv) this section.

9478 (b) A public infrastructure district created by a bonding political subdivision, as
9479 defined in Section **63C-25-101**, may not issue bonds under this part unless the board first:

9480 (i) adopts a parameters resolution for the bonds that sets forth:

9481 (A) the maximum:

9482 (I) amount of bonds;

- 9483 (II) term; and
- 9484 (III) interest rate; and
- 9485 (B) the expected security for the bonds; and
- 9486 (ii) submits the parameters resolution for review and recommendation to the State
- 9487 Finance Review Commission created in Section [63C-25-201](#).
- 9488 (2) A public infrastructure district bond:
- 9489 (a) shall mature within 40 years of the date of issuance; and
- 9490 (b) may not be secured by any improvement or facility paid for by the public
- 9491 infrastructure district.
- 9492 (3) (a) A public infrastructure district may issue a limited tax bond, in the same manner
- 9493 as a general obligation bond:
- 9494 (i) with the consent of 100% of surface property owners within the boundaries of the
- 9495 public infrastructure district and 100% of the registered voters, if any, within the boundaries of
- 9496 the proposed public infrastructure district; or
- 9497 (ii) upon approval of a majority of the registered voters within the boundaries of the
- 9498 public infrastructure district voting in an election held for that purpose under Title 11, Chapter
- 9499 14, Local Government Bonding Act.
- 9500 (b) A limited tax bond described in Subsection (3)(a):
- 9501 (i) is not subject to the limitation on a general obligation bond described in Subsection
- 9502 ~~[17B-1-1102(4)(a)(xii)]~~ [17B-1-1102\(4\)](#); and
- 9503 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as
- 9504 described in the governing document.
- 9505 (c) Unless limited tax bonds are initially purchased exclusively by one or more
- 9506 qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public
- 9507 infrastructure district may only issue limited tax bonds in denominations of not less than
- 9508 \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.
- 9509 (d) (i) Without any further election or consent of property owners or registered voters,
- 9510 a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to
- 9511 a general obligation bond if the principal amount of the related limited tax bond together with
- 9512 the principal amount of other related outstanding general obligation bonds of the public
- 9513 infrastructure district does not exceed 15% of the fair market value of taxable property in the

9514 public infrastructure district securing the general obligation bonds, determined by:

9515 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that is
9516 addressed to the public infrastructure district or a financial institution; or

9517 (B) the most recent market value of the property from the assessor of the county in
9518 which the property is located.

9519 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is
9520 sufficient to meet any statutory or constitutional election requirement necessary for the
9521 issuance of the limited tax bond and any general obligation bond to be issued in place of the
9522 limited tax bond upon meeting the requirements of this Subsection (3)(d).

9523 (iii) A general obligation bond resulting from a conversion of a limited tax bond under
9524 this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in
9525 Subsection 17B-1-1102(4)(a)(xii).

9526 (e) A public infrastructure district that levies a property tax for payment of debt service
9527 on a limited tax bond issued under this section is not required to comply with the notice and
9528 hearing requirements of Section 59-2-919 unless the rate exceeds the rate established in:

9529 (i) Section 17D-4-303, except as provided in Subsection (8);

9530 (ii) the governing document; or

9531 (iii) the documents relating to the issuance of the limited tax bond.

9532 (4) There is no limitation on the duration of revenues that a public infrastructure
9533 district may receive to cover any shortfall in the payment of principal of and interest on a bond
9534 that the public infrastructure district issues.

9535 (5) A public infrastructure district is not a municipal corporation for purposes of the
9536 debt limitation of Utah Constitution, Article XIV, Section 4.

9537 (6) The board may, by resolution, delegate to one or more officers of the public
9538 infrastructure district the authority to:

9539 (a) in accordance and within the parameters set forth in a resolution adopted in
9540 accordance with Section 11-14-302, approve the final interest rate, price, principal amount,
9541 maturity, redemption features, and other terms of the bond;

9542 (b) approve and execute any document relating to the issuance of a bond; and

9543 (c) approve any contract related to the acquisition and construction of the
9544 improvements, facilities, or property to be financed with a bond.

9545 (7) (a) Any person may contest the legality of the issuance of a public infrastructure
9546 district bond or any provisions for the security and payment of the bond for a period of 30 days
9547 after:

9548 (i) publication of the resolution authorizing the bond; or

9549 (ii) publication of a notice of bond containing substantially the items required under
9550 Subsection 11-14-316(2).

9551 (b) After the 30-day period described in Subsection (7)(a), no person may bring a
9552 lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any
9553 reason.

9554 (8) (a) In the event of any statutory change in the methodology of assessment or
9555 collection of property taxes in a manner that reduces the amounts which are devoted or pledged
9556 to the repayment of limited tax bonds, a public infrastructure district may charge a rate
9557 sufficient to receive the amount of property taxes or assessment the public infrastructure
9558 district would have received before the statutory change in order to pay the debt service on
9559 outstanding limited tax bonds.

9560 (b) The rate increase described in Subsection (8)(a) may exceed the limit described in
9561 Section 17D-4-303.

9562 (c) The public infrastructure district may charge the rate increase described in
9563 Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,
9564 together with applicable interest, are fully met and discharged.

9565 (9) No later than 60 days after the closing of any bonds by a public infrastructure
9566 district created by a bonding political subdivision, as defined in Section 63C-25-101, the public
9567 infrastructure district shall report the bond issuance, including the amount of the bonds, terms,
9568 interest rate, and security, to:

9569 (a) the Executive Appropriations Committee; and

9570 (b) the State Finance Review Commission created in Section 63C-25-101.

9571 Section 218. Section 20A-1-102 is amended to read:

9572 **20A-1-102. Definitions.**

9573 As used in this title:

9574 (1) "Active voter" means a registered voter who has not been classified as an inactive
9575 voter by the county clerk.

9576 (2) "Automatic tabulating equipment" means apparatus that automatically examines
9577 and counts votes recorded on ballots and tabulates the results.

9578 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
9579 storage medium, that records an individual voter's vote.

9580 (b) "Ballot" does not include a record to tally multiple votes.

9581 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
9582 on the ballot for their approval or rejection including:

9583 (a) an opinion question specifically authorized by the Legislature;

9584 (b) a constitutional amendment;

9585 (c) an initiative;

9586 (d) a referendum;

9587 (e) a bond proposition;

9588 (f) a judicial retention question;

9589 (g) an incorporation of a city or town; or

9590 (h) any other ballot question specifically authorized by the Legislature.

9591 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
9592 together using staples or another means in at least three places across the top of the paper in the
9593 blank space reserved for securing the paper.

9594 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
9595 [20A-4-306](#) to canvass election returns.

9596 (7) "Bond election" means an election held for the purpose of approving or rejecting
9597 the proposed issuance of bonds by a government entity.

9598 (8) "Business reply mail envelope" means an envelope that may be mailed free of
9599 charge by the sender.

9600 (9) "Canvass" means the review of election returns and the official declaration of
9601 election results by the board of canvassers.

9602 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
9603 the canvass.

9604 (11) "Contracting election officer" means an election officer who enters into a contract
9605 or interlocal agreement with a provider election officer.

9606 (12) "Convention" means the political party convention at which party officers and

9607 delegates are selected.

9608 (13) "Counting center" means one or more locations selected by the election officer in
9609 charge of the election for the automatic counting of ballots.

9610 (14) "Counting judge" means a poll worker designated to count the ballots during
9611 election day.

9612 (15) "Counting room" means a suitable and convenient private place or room for use
9613 by the poll workers and counting judges to count ballots.

9614 (16) "County officers" means those county officers that are required by law to be
9615 elected.

9616 (17) "Date of the election" or "election day" or "day of the election":

9617 (a) means the day that is specified in the calendar year as the day that the election
9618 occurs; and

9619 (b) does not include:

9620 (i) deadlines established for voting by mail, military-overseas voting, or emergency
9621 voting; or

9622 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
9623 Voting.

9624 (18) "Elected official" means:

9625 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
9626 Municipal Alternate Voting Methods Pilot Project;

9627 (b) a person who is considered to be elected to a municipal office in accordance with
9628 Subsection 20A-1-206(1)(c)(ii); or

9629 (c) a person who is considered to be elected to a [~~local~~] special district office in
9630 accordance with Subsection 20A-1-206(3)(b)(ii).

9631 (19) "Election" means a regular general election, a municipal general election, a
9632 statewide special election, a local special election, a regular primary election, a municipal
9633 primary election, and a [~~local~~] special district election.

9634 (20) "Election Assistance Commission" means the commission established by the Help
9635 America Vote Act of 2002, Pub. L. No. 107-252.

9636 (21) "Election cycle" means the period beginning on the first day persons are eligible to
9637 file declarations of candidacy and ending when the canvass is completed.

- 9638 (22) "Election judge" means a poll worker that is assigned to:
- 9639 (a) preside over other poll workers at a polling place;
- 9640 (b) act as the presiding election judge; or
- 9641 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 9642 (23) "Election officer" means:
- 9643 (a) the lieutenant governor, for all statewide ballots and elections;
- 9644 (b) the county clerk for:
- 9645 (i) a county ballot and election; and
- 9646 (ii) a ballot and election as a provider election officer as provided in Section
- 9647 [20A-5-400.1](#) or [20A-5-400.5](#);
- 9648 (c) the municipal clerk for:
- 9649 (i) a municipal ballot and election; and
- 9650 (ii) a ballot and election as a provider election officer as provided in Section
- 9651 [20A-5-400.1](#) or [20A-5-400.5](#);
- 9652 (d) the ~~[local]~~ special district clerk or chief executive officer for:
- 9653 (i) a ~~[local]~~ special district ballot and election; and
- 9654 (ii) a ballot and election as a provider election officer as provided in Section
- 9655 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 9656 (e) the business administrator or superintendent of a school district for:
- 9657 (i) a school district ballot and election; and
- 9658 (ii) a ballot and election as a provider election officer as provided in Section
- 9659 [20A-5-400.1](#) or [20A-5-400.5](#).
- 9660 (24) "Election official" means any election officer, election judge, or poll worker.
- 9661 (25) "Election results" means:
- 9662 (a) for an election other than a bond election, the count of votes cast in the election and
- 9663 the election returns requested by the board of canvassers; or
- 9664 (b) for bond elections, the count of those votes cast for and against the bond
- 9665 proposition plus any or all of the election returns that the board of canvassers may request.
- 9666 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 9667 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 9668 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and

9669 the total votes cast form.

9670 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
9671 or logically associated with a record and executed or adopted by a person with the intent to sign
9672 the record.

9673 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
9674 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

9675 (29) "Judicial office" means the office filled by any judicial officer.

9676 (30) "Judicial officer" means any justice or judge of a court of record or any county
9677 court judge.

9678 [~~(31) "Local district" means a local government entity under Title 17B, Limited
9679 Purpose Local Government Entities - Local Districts, and includes a special service district
9680 under Title 17D, Chapter 1, Special Service District Act.]~~

9681 [~~(32) "Local district officers" means those local district board members that are
9682 required by law to be elected.]~~

9683 [(33)] (31) "Local election" means a regular county election, a regular municipal
9684 election, a municipal primary election, a local special election, a [~~local~~] special district election,
9685 and a bond election.

9686 [(34)] (32) "Local political subdivision" means a county, a municipality, a [~~local~~]
9687 special district, or a local school district.

9688 [(35)] (33) "Local special election" means a special election called by the governing
9689 body of a local political subdivision in which all registered voters of the local political
9690 subdivision may vote.

9691 [(36)] (34) "Manual ballot" means a paper document produced by an election officer on
9692 which an individual records an individual's vote by directly placing a mark on the paper
9693 document using a pen or other marking instrument.

9694 [(37)] (35) "Mechanical ballot" means a record, including a paper record, electronic
9695 record, or mechanical record, that:

9696 (a) is created via electronic or mechanical means; and

9697 (b) records an individual voter's vote cast via a method other than an individual directly
9698 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

9699 [(38)] (36) "Municipal executive" means:

9700 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

9701 (b) the mayor in the council-manager form of government defined in Subsection

9702 10-3b-103(7); or

9703 (c) the chair of a metro township form of government defined in Section 10-3b-102.

9704 [~~(39)~~] (37) "Municipal general election" means the election held in municipalities and,

9705 as applicable, [~~local~~] special districts on the first Tuesday after the first Monday in November

9706 of each odd-numbered year for the purposes established in Section 20A-1-202.

9707 [~~(40)~~] (38) "Municipal legislative body" means:

9708 (a) the council of the city or town in any form of municipal government; or

9709 (b) the council of a metro township.

9710 [~~(41)~~] (39) "Municipal office" means an elective office in a municipality.

9711 [~~(42)~~] (40) "Municipal officers" means those municipal officers that are required by

9712 law to be elected.

9713 [~~(43)~~] (41) "Municipal primary election" means an election held to nominate

9714 candidates for municipal office.

9715 [~~(44)~~] (42) "Municipality" means a city, town, or metro township.

9716 [~~(45)~~] (43) "Official ballot" means the ballots distributed by the election officer for

9717 voters to record their votes.

9718 [~~(46)~~] (44) "Official endorsement" means the information on the ballot that identifies:

9719 (a) the ballot as an official ballot;

9720 (b) the date of the election; and

9721 (c) (i) for a ballot prepared by an election officer other than a county clerk, the

9722 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

9723 (ii) for a ballot prepared by a county clerk, the words required by Subsection

9724 20A-6-301(1)(b)(iii).

9725 [~~(47)~~] (45) "Official register" means the official record furnished to election officials

9726 by the election officer that contains the information required by Section 20A-5-401.

9727 [~~(48)~~] (46) "Political party" means an organization of registered voters that has

9728 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party

9729 Formation and Procedures.

9730 [~~(49)~~] (47) (a) "Poll worker" means a person assigned by an election official to assist

9731 with an election, voting, or counting votes.

9732 (b) "Poll worker" includes election judges.

9733 (c) "Poll worker" does not include a watcher.

9734 [~~(50)~~] (48) "Pollbook" means a record of the names of voters in the order that they

9735 appear to cast votes.

9736 [~~(51)~~] (49) "Polling place" means a building where voting is conducted.

9737 [~~(52)~~] (50) "Position" means a square, circle, rectangle, or other geometric shape on a

9738 ballot in which the voter marks the voter's choice.

9739 [~~(53)~~] (51) "Presidential Primary Election" means the election established in Chapter 9,

9740 Part 8, Presidential Primary Election.

9741 [~~(54)~~] (52) "Primary convention" means the political party conventions held during the

9742 year of the regular general election.

9743 [~~(55)~~] (53) "Protective counter" means a separate counter, which cannot be reset, that:

9744 (a) is built into a voting machine; and

9745 (b) records the total number of movements of the operating lever.

9746 [~~(56)~~] (54) "Provider election officer" means an election officer who enters into a

9747 contract or interlocal agreement with a contracting election officer to conduct an election for

9748 the contracting election officer's local political subdivision in accordance with Section

9749 [20A-5-400.1](#).

9750 [~~(57)~~] (55) "Provisional ballot" means a ballot voted provisionally by a person:

9751 (a) whose name is not listed on the official register at the polling place;

9752 (b) whose legal right to vote is challenged as provided in this title; or

9753 (c) whose identity was not sufficiently established by a poll worker.

9754 [~~(58)~~] (56) "Provisional ballot envelope" means an envelope printed in the form

9755 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide

9756 information to verify a person's legal right to vote.

9757 [~~(59)~~] (57) (a) "Public figure" means an individual who, due to the individual being

9758 considered for, holding, or having held a position of prominence in a public or private capacity,

9759 or due to the individual's celebrity status, has an increased risk to the individual's safety.

9760 (b) "Public figure" does not include an individual:

9761 (i) elected to public office; or

- 9762 (ii) appointed to fill a vacancy in an elected public office.
- 9763 [~~(60)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin
9764 performing the duties of the position for which the individual was elected.
- 9765 [~~(61)~~] (59) "Receiving judge" means the poll worker that checks the voter's name in the
9766 official register at a polling place and provides the voter with a ballot.
- 9767 [~~(62)~~] (60) "Registration form" means a form by which an individual may register to
9768 vote under this title.
- 9769 [~~(63)~~] (61) "Regular ballot" means a ballot that is not a provisional ballot.
- 9770 [~~(64)~~] (62) "Regular general election" means the election held throughout the state on
9771 the first Tuesday after the first Monday in November of each even-numbered year for the
9772 purposes established in Section 20A-1-201.
- 9773 [~~(65)~~] (63) "Regular primary election" means the election, held on the date specified in
9774 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
9775 local school board positions to advance to the regular general election.
- 9776 [~~(66)~~] (64) "Resident" means a person who resides within a specific voting precinct in
9777 Utah.
- 9778 [~~(67)~~] (65) "Return envelope" means the envelope, described in Subsection
9779 20A-3a-202(4), provided to a voter with a manual ballot:
- 9780 (a) into which the voter places the manual ballot after the voter has voted the manual
9781 ballot in order to preserve the secrecy of the voter's vote; and
- 9782 (b) that includes the voter affidavit and a place for the voter's signature.
- 9783 [~~(68)~~] (66) "Sample ballot" means a mock ballot similar in form to the official ballot,
9784 published as provided in Section 20A-5-405.
- 9785 (67) "Special district" means a local government entity under Title 17B, Limited
9786 Purpose Local Government Entities - Special Districts, and includes a special service district
9787 under Title 17D, Chapter 1, Special Service District Act.
- 9788 (68) "Special district officers" means those special district board members who are
9789 required by law to be elected.
- 9790 (69) "Special election" means an election held as authorized by Section 20A-1-203.
- 9791 (70) "Spoiled ballot" means each ballot that:
- 9792 (a) is spoiled by the voter;

- 9793 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
9794 (c) lacks the official endorsement.
- 9795 (71) "Statewide special election" means a special election called by the governor or the
9796 Legislature in which all registered voters in Utah may vote.
- 9797 (72) "Tabulation system" means a device or system designed for the sole purpose of
9798 tabulating votes cast by voters at an election.
- 9799 (73) "Ticket" means a list of:
9800 (a) political parties;
9801 (b) candidates for an office; or
9802 (c) ballot propositions.
- 9803 (74) "Transfer case" means the sealed box used to transport voted ballots to the
9804 counting center.
- 9805 (75) "Vacancy" means the absence of a person to serve in any position created by
9806 statute, whether that absence occurs because of death, disability, disqualification, resignation,
9807 or other cause.
- 9808 (76) "Valid voter identification" means:
9809 (a) a form of identification that bears the name and photograph of the voter which may
9810 include:
9811 (i) a currently valid Utah driver license;
9812 (ii) a currently valid identification card that is issued by:
9813 (A) the state; or
9814 (B) a branch, department, or agency of the United States;
9815 (iii) a currently valid Utah permit to carry a concealed weapon;
9816 (iv) a currently valid United States passport; or
9817 (v) a currently valid United States military identification card;
9818 (b) one of the following identification cards, whether or not the card includes a
9819 photograph of the voter:
9820 (i) a valid tribal identification card;
9821 (ii) a Bureau of Indian Affairs card; or
9822 (iii) a tribal treaty card; or
9823 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear

9824 the name of the voter and provide evidence that the voter resides in the voting precinct, which
9825 may include:

9826 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
9827 election;

9828 (ii) a bank or other financial account statement, or a legible copy thereof;

9829 (iii) a certified birth certificate;

9830 (iv) a valid social security card;

9831 (v) a check issued by the state or the federal government or a legible copy thereof;

9832 (vi) a paycheck from the voter's employer, or a legible copy thereof;

9833 (vii) a currently valid Utah hunting or fishing license;

9834 (viii) certified naturalization documentation;

9835 (ix) a currently valid license issued by an authorized agency of the United States;

9836 (x) a certified copy of court records showing the voter's adoption or name change;

9837 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

9838 (xii) a currently valid identification card issued by:

9839 (A) a local government within the state;

9840 (B) an employer for an employee; or

9841 (C) a college, university, technical school, or professional school located within the
9842 state; or

9843 (xiii) a current Utah vehicle registration.

9844 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
9845 candidate by following the procedures and requirements of this title.

9846 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

9847 (a) mailing the ballot to the location designated in the mailing; or

9848 (b) depositing the ballot in a ballot drop box designated by the election officer.

9849 (79) "Voter" means an individual who:

9850 (a) meets the requirements for voting in an election;

9851 (b) meets the requirements of election registration;

9852 (c) is registered to vote; and

9853 (d) is listed in the official register book.

9854 (80) "Voter registration deadline" means the registration deadline provided in Section

9855 20A-2-102.5.

9856 (81) "Voting area" means the area within six feet of the voting booths, voting
9857 machines, and ballot box.

9858 (82) "Voting booth" means:

9859 (a) the space or compartment within a polling place that is provided for the preparation
9860 of ballots, including the voting enclosure or curtain; or

9861 (b) a voting device that is free standing.

9862 (83) "Voting device" means any device provided by an election officer for a voter to
9863 vote a mechanical ballot.

9864 (84) "Voting precinct" means the smallest geographical voting unit, established under
9865 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

9866 (85) "Watcher" means an individual who complies with the requirements described in
9867 Section 20A-3a-801 to become a watcher for an election.

9868 (86) "Write-in ballot" means a ballot containing any write-in votes.

9869 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
9870 the ballot, in accordance with the procedures established in this title.

9871 Section 219. Section 20A-1-201 is amended to read:

9872 **20A-1-201. Date and purpose of regular general elections.**

9873 (1) A regular general election shall be held throughout the state on the first Tuesday
9874 after the first Monday in November of each even-numbered year.

9875 (2) At the regular general election, the voters shall:

9876 (a) choose persons to serve the terms established by law for the following offices:

9877 (i) electors of President and Vice President of the United States;

9878 (ii) United States Senators;

9879 (iii) Representatives to the United States Congress;

9880 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

9881 (v) senators and representatives to the Utah Legislature;

9882 (vi) county officers;

9883 (vii) State School Board members;

9884 (viii) local school board members;

9885 (ix) except as provided in Subsection (3), ~~local~~ special district officers, as applicable;

9886 and

9887 (x) any elected judicial officers; and

9888 (b) approve or reject:

9889 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
9890 under procedures established in the Utah Code;

9891 (ii) any proposed initiatives or referenda that have qualified for the ballot under
9892 procedures established in the Utah Code; and

9893 (iii) any other ballot propositions submitted to the voters that are authorized by the
9894 Utah Code.

9895 (3) This section:

9896 (a) applies to a special service district for which the county legislative body or the
9897 municipal legislative body, as applicable, has delegated authority for the special service district
9898 to an administrative control board; and

9899 (b) does not apply to a special service district for which the county legislative body or
9900 the municipal legislative body, as applicable, has not delegated authority for the special service
9901 district to an administrative control board.

9902 Section 220. Section **20A-1-202** is amended to read:

9903 **20A-1-202. Date and purpose of municipal general election.**

9904 (1) Except as provided in Section **20A-1-206**, a municipal general election shall be
9905 held in municipalities, and ~~local~~ special districts as applicable, on the first Tuesday after the
9906 first Monday in November of each odd-numbered year.

9907 (2) At the municipal general election, the voters shall:

9908 (a) (i) choose persons to serve as municipal officers; and

9909 (ii) for a ~~local~~ special district that holds an election during an odd-numbered year,
9910 choose persons to serve as ~~local~~ special district officers; and

9911 (b) approve or reject:

9912 (i) any proposed initiatives or referenda that have qualified for the ballot as provided
9913 by law; and

9914 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah
9915 Code.

9916 Section 221. Section **20A-1-206** is amended to read:

9917 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special**
9918 **districts -- Notice.**

9919 (1) As used in this section:

9920 (a) "Contested race" means a race in a general election where the number of
9921 candidates, including any eligible write-in candidates, exceeds the number of offices to be
9922 filled in the race.

9923 (b) "Election" means an event, run by an election officer, that includes one or more
9924 races for public office or one or more ballot propositions.

9925 (c) (i) "Race" means a contest between candidates to obtain the number of votes
9926 necessary to take a particular public office.

9927 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
9928 positions for the same at-large office.

9929 (iii) "Race," as the term relates to a contest for a municipal council position that is not
9930 an at-large position, includes only the contest to represent a particular district on the council.

9931 (2) A municipal legislative body may cancel a local election if:

9932 (a) the ballot for the local election will not include any contested races or ballot
9933 propositions; and

9934 (b) the municipal legislative body passes, no later than 20 days before the day of the
9935 scheduled election, a resolution that cancels the election and certifies that:

9936 (i) the ballot for the election would not include any contested races or ballot
9937 propositions; and

9938 (ii) the candidates who qualified for the ballot are considered elected.

9939 (3) A municipal legislative body may cancel a race in a local election if:

9940 (a) the ballot for the race will not include any contested races or ballot propositions;
9941 and

9942 (b) the municipal legislative body passes, no later than 20 days before the day of the
9943 scheduled election, a resolution that cancels the race and certifies that:

9944 (i) the ballot for the race would not include any contested races or ballot propositions;
9945 and

9946 (ii) the candidate for the race is considered elected.

9947 (4) A municipal legislative body that cancels a local election in accordance with

9948 Subsection (2) shall give notice that the election is cancelled by:

9949 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be
9950 posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801,
9951 for 15 consecutive days before the day of the scheduled election;

9952 (b) if the municipality has a public website, posting notice on the municipality's public
9953 website for 15 days before the day of the scheduled election;

9954 (c) if the elected officials or departments of the municipality regularly publish a printed
9955 or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter
9956 or other periodical published before the day of the scheduled election;

9957 (d) (i) publishing notice at least twice in a newspaper of general circulation in the
9958 municipality before the day of the scheduled election;

9959 (ii) at least 10 days before the day of the scheduled election, posting one notice, and at
9960 least one additional notice per 2,000 population within the municipality, in places within the
9961 municipality that are most likely to give notice to the voters in the municipality, subject to a
9962 maximum of 10 notices; or

9963 (iii) at least 10 days before the day of the scheduled election, mailing notice to each
9964 registered voter in the municipality; and

9965 (e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601,
9966 for at least 10 days before the day of the scheduled election.

9967 (5) A ~~[local]~~ special district board may cancel a local election if:

9968 (a) the ballot for the local election will not include any contested races or ballot
9969 propositions; and

9970 (b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the
9971 scheduled election, a resolution that cancels the election and certifies that:

9972 (i) the ballot for the election would not include any contested races or ballot
9973 propositions; and

9974 (ii) the candidates who qualified for the ballot are considered elected.

9975 (6) A ~~[local]~~ special district board may cancel a ~~[local]~~ special district race if:

9976 (a) the race is uncontested; and

9977 (b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the
9978 scheduled election, a resolution that cancels the race and certifies that the candidate who

9979 qualified for the ballot for that race is considered elected.

9980 (7) A [local] special district that cancels a local election in accordance with Subsection
9981 (5) shall provide notice that the election is cancelled:

9982 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter
9983 Information Website described in Section [20A-7-801](#), for 15 consecutive days before the day of
9984 the scheduled election;

9985 (b) if the [local] special district has a public website, by posting notice on the [local]
9986 special district's public website for 15 days before the day of the scheduled election;

9987 (c) if the [local] special district publishes a newsletter or other periodical, by
9988 publishing notice in the next scheduled newsletter or other periodical published before the day
9989 of the scheduled election;

9990 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the
9991 [local] special district before the scheduled election;

9992 (ii) at least 10 days before the day of the scheduled election, by posting one notice, and
9993 at least one additional notice per 2,000 population of the [local] special district, in places
9994 within the [local] special district that are most likely to give notice to the voters in the [local]
9995 special district, subject to a maximum of 10 notices; or

9996 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each
9997 registered voter in the [local] special district; and

9998 (e) by posting notice on the Utah Public Notice Website, created in Section
9999 [63A-16-601](#), for at least 10 days before the day of the scheduled election.

10000 (8) A municipal legislative body that posts a notice in accordance with Subsection
10001 (4)(a) or a [local] special district that posts a notice in accordance with Subsection (7)(a) is not
10002 liable for a notice that fails to post due to technical or other error by the publisher of the
10003 Statewide Electronic Voter Information Website.

10004 Section 222. Section **20A-1-512** is amended to read:

10005 **20A-1-512. Midterm vacancies on special district boards.**

10006 (1) (a) When a vacancy occurs on any [local] special district board for any reason, the
10007 following shall appoint a replacement to serve out the unexpired term in accordance with this
10008 section:

10009 (i) the [local] special district board, if the person vacating the position was elected; or

10010 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
10011 appointing authority appointed the person vacating the position.

10012 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
10013 [tocat] special district board or appointing authority shall:

10014 (i) give public notice of the vacancy at least two weeks before the [tocat] special
10015 district board or appointing authority meets to fill the vacancy by:

10016 (A) if there is a newspaper of general circulation, as that term is defined in Section
10017 45-1-201, within the district, publishing the notice in the newspaper of general circulation;
10018 (B) posting the notice in three public places within the [tocat] special district; and
10019 (C) posting on the Utah Public Notice Website created under Section 63A-16-601; and

10020 (ii) identify, in the notice:

10021 (A) the date, time, and place of the meeting where the vacancy will be filled;
10022 (B) the individual to whom an individual who is interested in an appointment to fill the
10023 vacancy may submit the individual's name for consideration; and
10024 (C) any submission deadline.

10025 (c) An appointing authority is not subject to Subsection (1)(b) if:

10026 (i) the appointing authority appoints one of the appointing authority's own members;
10027 and

10028 (ii) that member meets all applicable statutory board member qualifications.

10029 (d) When a vacancy occurs on the board of a water conservancy district located in
10030 more than one county:

10031 (i) the board shall give notice of the vacancy to the county legislative bodies that
10032 nominated the vacating trustee as provided in Section 17B-2a-1005;

10033 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
10034 compile a list of three nominees to fill the vacancy; and

10035 (iii) the governor shall, with the advice and consent of the Senate, appoint an
10036 individual to fill the vacancy from nominees submitted as provided in Subsection
10037 17B-2a-1005(2)(c).

10038 (2) If the [tocat] special district board fails to appoint an individual to complete an
10039 elected board member's term within 90 days, the legislative body of the county or municipality
10040 that created the [tocat] special district shall fill the vacancy in accordance with the procedure

- 10041 for a [~~local~~] special district described in Subsection (1)(b).
- 10042 Section 223. Section **20A-1-513** is amended to read:
- 10043 **20A-1-513. Temporary absence in elected office of a political subdivision for**
- 10044 **military service.**
- 10045 (1) As used in this section:
- 10046 (a) "Armed forces" means the same as that term is defined in Section [68-3-12.5](#), and
- 10047 includes:
- 10048 (i) the National Guard; and
- 10049 (ii) the national guard and armed forces reserves.
- 10050 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
- 10051 is required by law to be filled by an election.
- 10052 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office
- 10053 described in Subsection (1)(b)(i).
- 10054 (c) (i) "Military leave" means the temporary absence from an office:
- 10055 (A) by an elected official called to active, full-time duty in the armed forces; and
- 10056 (B) for a period of time that exceeds 30 days and does not exceed 400 days.
- 10057 (ii) "Military leave" includes the time a person on leave, as described in Subsection
- 10058 (1)(c)(i), spends for:
- 10059 (A) out processing;
- 10060 (B) an administrative delay;
- 10061 (C) accrued leave; and
- 10062 (D) on rest and recuperation leave program of the armed forces.
- 10063 (d) "Political subdivision's governing body" means:
- 10064 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 10065 (ii) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district;
- 10066 (iii) for a local school district, the local school board;
- 10067 (iv) for a special service district:
- 10068 (A) the legislative body of the county, city, or town that established the special service
- 10069 district, if no administrative control board has been appointed under Section [17D-1-301](#); or
- 10070 (B) the administrative control board of the special service district, if an administrative
- 10071 control board has been appointed under Section [17D-1-301](#); and

10072 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body
10073 that governs the affairs of the political subdivision.

10074 (e) "Temporary replacement" means the person appointed by the political subdivision's
10075 governing body in accordance with this section to exercise the powers and duties of the office
10076 of the elected official who takes military leave.

10077 (2) An elected official creates a vacancy in the elected official's office if the elected
10078 official is called to active, full-time duty in the armed forces in accordance with Title 10,
10079 U.S.C.A. unless the elected official takes military leave as provided by this section.

10080 (3) (a) An elected official who is called to active, full-time duty in the armed forces in
10081 a status other than in accordance with Title 10, U.S.C.A. shall notify the political subdivision's
10082 governing body of the elected official's orders not later than five days after receipt of orders.

10083 (b) The elected official described in Subsection (3)(a) may:

10084 (i) continue to carry out the official's duties if possible while on active, full-time duty;
10085 or

10086 (ii) take military leave if the elected official submits to the political subdivision's
10087 governing body written notice of the intent to take military leave and the expected duration of
10088 the military leave.

10089 (4) (a) An elected official who chooses to continue to carry out the official's duties
10090 while on active, full-time duty shall, within 10 days after arrival at the official's place of
10091 deployment, confirm in writing to the political subdivision's governing body that the official
10092 has the ability to carry out the official's duties.

10093 (b) If no confirmation is received by the political subdivision within the time period
10094 described in Subsection (4)(a), the elected official shall be placed in a military leave status and
10095 a temporary replacement appointed in accordance with Subsection (6).

10096 (5) An elected official's military leave:

10097 (a) begins the later of:

10098 (i) the day after the day on which the elected official notifies the political subdivision's
10099 governing body of the intent to take military leave;

10100 (ii) day 11 after the elected official's deployment if no confirmation is received in
10101 accordance with Subsection (4)(a); or

10102 (iii) the day on which the elected official begins active, full-time duty in the armed

10103 forces; and

10104 (b) ends the sooner of:

10105 (i) the expiration of the elected official's term of office; or

10106 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

10107 (6) A temporary replacement shall:

10108 (a) meet the qualifications required to hold the office; and

10109 (b) be appointed:

10110 (i) in the same manner as provided by this part for a midterm vacancy if a registered

10111 political party nominated the elected official who takes military leave as a candidate for the

10112 office; or

10113 (ii) by the political subdivision's governing body after submitting an application in

10114 accordance with Subsection (8)(b) if a registered political party did not nominate the elected

10115 official who takes military leave as a candidate for office.

10116 (7) (a) A temporary replacement shall exercise the powers and duties of the office for

10117 which the temporary replacement is appointed for the duration of the elected official's military

10118 leave.

10119 (b) An elected official may not exercise the powers or duties of the office while on

10120 military leave.

10121 (c) If a temporary replacement is not appointed as required by Subsection (6)(b), no

10122 person may exercise the powers and duties of the elected official's office during the elected

10123 official's military leave.

10124 (8) The political subdivision's governing body shall establish:

10125 (a) the distribution of the emoluments of the office between the elected official and the

10126 temporary replacement; and

10127 (b) an application form and the date and time before which a person shall submit the

10128 application to be considered by the political subdivision's governing body for appointment as a

10129 temporary replacement.

10130 Section 224. Section **20A-2-101** is amended to read:

10131 **20A-2-101. Eligibility for registration.**

10132 (1) Except as provided in Subsection (2), an individual may register to vote in an

10133 election who:

- 10134 (a) is a citizen of the United States;
- 10135 (b) has been a resident of Utah for at least the 30 days immediately before the election;
- 10136 (c) will be:
 - 10137 (i) at least 18 years of age on the day of the election; or
 - 10138 (ii) if the election is a regular primary election, a municipal primary election, or a
 - 10139 presidential primary election:
 - 10140 (A) 17 years of age on or before the day of the regular primary election, municipal
 - 10141 primary election, or presidential primary election; and
 - 10142 (B) 18 years of age on or before the day of the general election that immediately
 - 10143 follows the regular primary election, municipal primary election, or presidential primary
 - 10144 election; and
 - 10145 (d) currently resides within the voting district or precinct in which the individual
 - 10146 applies to register to vote.
- 10147 (2) (a) (i) An individual who is involuntarily confined or incarcerated in a jail, prison,
- 10148 or other facility within a voting precinct is not a resident of that voting precinct and may not
- 10149 register to vote in that voting precinct unless the individual was a resident of that voting
- 10150 precinct before the confinement or incarceration.
- 10151 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
- 10152 resident of the voting precinct in which the individual resided before the confinement or
- 10153 incarceration.
- 10154 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
- 10155 under this title may not register to vote or remain registered to vote unless the individual's right
- 10156 to vote has been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#).
- 10157 (c) An individual whose right to vote has been restored, as provided in Section
- 10158 [20A-2-101.3](#) or [20A-2-101.5](#), is eligible to register to vote.
- 10159 (3) An individual who is eligible to vote and who resides within the geographic
- 10160 boundaries of the entity in which the election is held may register to vote in a:
 - 10161 (a) regular general election;
 - 10162 (b) regular primary election;
 - 10163 (c) municipal general election;
 - 10164 (d) municipal primary election;

- 10165 (e) statewide special election;
10166 (f) local special election;
10167 (g) [~~local~~] special district election;
10168 (h) bond election; and
10169 (i) presidential primary election.

10170 Section 225. Section **20A-3a-102** is amended to read:

10171 **20A-3a-102. Residency and age requirements of voters.**

10172 (1) An individual may vote in any regular general election or statewide special election
10173 if that individual has registered to vote in accordance with Chapter 2, Voter Registration.

10174 (2) An individual may vote in the presidential primary election or a regular primary
10175 election if:

10176 (a) that individual has registered to vote in accordance with Chapter 2, Voter
10177 Registration; and

10178 (b) that individual's political party affiliation, or unaffiliated status, allows the person
10179 to vote in the election.

10180 (3) An individual may vote in a municipal general election, municipal primary election,
10181 local special election, [~~local~~] special district election, and bond election if that individual:

10182 (a) has registered to vote in accordance with Chapter 2, Voter Registration; and

10183 (b) is a resident of a voting district or precinct within the local entity that is holding the
10184 election.

10185 Section 226. Section **20A-3a-104** is amended to read:

10186 **20A-3a-104. Voting by secret ballot.**

10187 All voting at each regular and municipal general election, at each statewide or local
10188 special election, at each primary election, at each [~~local~~] special district election, and at each
10189 bond election shall be by secret ballot.

10190 Section 227. Section **20A-3a-501** is amended to read:

10191 **20A-3a-501. Prohibited conduct at polling place -- Other prohibited activities.**

10192 (1) As used in this section:

10193 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to
10194 refrain from voting or to vote for or vote against any candidate or issue; and

10195 (b) "polling place" means the physical place where ballots are cast and includes the

10196 physical place where a ballot drop box is located.

10197 (2) (a) An individual may not, within a polling place or in any public area within 150
10198 feet of the building where a polling place is located:

10199 (i) do any electioneering;

10200 (ii) circulate cards or handbills of any kind;

10201 (iii) solicit signatures to any kind of petition; or

10202 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts
10203 the administration of the polling place.

10204 (b) A county, municipality, school district, or ~~local~~ special district may not prohibit
10205 electioneering that occurs more than 150 feet from the building where a polling place is
10206 located, but may regulate the place and manner of that electioneering to protect the public
10207 safety.

10208 (3) (a) An individual may not obstruct the doors or entries to a building in which a
10209 polling place is located or prevent free access to and from any polling place.

10210 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the
10211 obstruction of the entrance to a polling place and may arrest an individual creating an
10212 obstruction.

10213 (4) An individual may not solicit any voter to show the voter's ballot.

10214 (5) (a) An individual may not knowingly possess or control another individual's voted
10215 manual ballot, unless:

10216 (i) the individual is an election official or postal worker acting in the capacity of an
10217 election official or postal worker;

10218 (ii) the individual possesses or controls the voted ballot in accordance with Section
10219 [20A-3a-301](#), relating to emergency ballots;

10220 (iii) the possession or control is authorized in order to deliver a military-overseas ballot
10221 in accordance with Chapter 16, Uniform Military and Overseas Voters Act;

10222 (iv) subject to Section [20A-3a-208](#), the individual is authorized by a voter to possess or
10223 control the voter's voted ballot if the voter needs assistance delivering the ballot due to the
10224 voter's age, illness, or disability; or

10225 (v) the individual resides in the same household as the voter.

10226 (b) A violation of Subsection (5)(a) does not invalidate the ballot.

10227 (6) An individual who violates any provision of this section is, in addition to the
10228 penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.

10229 (7) A political subdivision may not prohibit political signs that are located more than
10230 150 feet away from a polling place, but may regulate their placement to protect public safety.

10231 Section 228. Section 20A-3a-605 is amended to read:

10232 **20A-3a-605. Exemptions from early voting.**

10233 (1) (a) This part does not apply to an election of a board member of a [toctaf] special
10234 district.

10235 (b) Notwithstanding Subsection (1)(a), a [toctaf] special district may, in the [toctaf]
10236 special district's discretion, provide early voting in accordance with this part for election of a
10237 board member.

10238 (2) Notwithstanding the requirements of Section 20A-3a-601, a municipality of the
10239 fifth class or a town as described in Section 10-2-301 may provide early voting as provided
10240 under this part for:

10241 (a) a municipal primary election; or

10242 (b) a municipal general election.

10243 (3) A municipality is not required to conduct early voting for the election.

10244 Section 229. Section 20A-4-301 is amended to read:

10245 **20A-4-301. Board of canvassers.**

10246 (1) (a) Each county legislative body is the board of county canvassers for:

10247 (i) the county; and

10248 (ii) each [toctaf] special district whose election is conducted by the county if:

10249 (A) the election relates to the creation of the [toctaf] special district;

10250 (B) the county legislative body serves as the governing body of the [toctaf] special
10251 district; or

10252 (C) there is no duly constituted governing body of the [toctaf] special district.

10253 (b) The board of county canvassers shall meet to canvass the returns at the usual place
10254 of meeting of the county legislative body, at a date and time determined by the county clerk
10255 that is no sooner than seven days after the election and no later than 14 days after the election.

10256 (c) If one or more of the county legislative body fails to attend the meeting of the board
10257 of county canvassers, the remaining members shall replace the absent member by appointing in

10258 the order named:

10259 (i) the county treasurer;

10260 (ii) the county assessor; or

10261 (iii) the county sheriff.

10262 (d) Attendance of the number of persons equal to a simple majority of the county
10263 legislative body, but not less than three persons, shall constitute a quorum for conducting the
10264 canvass.

10265 (e) The county clerk is the clerk of the board of county canvassers.

10266 (2) (a) The mayor and the municipal legislative body are the board of municipal
10267 canvassers for the municipality.

10268 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
10269 place of meeting of the municipal legislative body:

10270 (i) for canvassing of returns from a municipal general election, no sooner than seven
10271 days after the election and no later than 14 days after the election; or

10272 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
10273 days after the election and no later than 14 days after the election.

10274 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
10275 quorum for conducting the canvass.

10276 (3) (a) The legislative body of the entity authorizing a bond election is the board of
10277 canvassers for each bond election.

10278 (b) The board of canvassers for the bond election shall comply with the canvassing
10279 procedures and requirements of Section [11-14-207](#).

10280 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
10281 bond election shall constitute a quorum for conducting the canvass.

10282 Section 230. Section **20A-4-304** is amended to read:

10283 **20A-4-304. Declaration of results -- Canvassers' report.**

10284 (1) Each board of canvassers shall:

10285 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
10286 declare "elected" or "nominated" those persons who:

10287 (i) had the highest number of votes; and

10288 (ii) sought election or nomination to an office completely within the board's

10289 jurisdiction;

10290 (b) declare:

10291 (i) "approved" those ballot propositions that:

10292 (A) had more "yes" votes than "no" votes; and

10293 (B) were submitted only to the voters within the board's jurisdiction; or

10294 (ii) "rejected" those ballot propositions that:

10295 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

10296 votes; and

10297 (B) were submitted only to the voters within the board's jurisdiction;

10298 (c) certify the vote totals for persons and for and against ballot propositions that were

10299 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

10300 the lieutenant governor; and

10301 (d) if applicable, certify the results of each [~~local~~] special district election to the [~~local~~]

10302 special district clerk.

10303 (2) As soon as the result is declared, the election officer shall prepare a report of the

10304 result, which shall contain:

10305 (a) the total number of votes cast in the board's jurisdiction;

10306 (b) the names of each candidate whose name appeared on the ballot;

10307 (c) the title of each ballot proposition that appeared on the ballot;

10308 (d) each office that appeared on the ballot;

10309 (e) from each voting precinct:

10310 (i) the number of votes for each candidate;

10311 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

10312 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each

10313 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting

10314 phase; and

10315 (iii) the number of votes for and against each ballot proposition;

10316 (f) the total number of votes given in the board's jurisdiction to each candidate, and for

10317 and against each ballot proposition;

10318 (g) the number of ballots that were rejected; and

10319 (h) a statement certifying that the information contained in the report is accurate.

- 10320 (3) The election officer and the board of canvassers shall:
- 10321 (a) review the report to ensure that it is correct; and
- 10322 (b) sign the report.
- 10323 (4) The election officer shall:
- 10324 (a) record or file the certified report in a book kept for that purpose;
- 10325 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 10326 to each nominated or elected candidate;
- 10327 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 10328 (d) file a copy of the certified report with the lieutenant governor.
- 10329 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 10330 days after the day on which the board of canvassers declares the election results, publicize the
- 10331 certified report described in Subsection (2):
- 10332 (a) (i) by publishing notice at least once in a newspaper of general circulation within
- 10333 the jurisdiction;
- 10334 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
- 10335 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
- 10336 of the jurisdiction, subject to a maximum of 10 notices; or
- 10337 (iii) by mailing notice to each residence within the jurisdiction;
- 10338 (b) by posting notice on the Utah Public Notice Website, created in Section
- 10339 [63A-16-601](#), for one week; and
- 10340 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
- 10341 one week.
- 10342 (6) Instead of including a copy of the entire certified report, a notice required under
- 10343 Subsection (5) may contain a statement that:
- 10344 (a) includes the following: "The Board of Canvassers for [indicate name of
- 10345 jurisdiction] has prepared a report of the election results for the [indicate type and date of
- 10346 election]."; and
- 10347 (b) specifies the following sources where an individual may view or obtain a copy of
- 10348 the entire certified report:
- 10349 (i) if the jurisdiction has a website, the jurisdiction's website;
- 10350 (ii) the physical address for the jurisdiction; and

10351 (iii) a mailing address and telephone number.

10352 (7) When there has been a regular general or a statewide special election for statewide
10353 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
10354 or more county ballot proposition, each board of canvassers shall:

10355 (a) prepare a separate report detailing the number of votes for each candidate and the
10356 number of votes for and against each ballot proposition; and

10357 (b) transmit the separate report by registered mail to the lieutenant governor.

10358 (8) In each county election, municipal election, school election, ~~[local]~~ special district
10359 election, and local special election, the election officer shall transmit the reports to the
10360 lieutenant governor within 14 days after the date of the election.

10361 (9) In a regular primary election and in a presidential primary election, the board shall
10362 transmit to the lieutenant governor:

10363 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
10364 governor not later than the second Tuesday after the election; and

10365 (b) a complete tabulation showing voting totals for all primary races, precinct by
10366 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
10367 primary election.

10368 Section 231. Section **20A-4-305** is amended to read:

10369 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

10370 Within 10 days after the canvass of a November municipal election, ~~[local]~~ special
10371 district election, bond election, or special election, the clerk or recorder shall transmit the
10372 checked official register to the county clerk.

10373 Section 232. Section **20A-4-401** is amended to read:

10374 **20A-4-401. Recounts -- Procedure.**

10375 (1) (a) This section does not apply to a race conducted by instant runoff voting under
10376 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

10377 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the
10378 difference between the number of votes cast for a winning candidate in the race and a losing
10379 candidate in the race is equal to or less than .25% of the total number of votes cast for all
10380 candidates in the race, that losing candidate may file a request for a recount in accordance with
10381 Subsection (1)(d).

10382 (c) For a race between candidates where the total of all votes cast in the race is 400 or
10383 less, if the difference between the number of votes cast for a winning candidate in the race and
10384 a losing candidate in the race is one vote, that losing candidate may file a request for a recount
10385 in accordance with Subsection (1)(d).

10386 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall
10387 file the request:

10388 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within
10389 three days after the canvass; or

10390 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

10391 (A) the municipal clerk, if the election is a municipal general election;

10392 (B) the ~~[local]~~ special district clerk, if the election is a ~~[local]~~ special district election;

10393 (C) the county clerk, for races voted on entirely within a single county; or

10394 (D) the lieutenant governor, for statewide races and multicounty races.

10395 (e) The election officer shall:

10396 (i) supervise the recount;

10397 (ii) recount all ballots cast for that race;

10398 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
10399 Disposition of Ballots;

10400 (iv) for a race where only one candidate may win, declare elected the candidate who
10401 receives the highest number of votes on the recount; and

10402 (v) for a race where multiple candidates may win, declare elected the applicable
10403 number of candidates who receive the highest number of votes on the recount.

10404 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
10405 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
10406 the total votes cast for or against the proposition, any 10 voters who voted in the election where
10407 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
10408 days after the day of the canvass with the person described in Subsection (2)(c).

10409 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
10410 against the proposition is 400 or less, if the difference between the number of votes cast for the
10411 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
10412 voted in the election where the proposition was on the ballot may file a request for a recount

10413 before 5 p.m. within seven days after the day of the canvass with the person described in
10414 Subsection (2)(c).

10415 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
10416 file the request with:

10417 (i) the municipal clerk, if the election is a municipal election;

10418 (ii) the ~~[local]~~ special district clerk, if the election is a ~~[local]~~ special district election;

10419 (iii) the county clerk, for propositions voted on entirely within a single county; or

10420 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

10421 (d) The election officer shall:

10422 (i) supervise the recount;

10423 (ii) recount all ballots cast for that ballot proposition or bond proposition;

10424 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

10425 Disposition of Ballots; and

10426 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"

10427 based upon the results of the recount.

10428 (e) Proponents and opponents of the ballot proposition or bond proposition may

10429 designate representatives to witness the recount.

10430 (f) The voters requesting the recount shall pay the costs of the recount.

10431 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
10432 person requesting the recount.

10433 (4) (a) Upon completion of the recount, the election officer shall immediately convene
10434 the board of canvassers.

10435 (b) The board of canvassers shall:

10436 (i) canvass the election returns for the race or proposition that was the subject of the
10437 recount; and

10438 (ii) with the assistance of the election officer, prepare and sign the report required by
10439 Section [20A-4-304](#) or [20A-4-306](#).

10440 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
10441 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
10442 governor as required by Subsection [20A-4-304](#)(7).

10443 (d) The canvassers' report prepared as provided in this Subsection (4) is the official

10444 result of the race or proposition that is the subject of the recount.

10445 Section 233. Section **20A-5-302** is amended to read:

10446 **20A-5-302. Automated voting system.**

10447 (1) (a) Any county or municipal legislative body or [~~local~~] special district board may:

10448 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
10449 automated voting system that meets the requirements of this section; and

10450 (ii) use that system in any election, in all or a part of the voting precincts within its
10451 boundaries, or in combination with manual ballots.

10452 (b) Nothing in this title shall be construed to require the use of electronic voting
10453 devices in local special elections, municipal primary elections, or municipal general elections.

10454 (2) Each automated voting system shall:

10455 (a) provide for voting in secrecy, except in the case of voters who have received
10456 assistance as authorized by Section [20A-3a-208](#);

10457 (b) permit each voter at any election to:

10458 (i) vote for all persons and offices for whom and for which that voter is lawfully
10459 entitled to vote;

10460 (ii) vote for as many persons for an office as that voter is entitled to vote; and

10461 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

10462 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates
10463 of that party for president, vice president, and for their presidential electors;

10464 (d) at elections other than primary elections, permit each voter to vote for the nominees
10465 of one or more parties and for independent candidates;

10466 (e) at primary elections:

10467 (i) permit each voter to vote for candidates of the political party of the voter's choice;

10468 and

10469 (ii) reject any votes cast for candidates of another party;

10470 (f) prevent the voter from voting for the same person more than once for the same
10471 office;

10472 (g) provide the opportunity for each voter to change the ballot and to correct any error
10473 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.

10474 L. No. 107-252;

10475 (h) include automatic tabulating equipment that rejects choices recorded on a voter's
10476 ballot if the number of the voter's recorded choices is greater than the number which the voter
10477 is entitled to vote for the office or on the measure;

10478 (i) be of durable construction, suitably designed so that it may be used safely,
10479 efficiently, and accurately in the conduct of elections and counting ballots;

10480 (j) when properly operated, record correctly and count accurately each vote cast;

10481 (k) for voting equipment certified after January 1, 2005, produce a permanent paper
10482 record that:

10483 (i) shall be available as an official record for any recount or election contest conducted
10484 with respect to an election where the voting equipment is used;

10485 (ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling
10486 place; and

10487 (B) shall permit the voter to inspect the record of the voter's selections independently
10488 only if reasonably practicable commercial methods permitting independent inspection are
10489 available at the time of certification of the voting equipment by the lieutenant governor;

10490 (iii) shall include, at a minimum, human readable printing that shows a record of the
10491 voter's selections;

10492 (iv) may also include machine readable printing which may be the same as the human
10493 readable printing; and

10494 (v) allows a watcher to observe the election process to ensure the integrity of the
10495 election process; and

10496 (1) meet the requirements of Section [20A-5-802](#).

10497 (3) For the purposes of a recount or an election contest, if the permanent paper record
10498 contains a conflict or inconsistency between the human readable printing and the machine
10499 readable printing, the human readable printing shall supercede the machine readable printing
10500 when determining the intent of the voter.

10501 (4) Notwithstanding any other provisions of this section, the election officers shall
10502 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
10503 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
10504 for use in the counting devices in which they are intended to be placed.

10505 Section 234. Section **20A-5-400.5** is amended to read:

10506 **20A-5-400.5. Election officer for bond and leeway elections.**

10507 (1) When a voted leeway or bond election is held on the regular general election date,
10508 the county clerk shall serve as the provider election officer to conduct that election.

10509 (2) (a) When a voted leeway or bond election is held on the municipal general election
10510 date or any other election date permitted for special elections under Section 20A-1-204, and the
10511 local political subdivision calling the election is entirely within the boundaries of the
10512 unincorporated county, the county clerk shall serve as the provider election officer to conduct
10513 that election subject to Subsection (3).

10514 (b) When a voted leeway or bond election is held on the municipal general election
10515 date or any other election date permitted for special elections under Section 20A-1-204, and the
10516 local political subdivision calling the election is entirely within the boundaries of a
10517 municipality, the municipal clerk for that municipality shall, except as provided in Subsection
10518 (3), serve as the provider election officer to conduct that election.

10519 (c) When a voted leeway or bond election is held on the municipal general election
10520 date or any other election date permitted for special elections under Section 20A-1-204, and the
10521 local political subdivision calling the election extends beyond the boundaries of a single
10522 municipality:

10523 (i) except as provided in Subsection (3), the municipal clerk shall serve as the provider
10524 election officer to conduct the election for those portions of the local political subdivision
10525 where the municipal general election or other election is being held; and

10526 (ii) except as provided in Subsection (3), the county clerk shall serve as the provider
10527 election officer to conduct the election for the unincorporated county and for those portions of
10528 any municipality where no municipal general election or other election is being held.

10529 (3) When a voted leeway or bond election is held on a date when no other election,
10530 other than another voted leeway or bond election, is being held in the entire area comprising
10531 the local political subdivision calling the voted leeway or bond election:

10532 (a) the clerk or chief executive officer of a [local] special district or the business
10533 administrator or superintendent of the school district, as applicable, shall serve as the election
10534 officer to conduct the bond election for those portions of the local political subdivision in
10535 which no other election, other than another voted leeway or bond election, is being held, unless
10536 the [local] special district or school district has contracted with a provider election officer; and

10537 (b) the county clerk, municipal clerk, or both, as determined by the local political
10538 subdivision holding the bond election, shall serve as the provider election officer to conduct the
10539 bond election for those portions of the local political subdivision in which another election,
10540 other than another voted leeway or bond election, is being held.

10541 (4) A provider election officer required by this section to conduct an election for a local
10542 political subdivision shall comply with Section 20A-5-400.1.

10543 Section 235. Section 20A-5-401 is amended to read:

10544 **20A-5-401. Official register -- Preparation -- Contents.**

10545 (1) (a) Before the registration days for each regular general, municipal general, regular
10546 primary, municipal primary, or presidential primary election, each county clerk shall prepare an
10547 official register of all voters that will participate in the election.

10548 (b) The county clerk shall ensure that the official register is prepared and contains the
10549 following for each registered voter:

10550 (i) name;

10551 (ii) party affiliation;

10552 (iii) an entry field for a voter challenge, including the name of the individual making
10553 the challenge and the grounds for the challenge;

10554 (iv) election name and date;

10555 (v) date of birth;

10556 (vi) place of current residence;

10557 (vii) street address of current residence;

10558 (viii) zip code;

10559 (ix) identification and provisional ballot information as required under Subsection

10560 (1)(d); and

10561 (x) space for the voter to sign the voter's name for the election.

10562 (c) When preparing the official register for the presidential primary election, the county
10563 clerk shall include:

10564 (i) an entry field to record the name of the political party whose ballot the voter voted;

10565 and

10566 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

10567 (d) When preparing the official register for any regular general election, municipal

10568 general election, statewide special election, local special election, regular primary election,
10569 municipal primary election, [~~local~~] special district election, or election for federal office, the
10570 county clerk shall include:

10571 (i) an entry field for the poll worker to record the type of identification provided by the
10572 voter;

10573 (ii) a space for the poll worker to record the provisional envelope ballot number for
10574 voters who receive a provisional ballot; and

10575 (iii) a space for the poll worker to record the type of identification that was provided by
10576 voters who receive a provisional ballot.

10577 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
10578 elections, [~~local~~] special district elections, and bond elections, the county clerk shall make an
10579 official register only for voting precincts affected by the primary, municipal, [~~local~~] special
10580 district, or bond election.

10581 (ii) If a polling place to be used in a bond election serves both voters residing in the
10582 local political subdivision calling the bond election and voters residing outside of that local
10583 political subdivision, the official register shall designate whether each voter resides in or
10584 outside of the local political subdivision.

10585 (iii) Each county clerk, with the assistance of the clerk of each affected [~~local~~] special
10586 district, shall provide a detailed map or an indication on the registration list or other means to
10587 enable a poll worker to determine the voters entitled to vote at an election of [~~local~~] special
10588 district officers.

10589 (b) Municipalities shall pay the costs of making the official register for municipal
10590 elections.

10591 Section 236. Section **20A-5-403** is amended to read:

10592 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**
10593 **Arrangements.**

10594 (1) Except as provided in Section [20A-7-609.5](#), each election officer shall:

10595 (a) designate polling places for each voting precinct in the jurisdiction; and

10596 (b) obtain the approval of the county or municipal legislative body or [~~local~~] special
10597 district governing board for those polling places.

10598 (2) (a) For each polling place, the election officer shall provide:

- 10599 (i) an American flag;
- 10600 (ii) a sufficient number of voting booths or compartments;
- 10601 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and
10602 supplies necessary to enable a voter to vote;
- 10603 (iv) the constitutional amendment cards required by Part 1, Election Notices and
10604 Instructions;
- 10605 (v) the instructions required by Section 20A-5-102; and
- 10606 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter
10607 identification is required for every voter before the voter may vote and listing the forms of
10608 identification that constitute valid voter identification.
- 10609 (b) Each election officer shall ensure that:
- 10610 (i) each voting booth is at a convenient height for writing, and is arranged so that the
10611 voter can prepare the voter's ballot screened from observation;
- 10612 (ii) there are a sufficient number of voting booths or voting devices to accommodate
10613 the voters at that polling place; and
- 10614 (iii) there is at least one voting booth or voting device that is configured to
10615 accommodate persons with disabilities.
- 10616 (c) Each county clerk shall provide a ballot box for each polling place that is large
10617 enough to properly receive and hold the ballots to be cast.
- 10618 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
10619 access by a person with a disability.
- 10620 (b) Any issues concerning inaccessibility to polling places by a person with a disability
10621 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
10622 clerk shall be:
- 10623 (i) forwarded to the Office of the Lieutenant Governor; and
- 10624 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
10625 either:
- 10626 (A) remedied at the particular location by the county clerk;
- 10627 (B) the county clerk shall designate an alternative accessible location for the particular
10628 precinct; or
- 10629 (C) if no practical solution can be identified, file with the Office of the Lieutenant

10630 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

10631 (4) (a) The municipality in which the election is held shall pay the cost of conducting
10632 each municipal election, including the cost of printing and supplies.

10633 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
10634 exceed the actual costs incurred by the county clerk.

10635 (ii) The actual costs shall include:

10636 (A) costs of or rental fees associated with the use of election equipment and supplies;
10637 and

10638 (B) reasonable and necessary administrative costs.

10639 (5) The county clerk shall make detailed entries of all proceedings had under this
10640 chapter.

10641 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
10642 that an individual waits in line before the individual can vote at a polling place in the county
10643 does not exceed 30 minutes.

10644 (b) The lieutenant governor may require a county clerk to submit a line management
10645 plan before the next election if an individual waits in line at a polling place in the county longer
10646 than 30 minutes before the individual can vote.

10647 (c) The lieutenant governor may consider extenuating circumstances in deciding
10648 whether to require the county clerk to submit a plan described in Subsection (6)(b).

10649 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
10650 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the
10651 amount of time an individual waits in line before the individual can vote at a polling place in
10652 the county does not exceed 30 minutes.

10653 Section 237. Section **20A-5-407** is amended to read:

10654 **20A-5-407. Election officer to provide ballot boxes.**

10655 (1) Except as provided in Subsection (3), an election officer shall:

10656 (a) provide one ballot box with a lock and key for each polling place; and

10657 (b) deliver the ballot boxes, locks, and keys to the polling place before the polls open.

10658 (2) An election officer for a municipality or [~~local~~] special district may obtain ballot
10659 boxes from the county clerk's office.

10660 (3) If locks and keys are unavailable, the election officer shall ensure that the ballot

10661 box lid is secured by tape.

10662 Section 238. Section **20A-5-601** is amended to read:

10663 **20A-5-601. Appointment of poll workers in elections where candidates are**
10664 **distinguished by registered political parties.**

10665 (1) (a) This section governs appointment of poll workers in elections where candidates
10666 are distinguished by registered political parties.

10667 (b) On or before March 1 of each even-numbered year, an election officer shall provide
10668 to the county chair of each registered political party a list of the number of poll workers that the
10669 party must nominate for each polling place.

10670 (c) On or before April 1 of each even-numbered year, the county chair and secretary of
10671 each registered political party shall file a list with the election officer containing the names of
10672 individuals in the county who are willing to serve as poll workers, who are qualified to serve as
10673 poll workers in accordance with this section, and who are competent and trustworthy.

10674 (d) The county chair and secretary shall submit names equal in number to the number
10675 required by the election officer, plus one.

10676 (2) Each election officer shall provide for the appointment of individuals to serve as
10677 poll workers at each election.

10678 (3) (a) For each election, each election officer shall provide for the appointment of at
10679 least three registered voters, or one individual who is 16 or 17 years old and two registered
10680 voters, one of whom is at least 21 years old, from the list to serve as poll workers.

10681 (b) An election officer may appoint additional poll workers, as needed.

10682 (4) For each set of three poll workers appointed for a polling place for an election, the
10683 election officer shall ensure that:

10684 (a) two poll workers are appointed from the political party that cast the highest number
10685 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
10686 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last
10687 regular general election before the appointment of the poll workers; and

10688 (b) one poll worker is appointed from the political party that cast the second highest
10689 number of votes for governor, lieutenant governor, attorney general, state auditor, and state
10690 treasurer, excluding votes for unopposed candidates, in the county, city, or ~~local~~ special
10691 district, as applicable, at the last regular general election before the appointment of the poll

10692 workers.

10693 (5) The election officer shall provide for the appointment of any qualified county voter
10694 as a poll worker when:

10695 (a) a political party fails to file the poll worker list by the filing deadline; or

10696 (b) the list is incomplete.

10697 (6) A registered voter of the county may serve as a poll worker at any polling place in
10698 the county, municipality, or district, as applicable.

10699 (7) An election officer may not appoint a candidate's parent, sibling, spouse, child,
10700 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
10701 serve as a poll worker in a polling place where the candidate appears on the ballot.

10702 (8) The election officer shall fill all poll worker vacancies.

10703 (9) If a conflict arises over the right to certify the poll worker lists for any political
10704 party, the election officer may decide between conflicting lists, but may only select names from
10705 a properly submitted list.

10706 (10) The clerk shall establish compensation for poll workers.

10707 (11) The election officer may appoint additional poll workers to serve in the polling
10708 place as needed.

10709 Section 239. Section **20A-5-602** is amended to read:

10710 **20A-5-602. Appointment of poll workers in elections where candidates are not**
10711 **distinguished by registered political parties.**

10712 (1) (a) This section governs appointment of poll workers in elections where candidates
10713 are not distinguished by registered political parties.

10714 (b) An election officer shall appoint the poll worker at least 15 days before the date of
10715 the local election.

10716 (2) (a) The election officer shall appoint, or provide for the appointment of, at least
10717 three poll workers as follows:

10718 (i) three registered voters; or

10719 (ii) two registered voters, one of whom is at least 21 years old, and one individual who
10720 is 16 or 17 years old.

10721 (b) The election officer may appoint additional poll workers to serve in the polling
10722 place as needed.

10723 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,
10724 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
10725 serve as a poll worker at a polling place where the candidate appears on the ballot.

10726 (4) (a) The clerk shall compensate poll workers for their services.

10727 (b) The clerk of a municipality or [~~local~~] special district may not compensate poll
10728 workers at a rate higher than that paid by the county to the county's poll workers.

10729 Section 240. Section **20A-9-101** is amended to read:

10730 **20A-9-101. Definitions.**

10731 As used in this chapter:

10732 (1) (a) "Candidates for elective office" means persons who file a declaration of
10733 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
10734 constitutional office, multicounty office, or county office.

10735 (b) "Candidates for elective office" does not mean candidates for:

10736 (i) justice or judge of court of record or not of record;

10737 (ii) presidential elector;

10738 (iii) any political party offices; and

10739 (iv) municipal or [~~local~~] special district offices.

10740 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
10741 attorney general, state auditor, and state treasurer.

10742 (3) "Continuing political party" means the same as that term is defined in Section
10743 [20A-8-101](#).

10744 (4) (a) "County office" means an elective office where the officeholder is selected by
10745 voters entirely within one county.

10746 (b) "County office" does not mean:

10747 (i) the office of justice or judge of any court of record or not of record;

10748 (ii) the office of presidential elector;

10749 (iii) any political party offices;

10750 (iv) any municipal or [~~local~~] special district offices; and

10751 (v) the office of United States Senator and United States Representative.

10752 (5) "Electronic candidate qualification process" means:

10753 (a) as it relates to a registered political party that is not a qualified political party, the

10754 process for gathering signatures electronically to seek the nomination of a registered political
10755 party, described in:

- 10756 (i) Section 20A-9-403;
 - 10757 (ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and
 - 10758 (iii) Section 20A-21-201; and
- 10759 (b) as it relates to a qualified political party, the process, for gathering signatures
10760 electronically to seek the nomination of a registered political party, described in:

- 10761 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
 - 10762 (ii) Section 20A-9-408; and
 - 10763 (iii) Section 20A-21-201.
- 10764 (6) "Federal office" means an elective office for United States Senator and United
10765 States Representative.

- 10766 (7) "Filing officer" means:
- 10767 (a) the lieutenant governor, for:
 - 10768 (i) the office of United States Senator and United States Representative; and
 - 10769 (ii) all constitutional offices;
 - 10770 (b) for the office of a state senator or state representative, the lieutenant governor or the
10771 applicable clerk described in Subsection (7)(c) or (d);
 - 10772 (c) the county clerk, for county offices and local school district offices;
 - 10773 (d) the county clerk in the filer's county of residence, for multicounty offices;
 - 10774 (e) the city or town clerk, for municipal offices; or
 - 10775 (f) the ~~[local]~~ special district clerk, for ~~[local]~~ special district offices.

10776 ~~[(8) "Local district office" means an elected office in a local district.]~~

10777 ~~[(9)]~~ (8) "Local government office" includes county offices, municipal offices, and
10778 ~~[local]~~ special district offices and other elective offices selected by the voters from a political
10779 division entirely within one county.

10780 ~~[(10)]~~ (9) "Manual candidate qualification process" means the process for gathering
10781 signatures to seek the nomination of a registered political party, using paper signature packets
10782 that a signer physically signs.

10783 ~~[(11)]~~ (10) (a) "Multicounty office" means an elective office where the officeholder is
10784 selected by the voters from more than one county.

- 10785 (b) "Multicounty office" does not mean:
- 10786 (i) a county office;
- 10787 (ii) a federal office;
- 10788 (iii) the office of justice or judge of any court of record or not of record;
- 10789 (iv) the office of presidential elector;
- 10790 (v) any political party offices; or
- 10791 (vi) any municipal or ~~local~~ special district offices.
- 10792 ~~[(12)]~~ (11) "Municipal office" means an elective office in a municipality.
- 10793 ~~[(13)]~~ (12) (a) "Political division" means a geographic unit from which an officeholder
- 10794 is elected and that an officeholder represents.
- 10795 (b) "Political division" includes a county, a city, a town, a ~~local~~ special district, a
- 10796 school district, a legislative district, and a county prosecution district.
- 10797 ~~[(14)]~~ (13) "Qualified political party" means a registered political party that:
- 10798 (a) (i) permits a delegate for the registered political party to vote on a candidate
- 10799 nomination in the registered political party's convention remotely; or
- 10800 (ii) provides a procedure for designating an alternate delegate if a delegate is not
- 10801 present at the registered political party's convention;
- 10802 (b) does not hold the registered political party's convention before the fourth Saturday
- 10803 in March of an even-numbered year;
- 10804 (c) permits a member of the registered political party to seek the registered political
- 10805 party's nomination for any elective office by the member choosing to seek the nomination by
- 10806 either or both of the following methods:
- 10807 (i) seeking the nomination through the registered political party's convention process,
- 10808 in accordance with the provisions of Section [20A-9-407](#); or
- 10809 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
- 10810 of Section [20A-9-408](#); and
- 10811 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
- 10812 on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor
- 10813 that, for the election in the following year, the registered political party intends to nominate the
- 10814 registered political party's candidates in accordance with the provisions of Section [20A-9-406](#);
- 10815 or

10816 (ii) if the registered political party is not a continuing political party, certifies at the
10817 time that the registered political party files the petition described in Section 20A-8-103 that, for
10818 the next election, the registered political party intends to nominate the registered political
10819 party's candidates in accordance with the provisions of Section 20A-9-406.

10820 ~~[(15)]~~ (14) "Signature," as it relates to a petition for a candidate to seek the nomination
10821 of a registered political party, means:

10822 (a) when using the manual candidate qualification process, a holographic signature
10823 collected physically on a nomination petition described in Subsection 20A-9-405(3); or

10824 (b) when using the electronic candidate qualification process:

10825 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

10826 (ii) a holographic signature collected electronically under Subsection
10827 20A-21-201(6)(c)(ii)(B).

10828 (15) "Special district office" means an elected office in a special district.

10829 Section 241. Section 20A-9-503 is amended to read:

10830 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

10831 (1) Except as provided in Subsection (1)(b), after the certificate of nomination has been
10832 certified, executed, and acknowledged by the county clerk, the candidate shall:

10833 (a) (i) file the petition in person with the lieutenant governor, if the office the candidate
10834 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate
10835 seeks is a county office, during the declaration of candidacy filing period described in Section
10836 20A-9-201.5; and

10837 (ii) pay the filing fee; or

10838 (b) not later than the close of normal office hours on June 15 of any odd-numbered
10839 year:

10840 (i) file the petition in person with the municipal clerk, if the candidate seeks an office
10841 in a city or town, or the ~~[local]~~ special district clerk, if the candidate seeks an office in a ~~[local]~~
10842 special district; and

10843 (ii) pay the filing fee.

10844 (2) (a) The provisions of this Subsection (2) do not apply to an individual who files a
10845 declaration of candidacy for president of the United States.

10846 (b) Subject to Subsections (4)(c) and 20A-9-502(2), an individual may designate an

10847 agent to file a declaration of candidacy with the appropriate filing officer if:

10848 (i) the individual is located outside of the state during the entire filing period;

10849 (ii) the designated agent appears in person before the filing officer; and

10850 (iii) the individual communicates with the filing officer using an electronic device that

10851 allows the individual and filing officer to see and hear each other.

10852 (3) (a) At the time of filing, and before accepting the petition, the filing officer shall

10853 read the constitutional and statutory requirements for candidacy to the candidate.

10854 (b) If the candidate states that the candidate does not meet the requirements, the filing

10855 officer may not accept the petition.

10856 (4) (a) An individual filing a certificate of nomination for president or vice president of

10857 the United States under this section shall pay a filing fee of \$500.

10858 (b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for

10859 president or vice president of the United States:

10860 (i) may file the certificate of nomination during the declaration of candidacy filing

10861 period described in Section [20A-9-201.5](#); and

10862 (ii) may use a designated agent to file the certificate of nomination.

10863 (c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may

10864 not sign the certificate of nomination form.

10865 Section 242. Section **20A-11-101** is amended to read:

10866 **20A-11-101. Definitions.**

10867 As used in this chapter:

10868 (1) (a) "Address" means the number and street where an individual resides or where a

10869 reporting entity has its principal office.

10870 (b) "Address" does not include a post office box.

10871 (2) "Agent of a reporting entity" means:

10872 (a) a person acting on behalf of a reporting entity at the direction of the reporting

10873 entity;

10874 (b) a person employed by a reporting entity in the reporting entity's capacity as a

10875 reporting entity;

10876 (c) the personal campaign committee of a candidate or officeholder;

10877 (d) a member of the personal campaign committee of a candidate or officeholder in the

10878 member's capacity as a member of the personal campaign committee of the candidate or
10879 officeholder; or

10880 (e) a political consultant of a reporting entity.

10881 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
10882 amendments, and any other ballot propositions submitted to the voters that are authorized by
10883 the Utah Code Annotated 1953.

10884 (4) "Candidate" means any person who:

10885 (a) files a declaration of candidacy for a public office; or

10886 (b) receives contributions, makes expenditures, or gives consent for any other person to
10887 receive contributions or make expenditures to bring about the person's nomination or election
10888 to a public office.

10889 (5) "Chief election officer" means:

10890 (a) the lieutenant governor for state office candidates, legislative office candidates,
10891 officeholders, political parties, political action committees, corporations, political issues
10892 committees, state school board candidates, judges, and labor organizations, as defined in
10893 Section [20A-11-1501](#); and

10894 (b) the county clerk for local school board candidates.

10895 (6) (a) "Contribution" means any of the following when done for political purposes:

10896 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
10897 value given to the filing entity;

10898 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
10899 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
10900 anything of value to the filing entity;

10901 (iii) any transfer of funds from another reporting entity to the filing entity;

10902 (iv) compensation paid by any person or reporting entity other than the filing entity for
10903 personal services provided without charge to the filing entity;

10904 (v) remuneration from:

10905 (A) any organization or its directly affiliated organization that has a registered lobbyist;

10906 or

10907 (B) any agency or subdivision of the state, including school districts;

10908 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

- 10909 (vii) in-kind contributions.
- 10910 (b) "Contribution" does not include:
- 10911 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 10912 of the filing entity if the services are provided without compensation by the filing entity or any
- 10913 other person;
- 10914 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 10915 business;
- 10916 (iii) goods or services provided for the benefit of a political entity at less than fair
- 10917 market value that are not authorized by or coordinated with the political entity; or
- 10918 (iv) data or information described in Subsection (24)(b).
- 10919 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 10920 political entity are provided:
- 10921 (a) with the political entity's prior knowledge, if the political entity does not object;
- 10922 (b) by agreement with the political entity;
- 10923 (c) in coordination with the political entity; or
- 10924 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 10925 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 10926 organization that is registered as a corporation or is authorized to do business in a state and
- 10927 makes any expenditure from corporate funds for:
- 10928 (i) the purpose of expressly advocating for political purposes; or
- 10929 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 10930 proposition.
- 10931 (b) "Corporation" does not mean:
- 10932 (i) a business organization's political action committee or political issues committee; or
- 10933 (ii) a business entity organized as a partnership or a sole proprietorship.
- 10934 (9) "County political party" means, for each registered political party, all of the persons
- 10935 within a single county who, under definitions established by the political party, are members of
- 10936 the registered political party.
- 10937 (10) "County political party officer" means a person whose name is required to be
- 10938 submitted by a county political party to the lieutenant governor in accordance with Section
- 10939 [20A-8-402](#).

- 10940 (11) "Detailed listing" means:
- 10941 (a) for each contribution or public service assistance:
- 10942 (i) the name and address of the individual or source making the contribution or public
- 10943 service assistance, except to the extent that the name or address of the individual or source is
- 10944 unknown;
- 10945 (ii) the amount or value of the contribution or public service assistance; and
- 10946 (iii) the date the contribution or public service assistance was made; and
- 10947 (b) for each expenditure:
- 10948 (i) the amount of the expenditure;
- 10949 (ii) the goods or services acquired by the expenditure; and
- 10950 (iii) the date the expenditure was made.
- 10951 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 10952 for membership in the corporation, to a corporation without receiving full and adequate
- 10953 consideration for the money.
- 10954 (b) "Donor" does not include a person that signs a statement that the corporation may
- 10955 not use the money for an expenditure or political issues expenditure.
- 10956 (13) "Election" means each:
- 10957 (a) regular general election;
- 10958 (b) regular primary election; and
- 10959 (c) special election at which candidates are eliminated and selected.
- 10960 (14) "Electioneering communication" means a communication that:
- 10961 (a) has at least a value of \$10,000;
- 10962 (b) clearly identifies a candidate or judge; and
- 10963 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 10964 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 10965 identified candidate's or judge's election date.
- 10966 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 10967 agent of a reporting entity on behalf of the reporting entity:
- 10968 (i) any disbursement from contributions, receipts, or from the separate bank account
- 10969 required by this chapter;
- 10970 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

- 10971 or anything of value made for political purposes;
- 10972 (iii) an express, legally enforceable contract, promise, or agreement to make any
10973 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
10974 value for political purposes;
- 10975 (iv) compensation paid by a filing entity for personal services rendered by a person
10976 without charge to a reporting entity;
- 10977 (v) a transfer of funds between the filing entity and a candidate's personal campaign
10978 committee;
- 10979 (vi) goods or services provided by the filing entity to or for the benefit of another
10980 reporting entity for political purposes at less than fair market value; or
- 10981 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).
- 10982 (b) "Expenditure" does not include:
- 10983 (i) services provided without compensation by individuals volunteering a portion or all
10984 of their time on behalf of a reporting entity;
- 10985 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
10986 business; or
- 10987 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
10988 candidates for office or officeholders in states other than Utah.
- 10989 (16) "Federal office" means the office of president of the United States, United States
10990 Senator, or United States Representative.
- 10991 (17) "Filing entity" means the reporting entity that is required to file a financial
10992 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 10993 (18) "Financial statement" includes any summary report, interim report, verified
10994 financial statement, or other statement disclosing contributions, expenditures, receipts,
10995 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
10996 Retention Elections.
- 10997 (19) "Governing board" means the individual or group of individuals that determine the
10998 candidates and committees that will receive expenditures from a political action committee,
10999 political party, or corporation.
- 11000 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
11001 Incorporation, by which a geographical area becomes legally recognized as a city, town, or

11002 metro township.

11003 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or
11004 10-2a-404.

11005 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

11006 (23) "Individual" means a natural person.

11007 (24) (a) "In-kind contribution" means anything of value, other than money, that is
11008 accepted by or coordinated with a filing entity.

11009 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
11010 information, demographic data, voting trend data, or other information that:

11011 (i) is not commissioned for the benefit of a particular candidate or officeholder; and

11012 (ii) is offered at no cost to a candidate or officeholder.

11013 (25) "Interim report" means a report identifying the contributions received and
11014 expenditures made since the last report.

11015 (26) "Legislative office" means the office of state senator, state representative, speaker
11016 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
11017 whip of any party caucus in either house of the Legislature.

11018 (27) "Legislative office candidate" means a person who:

11019 (a) files a declaration of candidacy for the office of state senator or state representative;

11020 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
11021 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
11022 assistant whip of any party caucus in either house of the Legislature; or

11023 (c) receives contributions, makes expenditures, or gives consent for any other person to
11024 receive contributions or make expenditures to bring about the person's nomination, election, or
11025 appointment to a legislative office.

11026 (28) "Loan" means any of the following provided by a person that benefits a filing
11027 entity if the person expects repayment or reimbursement:

11028 (a) an expenditure made using any form of payment;

11029 (b) money or funds received by the filing entity;

11030 (c) the provision of a good or service with an agreement or understanding that payment
11031 or reimbursement will be delayed; or

11032 (d) use of any line of credit.

11033 (29) "Major political party" means either of the two registered political parties that
11034 have the greatest number of members elected to the two houses of the Legislature.

11035 (30) "Officeholder" means a person who holds a public office.

11036 (31) "Party committee" means any committee organized by or authorized by the
11037 governing board of a registered political party.

11038 (32) "Person" means both natural and legal persons, including individuals, business
11039 organizations, personal campaign committees, party committees, political action committees,
11040 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

11041 (33) "Personal campaign committee" means the committee appointed by a candidate to
11042 act for the candidate as provided in this chapter.

11043 (34) "Personal use expenditure" has the same meaning as provided under Section
11044 [20A-11-104](#).

11045 (35) (a) "Political action committee" means an entity, or any group of individuals or
11046 entities within or outside this state, a major purpose of which is to:

11047 (i) solicit or receive contributions from any other person, group, or entity for political
11048 purposes; or

11049 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
11050 vote for or against any candidate or person seeking election to a municipal or county office.

11051 (b) "Political action committee" includes groups affiliated with a registered political
11052 party but not authorized or organized by the governing board of the registered political party
11053 that receive contributions or makes expenditures for political purposes.

11054 (c) "Political action committee" does not mean:

11055 (i) a party committee;

11056 (ii) any entity that provides goods or services to a candidate or committee in the regular
11057 course of its business at the same price that would be provided to the general public;

11058 (iii) an individual;

11059 (iv) individuals who are related and who make contributions from a joint checking
11060 account;

11061 (v) a corporation, except a corporation a major purpose of which is to act as a political
11062 action committee; or

11063 (vi) a personal campaign committee.

11064 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
11065 by another person on behalf of and with the knowledge of the reporting entity, to provide
11066 political advice to the reporting entity.

11067 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
11068 where the person:

11069 (i) has already been paid, with money or other consideration;

11070 (ii) expects to be paid in the future, with money or other consideration; or

11071 (iii) understands that the person may, in the discretion of the reporting entity or another
11072 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
11073 money or other consideration.

11074 (37) "Political convention" means a county or state political convention held by a
11075 registered political party to select candidates.

11076 (38) "Political entity" means a candidate, a political party, a political action committee,
11077 or a political issues committee.

11078 (39) (a) "Political issues committee" means an entity, or any group of individuals or
11079 entities within or outside this state, a major purpose of which is to:

11080 (i) solicit or receive donations from any other person, group, or entity to assist in
11081 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
11082 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

11083 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
11084 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
11085 proposed ballot proposition or an incorporation in an incorporation election; or

11086 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
11087 ballot or to assist in keeping a ballot proposition off the ballot.

11088 (b) "Political issues committee" does not mean:

11089 (i) a registered political party or a party committee;

11090 (ii) any entity that provides goods or services to an individual or committee in the
11091 regular course of its business at the same price that would be provided to the general public;

11092 (iii) an individual;

11093 (iv) individuals who are related and who make contributions from a joint checking
11094 account;

11095 (v) a corporation, except a corporation a major purpose of which is to act as a political
11096 issues committee; or

11097 (vi) a group of individuals who:

11098 (A) associate together for the purpose of challenging or supporting a single ballot
11099 proposition, ordinance, or other governmental action by a county, city, town, [~~local~~] special
11100 district, special service district, or other local political subdivision of the state;

11101 (B) have a common liberty, property, or financial interest that is directly impacted by
11102 the ballot proposition, ordinance, or other governmental action;

11103 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),
11104 via a legal entity;

11105 (D) do not receive funds for challenging or supporting the ballot proposition,
11106 ordinance, or other governmental action from a person other than an individual in the group;
11107 and

11108 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
11109 (39)(b)(vi)(A).

11110 (40) (a) "Political issues contribution" means any of the following:

11111 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
11112 anything of value given to a political issues committee;

11113 (ii) an express, legally enforceable contract, promise, or agreement to make a political
11114 issues donation to influence the approval or defeat of any ballot proposition;

11115 (iii) any transfer of funds received by a political issues committee from a reporting
11116 entity;

11117 (iv) compensation paid by another reporting entity for personal services rendered
11118 without charge to a political issues committee; and

11119 (v) goods or services provided to or for the benefit of a political issues committee at
11120 less than fair market value.

11121 (b) "Political issues contribution" does not include:

11122 (i) services provided without compensation by individuals volunteering a portion or all
11123 of their time on behalf of a political issues committee; or

11124 (ii) money lent to a political issues committee by a financial institution in the ordinary
11125 course of business.

11126 (41) (a) "Political issues expenditure" means any of the following when made by a
11127 political issues committee or on behalf of a political issues committee by an agent of the
11128 reporting entity:

11129 (i) any payment from political issues contributions made for the purpose of influencing
11130 the approval or the defeat of:

11131 (A) a ballot proposition; or

11132 (B) an incorporation petition or incorporation election;

11133 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
11134 the express purpose of influencing the approval or the defeat of:

11135 (A) a ballot proposition; or

11136 (B) an incorporation petition or incorporation election;

11137 (iii) an express, legally enforceable contract, promise, or agreement to make any
11138 political issues expenditure;

11139 (iv) compensation paid by a reporting entity for personal services rendered by a person
11140 without charge to a political issues committee; or

11141 (v) goods or services provided to or for the benefit of another reporting entity at less
11142 than fair market value.

11143 (b) "Political issues expenditure" does not include:

11144 (i) services provided without compensation by individuals volunteering a portion or all
11145 of their time on behalf of a political issues committee; or

11146 (ii) money lent to a political issues committee by a financial institution in the ordinary
11147 course of business.

11148 (42) "Political purposes" means an act done with the intent or in a way to influence or
11149 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
11150 against any:

11151 (a) candidate or a person seeking a municipal or county office at any caucus, political
11152 convention, or election; or

11153 (b) judge standing for retention at any election.

11154 (43) (a) "Poll" means the survey of a person regarding the person's opinion or
11155 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
11156 ballot proposition that has legally qualified for placement on the ballot, which is conducted in

11157 person or by telephone, facsimile, Internet, postal mail, or email.

11158 (b) "Poll" does not include:

11159 (i) a ballot; or

11160 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

11161 (A) the focus group consists of more than three, and less than thirteen, individuals; and

11162 (B) all individuals in the focus group are present during the interview.

11163 (44) "Primary election" means any regular primary election held under the election
11164 laws.

11165 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
11166 sharing a common occupation, interest, or association that contribute to a political action
11167 committee or political issues committee and whose names can be obtained by contacting the
11168 political action committee or political issues committee upon whose financial statement the
11169 individuals are listed.

11170 (46) "Public office" means the office of governor, lieutenant governor, state auditor,
11171 state treasurer, attorney general, state school board member, state senator, state representative,
11172 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
11173 assistant whip of any party caucus in either house of the Legislature.

11174 (47) (a) "Public service assistance" means the following when given or provided to an
11175 officeholder to defray the costs of functioning in a public office or aid the officeholder to
11176 communicate with the officeholder's constituents:

11177 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
11178 money or anything of value to an officeholder; or

11179 (ii) goods or services provided at less than fair market value to or for the benefit of the
11180 officeholder.

11181 (b) "Public service assistance" does not include:

11182 (i) anything provided by the state;

11183 (ii) services provided without compensation by individuals volunteering a portion or all
11184 of their time on behalf of an officeholder;

11185 (iii) money lent to an officeholder by a financial institution in the ordinary course of
11186 business;

11187 (iv) news coverage or any publication by the news media; or

11188 (v) any article, story, or other coverage as part of any regular publication of any
11189 organization unless substantially all the publication is devoted to information about the
11190 officeholder.

11191 (48) "Receipts" means contributions and public service assistance.

11192 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
11193 Lobbyist Disclosure and Regulation Act.

11194 (50) "Registered political action committee" means any political action committee that
11195 is required by this chapter to file a statement of organization with the Office of the Lieutenant
11196 Governor.

11197 (51) "Registered political issues committee" means any political issues committee that
11198 is required by this chapter to file a statement of organization with the Office of the Lieutenant
11199 Governor.

11200 (52) "Registered political party" means an organization of voters that:

11201 (a) participated in the last regular general election and polled a total vote equal to 2%
11202 or more of the total votes cast for all candidates for the United States House of Representatives
11203 for any of its candidates for any office; or

11204 (b) has complied with the petition and organizing procedures of Chapter 8, Political
11205 Party Formation and Procedures.

11206 (53) (a) "Remuneration" means a payment:

11207 (i) made to a legislator for the period the Legislature is in session; and

11208 (ii) that is approximately equivalent to an amount a legislator would have earned
11209 during the period the Legislature is in session in the legislator's ordinary course of business.

11210 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

11211 (i) the legislator's primary employer in the ordinary course of business; or

11212 (ii) a person or entity in the ordinary course of business:

11213 (A) because of the legislator's ownership interest in the entity; or

11214 (B) for services rendered by the legislator on behalf of the person or entity.

11215 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,
11216 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
11217 action committee, a political issues committee, a corporation, or a labor organization, as
11218 defined in Section [20A-11-1501](#).

11219 (55) "School board office" means the office of state school board.

11220 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or
11221 intangible asset that comprises the contribution.

11222 (b) "Source" means, for political action committees and corporations, the political
11223 action committee and the corporation as entities, not the contributors to the political action
11224 committee or the owners or shareholders of the corporation.

11225 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
11226 state auditor, and state treasurer.

11227 (58) "State office candidate" means a person who:

11228 (a) files a declaration of candidacy for a state office; or

11229 (b) receives contributions, makes expenditures, or gives consent for any other person to
11230 receive contributions or make expenditures to bring about the person's nomination, election, or
11231 appointment to a state office.

11232 (59) "Summary report" means the year end report containing the summary of a
11233 reporting entity's contributions and expenditures.

11234 (60) "Supervisory board" means the individual or group of individuals that allocate
11235 expenditures from a political issues committee.

11236 Section 243. Section **20A-11-1202** is amended to read:

11237 **20A-11-1202. Definitions.**

11238 As used in this part:

11239 (1) "Applicable election officer" means:

11240 (a) a county clerk, if the email relates only to a local election; or

11241 (b) the lieutenant governor, if the email relates to an election other than a local
11242 election.

11243 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
11244 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
11245 the voters for their approval or rejection.

11246 (3) "Campaign contribution" means any of the following when done for a political
11247 purpose or to advocate for or against a ballot proposition:

11248 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
11249 given to a filing entity;

11250 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
11251 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
11252 of value to a filing entity;

11253 (c) any transfer of funds from another reporting entity to a filing entity;

11254 (d) compensation paid by any person or reporting entity other than the filing entity for
11255 personal services provided without charge to the filing entity;

11256 (e) remuneration from:

11257 (i) any organization or the organization's directly affiliated organization that has a
11258 registered lobbyist; or

11259 (ii) any agency or subdivision of the state, including a school district; or

11260 (f) an in-kind contribution.

11261 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
11262 agency that receives its revenues from conduct of its commercial operations.

11263 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
11264 cooperation agency that receives some or all of its revenues from:

11265 (i) government appropriations;

11266 (ii) taxes;

11267 (iii) government fees imposed for regulatory or revenue raising purposes; or

11268 (iv) interest earned on public funds or other returns on investment of public funds.

11269 (5) "Expenditure" means:

11270 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
11271 or anything of value;

11272 (b) an express, legally enforceable contract, promise, or agreement to make any
11273 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
11274 value;

11275 (c) a transfer of funds between a public entity and a candidate's personal campaign
11276 committee;

11277 (d) a transfer of funds between a public entity and a political issues committee; or

11278 (e) goods or services provided to or for the benefit of a candidate, a candidate's
11279 personal campaign committee, or a political issues committee for political purposes at less than
11280 fair market value.

- 11281 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.
- 11282 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
11283 agency that receives some or all of its revenues from:
- 11284 (a) government appropriations;
- 11285 (b) taxes;
- 11286 (c) government fees imposed for regulatory or revenue raising purposes; or
- 11287 (d) interest earned on public funds or other returns on investment of public funds.
- 11288 (8) "Influence" means to campaign or advocate for or against a ballot proposition.
- 11289 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
11290 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 11291 ~~[(10) "Local district" means an entity under Title 17B, Limited Purpose Local
11292 Government Entities - Local Districts, and includes a special service district under Title 17D,
11293 Chapter 1, Special Service District Act.]~~
- 11294 ~~[(11)]~~ (10) "Political purposes" means an act done with the intent or in a way to
11295 influence or intend to influence, directly or indirectly, any person to refrain from voting or to
11296 vote for or against any:
- 11297 (a) candidate for public office at any caucus, political convention, primary, or election;
11298 or
- 11299 (b) judge standing for retention at any election.
- 11300 ~~[(12)]~~ (11) "Proposed initiative" means an initiative proposed in an application filed
11301 under Section 20A-7-202 or 20A-7-502.
- 11302 ~~[(13)]~~ (12) "Proposed referendum" means a referendum proposed in an application
11303 filed under Section 20A-7-302 or 20A-7-602.
- 11304 ~~[(14)]~~ (13) (a) "Public entity" includes the state, each state agency, each county,
11305 municipality, school district, ~~local~~ special district, governmental interlocal cooperation
11306 agency, and each administrative subunit of each of them.
- 11307 (b) "Public entity" does not include a commercial interlocal cooperation agency.
- 11308 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
11309 Department of Health Organization.
- 11310 ~~[(15)]~~ (14) (a) "Public funds" means any money received by a public entity from
11311 appropriations, taxes, fees, interest, or other returns on investment.

11312 (b) "Public funds" does not include money donated to a public entity by a person or
11313 entity.

11314 ~~[(16)]~~ (15) (a) "Public official" means an elected or appointed member of government
11315 with authority to make or determine public policy.

11316 (b) "Public official" includes the person or group that:

11317 (i) has supervisory authority over the personnel and affairs of a public entity; and

11318 (ii) approves the expenditure of funds for the public entity.

11319 ~~[(17)]~~ (16) "Reporting entity" means the same as that term is defined in Section
11320 [20A-11-101](#).

11321 (17) (a) "Special district" means an entity under Title 17B, Limited Purpose Local
11322 Government Entities - Special Districts.

11323 (b) "Special district" includes a special service district under Title 17D, Chapter 1,
11324 Special Service District Act.

11325 (18) (a) "State agency" means each department, commission, board, council, agency,
11326 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
11327 unit, bureau, panel, or other administrative unit of the state.

11328 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education,
11329 each institution of higher education board of trustees, and each higher education institution.

11330 Section 244. Section **20A-17-103** is amended to read:

11331 **20A-17-103. Posting political signs on public property.**

11332 (1) As used in this section:

11333 (a) "Local government entity" means:

11334 (i) a county, municipality, or other political subdivision;

11335 (ii) a ~~local~~ special district, as defined in Section [17B-1-102](#);

11336 (iii) a special service district, as defined in Section [17D-1-102](#);

11337 (iv) a local building authority, as defined in Section [17D-2-102](#);

11338 (v) a conservation district, as defined in Section [17D-3-102](#);

11339 (vi) an independent entity, as defined in Section [63E-1-102](#);

11340 (vii) a public corporation, as defined in Section [63E-1-102](#);

11341 (viii) a public transit district, organized under Title 17B, Chapter 2a, Part 8, Public
11342 Transit District Act;

- 11343 (ix) a school district;
- 11344 (x) a public school, including a charter school or other publicly funded school;
- 11345 (xi) a state institution of higher education;
- 11346 (xii) an entity that expends public funds; and
- 11347 (xiii) each office, agency, or other division of an entity described in Subsections
- 11348 (1)(a)(i) through (xii).
- 11349 (b) "Political sign" means any sign or document that advocates:
- 11350 (i) the election or defeat of a candidate for public office; or
- 11351 (ii) the approval or defeat of a ballot proposition.
- 11352 (c) (i) "Public property" means any real property, building, or structure owned or leased
- 11353 by a local government entity.
- 11354 (ii) "Public property" does not include any real property, building, or structure during a
- 11355 period of time that the real property, building, or structure is rented out by a government entity
- 11356 to a private party for a meeting, convention, or similar event.
- 11357 (2) A local government entity, a local government officer, a local government
- 11358 employee, or another person with authority or control over public property that posts or permits
- 11359 a person to post a political sign on public property:
- 11360 (a) shall permit any other person to post a political sign on the public property, subject
- 11361 to the same requirements and restrictions imposed on all other political signs permitted to be
- 11362 posted on the public property; and
- 11363 (b) may not impose a requirement or restriction on the posting of a political sign if the
- 11364 requirement or restriction is not politically neutral and content neutral.
- 11365 Section 245. **Repealer.**
- 11366 This bill repeals:
- 11367 Section **17B-1-101, Title.**
- 11368 Section **17B-2a-101, Title.**