

**Senator Curtis S. Bramble** proposes the following substitute bill:

**LOCAL DISTRICT AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stewart E. Barlow**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to local districts.

**Highlighted Provisions:**

This bill:

- ▶ replaces the term "local district" with the term "special district" throughout certain titles of the Utah Code;
- ▶ under certain circumstances, provides for replacement of a board of trustees of a nonfunctioning improvement district; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides retrospective operation.

This bill provides revisor instructions.

**Utah Code Sections Affected:**

AMENDS:

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



- 26 [17-15-32](#), as enacted by Laws of Utah 2018, Chapter 257
- 27 [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-1102](#), as last amended by Laws of Utah 2015, Chapter 352
- 221 [17B-2a-1104](#), as last amended by Laws of Utah 2022, Chapter 381
- 222 [17B-2a-1106](#), as last amended by Laws of Utah 2019, Chapter 24
- 223 [17C-1-102](#), as last amended by Laws of Utah 2021, Chapter 214
- 224 [17C-1-409](#), as last amended by Laws of Utah 2022, Chapter 307
- 225 [17D-1-102](#), as last amended by Laws of Utah 2014, Chapter 377
- 226 [17D-1-103](#), as last amended by Laws of Utah 2020, Chapter 354
- 227 [17D-1-106](#), as last amended by Laws of Utah 2020, Chapter 122
- 228 [17D-1-202](#), as enacted by Laws of Utah 2008, Chapter 360
- 229 [17D-1-303](#), as last amended by Laws of Utah 2014, Chapter 377
- 230 [17D-1-305](#), as enacted by Laws of Utah 2008, Chapter 360
- 231 [17D-1-401](#), as last amended by Laws of Utah 2015, Chapter 437
- 232 [17D-1-601](#), as last amended by Laws of Utah 2013, Chapter 371
- 233 [17D-1-603](#), as last amended by Laws of Utah 2013, Chapter 371
- 234 [17D-1-604](#), as enacted by Laws of Utah 2013, Chapter 371
- 235 [17D-2-102](#), as enacted by Laws of Utah 2008, Chapter 360
- 236 [17D-2-108](#), as last amended by Laws of Utah 2012, Chapter 347
- 237 [17D-3-105](#), as last amended by Laws of Utah 2020, Chapter 122
- 238 [17D-4-102](#), as last amended by Laws of Utah 2022, Chapters 82, 237
- 239 [17D-4-103](#), as renumbered and amended by Laws of Utah 2021, Chapter 314
- 240 [17D-4-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 314
- 241 [17D-4-203](#), as last amended by Laws of Utah 2022, Chapter 82
- 242 [17D-4-204](#), as renumbered and amended by Laws of Utah 2021, Chapter 314



- 243 [17D-4-301](#), as last amended by Laws of Utah 2022, Chapter 207
- 244 [20A-1-102](#), as last amended by Laws of Utah 2022, Chapters 18, 170
- 245 [20A-1-201](#), as last amended by Laws of Utah 2014, Chapter 362
- 246 [20A-1-202](#), as last amended by Laws of Utah 2014, Chapter 362
- 247 [20A-1-206](#), as last amended by Laws of Utah 2022, Chapter 167
- 248 [20A-1-512](#), as last amended by Laws of Utah 2021, Chapters 77, 84 and 345
- 249 [20A-1-513](#), as last amended by Laws of Utah 2021, Chapter 93
- 250 [20A-2-101](#), as last amended by Laws of Utah 2019, Chapter 433
- 251 [20A-3a-102](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
- 252 [20A-3a-104](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
- 253 [20A-3a-501](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17
- 254 [20A-3a-605](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
- 255 [20A-4-301](#), as last amended by Laws of Utah 2014, Chapter 377
- 256 [20A-4-304](#), as last amended by Laws of Utah 2022, Chapter 342
- 257 [20A-4-305](#), as last amended by Laws of Utah 2008, Chapter 228
- 258 [20A-4-401](#), as last amended by Laws of Utah 2020, Chapter 31
- 259 [20A-5-302](#), as last amended by Laws of Utah 2020, Chapters 31, 49
- 260 [20A-5-400.5](#), as last amended by Laws of Utah 2013, Chapter 415
- 261 [20A-5-401](#), as last amended by Laws of Utah 2020, Chapter 31
- 262 [20A-5-403](#), as last amended by Laws of Utah 2022, Chapter 18
- 263 [20A-5-407](#), as last amended by Laws of Utah 2020, Chapter 31
- 264 [20A-5-601](#), as last amended by Laws of Utah 2022, Chapter 18
- 265 [20A-5-602](#), as last amended by Laws of Utah 2020, Chapter 31
- 266 [20A-9-101](#), as last amended by Laws of Utah 2022, Chapters 13, 325
- 267 [20A-9-503](#), as last amended by Laws of Utah 2022, Chapters 13, 18
- 268 [20A-11-101](#), as last amended by Laws of Utah 2022, Chapter 126
- 269 [20A-11-1202](#), as last amended by Laws of Utah 2020, Chapter 365
- 270 [20A-17-103](#), as enacted by Laws of Utah 2015, Chapter 106

271 ENACTS:

272 [17B-2a-407](#), Utah Code Annotated 1953

273 REPEALS:

274 **17B-1-101**, as enacted by Laws of Utah 2007, Chapter 329

275 **17B-2a-101**, as enacted by Laws of Utah 2007, Chapter 329

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

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

279 **17-2-209. Minor adjustments to county boundaries authorized -- Public hearing**  
280 **-- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor --**  
281 **Recording requirements -- Effective date.**

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

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

289 (i) an existing parcel;

290 (ii) an interest in the property; or

291 (iii) a claim of record in the office of recorder of either county sharing the common  
292 boundary.

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

295 (a) hold a joint public hearing on the proposed boundary adjustment;

296 (b) at least seven days before the public hearing described in Subsection (2)(a), provide  
297 written notice of the proposed adjustment to:

298 (i) each owner of real property whose property, or a portion of whose property, may  
299 change counties as the result of the proposed adjustment; and

300 (ii) any of the following whose territory, or a portion of whose territory, may change  
301 counties as the result of the proposed boundary adjustment, or whose boundary is aligned with  
302 any portion of the existing county boundary that is being proposed for adjustment:

303 (A) a city;

304 (B) a town;

- 305 (C) a metro township;
- 306 (D) a school district;
- 307 (E) a [~~local~~] special district governed by [~~Title 17B, Limited Purpose Local~~
- 308 ~~Government Entities - Local Districts~~] Title 17B, Limited Purpose Local Government Entities -
- 309 Special Districts;
- 310 (F) a special service district governed by Title 17D, Chapter 1, Special Service District
- 311 Act;
- 312 (G) an interlocal entity governed by Title 11, Chapter 13, Interlocal Cooperation Act;
- 313 (H) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 314 Government Entities - Community Reinvestment Agency Act;
- 315 (I) a local building authority governed by Title 17D, Chapter 2, Local Building
- 316 Authority Act; and
- 317 (J) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 318 and
- 319 (c) adopt a joint resolution approved by both county legislative bodies approving the
- 320 proposed boundary adjustment.
- 321 (3) The legislative bodies of both counties adopting a joint resolution under Subsection
- 322 (2)(c) shall:
- 323 (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant
- 324 governor:
- 325 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
- 326 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and
- 327 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and
- 328 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
- 329 under Section [67-1a-6.5](#), jointly submit to the recorder of the county in which the property is
- 330 located after the boundary adjustment:
- 331 (i) the original notice of an impending boundary action;
- 332 (ii) the original certificate of boundary adjustment;
- 333 (iii) the original approved final local entity plat; and
- 334 (iv) a certified copy of the joint resolution approving the boundary adjustment.
- 335 (4) (a) As used in this Subsection (4):

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

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

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

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

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

347 (A) levy or collect a property tax on property within an affected area;

348 (B) levy or collect an assessment on property within an affected area; or

349 (C) charge or collect a fee for service provided to property within an affected area.

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

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

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

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

356 **17-15-32. County website listing of local government entities.**

357 (1) As used in this section:

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

359 (A) performs a single governmental function or limited governmental functions; and

360 (B) is not a state executive branch agency, a state legislative office, or within the  
361 judicial branch.

362 (ii) "Limited purpose entity" includes:

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

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

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

- 367 (D) conservation districts, as that term is defined in Section [17D-3-102](#);
- 368 (E) governmental nonprofit corporations, as that term is defined in Section [11-13a-102](#);
- 369 (F) housing authorities, as that term is defined in Section [35A-8-401](#);
- 370 (G) independent entities and independent state agencies, as those terms are defined in
- 371 Section [63E-1-102](#);
- 372 (H) interlocal entities, as that term is defined in Section [11-13-103](#);
- 373 (I) local building authorities, as that term is defined in Section [17D-2-102](#);
- 374 (J) ~~local~~ special districts, as that term is defined in Section [17B-1-102](#);
- 375 (K) local health departments, as that term is defined in Section [26A-1-102](#);
- 376 (L) nonprofit corporations that receive an amount of money requiring an accounting
- 377 report under Section [51-2a-201.5](#);
- 378 (M) school districts under Title 53G, Chapter 3, School District Creation and Change;
- 379 and
- 380 (N) special service districts, as that term is defined in Section [17D-1-102](#).
- 381 (b) "Local government entity" means a municipality, as that term is defined in Section
- 382 [10-1-104](#).
- 383 (2) Beginning on July 1, 2019, each county shall list on the county's website any of the
- 384 following information that the lieutenant governor publishes in a registry of local government
- 385 entities and limited purpose entities regarding each limited purpose entity and local
- 386 government entity that operates, either in whole or in part, within the county or has geographic
- 387 boundaries that overlap or are contained within the boundaries of the county:
- 388 (a) the entity's name;
- 389 (b) the entity's type of local government entity or limited purpose entity;
- 390 (c) the entity's governmental function;
- 391 (d) the entity's physical address and phone number, including the name and contact
- 392 information of an individual whom the entity designates as the primary contact for the entity;
- 393 (e) names of the members of the entity's governing board or commission, managing
- 394 officers, or other similar managers;
- 395 (f) the entity's sources of revenue; and
- 396 (g) if the entity has created an assessment area, as that term is defined in Section
- 397 [11-42-102](#), information regarding the creation, purpose, and boundaries of the assessment area.

398 Section 3. Section 17-22-2 is amended to read:

399 **17-22-2. Sheriff -- General duties.**

400 (1) The sheriff shall:

401 (a) preserve the peace;

402 (b) make all lawful arrests;

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

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

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

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

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

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

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

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

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

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

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

431 (n) perform as required by any contracts between the county and private contractors for  
432 management, maintenance, operation, and construction of county jails entered into under the  
433 authority of Section 17-53-311;

434 (o) for the sheriff of a county of the second through sixth class that enters into an  
435 interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal  
436 Cooperation Act, provide law enforcement service as provided in the interlocal agreement;

437 (p) manage search and rescue services in his county;

438 (q) obtain saliva DNA specimens as required under Section 53-10-404;

439 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
440 detention, or search of any person when the action is solely motivated by considerations of  
441 race, color, ethnicity, age, or gender;

442 (s) as applicable, select a representative of law enforcement to serve as a member of a  
443 child protection team, as defined in Section 80-1-102; and

444 (t) perform any other duties that are required by law.

445 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other  
446 subsection under Subsection (1) is a class A misdemeanor.

447 (3) (a) As used in this Subsection (3):

448 (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and  
449 17-30a-102.

450 (ii) "Police ~~[local]~~ special district" ~~[has the same meaning as]~~ means the same as that  
451 term is defined in Section 17-30-3.

452 (b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county  
453 which includes within its boundary a police ~~[local]~~ special district or police interlocal entity, or  
454 both:

455 (i) serves as the chief executive officer of each police ~~[local]~~ special district and police  
456 interlocal entity within the county with respect to the provision of law enforcement service  
457 within the boundary of the police ~~[local]~~ special district or police interlocal entity, respectively;  
458 and

459 (ii) is subject to the direction of the police ~~[local]~~ special district board of trustees or



460 police interlocal entity governing body, as the case may be, as and to the extent provided by  
461 agreement between the police [toeat] special district or police interlocal entity, respectively,  
462 and the sheriff.

463 (c) Notwithstanding Subsection (3)(b), and except as provided in Subsection  
464 11-13-202(4), if a police interlocal entity or police [toeat] special district enters an interlocal  
465 agreement with a public agency, as defined in Section 11-13-103, for the provision of law  
466 enforcement service, the sheriff:

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

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

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

473 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**  
474 **of monuments -- Record of corner changes -- Penalties.**

475 (1) As used in this section:

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

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

481 (ii) "Township" does not mean a metro township as that term is defined in Section  
482 10-2a-403.

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

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

490 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a

491 separate violation.

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

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

495 (3) This type of map shall show:

496 (a) the location of survey by quarter section and township and range;

497 (b) the date of survey;

498 (c) the scale of drawing and north point;

499 (d) the distance and course of all lines traced or established, giving the basis of bearing  
500 and the distance and course to two or more section corners or quarter corners, including

501 township and range, or to identified monuments within a recorded subdivision;

502 (e) all measured bearings, angles, and distances separately indicated from those of  
503 record;

504 (f) a written boundary description of property surveyed;

505 (g) all monuments set and their relation to older monuments found;

506 (h) a detailed description of monuments found and monuments set, indicated  
507 separately;

508 (i) the surveyor's seal or stamp; and

509 (j) the surveyor's business name and address.

510 (4) (a) The map shall contain a written narrative that explains and identifies:

511 (i) the purpose of the survey;

512 (ii) the basis on which the lines were established; and

513 (iii) the found monuments and deed elements that controlled the established or  
514 reestablished lines.

515 (b) If the narrative is a separate document, it shall contain:

516 (i) the location of the survey by quarter section and by township and range;

517 (ii) the date of the survey;

518 (iii) the surveyor's stamp or seal; and

519 (iv) the surveyor's business name and address.

520 (c) The map and narrative shall be referenced to each other if they are separate  
521 documents.

522 (5) The map and narrative shall be created on material of a permanent nature on stable  
523 base reproducible material in the sizes required by the county surveyor.

524 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference  
525 a point on a property or land line shall be durably and visibly marked or tagged with the  
526 registered business name or the letters "L.S." followed by the registration number of the  
527 surveyor in charge.

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

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

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

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

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

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

543 **17-27a-103. Definitions.**

544 As used in this chapter:

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

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

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

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

552 (3) "Affected entity" means a county, municipality, [~~local~~] special district, special

553 service district under Title 17D, Chapter 1, Special Service District Act, school district,  
554 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
555 specified property owner, property owner's association, public utility, or the Utah Department  
556 of Transportation, if:

557 (a) the entity's services or facilities are likely to require expansion or significant  
558 modification because of an intended use of land;

559 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
560 or

561 (c) the entity has filed with the county a request for notice during the same calendar  
562 year and before the county provides notice to an affected entity in compliance with a  
563 requirement imposed under this chapter.

564 (4) "Affected owner" means the owner of real property that is:

565 (a) a single project;

566 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
567 in accordance with Subsection [20A-7-601\(6\)](#); and

568 (c) determined to be legally referable under Section [20A-7-602.8](#).

569 (5) "Appeal authority" means the person, board, commission, agency, or other body  
570 designated by ordinance to decide an appeal of a decision of a land use application or a  
571 variance.

572 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
573 residential property if the sign is designed or intended to direct attention to a business, product,  
574 or service that is not sold, offered, or existing on the property where the sign is located.

575 (7) (a) "Charter school" means:

576 (i) an operating charter school;

577 (ii) a charter school applicant that a charter school authorizer approves in accordance  
578 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

579 (iii) an entity that is working on behalf of a charter school or approved charter  
580 applicant to develop or construct a charter school building.

581 (b) "Charter school" does not include a therapeutic school.

582 (8) "Chief executive officer" means the person or body that exercises the executive  
583 powers of the county.

584 (9) "Conditional use" means a land use that, because of the unique characteristics or  
585 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,  
586 may not be compatible in some areas or may be compatible only if certain conditions are  
587 required that mitigate or eliminate the detrimental impacts.

588 (10) "Constitutional taking" means a governmental action that results in a taking of  
589 private property so that compensation to the owner of the property is required by the:

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

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

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

593 (a) a plat recorded in a county recorder's office described as a county utility easement  
594 or otherwise as a utility easement;

595 (b) is not a protected utility easement or a public utility easement as defined in Section  
596 [54-3-27](#);

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

598 (d) (i) either:

599 (A) no person uses or occupies; or

600 (B) the county or the county's affiliated governmental entity uses and occupies to  
601 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
602 communications or data lines; or

603 (ii) a person uses or occupies with or without an authorized franchise or other  
604 agreement with the county.

605 (12) "Culinary water authority" means the department, agency, or public entity with  
606 responsibility to review and approve the feasibility of the culinary water system and sources for  
607 the subject property.

608 (13) "Development activity" means:

609 (a) any construction or expansion of a building, structure, or use that creates additional  
610 demand and need for public facilities;

611 (b) any change in use of a building or structure that creates additional demand and need  
612 for public facilities; or

613 (c) any change in the use of land that creates additional demand and need for public  
614 facilities.

615 (14) (a) "Development agreement" means a written agreement or amendment to a  
616 written agreement between a county and one or more parties that regulates or controls the use  
617 or development of a specific area of land.

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

619 (15) (a) "Disability" means a physical or mental impairment that substantially limits  
620 one or more of a person's major life activities, including a person having a record of such an  
621 impairment or being regarded as having such an impairment.

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

625 (16) "Educational facility":

626 (a) means:

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

630 (ii) a structure or facility:

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

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

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

635 (b) does not include:

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

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

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

641 (ii) a therapeutic school.

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

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

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

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

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

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

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

656 (b) for a mountainous planning district, the land within the mountainous planning  
657 district.

658 (21) "Geologic hazard" means:

659 (a) a surface fault rupture;

660 (b) shallow groundwater;

661 (c) liquefaction;

662 (d) a landslide;

663 (e) a debris flow;

664 (f) unstable soil;

665 (g) a rock fall; or

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

667 (i) to life;

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

669 (iii) of substantial damage to real property.

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

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

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

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



- 677 (c) describe a building that:
- 678 (i) is located on land zoned the same as the land on which the building described in the
- 679 previously approved plans is located;
- 680 (ii) is subject to the same geological and meteorological conditions and the same law
- 681 as the building described in the previously approved plans;
- 682 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 683 and approved by the county; and
- 684 (iv) does not require any additional engineering or analysis.
- 685 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 686 Impact Fees Act.
- 687 (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 688 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 689 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 690 required as a condition precedent to:
- 691 (a) recording a subdivision plat; or
- 692 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 693 (26) "Improvement warranty" means an applicant's unconditional warranty that the
- 694 applicant's installed and accepted landscaping or infrastructure improvement:
- 695 (a) complies with the county's written standards for design, materials, and
- 696 workmanship; and
- 697 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 698 within the improvement warranty period.
- 699 (27) "Improvement warranty period" means a period:
- 700 (a) no later than one year after a county's acceptance of required landscaping; or
- 701 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 702 the county:
- 703 (i) determines for good cause that a one-year period would be inadequate to protect the
- 704 public health, safety, and welfare; and
- 705 (ii) has substantial evidence, on record:
- 706 (A) of prior poor performance by the applicant; or
- 707 (B) that the area upon which the infrastructure will be constructed contains suspect soil

708 and the county has not otherwise required the applicant to mitigate the suspect soil.

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

711 (a) is required for human consumption; and

712 (b) an applicant must install:

713 (i) in accordance with published installation and inspection specifications for public  
714 improvements; and

715 (ii) as a condition of:

716 (A) recording a subdivision plat;

717 (B) obtaining a building permit; or

718 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
719 project.

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

722 (a) runs with the land; and

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

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

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

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

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

735 (33) "Land use application":

736 (a) means an application that is:

737 (i) required by a county; and

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

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

740 (34) "Land use authority" means:

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

743 (b) if the local legislative body has not designated a person, board, commission,  
744 agency, or body, the local legislative body.

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

747 (a) a land use permit;

748 (b) a land use application; or

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

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

752 (37) "Land use regulation":

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

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

757 (c) does not include:

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

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

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

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

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

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

769 ~~[(40)]~~ (39) "Lot" means a tract of land, regardless of any label, that is created by and

770 shown on a subdivision plat that has been recorded in the office of the county recorder.

771 ~~[(41)]~~ (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
772 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

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

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

775 (b) "Lot line adjustment" does not mean a new boundary line that:

776 (i) creates an additional lot; or

777 (ii) constitutes a subdivision.

778 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
779 Department of Transportation.

780 ~~[(42)]~~ (41) "Major transit investment corridor" means public transit service that uses or  
781 occupies:

782 (a) public transit rail right-of-way;

783 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

784 or

785 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
786 municipality or county and:

787 (i) a public transit district as defined in Section [17B-2a-802](#); or

788 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

789 ~~[(43)]~~ (42) "Moderate income housing" means housing occupied or reserved for  
790 occupancy by households with a gross household income equal to or less than 80% of the  
791 median gross income for households of the same size in the county in which the housing is  
792 located.

793 ~~[(44)]~~ (43) "Mountainous planning district" means an area designated by a county  
794 legislative body in accordance with Section [17-27a-901](#).

795 ~~[(45)]~~ (44) "Nominal fee" means a fee that reasonably reimburses a county only for  
796 time spent and expenses incurred in:

797 (a) verifying that building plans are identical plans; and

798 (b) reviewing and approving those minor aspects of identical plans that differ from the  
799 previously reviewed and approved building plans.

800 ~~[(46)]~~ (45) "Noncomplying structure" means a structure that:

801 (a) legally existed before the structure's current land use designation; and  
802 (b) because of one or more subsequent land use ordinance changes, does not conform  
803 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
804 the use of land.

805 [~~(47)~~] (46) "Nonconforming use" means a use of land that:

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

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

811 [~~(48)~~] (47) "Official map" means a map drawn by county authorities and recorded in  
812 the county recorder's office that:

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

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

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

819 [~~(49)~~] (48) "Parcel" means any real property that is not a lot.

820 [~~(50)~~] (49) (a) "Parcel boundary adjustment" means a recorded agreement between  
821 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary  
822 line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

823 (i) none of the property identified in the agreement is a lot; or  
824 (ii) the adjustment is to the boundaries of a single person's parcels.

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

827 (i) creates an additional parcel; or  
828 (ii) constitutes a subdivision.

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

831 [~~(51)~~] (50) "Person" means an individual, corporation, partnership, organization,

832 association, trust, governmental agency, or any other legal entity.

833 ~~[(52)]~~ (51) "Plan for moderate income housing" means a written document adopted by  
834 a county legislative body that includes:

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

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

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

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

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

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

849 ~~[(54)]~~ (53) "Plat" means an instrument subdividing property into lots as depicted on a  
850 map or other graphical representation of lands that a licensed professional land surveyor makes  
851 and prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

852 ~~[(55)]~~ (54) "Potential geologic hazard area" means an area that:

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

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

859 ~~[(56)]~~ (55) "Public agency" means:

860 (a) the federal government;

861 (b) the state;

862 (c) a county, municipality, school district, ~~[local]~~ special district, special service

863 district, or other political subdivision of the state; or

864 (d) a charter school.

865 [~~(57)~~] (56) "Public hearing" means a hearing at which members of the public are  
866 provided a reasonable opportunity to comment on the subject of the hearing.

867 [~~(58)~~] (57) "Public meeting" means a meeting that is required to be open to the public  
868 under Title 52, Chapter 4, Open and Public Meetings Act.

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

873 [~~(60)~~] (59) "Receiving zone" means an unincorporated area of a county that the county  
874 designates, by ordinance, as an area in which an owner of land may receive a transferable  
875 development right.

876 [~~(61)~~] (60) "Record of survey map" means a map of a survey of land prepared in  
877 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

878 [~~(62)~~] (61) "Residential facility for persons with a disability" means a residence:

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

880 (b) (i) which is licensed or certified by the Department of Human Services under Title  
881 62A, Chapter 2, Licensure of Programs and Facilities; or

882 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
883 21, Health Care Facility Licensing and Inspection Act.

884 [~~(63)~~] (62) "Rules of order and procedure" means a set of rules that govern and  
885 prescribe in a public meeting:

886 (a) parliamentary order and procedure;

887 (b) ethical behavior; and

888 (c) civil discourse.

889 [~~(64)~~] (63) "Sanitary sewer authority" means the department, agency, or public entity  
890 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
891 wastewater systems.

892 [~~(65)~~] (64) "Sending zone" means an unincorporated area of a county that the county  
893 designates, by ordinance, as an area from which an owner of land may transfer a transferable



894 development right.

895 ~~[(66)]~~ (65) "Site plan" means a document or map that may be required by a county  
896 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
897 owner's or developer's proposed development activity meets a land use requirement.

898 (66) (a) "Special district" means an entity under Title 17B, Limited Purpose Local  
899 Government Entities - Special Districts.

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

902 (67) "Specified public agency" means:

903 (a) the state;

904 (b) a school district; or

905 (c) a charter school.

906 (68) "Specified public utility" means an electrical corporation, gas corporation, or  
907 telephone corporation, as those terms are defined in Section 54-2-1.

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

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

913 (b) "Subdivision" includes:

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

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

920 (c) "Subdivision" does not include:

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

922 (ii) a boundary line agreement recorded with the county recorder's office between  
923 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
924 17-27a-523 if no new lot is created;

- 925 (iii) a recorded document, executed by the owner of record:
- 926 (A) revising the legal descriptions of multiple parcels into one legal description
- 927 encompassing all such parcels; or
- 928 (B) joining a lot to a parcel;
- 929 (iv) a bona fide division or partition of land in a county other than a first class county
- 930 for the purpose of siting, on one or more of the resulting separate parcels:
- 931 (A) an electrical transmission line or a substation;
- 932 (B) a natural gas pipeline or a regulation station; or
- 933 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 934 utility service regeneration, transformation, retransmission, or amplification facility;
- 935 (v) a boundary line agreement between owners of adjoining subdivided properties
- 936 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
- 937 if:
- 938 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 939 (B) the adjustment will not violate any applicable land use ordinance;
- 940 (vi) a bona fide division of land by deed or other instrument if the deed or other
- 941 instrument states in writing that the division:
- 942 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 943 (B) does not confer any land use approvals; and
- 944 (C) has not been approved by the land use authority;
- 945 (vii) a parcel boundary adjustment;
- 946 (viii) a lot line adjustment;
- 947 (ix) a road, street, or highway dedication plat;
- 948 (x) a deed or easement for a road, street, or highway purpose; or
- 949 (xi) any other division of land authorized by law.
- 950 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
- 951 accordance with Section [17-27a-608](#) that:
- 952 (a) vacates all or a portion of the subdivision;
- 953 (b) alters the outside boundary of the subdivision;
- 954 (c) changes the number of lots within the subdivision;
- 955 (d) alters a public right-of-way, a public easement, or public infrastructure within the

956 subdivision; or

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

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

959 (a) is beyond a scintilla; and

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

961 (73) "Suspect soil" means soil that has:

962 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
963 3% swell potential;

964 (b) bedrock units with high shrink or swell susceptibility; or

965 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
966 commonly associated with dissolution and collapse features.

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

968 (a) for four or more individuals who are not related to:

969 (i) the owner of the facility; or

970 (ii) the primary service provider of the facility;

971 (b) that serves students who have a history of failing to function:

972 (i) at home;

973 (ii) in a public school; or

974 (iii) in a nonresidential private school; and

975 (c) that offers:

976 (i) room and board; and

977 (ii) an academic education integrated with:

978 (A) specialized structure and supervision; or

979 (B) services or treatment related to a disability, an emotional development, a  
980 behavioral development, a familial development, or a social development.

981 (75) "Transferable development right" means a right to develop and use land that

982 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
983 land use rights from a designated sending zone to a designated receiving zone.

984 (76) "Unincorporated" means the area outside of the incorporated area of a  
985 municipality.

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

- 987 (a) each of the rights listed in Section 73-1-11; and
- 988 (b) an ownership interest in the right to the beneficial use of water represented by:
  - 989 (i) a contract; or
  - 990 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 991 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 992 land use zones, overlays, or districts.

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

994 **17-27a-305. Other entities required to conform to county's land use ordinances --**  
995 **Exceptions -- School districts and charter schools -- Submission of development plan and**  
996 **schedule.**

997 (1) (a) Each county, municipality, school district, charter school, ~~local~~ special district,  
998 special service district, and political subdivision of the state shall conform to any applicable  
999 land use ordinance of any county when installing, constructing, operating, or otherwise using  
1000 any area, land, or building situated within a mountainous planning district or the  
1001 unincorporated portion of the county, as applicable.

1002 (b) In addition to any other remedies provided by law, when a county's land use  
1003 ordinance is violated or about to be violated by another political subdivision, that county may  
1004 institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
1005 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

1006 (2) (a) Except as provided in Subsection (3), a school district or charter school is  
1007 subject to a county's land use ordinances.

1008 (b) (i) Notwithstanding Subsection (3), a county may:

1009 (A) subject a charter school to standards within each zone pertaining to setback, height,  
1010 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction  
1011 staging; and

1012 (B) impose regulations upon the location of a project that are necessary to avoid  
1013 unreasonable risks to health or safety, as provided in Subsection (3)(f).

1014 (ii) The standards to which a county may subject a charter school under Subsection  
1015 (2)(b)(i) shall be objective standards only and may not be subjective.

1016 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may  
1017 deny or withhold approval of a charter school's land use application is the charter school's

1018 failure to comply with a standard imposed under Subsection (2)(b)(i).

1019 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an  
1020 obligation to comply with a requirement of an applicable building or safety code to which it is  
1021 otherwise obligated to comply.

1022 (3) A county may not:

1023 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
1024 construction methods or materials, additional building inspections, county building codes,  
1025 building use for educational purposes, or the placement or use of temporary classroom facilities  
1026 on school property;

1027 (b) except as otherwise provided in this section, require a school district or charter  
1028 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
1029 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
1030 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
1031 required to connect an otherwise isolated school site to an existing roadway;

1032 (c) require a district or charter school to pay fees not authorized by this section;

1033 (d) provide for inspection of school construction or assess a fee or other charges for  
1034 inspection, unless the school district or charter school is unable to provide for inspection by an  
1035 inspector, other than the project architect or contractor, who is qualified under criteria  
1036 established by the state superintendent;

1037 (e) require a school district or charter school to pay any impact fee for an improvement  
1038 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

1039 (f) impose regulations upon the location of an educational facility except as necessary  
1040 to avoid unreasonable risks to health or safety; or

1041 (g) for a land use or a structure owned or operated by a school district or charter school  
1042 that is not an educational facility but is used in support of providing instruction to pupils,  
1043 impose a regulation that:

1044 (i) is not imposed on a similar land use or structure in the zone in which the land use or  
1045 structure is approved; or

1046 (ii) uses the tax exempt status of the school district or charter school as criteria for  
1047 prohibiting or regulating the land use or location of the structure.

1048 (4) Subject to Section [53E-3-710](#), a school district or charter school shall coordinate

1049 the siting of a new school with the county in which the school is to be located, to:

1050 (a) avoid or mitigate existing and potential traffic hazards, including consideration of

1051 the impacts between the new school and future highways; and

1052 (b) maximize school, student, and site safety.

1053 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:

1054 (a) provide a walk-through of school construction at no cost and at a time convenient to

1055 the district or charter school; and

1056 (b) provide recommendations based upon the walk-through.

1057 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

1058 (i) a county building inspector;

1059 (ii) (A) for a school district, a school district building inspector from that school

1060 district; or

1061 (B) for a charter school, a school district building inspector from the school district in

1062 which the charter school is located; or

1063 (iii) an independent, certified building inspector who is:

1064 (A) not an employee of the contractor;

1065 (B) approved by:

1066 (I) a county building inspector; or

1067 (II) (Aa) for a school district, a school district building inspector from that school

1068 district; or

1069 (Bb) for a charter school, a school district building inspector from the school district in

1070 which the charter school is located; and

1071 (C) licensed to perform the inspection that the inspector is requested to perform.

1072 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

1073 (c) If a school district or charter school uses a school district or independent building

1074 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to

1075 the state superintendent of public instruction and county building official, on a monthly basis

1076 during construction of the school building, a copy of each inspection certificate regarding the

1077 school building.

1078 (7) (a) A charter school shall be considered a permitted use in all zoning districts

1079 within a county.

1080 (b) Each land use application for any approval required for a charter school, including  
1081 an application for a building permit, shall be processed on a first priority basis.

1082 (c) Parking requirements for a charter school may not exceed the minimum parking  
1083 requirements for schools or other institutional public uses throughout the county.

1084 (d) If a county has designated zones for a sexually oriented business, or a business  
1085 which sells alcohol, a charter school may be prohibited from a location which would otherwise  
1086 defeat the purpose for the zone unless the charter school provides a waiver.

1087 (e) (i) A school district or a charter school may seek a certificate authorizing permanent  
1088 occupancy of a school building from:

1089 (A) the state superintendent of public instruction, as provided in Subsection  
1090 53E-3-706(3), if the school district or charter school used an independent building inspector for  
1091 inspection of the school building; or

1092 (B) a county official with authority to issue the certificate, if the school district or  
1093 charter school used a county building inspector for inspection of the school building.

1094 (ii) A school district may issue its own certificate authorizing permanent occupancy of  
1095 a school building if it used its own building inspector for inspection of the school building,  
1096 subject to the notification requirement of Subsection 53E-3-706(3)(a)(ii).

1097 (iii) A charter school may seek a certificate authorizing permanent occupancy of a  
1098 school building from a school district official with authority to issue the certificate, if the  
1099 charter school used a school district building inspector for inspection of the school building.

1100 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
1101 of public instruction under Subsection 53E-3-706(3) or a school district official with authority  
1102 to issue the certificate shall be considered to satisfy any county requirement for an inspection or  
1103 a certificate of occupancy.

1104 (8) (a) A specified public agency intending to develop its land shall submit to the land  
1105 use authority a development plan and schedule:

1106 (i) as early as practicable in the development process, but no later than the  
1107 commencement of construction; and

1108 (ii) with sufficient detail to enable the land use authority to assess:

1109 (A) the specified public agency's compliance with applicable land use ordinances;

1110 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),



1111 (d), (e), and (g) caused by the development;

1112 (C) the amount of any applicable fee described in Section 17-27a-509;

1113 (D) any credit against an impact fee; and

1114 (E) the potential for waiving an impact fee.

1115 (b) The land use authority shall respond to a specified public agency's submission  
1116 under Subsection (8)(a) with reasonable promptness in order to allow the specified public  
1117 agency to consider information the municipality provides under Subsection (8)(a)(ii) in the  
1118 process of preparing the budget for the development.

1119 (9) Nothing in this section may be construed to:

1120 (a) modify or supersede Section 17-27a-304; or

1121 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that  
1122 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing  
1123 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of  
1124 1990, 42 U.S.C. 12102, or any other provision of federal law.

1125 Section 7. Section 17-30-3 is amended to read:

1126 **17-30-3. Establishment of merit system commission -- Appointment,**  
1127 **qualifications, and compensation of members.**

1128 (1) (a) Each county with a population of 20,000 or more shall establish a merit system  
1129 commission consisting of three members appointed as provided in Subsection (1)(b).

1130 (b) (i) As used in this Subsection (1)(b):

1131 (A) "Police interlocal entity" means an interlocal entity, as defined in Section  
1132 11-13-103, that is created:

1133 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a  
1134 county of the first class is a party; and

1135 (II) to provide law enforcement service to an area that includes the unincorporated part  
1136 of the county.

1137 (B) "Police [~~local~~] special district" means a [~~local~~] special district, as defined in  
1138 Section 17B-1-102:

1139 (I) whose creation was initiated by the adoption of a resolution under Section  
1140 17B-1-203 by the legislative body of a county of the first class, alone or with one or more other  
1141 legislative bodies; and

1142 (II) that is created to provide law enforcement service to an area that includes the  
1143 unincorporated part of the county.

1144 (ii) For a county in which a police interlocal entity is created, whether or not a police  
1145 [~~local~~] special district is also created in the county:

1146 (A) two members shall be appointed by the legislative body of the county; and

1147 (B) one member shall be appointed by the governing body of the interlocal entity.

1148 (iii) For a county in which a police [~~local~~] special district is created but in which a  
1149 police interlocal entity has not been created:

1150 (A) two members shall be appointed by the legislative body of the county; and

1151 (B) one member shall be appointed by the board of trustees of the police [~~local~~] special  
1152 district.

1153 (iv) For each other county, all three members shall be appointed by the county  
1154 legislative body.

1155 (c) Not more than two members of the commission shall be affiliated with or members  
1156 of the same political party.

1157 (d) Of the original appointees, one member shall be appointed for a term ending  
1158 February 1 of the first odd-numbered year after the date of appointment, and one each for terms  
1159 ending two and four years thereafter.

1160 (e) Upon the expiration of any of the terms, a successor shall be appointed for a full  
1161 term of six years.

1162 (f) Appointment to fill a vacancy resulting other than from expiration of term shall be  
1163 for the unexpired portion of the term only.

1164 (2) Members of a commission shall be citizens of the state, shall have been residents of  
1165 the area embraced by the governmental unit from which appointed not less than five years next  
1166 preceding the date of appointment, and shall hold no other office or employment under the  
1167 governmental unit for which appointed.

1168 (3) The county legislative body may compensate a member for service on the  
1169 commission and reimburse the member for necessary expenses incurred in the performance of  
1170 the member's duties.

1171 Section 8. Section **17-31-2** is amended to read:

1172 **17-31-2. Purposes of transient room tax and expenditure of revenue -- Purchase**

1173 **or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions --**

1174 **Issuance of bonds.**

1175 (1) As used in this section:

1176 (a) "Aircraft" means the same as that term is defined in Section 72-10-102.

1177 (b) "Airport" means the same as that term is defined in Section 72-10-102.

1178 (c) "Airport authority" means the same as that term is defined in Section 72-10-102.

1179 (d) "Airport operator" means the same as that term is defined in Section 72-10-102.

1180 (e) "Base year revenue" means the amount of revenue generated by a transient room tax

1181 and collected by a county for fiscal year 2018-19.

1182 (f) "Base year promotion expenditure" means the amount of revenue generated by a

1183 transient room tax that a county spent for the purpose described in Subsection (2)(a) during

1184 fiscal year 2018-19.

1185 (g) "Economic diversification activity" means an economic development activity that is

1186 reasonably similar to, supplements, or expands any economic program as administered by the

1187 state or the Governor's Office of Economic Opportunity.

1188 (h) "Eligible town" means a town that:

1189 (i) is located within a county that has a national park within or partially within the

1190 county's boundaries; and

1191 (ii) imposes a resort communities tax authorized by Section 59-12-401.

1192 (i) "Emergency medical services provider" means an eligible town, a ~~local~~ special

1193 district, or a special service district.

1194 (j) "Tourism" means an activity to develop, encourage, solicit, or market tourism that

1195 attracts transient guests to the county, including planning, development, and advertising for the

1196 purpose described in Subsection (2)(a)(i).

1197 (k) "Town" means a municipality that is classified as a town in accordance with

1198 Section 10-2-301.

1199 (l) "Transient room tax" means a tax at a rate not to exceed 4.25% authorized by

1200 Section 59-12-301.

1201 (2) Subject to the requirements of this section, a county legislative body may impose

1202 the transient room tax for the purposes of:

1203 (a) establishing and promoting:

- 1204 (i) tourism;
- 1205 (ii) recreation, film production, and conventions; or
- 1206 (iii) an economic diversification activity if:
  - 1207 (A) the county is a county of the fourth, fifth, or sixth class;
  - 1208 (B) the county has more than one national park within or partially within the county's
  - 1209 boundaries; and
  - 1210 (C) the county has a base population of 9,000 or more according to current United
  - 1211 States census data;
- 1212 (b) acquiring, leasing, constructing, furnishing, maintaining, or operating:
  - 1213 (i) convention meeting rooms;
  - 1214 (ii) exhibit halls;
  - 1215 (iii) visitor information centers;
  - 1216 (iv) museums;
  - 1217 (v) sports and recreation facilities including practice fields, stadiums, and arenas;
  - 1218 (vi) related facilities;
  - 1219 (vii) if a national park is located within or partially within the county's boundaries, the
  - 1220 following on any route designated by the county legislative body:
    - 1221 (A) transit service, including shuttle service; and
    - 1222 (B) parking infrastructure; and
    - 1223 (viii) an airport, if:
      - 1224 (A) the county is a county of the fourth, fifth, or sixth class; and
      - 1225 (B) the county is the airport operator of the airport;
      - 1226 (c) acquiring land, leasing land, or making payments for construction or infrastructure
      - 1227 improvements required for or related to the purposes listed in Subsection (2)(b);
      - 1228 (d) as required to mitigate the impacts of recreation, tourism, or conventions in
      - 1229 counties of the fourth, fifth, and sixth class, paying for:
        - 1230 (i) solid waste disposal operations;
        - 1231 (ii) emergency medical services;
        - 1232 (iii) search and rescue activities;
        - 1233 (iv) law enforcement activities; and
        - 1234 (v) road repair and upgrade of:

- 1235 (A) class B roads, as defined in Section 72-3-103;
- 1236 (B) class C roads, as defined in Section 72-3-104; or
- 1237 (C) class D roads, as defined in Section 72-3-105; and
- 1238 (e) making the annual payment of principal, interest, premiums, and necessary reserves
- 1239 for any of the aggregate of bonds authorized under Subsection (5).
- 1240 (3) (a) The county legislative body of a county that imposes a transient room tax at a
- 1241 rate of 3% or less may expend the revenue generated as provided in Subsection (4), after
- 1242 making any reduction required by Subsection (6).
- 1243 (b) The county legislative body of a county that imposes a transient room tax at a rate
- 1244 that exceeds 3% or increases the rate of transient room tax above 3% may expend:
- 1245 (i) the revenue generated from the transient room tax at a rate of 3% as provided in
- 1246 Subsection (4), after making any reduction required by Subsection (6); and
- 1247 (ii) the revenue generated from the portion of the rate that exceeds 3%:
- 1248 (A) for any combination of the purposes described in Subsections (2) and (5); and
- 1249 (B) regardless of the limitation on expenditures for the purposes described in
- 1250 Subsection (4).
- 1251 (4) Subject to Subsections (6) and (7), a county may not expend more than 1/3 of the
- 1252 revenue generated by a rate of transient room tax that does not exceed 3%, for any combination
- 1253 of the purposes described in Subsections (2)(b) through (2)(e).
- 1254 (5) (a) The county legislative body may issue bonds or cause bonds to be issued, as
- 1255 permitted by law, to pay all or part of any costs incurred for the purposes set forth in
- 1256 Subsections (2)(b) through (2)(d) that are permitted to be paid from bond proceeds.
- 1257 (b) If a county legislative body does not need the revenue generated by the transient
- 1258 room tax for payment of principal, interest, premiums, and reserves on bonds issued as
- 1259 provided in Subsection (2)(e), the county legislative body shall expend that revenue for the
- 1260 purposes described in Subsection (2), subject to the limitation of Subsection (4).
- 1261 (6) (a) In addition to the purposes described in Subsection (2), a county legislative
- 1262 body:
- 1263 (i) may expend up to 4% of the total revenue generated by a transient room tax to pay a
- 1264 provider for emergency medical services in one or more eligible towns; and
- 1265 (ii) may expend up to 10% of the total revenue generated by a transient room tax for

1266 visitor management and destination development if:

1267 (A) a national park is located within or partially within the county's boundaries; and

1268 (B) the county's tourism tax advisory board created under Subsection 17-31-8(1)(a) or  
1269 the substantially similar body as described in Subsection 17-31-8(1)(b) has prioritized and  
1270 recommended the use of the revenue in accordance with Subsection 17-31-8(4).

1271 (b) A county legislative body shall reduce the amount that the county is authorized to  
1272 expend for the purposes described in Subsection (4) by subtracting the amount of transient  
1273 room tax revenue expended in accordance with Subsection (6)(a) from the amount of revenue  
1274 described in Subsection (4).

1275 (7) (a) Except as provided in Subsection (7)(b), a county legislative body in a county of  
1276 the fourth, fifth, or sixth class shall expend the revenue generated by a transient room tax as  
1277 follows:

1278 (i) an amount equal to the county's base year promotion expenditure for the purpose  
1279 described in Subsection (2)(a)(i);

1280 (ii) an amount equal to the difference between the county's base year revenue and the  
1281 county's base year promotion expenditure in accordance with Subsections (3) through (6); and

1282 (iii) (A) 37% of the revenue that exceeds the county's base year revenue for the purpose  
1283 described in Subsection (2)(a)(i); and

1284 (B) subject to Subsection (7)(c), 63% of the revenue that exceeds the county's base year  
1285 revenue for any combination of the purposes described in Subsections (2)(a)(ii) through (e) or  
1286 to pay an emergency medical services provider for emergency medical services in one or more  
1287 eligible towns.

1288 (b) A county legislative body in a county of the fourth, fifth, or sixth class with one or  
1289 more national recreation areas administered by the National Park Service or the Forest Service  
1290 or national parks within or partially within the county's boundaries shall expend the revenue  
1291 generated by a transient room tax as follows:

1292 (i) for a purpose described in Subsection (2)(a) and subject to the limitations described  
1293 in Subsection (7)(d), the greater of:

1294 (A) an amount equal to the county's base year promotion expenditure; or

1295 (B) 37% of the transient room tax revenue; and

1296 (ii) the remainder of the transient room tax not expended in accordance with

1297 Subsection (7)(b)(i) for any combination of the purposes described in Subsection (2) and,  
1298 subject to the limitation described in Subsection (7)(c), Subsection (6).

1299 (c) A county legislative body in a county of the fourth, fifth, or sixth class may not:

1300 (i) expend more than 4% of the revenue generated by a transient room tax to pay an  
1301 emergency medical services provider for emergency medical services in one or more eligible  
1302 towns; or

1303 (ii) expend revenue generated by a transient room tax for the purpose described in  
1304 Subsection (2)(e) in an amount that exceeds the county's base year promotion expenditure.

1305 (d) A county legislative body may not expend:

1306 (i) more than 1/5 of the revenue described in Subsection (7)(b)(i) for a purpose  
1307 described in Subsection (2)(a)(ii); and

1308 (ii) more than 1/3 of the revenue described in Subsection (7)(b)(i) for the purpose  
1309 described in Subsection (2)(a)(iii).

1310 (e) The provisions of this Subsection (7) apply notwithstanding any other provision of  
1311 this section.

1312 (f) If the total amount of revenue generated by a transient room tax in a county of the  
1313 fourth, fifth, or sixth class is less than the county's base year promotion expenditure:

1314 (i) Subsections (7)(a) through (d) do not apply; and

1315 (ii) the county legislative body shall expend the revenue generated by the transient  
1316 room tax in accordance with Subsections (3) through (6).

1317 Section 9. Section **17-34-3** is amended to read:

1318 **17-34-3. Taxes or service charges.**

1319 (1) (a) If a county furnishes the municipal-type services and functions described in  
1320 Section **17-34-1** to areas of the county outside the limits of incorporated cities or towns, the  
1321 entire cost of the services or functions so furnished shall be defrayed from funds that the county  
1322 has derived from:

1323 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated  
1324 towns or cities;

1325 (ii) service charges or fees the county may impose upon the persons benefited in any  
1326 way by the services or functions; or

1327 (iii) a combination of these sources.

1328 (b) As the taxes or service charges or fees are levied and collected, they shall be placed  
1329 in a special revenue fund of the county and shall be disbursed only for the rendering of the  
1330 services or functions established in Section 17-34-1 within the unincorporated areas of the  
1331 county or as provided in Subsection 10-2a-219(2).

1332 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this  
1333 section, the county legislative body may establish a district or districts in the unincorporated  
1334 areas of the county.

1335 (b) A district established by a county as provided in Subsection (2)(a) may be  
1336 reorganized as a [~~local~~] special district in accordance with the procedures set forth in Sections  
1337 17D-1-601, 17D-1-603, and 17D-1-604.

1338 (3) Nothing contained in this chapter may be construed to authorize counties to impose  
1339 or levy taxes not otherwise allowed by law.

1340 (4) Notwithstanding any other provision of this chapter, a county providing fire,  
1341 paramedic, and police protection services in a designated recreational area, as provided in  
1342 Subsection 17-34-1(5), may fund those services from the county general fund with revenues  
1343 derived from both inside and outside the limits of cities and towns, and the funding of those  
1344 services is not limited to unincorporated area revenues.

1345 Section 10. Section 17-36-9 is amended to read:

1346 **17-36-9. Budget -- Financial plan -- Contents -- Municipal services and capital**  
1347 **projects funds.**

1348 (1) (a) The budget for each fund shall provide a complete financial plan for the budget  
1349 period and shall contain in tabular form classified by the account titles as required by the  
1350 uniform system of budgeting, accounting, and reporting:

1351 (i) estimates of all anticipated revenues;  
1352 (ii) all appropriations for expenditures; and  
1353 (iii) any additional data required by Section 17-36-10 or by the uniform system of  
1354 budgeting, accounting, and reporting.

1355 (b) The total of appropriated expenditures shall be equal to the total of anticipated  
1356 revenues.

1357 (2) (a) Each first-, second-, and third-class county that provides municipal-type  
1358 services under Section 17-34-1 shall:



1359 (i) establish a special revenue fund, "Municipal Services Fund," and a capital projects  
1360 fund, "Municipal Capital Projects Fund," or establish a ~~local~~ special district or special service  
1361 district to provide municipal services; and

1362 (ii) budget appropriations for municipal services and municipal capital projects from  
1363 these funds.

1364 (b) The Municipal Services Fund is subject to the same budgetary requirements as the  
1365 county general fund.

1366 (c) (i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue  
1367 derived from any taxes otherwise authorized by law, income derived from the investment of  
1368 money contained within the municipal services fund and the municipal capital projects fund,  
1369 the appropriate portion of federal money, and fees collected into a municipal services fund and  
1370 a municipal capital projects fund.

1371 (ii) The county may not deposit revenue derived from a fee, tax, or other source based  
1372 upon a countywide assessment or from a countywide service or function into a municipal  
1373 services fund or a municipal capital projects fund.

1374 (d) The maximum accumulated unappropriated surplus in the municipal services fund,  
1375 as determined prior to adoption of the tentative budget, may not exceed an amount equal to the  
1376 total estimated revenues of the current fiscal period.

1377 Section 11. Section **17-41-101** is amended to read:

1378 **17-41-101. Definitions.**

1379 As used in this chapter:

1380 (1) "Advisory board" means:

1381 (a) for an agriculture protection area, the agriculture protection area advisory board  
1382 created as provided in Section [17-41-201](#);

1383 (b) for an industrial protection area, the industrial protection area advisory board  
1384 created as provided in Section [17-41-201](#); and

1385 (c) for a critical infrastructure materials protection area, the critical infrastructure  
1386 materials protection area advisory board created as provided in Section [17-41-201](#).

1387 (2) (a) "Agriculture production" means production for commercial purposes of crops,  
1388 livestock, and livestock products.

1389 (b) "Agriculture production" includes the processing or retail marketing of any crops,

1390 livestock, and livestock products when more than 50% of the processed or merchandised  
1391 products are produced by the farm operator.

1392 (3) "Agriculture protection area" means a geographic area created under the authority  
1393 of this chapter that is granted the specific legal protections contained in this chapter.

1394 (4) "Applicable legislative body" means:

1395 (a) with respect to a proposed agriculture protection area, industrial protection area, or  
1396 critical infrastructure materials protection area:

1397 (i) the legislative body of the county in which the land proposed to be included in the  
1398 relevant protection area is located, if the land is within the unincorporated part of the county; or

1399 (ii) the legislative body of the city or town in which the land proposed to be included in  
1400 the relevant protection area is located; and

1401 (b) with respect to an existing agriculture protection area, industrial protection area, or  
1402 critical infrastructure materials protection area:

1403 (i) the legislative body of the county in which the relevant protection area is located, if  
1404 the relevant protection area is within the unincorporated part of the county; or

1405 (ii) the legislative body of the city or town in which the relevant protection area is  
1406 located.

1407 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.

1408 (6) "Critical infrastructure materials" means sand, gravel, or rock aggregate.

1409 (7) "Critical infrastructure materials operations" means the extraction, excavation,  
1410 processing, or reprocessing of critical infrastructure materials.

1411 (8) "Critical infrastructure materials operator" means a natural person, corporation,  
1412 association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or  
1413 other organization or representative, either public or private, including a successor, assign,  
1414 affiliate, subsidiary, and related parent company, that:

1415 (a) owns, controls, or manages a critical infrastructure materials operation; and

1416 (b) has produced commercial quantities of critical infrastructure materials from the  
1417 critical infrastructure materials operations.

1418 (9) "Critical infrastructure materials protection area" means a geographic area created  
1419 under the authority of this chapter on or after May 14, 2019, that is granted the specific legal  
1420 protections contained in this chapter.

- 1421 (10) "Crops, livestock, and livestock products" includes:
- 1422 (a) land devoted to the raising of useful plants and animals with a reasonable
- 1423 expectation of profit, including:
- 1424 (i) forages and sod crops;
- 1425 (ii) grains and feed crops;
- 1426 (iii) livestock as defined in Section 59-2-102;
- 1427 (iv) trees and fruits; or
- 1428 (v) vegetables, nursery, floral, and ornamental stock; or
- 1429 (b) land devoted to and meeting the requirements and qualifications for payments or
- 1430 other compensation under a crop-land retirement program with an agency of the state or federal
- 1431 government.
- 1432 (11) "Division" means the Division of Oil, Gas, and Mining created in Section
- 1433 40-6-15.
- 1434 (12) "Industrial protection area" means a geographic area created under the authority of
- 1435 this chapter that is granted the specific legal protections contained in this chapter.
- 1436 (13) "Mine operator" means a natural person, corporation, association, partnership,
- 1437 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or
- 1438 representative, either public or private, including a successor, assign, affiliate, subsidiary, and
- 1439 related parent company, that, as of January 1, 2019:
- 1440 (a) owns, controls, or manages a mining use under a large mine permit issued by the
- 1441 division or the board; and
- 1442 (b) has produced commercial quantities of a mineral deposit from the mining use.
- 1443 (14) "Mineral deposit" means the same as that term is defined in Section 40-8-4.
- 1444 (15) "Mining protection area" means land where a vested mining use occurs, including
- 1445 each surface or subsurface land or mineral estate that a mine operator with a vested mining use
- 1446 owns or controls.
- 1447 (16) "Mining use":
- 1448 (a) means:
- 1449 (i) the full range of activities, from prospecting and exploration to reclamation and
- 1450 closure, associated with the exploitation of a mineral deposit; and
- 1451 (ii) the use of the surface and subsurface and groundwater and surface water of an area

1452 in connection with the activities described in Subsection (16)(a)(i) that have been, are being, or  
1453 will be conducted; and

1454 (b) includes, whether conducted on-site or off-site:

1455 (i) any sampling, staking, surveying, exploration, or development activity;

1456 (ii) any drilling, blasting, excavating, or tunneling;

1457 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,  
1458 development rock, tailings, and other waste material;

1459 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;

1460 (v) any smelting, refining, autoclaving, or other primary or secondary processing  
1461 operation;

1462 (vi) the recovery of any mineral left in residue from a previous extraction or processing  
1463 operation;

1464 (vii) a mining activity that is identified in a work plan or permitting document;

1465 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,  
1466 structure, facility, equipment, machine, tool, or other material or property that results from or is  
1467 used in a surface or subsurface mining operation or activity;

1468 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,  
1469 including a utility, private way or road, pipeline, land excavation, working, embankment, pond,  
1470 gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use  
1471 area, buffer zone, and power production facility;

1472 (x) the construction of a storage, factory, processing, or maintenance facility; and

1473 (xi) an activity described in Subsection [40-8-4\(17\)\(a\)](#).

1474 (17) (a) "Municipal" means of or relating to a city or town.

1475 (b) "Municipality" means a city or town.

1476 (18) "New land" means surface or subsurface land or mineral estate that a mine  
1477 operator gains ownership or control of, whether that land or mineral estate is included in the  
1478 mine operator's large mine permit.

1479 (19) "Off-site" means the same as that term is defined in Section [40-8-4](#).

1480 (20) "On-site" means the same as that term is defined in Section [40-8-4](#).

1481 (21) "Planning commission" means:

1482 (a) a countywide planning commission if the land proposed to be included in the

1483 agriculture protection area, industrial protection area, or critical infrastructure materials  
1484 protection area is within the unincorporated part of the county and not within a planning  
1485 advisory area;

1486 (b) a planning advisory area planning commission if the land proposed to be included  
1487 in the agriculture protection area, industrial protection area, or critical infrastructure materials  
1488 protection area is within a planning advisory area; or

1489 (c) a planning commission of a city or town if the land proposed to be included in the  
1490 agriculture protection area, industrial protection area, or critical infrastructure materials  
1491 protection area is within a city or town.

1492 (22) "Political subdivision" means a county, city, town, school district, ~~local~~ special  
1493 district, or special service district.

1494 (23) "Proposal sponsors" means the owners of land in agricultural production,  
1495 industrial use, or critical infrastructure materials operations who are sponsoring the proposal  
1496 for creating an agriculture protection area, industrial protection area, or critical infrastructure  
1497 materials protection area.

1498 (24) "State agency" means each department, commission, board, council, agency,  
1499 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
1500 unit, bureau, panel, or other administrative unit of the state.

1501 (25) "Unincorporated" means not within a city or town.

1502 (26) "Vested mining use" means a mining use:

1503 (a) by a mine operator; and

1504 (b) that existed or was conducted or otherwise engaged in before a political subdivision  
1505 prohibits, restricts, or otherwise limits a mining use.

1506 Section 12. Section **17-43-201** is amended to read:

1507 **17-43-201. Local substance abuse authorities -- Responsibilities.**

1508 (1) (a) (i) In each county operating under a county executive-council form of  
1509 government under Section [17-52a-203](#), the county legislative body is the local substance abuse  
1510 authority, provided however that any contract for plan services shall be administered by the  
1511 county executive.

1512 (ii) In each county operating under a council-manager form of government under  
1513 Section [17-52a-204](#), the county manager is the local substance abuse authority.

1514 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
1515 county legislative body is the local substance abuse authority.

1516 (b) Within legislative appropriations and county matching funds required by this  
1517 section, and under the direction of the division, each local substance abuse authority shall:

1518 (i) develop substance abuse prevention and treatment services plans;

1519 (ii) provide substance abuse services to residents of the county; and

1520 (iii) cooperate with efforts of the division to promote integrated programs that address  
1521 an individual's substance abuse, mental health, and physical healthcare needs, as described in  
1522 Section [62A-15-103](#).

1523 (c) Within legislative appropriations and county matching funds required by this  
1524 section, each local substance abuse authority shall cooperate with the efforts of the department  
1525 to promote a system of care, as defined in Section [26B-1-102](#), for minors with or at risk for  
1526 complex emotional and behavioral needs, as described in Section [26B-1-202](#).

1527 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
1528 Cooperation Act, two or more counties may join to:

1529 (i) provide substance abuse prevention and treatment services; or

1530 (ii) create a united local health department that provides substance abuse treatment  
1531 services, mental health services, and local health department services in accordance with  
1532 Subsection (3).

1533 (b) The legislative bodies of counties joining to provide services may establish  
1534 acceptable ways of apportioning the cost of substance abuse services.

1535 (c) Each agreement for joint substance abuse services shall:

1536 (i) (A) designate the treasurer of one of the participating counties or another person as  
1537 the treasurer for the combined substance abuse authorities and as the custodian of money  
1538 available for the joint services; and

1539 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
1540 treasurer, may make payments from the money for the joint services upon audit of the  
1541 appropriate auditing officer or officers representing the participating counties;

1542 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
1543 the participating counties as the designated auditing officer for the combined substance abuse  
1544 authorities;

1545 (iii) (A) provide for the appointment of the county or district attorney of one of the  
1546 participating counties as the designated legal officer for the combined substance abuse  
1547 authorities; and

1548 (B) authorize the designated legal officer to request and receive the assistance of the  
1549 county or district attorneys of the other participating counties in defending or prosecuting  
1550 actions within their counties relating to the combined substance abuse authorities; and

1551 (iv) provide for the adoption of management, clinical, financial, procurement,  
1552 personnel, and administrative policies as already established by one of the participating  
1553 counties or as approved by the legislative body of each participating county or interlocal board.

1554 (d) An agreement for joint substance abuse services may provide for joint operation of  
1555 services and facilities or for operation of services and facilities under contract by one  
1556 participating local substance abuse authority for other participating local substance abuse  
1557 authorities.

1558 (3) A county governing body may elect to combine the local substance abuse authority  
1559 with the local mental health authority created in Part 3, Local Mental Health Authorities, and  
1560 the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department  
1561 Act, to create a united local health department under Section [26A-1-105.5](#). A local substance  
1562 abuse authority that joins a united local health department shall comply with this part.

1563 (4) (a) Each local substance abuse authority is accountable to the department and the  
1564 state with regard to the use of state and federal funds received from those departments for  
1565 substance abuse services, regardless of whether the services are provided by a private contract  
1566 provider.

1567 (b) Each local substance abuse authority shall comply, and require compliance by its  
1568 contract provider, with all directives issued by the department regarding the use and  
1569 expenditure of state and federal funds received from those departments for the purpose of  
1570 providing substance abuse programs and services. The department shall ensure that those  
1571 directives are not duplicative or conflicting, and shall consult and coordinate with local  
1572 substance abuse authorities with regard to programs and services.

1573 (5) Each local substance abuse authority shall:

1574 (a) review and evaluate substance abuse prevention and treatment needs and services,  
1575 including substance abuse needs and services for individuals incarcerated in a county jail or

1576 other county correctional facility;

1577 (b) annually prepare and submit to the division a plan approved by the county

1578 legislative body for funding and service delivery that includes:

1579 (i) provisions for services, either directly by the substance abuse authority or by

1580 contract, for adults, youth, and children, including those incarcerated in a county jail or other

1581 county correctional facility; and

1582 (ii) primary prevention, targeted prevention, early intervention, and treatment services;

1583 (c) establish and maintain, either directly or by contract, programs licensed under Title

1584 62A, Chapter 2, Licensure of Programs and Facilities;

1585 (d) appoint directly or by contract a full or part time director for substance abuse

1586 programs, and prescribe the director's duties;

1587 (e) provide input and comment on new and revised rules established by the division;

1588 (f) establish and require contract providers to establish administrative, clinical,

1589 procurement, personnel, financial, and management policies regarding substance abuse services

1590 and facilities, in accordance with the rules of the division, and state and federal law;

1591 (g) establish mechanisms allowing for direct citizen input;

1592 (h) annually contract with the division to provide substance abuse programs and

1593 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

1594 Mental Health Act;

1595 (i) comply with all applicable state and federal statutes, policies, audit requirements,

1596 contract requirements, and any directives resulting from those audits and contract requirements;

1597 (j) promote or establish programs for the prevention of substance abuse within the

1598 community setting through community-based prevention programs;

1599 (k) provide funding equal to at least 20% of the state funds that it receives to fund

1600 services described in the plan;

1601 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

1602 Cooperation Act, [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title

1603 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter 2a,

1604 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local

1605 Entities Act;

1606 (m) for persons convicted of driving under the influence in violation of Section



1607 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

1608 (i) a screening;

1609 (ii) an assessment;

1610 (iii) an educational series; and

1611 (iv) substance abuse treatment; and

1612 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to

1613 supplement the cost of providing the services described in Subsection (5)(m).

1614 (6) Before disbursing any public funds, each local substance abuse authority shall  
1615 require that each entity that receives any public funds from the local substance abuse authority  
1616 agrees in writing that:

1617 (a) the entity's financial records and other records relevant to the entity's performance  
1618 of the services provided to the local substance abuse authority shall be subject to examination  
1619 by:

1620 (i) the division;

1621 (ii) the local substance abuse authority director;

1622 (iii) (A) the county treasurer and county or district attorney; or

1623 (B) if two or more counties jointly provide substance abuse services under an  
1624 agreement under Subsection (2), the designated treasurer and the designated legal officer;

1625 (iv) the county legislative body; and

1626 (v) in a county with a county executive that is separate from the county legislative  
1627 body, the county executive;

1628 (b) the county auditor may examine and audit the entity's financial and other records  
1629 relevant to the entity's performance of the services provided to the local substance abuse  
1630 authority; and

1631 (c) the entity will comply with the provisions of Subsection (4)(b).

1632 (7) A local substance abuse authority may receive property, grants, gifts, supplies,  
1633 materials, contributions, and any benefit derived therefrom, for substance abuse services. If  
1634 those gifts are conditioned upon their use for a specified service or program, they shall be so  
1635 used.

1636 (8) (a) As used in this section, "public funds" means the same as that term is defined in  
1637 Section 17-43-203.

1638 (b) Public funds received for the provision of services pursuant to the local substance  
1639 abuse plan may not be used for any other purpose except those authorized in the contract  
1640 between the local substance abuse authority and the provider for the provision of plan services.

1641 (9) Subject to the requirements of the federal Substance Abuse Prevention and  
1642 Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure  
1643 that all substance abuse treatment programs that receive public funds:

1644 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;  
1645 and

1646 (b) if admission of a pregnant woman or a pregnant minor is not possible within 24  
1647 hours of the time that a request for admission is made, provide a comprehensive referral for  
1648 interim services that:

1649 (i) are accessible to the pregnant woman or pregnant minor;

1650 (ii) are best suited to provide services to the pregnant woman or pregnant minor;

1651 (iii) may include:

1652 (A) counseling;

1653 (B) case management; or

1654 (C) a support group; and

1655 (iv) shall include a referral for:

1656 (A) prenatal care; and

1657 (B) counseling on the effects of alcohol and drug use during pregnancy.

1658 (10) If a substance abuse treatment program described in Subsection (9) is not able to  
1659 accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of  
1660 the time that request for admission is made, the local substance abuse authority shall contact  
1661 the Division of Integrated Healthcare for assistance in providing services to the pregnant  
1662 woman or pregnant minor.

1663 Section 13. Section **17-43-301** is amended to read:

1664 **17-43-301. Local mental health authorities -- Responsibilities.**

1665 (1) As used in this section:

1666 (a) "Assisted outpatient treatment" means the same as that term is defined in Section  
1667 [62A-15-602](#).

1668 (b) "Crisis worker" means the same as that term is defined in Section [62A-15-1301](#).

1669 (c) "Local mental health crisis line" means the same as that term is defined in Section  
1670 62A-15-1301.

1671 (d) "Mental health therapist" means the same as that term is defined in Section  
1672 58-60-102.

1673 (e) "Public funds" means the same as that term is defined in Section 17-43-303.

1674 (f) "Statewide mental health crisis line" means the same as that term is defined in  
1675 Section 62A-15-1301.

1676 (2) (a) (i) In each county operating under a county executive-council form of  
1677 government under Section 17-52a-203, the county legislative body is the local mental health  
1678 authority, provided however that any contract for plan services shall be administered by the  
1679 county executive.

1680 (ii) In each county operating under a council-manager form of government under  
1681 Section 17-52a-204, the county manager is the local mental health authority.

1682 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the  
1683 county legislative body is the local mental health authority.

1684 (b) Within legislative appropriations and county matching funds required by this  
1685 section, under the direction of the division, each local mental health authority shall:

1686 (i) provide mental health services to individuals within the county; and

1687 (ii) cooperate with efforts of the division to promote integrated programs that address  
1688 an individual's substance abuse, mental health, and physical healthcare needs, as described in  
1689 Section 62A-15-103.

1690 (c) Within legislative appropriations and county matching funds required by this  
1691 section, each local mental health authority shall cooperate with the efforts of the department to  
1692 promote a system of care, as defined in Section 26B-1-102, for minors with or at risk for  
1693 complex emotional and behavioral needs, as described in Section 26B-1-202.

1694 (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
1695 Cooperation Act, two or more counties may join to:

1696 (i) provide mental health prevention and treatment services; or

1697 (ii) create a united local health department that combines substance abuse treatment  
1698 services, mental health services, and local health department services in accordance with  
1699 Subsection (4).

1700 (b) The legislative bodies of counties joining to provide services may establish  
1701 acceptable ways of apportioning the cost of mental health services.

1702 (c) Each agreement for joint mental health services shall:

1703 (i) (A) designate the treasurer of one of the participating counties or another person as  
1704 the treasurer for the combined mental health authorities and as the custodian of money  
1705 available for the joint services; and

1706 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
1707 treasurer, may make payments from the money available for the joint services upon audit of the  
1708 appropriate auditing officer or officers representing the participating counties;

1709 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
1710 the participating counties as the designated auditing officer for the combined mental health  
1711 authorities;

1712 (iii) (A) provide for the appointment of the county or district attorney of one of the  
1713 participating counties as the designated legal officer for the combined mental health  
1714 authorities; and

1715 (B) authorize the designated legal officer to request and receive the assistance of the  
1716 county or district attorneys of the other participating counties in defending or prosecuting  
1717 actions within their counties relating to the combined mental health authorities; and

1718 (iv) provide for the adoption of management, clinical, financial, procurement,  
1719 personnel, and administrative policies as already established by one of the participating  
1720 counties or as approved by the legislative body of each participating county or interlocal board.

1721 (d) An agreement for joint mental health services may provide for:

1722 (i) joint operation of services and facilities or for operation of services and facilities  
1723 under contract by one participating local mental health authority for other participating local  
1724 mental health authorities; and

1725 (ii) allocation of appointments of members of the mental health advisory council  
1726 between or among participating counties.

1727 (4) A county governing body may elect to combine the local mental health authority  
1728 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,  
1729 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health  
1730 Department Act, to create a united local health department under Section [26A-1-105.5](#). A local

1731 mental health authority that joins with a united local health department shall comply with this  
1732 part.

1733 (5) (a) Each local mental health authority is accountable to the department and the state  
1734 with regard to the use of state and federal funds received from those departments for mental  
1735 health services, regardless of whether the services are provided by a private contract provider.

1736 (b) Each local mental health authority shall comply, and require compliance by its  
1737 contract provider, with all directives issued by the department regarding the use and  
1738 expenditure of state and federal funds received from those departments for the purpose of  
1739 providing mental health programs and services. The department shall ensure that those  
1740 directives are not duplicative or conflicting, and shall consult and coordinate with local mental  
1741 health authorities with regard to programs and services.

1742 (6) (a) Each local mental health authority shall:

1743 (i) review and evaluate mental health needs and services, including mental health needs  
1744 and services for:

1745 (A) an individual incarcerated in a county jail or other county correctional facility; and

1746 (B) an individual who is a resident of the county and who is court ordered to receive  
1747 assisted outpatient treatment under Section [62A-15-630.5](#);

1748 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a  
1749 plan approved by the county legislative body for mental health funding and service delivery,  
1750 either directly by the local mental health authority or by contract;

1751 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
1752 62A, Chapter 2, Licensure of Programs and Facilities;

1753 (iv) appoint, directly or by contract, a full-time or part-time director for mental health  
1754 programs and prescribe the director's duties;

1755 (v) provide input and comment on new and revised rules established by the division;

1756 (vi) establish and require contract providers to establish administrative, clinical,  
1757 personnel, financial, procurement, and management policies regarding mental health services  
1758 and facilities, in accordance with the rules of the division, and state and federal law;

1759 (vii) establish mechanisms allowing for direct citizen input;

1760 (viii) annually contract with the division to provide mental health programs and  
1761 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

1762 Mental Health Act;

1763 (ix) comply with all applicable state and federal statutes, policies, audit requirements,  
1764 contract requirements, and any directives resulting from those audits and contract requirements;

1765 (x) provide funding equal to at least 20% of the state funds that it receives to fund  
1766 services described in the plan;

1767 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
1768 Cooperation Act, [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title  
1769 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter 2a,  
1770 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
1771 Entities Act; and

1772 (xii) take and retain physical custody of minors committed to the physical custody of  
1773 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,  
1774 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

1775 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and  
1776 children, which shall include:

1777 (i) inpatient care and services;

1778 (ii) residential care and services;

1779 (iii) outpatient care and services;

1780 (iv) 24-hour crisis care and services;

1781 (v) psychotropic medication management;

1782 (vi) psychosocial rehabilitation, including vocational training and skills development;

1783 (vii) case management;

1784 (viii) community supports, including in-home services, housing, family support  
1785 services, and respite services;

1786 (ix) consultation and education services, including case consultation, collaboration  
1787 with other county service agencies, public education, and public information; and

1788 (x) services to persons incarcerated in a county jail or other county correctional facility.

1789 (7) (a) If a local mental health authority provides for a local mental health crisis line  
1790 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local  
1791 mental health authority shall:

1792 (i) collaborate with the statewide mental health crisis line described in Section

- 1793 62A-15-1302;
- 1794 (ii) ensure that each individual who answers calls to the local mental health crisis line:
- 1795 (A) is a mental health therapist or a crisis worker; and
- 1796 (B) meets the standards of care and practice established by the Division of Integrated
- 1797 Healthcare, in accordance with Section 62A-15-1302; and
- 1798 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,
- 1799 calls are immediately routed to the statewide mental health crisis line to ensure that when an
- 1800 individual calls the local mental health crisis line, regardless of the time, date, or number of
- 1801 individuals trying to simultaneously access the local mental health crisis line, a mental health
- 1802 therapist or a crisis worker answers the call without the caller first:
- 1803 (A) waiting on hold; or
- 1804 (B) being screened by an individual other than a mental health therapist or crisis
- 1805 worker.
- 1806 (b) If a local mental health authority does not provide for a local mental health crisis
- 1807 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the
- 1808 local mental health authority shall use the statewide mental health crisis line as a local crisis
- 1809 line resource.
- 1810 (8) Before disbursing any public funds, each local mental health authority shall require
- 1811 that each entity that receives any public funds from a local mental health authority agrees in
- 1812 writing that:
- 1813 (a) the entity's financial records and other records relevant to the entity's performance
- 1814 of the services provided to the mental health authority shall be subject to examination by:
- 1815 (i) the division;
- 1816 (ii) the local mental health authority director;
- 1817 (iii) (A) the county treasurer and county or district attorney; or
- 1818 (B) if two or more counties jointly provide mental health services under an agreement
- 1819 under Subsection (3), the designated treasurer and the designated legal officer;
- 1820 (iv) the county legislative body; and
- 1821 (v) in a county with a county executive that is separate from the county legislative
- 1822 body, the county executive;
- 1823 (b) the county auditor may examine and audit the entity's financial and other records

1824 relevant to the entity's performance of the services provided to the local mental health  
1825 authority; and

1826 (c) the entity will comply with the provisions of Subsection (5)(b).

1827 (9) A local mental health authority may receive property, grants, gifts, supplies,  
1828 materials, contributions, and any benefit derived therefrom, for mental health services. If those  
1829 gifts are conditioned upon their use for a specified service or program, they shall be so used.

1830 (10) Public funds received for the provision of services pursuant to the local mental  
1831 health plan may not be used for any other purpose except those authorized in the contract  
1832 between the local mental health authority and the provider for the provision of plan services.

1833 (11) A local mental health authority shall provide assisted outpatient treatment  
1834 services, as described in Section [62A-15-630.4](#), to a resident of the county who has been  
1835 ordered under Section [62A-15-630.5](#) to receive assisted outpatient treatment.

1836 Section 14. Section **17-50-103** is amended to read:

1837 **17-50-103. Use of "county" prohibited -- Legal action to compel compliance.**

1838 (1) For purposes of this section:

1839 (a) (i) "Existing local entity" means a ~~[local]~~ special district, special service district, or  
1840 other political subdivision of the state created before May 1, 2000.

1841 (ii) "Existing local entity" does not include a county, city, town, or school district.

1842 ~~[(b)(i) "Local district" means a local district under Title 17B, Limited Purpose Local  
1843 Government Entities - Local Districts, that:]~~

1844 ~~[(A) by statute is a political and corporate entity separate from the county that created  
1845 it; and]~~

1846 ~~[(B) by statute is not subject to the direction and control of the county that created it.]~~

1847 ~~[(ii) The county legislative body's statutory authority to appoint members to the  
1848 governing body of a local district does not alone make the local district subject to the direction  
1849 and control of that county.]~~

1850 ~~[(c)]~~ (b) (i) "New local entity" means a city, town, school district, ~~[local]~~ special  
1851 district, special service district, or other political subdivision of the state created on or after  
1852 May 1, 2000.

1853 (ii) "New local entity" does not include a county.

1854 (c) (i) "Special district" means a special district under Title 17B, Limited Purpose



1855 Local Government Entities - Special Districts, that:

1856 (A) by statute is a political and corporate entity separate from the county that created  
1857 the special district; and

1858 (B) by statute is not subject to the direction and control of the county that created the  
1859 special district.

1860 (ii) The county legislative body's statutory authority to appoint members to the  
1861 governing body of a special district does not alone make the special district subject to the  
1862 direction and control of that county.

1863 (2) (a) A new local entity may not use the word "county" in its name.

1864 (b) After January 1, 2005, an existing local entity may not use the word "county" in its  
1865 name unless the county whose name is used by the existing local entity gives its written  
1866 consent.

1867 (3) A county with a name similar to the name of a new local entity or existing local  
1868 entity in violation of this section may bring legal action in district court to compel compliance  
1869 with this section.

1870 Section 15. Section **17-52a-503** is amended to read:

1871 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect**  
1872 **of adoption.**

1873 (1) If a proposed optional plan is approved at an election held under Section  
1874 **17-52a-501:**

1875 (a) on or before November 1 of the year immediately following the year of the election  
1876 described in Section **17-52a-501** in which the optional plan is approved, the county legislative  
1877 body shall:

1878 (i) if the proposed optional plan under Section **17-52a-404** specifies that one or more  
1879 members of the county legislative body are elected from districts, adopt the geographic  
1880 boundaries of each council or commission member district; and

1881 (ii) adopt the compensation, including benefits, for each member of the county  
1882 legislative body;

1883 (b) the elected county officers specified in the plan shall be elected at the next regular  
1884 general election following the election under Section **17-52a-501**, according to the procedure  
1885 and schedule established under Title 20A, Election Code, for the election of county officers;

1886 (c) the proposed optional plan:  
1887 (i) becomes effective according to the optional plan's terms;  
1888 (ii) subject to Subsection 17-52a-404(1)(c), at the time specified in the optional plan, is  
1889 a public record open to inspection by the public; and  
1890 (iii) is judicially noticeable by all courts;  
1891 (d) the county clerk shall, within 10 days of the canvass of the election, file with the  
1892 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct  
1893 copy;  
1894 (e) all public officers and employees shall cooperate fully in making the transition  
1895 between forms of county government; and  
1896 (f) the county legislative body may enact and enforce necessary ordinances to bring  
1897 about an orderly transition to the new form of government, including any transfer of power,  
1898 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with  
1899 the approved optional plan and necessary or convenient to place it into full effect.  
1900 (2) An action by the county legislative body under Subsection (1)(a) is not an  
1901 amendment for purposes of Section 17-52a-504.  
1902 (3) Adoption of an optional plan does not alter or affect the boundaries, organization,  
1903 powers, duties, or functions of any:  
1904 (a) school district;  
1905 (b) justice court;  
1906 (c) ~~[local] special~~ district under ~~[Title 17B, Limited Purpose Local Government~~  
1907 ~~Entities - Local Districts]~~ Title 17B, Limited Purpose Local Government Entities - Special  
1908 Districts;  
1909 (d) special service district under Title 17D, Chapter 1, Special Service District Act;  
1910 (e) city or town; or  
1911 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
1912 Cooperation Act.  
1913 (4) (a) After adoption of the optional plan, the county legislative body may adopt a  
1914 change to the geographic boundaries of a council or commission member's district.  
1915 (b) An action by the county legislative body under Subsection (4)(a) is not an  
1916 amendment for purposes of Section 17-52a-504.

1917 (5) After the adoption of an optional plan, the county remains vested with all powers  
1918 and duties vested generally in counties by statute.

1919 Section 16. Section 17B-1-102 is amended to read:

1920 **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - SPECIAL**  
1921 **DISTRICTS**

1922 **CHAPTER 1. PROVISIONS APPLICABLE TO ALL SPECIAL DISTRICTS**

1923 **17B-1-102. Definitions.**

1924 As used in this title:

1925 (1) "Appointing authority" means the person or body authorized to make an  
1926 appointment to the board of trustees.

1927 (2) "Basic [local] special district":

1928 (a) means a [local] special district that is not a specialized [local] special district; and

1929 (b) includes an entity that was, under the law in effect before April 30, 2007, created  
1930 and operated as a [local] special district, as defined under the law in effect before April 30,  
1931 2007.

1932 (3) "Bond" means:

1933 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
1934 warrant, certificate of indebtedness, or otherwise; and

1935 (b) a lease agreement, installment purchase agreement, or other agreement that:

1936 (i) includes an obligation by the district to pay money; and

1937 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
1938 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
1939 Act.

1940 (4) "Cemetery maintenance district" means a [local] special district that operates under  
1941 and is subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance  
1942 District Act, including an entity that was created and operated as a cemetery maintenance  
1943 district under the law in effect before April 30, 2007.

1944 (5) "Drainage district" means a [local] special district that operates under and is subject  
1945 to the provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an  
1946 entity that was created and operated as a drainage district under the law in effect before April  
1947 30, 2007.

1948 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
1949 water, or other real or personal property required to provide a service that a [local] special  
1950 district is authorized to provide, including any related or appurtenant easement or right-of-way,  
1951 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

1952 (7) "Fire protection district" means a [local] special district that operates under and is  
1953 subject to the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act,  
1954 including an entity that was created and operated as a fire protection district under the law in  
1955 effect before April 30, 2007.

1956 (8) "General obligation bond":

1957 (a) means a bond that is directly payable from and secured by ad valorem property  
1958 taxes that are:

1959 (i) levied:

1960 (A) by the district that issues the bond; and

1961 (B) on taxable property within the district; and

1962 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

1963 and

1964 (b) does not include:

1965 (i) a short-term bond;

1966 (ii) a tax and revenue anticipation bond; or

1967 (iii) a special assessment bond.

1968 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
1969 security:

1970 (a) to guarantee the proper completion of an improvement;

1971 (b) that is required before a [local] special district may provide a service requested by a  
1972 service applicant; and

1973 (c) that is offered to a [local] special district to induce the [local] special district before  
1974 construction of an improvement begins to:

1975 (i) provide the requested service; or

1976 (ii) commit to provide the requested service.

1977 (10) "Improvement assurance warranty" means a promise that the materials and  
1978 workmanship of an improvement:

1979 (a) comply with standards adopted by a ~~[local]~~ special district; and

1980 (b) will not fail in any material respect within an agreed warranty period.

1981 (11) "Improvement district" means a ~~[local]~~ special district that operates under and is  
 1982 subject to the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act,  
 1983 including an entity that was created and operated as a county improvement district under the  
 1984 law in effect before April 30, 2007.

1985 (12) "Irrigation district" means a ~~[local]~~ special district that operates under and is  
 1986 subject to the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act,  
 1987 including an entity that was created and operated as an irrigation district under the law in effect  
 1988 before April 30, 2007.

1989 ~~[(13) "Local district" means a limited purpose local government entity, as described in  
 1990 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:]~~

1991 ~~[(a) this chapter; or]~~

1992 ~~[(b) (i) this chapter; and]~~

1993 ~~[(ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;]~~

1994 ~~[(B) Chapter 2a, Part 2, Drainage District Act;]~~

1995 ~~[(C) Chapter 2a, Part 3, Fire Protection District Act;]~~

1996 ~~[(D) Chapter 2a, Part 4, Improvement District Act;]~~

1997 ~~[(E) Chapter 2a, Part 5, Irrigation District Act;]~~

1998 ~~[(F) Chapter 2a, Part 6, Metropolitan Water District Act;]~~

1999 ~~[(G) Chapter 2a, Part 7, Mosquito Abatement District Act;]~~

2000 ~~[(H) Chapter 2a, Part 8, Public Transit District Act;]~~

2001 ~~[(I) Chapter 2a, Part 9, Service Area Act;]~~

2002 ~~[(J) Chapter 2a, Part 10, Water Conservancy District Act; or]~~

2003 ~~[(K) Chapter 2a, Part 11, Municipal Services District Act.]~~

2004 ~~[(14)]~~ (13) "Metropolitan water district" means a ~~[local]~~ special district that operates  
 2005 under and is subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan  
 2006 Water District Act, including an entity that was created and operated as a metropolitan water  
 2007 district under the law in effect before April 30, 2007.

2008 ~~[(15)]~~ (14) "Mosquito abatement district" means a ~~[local]~~ special district that operates  
 2009 under and is subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito

2010 Abatement District Act, including an entity that was created and operated as a mosquito  
2011 abatement district under the law in effect before April 30, 2007.

2012 [~~(16)~~] (15) "Municipal" means of or relating to a municipality.

2013 [~~(17)~~] (16) "Municipality" means a city, town, or metro township.

2014 [~~(18)~~] (17) "Municipal services district" means a [~~local~~] special district that operates  
2015 under and is subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal  
2016 Services District Act.

2017 [~~(19)~~] (18) "Person" means an individual, corporation, partnership, organization,  
2018 association, trust, governmental agency, or other legal entity.

2019 [~~(20)~~] (19) "Political subdivision" means a county, city, town, metro township, [~~local~~]  
2020 special district under this title, special service district under Title 17D, Chapter 1, Special  
2021 Service District Act, an entity created by interlocal cooperation agreement under Title 11,  
2022 Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute  
2023 as a political subdivision of the state.

2024 [~~(21)~~] (20) "Private," with respect to real property, means not owned by the United  
2025 States or any agency of the federal government, the state, a county, or a political subdivision.

2026 [~~(22)~~] (21) "Public entity" means:

2027 (a) the United States or an agency of the United States;

2028 (b) the state or an agency of the state;

2029 (c) a political subdivision of the state or an agency of a political subdivision of the  
2030 state;

2031 (d) another state or an agency of that state; or

2032 (e) a political subdivision of another state or an agency of that political subdivision.

2033 [~~(23)~~] (22) "Public transit district" means a [~~local~~] special district that operates under  
2034 and is subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District  
2035 Act, including an entity that was created and operated as a public transit district under the law  
2036 in effect before April 30, 2007.

2037 [~~(24)~~] (23) "Revenue bond":

2038 (a) means a bond payable from designated taxes or other revenues other than the [~~local~~]  
2039 special district's ad valorem property taxes; and

2040 (b) does not include:

2041 (i) an obligation constituting an indebtedness within the meaning of an applicable  
2042 constitutional or statutory debt limit;

2043 (ii) a tax and revenue anticipation bond; or

2044 (iii) a special assessment bond.

2045 [~~(25)~~] (24) "Rules of order and procedure" means a set of rules that govern and  
2046 prescribe in a public meeting:

2047 (a) parliamentary order and procedure;

2048 (b) ethical behavior; and

2049 (c) civil discourse.

2050 [~~(26)~~] (25) "Service applicant" means a person who requests that a [~~local~~] special  
2051 district provide a service that the [~~local~~] special district is authorized to provide.

2052 [~~(27)~~] (26) "Service area" means a [~~local~~] special district that operates under and is  
2053 subject to the provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an  
2054 entity that was created and operated as a county service area or a regional service area under the  
2055 law in effect before April 30, 2007.

2056 [~~(28)~~] (27) "Short-term bond" means a bond that is required to be repaid during the  
2057 fiscal year in which the bond is issued.

2058 [~~(29)~~] (28) "Special assessment" means an assessment levied against property to pay all  
2059 or a portion of the costs of making improvements that benefit the property.

2060 [~~(30)~~] (29) "Special assessment bond" means a bond payable from special assessments.

2061 (30) "Special district" means a limited purpose local government entity, as described in  
2062 Section 17B-1-103, that operates under, is subject to, and has the powers described in:

2063 (a) this chapter; or

2064 (b) (i) this chapter; and

2065 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

2066 (B) Chapter 2a, Part 2, Drainage District Act;

2067 (C) Chapter 2a, Part 3, Fire Protection District Act;

2068 (D) Chapter 2a, Part 4, Improvement District Act;

2069 (E) Chapter 2a, Part 5, Irrigation District Act;

2070 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

2071 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

2072 (H) Chapter 2a, Part 8, Public Transit District Act;

2073 (I) Chapter 2a, Part 9, Service Area Act;

2074 (J) Chapter 2a, Part 10, Water Conservancy District Act; or

2075 (K) Chapter 2a, Part 11, Municipal Services District Act.

2076 (31) "Specialized [~~local~~] special district" means a [~~local~~] special district that is a  
2077 cemetery maintenance district, a drainage district, a fire protection district, an improvement  
2078 district, an irrigation district, a metropolitan water district, a mosquito abatement district, a  
2079 public transit district, a service area, a water conservancy district, a municipal services district,  
2080 or a public infrastructure district.

2081 (32) "Taxable value" means the taxable value of property as computed from the most  
2082 recent equalized assessment roll for county purposes.

2083 (33) "Tax and revenue anticipation bond" means a bond:

2084 (a) issued in anticipation of the collection of taxes or other revenues or a combination  
2085 of taxes and other revenues; and

2086 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
2087 issued.

2088 (34) "Unincorporated" means not included within a municipality.

2089 (35) "Water conservancy district" means a [~~local~~] special district that operates under  
2090 and is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy  
2091 District Act, including an entity that was created and operated as a water conservancy district  
2092 under the law in effect before April 30, 2007.

2093 (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,  
2094 power plant, and any facility, improvement, or property necessary or convenient for supplying  
2095 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a  
2096 [~~local~~] special district.

2097 Section 17. Section **17B-1-103** is amended to read:

2098 **17B-1-103. Special district status and powers -- Registration as a limited purpose**  
2099 **entity.**

2100 (1) A [~~local~~] special district:

2101 (a) is:

2102 (i) a body corporate and politic with perpetual succession;



- 2103 (ii) a quasi-municipal corporation; and
- 2104 (iii) a political subdivision of the state; and
- 2105 (b) may sue and be sued.
- 2106 (2) A ~~[local]~~ special district may:
- 2107 (a) acquire, by any lawful means, or lease any real property, personal property, or a
- 2108 groundwater right necessary or convenient to the full exercise of the district's powers;
- 2109 (b) acquire, by any lawful means, any interest in real property, personal property, or a
- 2110 groundwater right necessary or convenient to the full exercise of the district's powers;
- 2111 (c) transfer an interest in or dispose of any property or interest described in Subsections
- 2112 (2)(a) and (b);
- 2113 (d) acquire or construct works, facilities, and improvements necessary or convenient to
- 2114 the full exercise of the district's powers, and operate, control, maintain, and use those works,
- 2115 facilities, and improvements;
- 2116 (e) borrow money and incur indebtedness for any lawful district purpose;
- 2117 (f) issue bonds, including refunding bonds:
- 2118 (i) for any lawful district purpose; and
- 2119 (ii) as provided in and subject to ~~[Part 11, Local District Bonds]~~ Part 11, Special
- 2120 District Bonds;
- 2121 (g) levy and collect property taxes:
- 2122 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
- 2123 from tax delinquencies in a preceding year; and
- 2124 (ii) as provided in and subject to ~~[Part 10, Local District Property Tax Levy]~~ Part 10,
- 2125 Special District Property Tax Levy;
- 2126 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
- 2127 domain property necessary to the exercise of the district's powers;
- 2128 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 2129 (j) (i) impose fees or other charges for commodities, services, or facilities provided by
- 2130 the district, to pay some or all of the district's costs of providing the commodities, services, and
- 2131 facilities, including the costs of:
- 2132 (A) maintaining and operating the district;
- 2133 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;

- 2134 (C) issuing bonds and paying debt service on district bonds; and
- 2135 (D) providing a reserve established by the board of trustees; and
- 2136 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 2137 assure the collection of all fees and charges that the district imposes;
- 2138 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
- 2139 property to district facilities in order for the district to provide service to the property;
- 2140 (l) enter into a contract that the ~~[local]~~ special district board of trustees considers
- 2141 necessary, convenient, or desirable to carry out the district's purposes, including a contract:
- 2142 (i) with the United States or any department or agency of the United States;
- 2143 (ii) to indemnify and save harmless; or
- 2144 (iii) to do any act to exercise district powers;
- 2145 (m) purchase supplies, equipment, and materials;
- 2146 (n) encumber district property upon terms and conditions that the board of trustees
- 2147 considers appropriate;
- 2148 (o) exercise other powers and perform other functions that are provided by law;
- 2149 (p) construct and maintain works and establish and maintain facilities, including works
- 2150 or facilities:
- 2151 (i) across or along any public street or highway, subject to Subsection (3) and if the
- 2152 district:
- 2153 (A) promptly restores the street or highway, as much as practicable, to its former state
- 2154 of usefulness; and
- 2155 (B) does not use the street or highway in a manner that completely or unnecessarily
- 2156 impairs the usefulness of it;
- 2157 (ii) in, upon, or over any vacant public lands that are or become the property of the
- 2158 state, including school and institutional trust lands, as defined in Section [53C-1-103](#), if the
- 2159 director of the School and Institutional Trust Lands Administration, acting under Sections
- 2160 [53C-1-102](#) and [53C-1-303](#), consents; or
- 2161 (iii) across any stream of water or watercourse, subject to Section [73-3-29](#);
- 2162 (q) perform any act or exercise any power reasonably necessary for the efficient
- 2163 operation of the ~~[local]~~ special district in carrying out its purposes;
- 2164 (r) (i) except for a ~~[local]~~ special district described in Subsection (2)(r)(ii), designate an

2165 assessment area and levy an assessment on land within the assessment area, as provided in  
2166 Title 11, Chapter 42, Assessment Area Act; or

2167 (ii) for a [local] special district created to assess a groundwater right in a critical  
2168 management area described in Subsection 17B-1-202(1), designate an assessment area and levy  
2169 an assessment, as provided in Title 11, Chapter 42, Assessment Area Act, on a groundwater  
2170 right to facilitate a groundwater management plan;

2171 (s) contract with another political subdivision of the state to allow the other political  
2172 subdivision to use the district's surplus water or capacity or have an ownership interest in the  
2173 district's works or facilities, upon the terms and for the consideration, whether monetary or  
2174 nonmonetary consideration or no consideration, that the district's board of trustees considers to  
2175 be in the best interests of the district and the public;

2176 (t) upon the terms and for the consideration, whether monetary or nonmonetary  
2177 consideration or no consideration, that the district's board of trustees considers to be in the best  
2178 interests of the district and the public, agree:

2179 (i) (A) with another political subdivision of the state; or

2180 (B) with a public or private owner of property on which the district has a right-of-way  
2181 or adjacent to which the district owns fee title to property; and

2182 (ii) to allow the use of property:

2183 (A) owned by the district; or

2184 (B) on which the district has a right-of-way; and

2185 (u) if the [local] special district receives, as determined by the [local] special district  
2186 board of trustees, adequate monetary or nonmonetary consideration in return:

2187 (i) provide services or nonmonetary assistance to a nonprofit entity;

2188 (ii) waive fees required to be paid by a nonprofit entity; or

2189 (iii) provide monetary assistance to a nonprofit entity, whether from the [local] special  
2190 district's own funds or from funds the [local] special district receives from the state or any other  
2191 source.

2192 (3) With respect to a [local] special district's use of a street or highway, as provided in  
2193 Subsection (2)(p)(i):

2194 (a) the district shall comply with the reasonable rules and regulations of the  
2195 governmental entity, whether state, county, or municipal, with jurisdiction over the street or

2196 highway, concerning:

2197 (i) an excavation and the refilling of an excavation;

2198 (ii) the relaying of pavement; and

2199 (iii) the protection of the public during a construction period; and

2200 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over

2201 the street or highway:

2202 (i) may not require the district to pay a license or permit fee or file a bond; and

2203 (ii) may require the district to pay a reasonable inspection fee.

2204 (4) (a) A ~~local~~ special district may:

2205 (i) acquire, lease, or construct and operate electrical generation, transmission, and

2206 distribution facilities, if:

2207 (A) the purpose of the facilities is to harness energy that results inherently from the

2208 district's operation of a project or facilities that the district is authorized to operate or from the

2209 district providing a service that the district is authorized to provide;

2210 (B) the generation of electricity from the facilities is incidental to the primary

2211 operations of the district; and

2212 (C) operation of the facilities will not hinder or interfere with the primary operations of

2213 the district;

2214 (ii) (A) use electricity generated by the facilities; or

2215 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric

2216 utility or municipality with an existing system for distributing electricity.

2217 (b) A district may not act as a retail distributor or seller of electricity.

2218 (c) Revenue that a district receives from the sale of electricity from electrical

2219 generation facilities it owns or operates under this section may be used for any lawful district

2220 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or

2221 constructing the facilities.

2222 (5) A ~~local~~ special district may adopt and, after adoption, alter a corporate seal.

2223 (6) (a) Each ~~local~~ special district shall register and maintain the ~~local~~ special

2224 district's registration as a limited purpose entity, in accordance with Section 67-1a-15.

2225 (b) A ~~local~~ special district that fails to comply with Subsection (6)(a) or Section

2226 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

2227 (7) (a) As used in this Subsection (7), "knife" means a cutting instrument that includes  
2228 a sharpened or pointed blade.

2229 (b) The authority to regulate a knife is reserved to the state except where the  
2230 Legislature specifically delegates responsibility to a [~~local~~] special district.

2231 (c) Unless specifically authorized by the Legislature by statute, a [~~local~~] special district  
2232 may not adopt or enforce a regulation or rule pertaining to a knife.

2233 Section 18. Section **17B-1-104** is amended to read:

2234 **17B-1-104. Property owner provisions.**

2235 (1) For purposes of this title:

2236 (a) the owner of real property shall be:

2237 (i) except as provided in Subsection (1)(a)(ii), the fee title owner according to the  
2238 records of the county recorder on the date of the filing of the request or petition; or

2239 (ii) for a proposed annexation under Part 4, Annexation, the lessee of military land, as  
2240 defined in Section **63H-1-102**, if the area proposed for annexation includes military land that is  
2241 within a project area described in a project area plan adopted by the military installation  
2242 development authority under Title 63H, Chapter 1, Military Installation Development  
2243 Authority Act; and

2244 (b) the value of private real property shall be determined according to the last  
2245 assessment before the filing of the request or petition, as determined by:

2246 (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property  
2247 subject to assessment by the county;

2248 (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of  
2249 Property, for property subject to assessment by the State Tax Commission; or

2250 (iii) the county, for all other property.

2251 (2) For purposes of each provision of this title that requires the owners of private real  
2252 property covering a percentage of the total private land area within the proposed [~~local~~] special  
2253 district to sign a request, petition, or protest:

2254 (a) a parcel of real property may not be included in the calculation of the required  
2255 percentage unless the request or petition is signed by:

2256 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority  
2257 ownership interest in that parcel; or

2258 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
2259 of owners of that parcel;

2260 (b) the signature of a person signing a request or petition in a representative capacity on  
2261 behalf of an owner is invalid unless:

2262 (i) the person's representative capacity and the name of the owner the person represents  
2263 are indicated on the request or petition with the person's signature; and

2264 (ii) the person provides documentation accompanying the request or petition that  
2265 reasonably substantiates the person's representative capacity; and

2266 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a  
2267 request or petition on behalf of a deceased owner.

2268 Section 19. Section **17B-1-104.5** is amended to read:

2269 **17B-1-104.5. Groundwater right owner provisions -- Vote.**

2270 (1) For purposes of this title, an owner of a groundwater right, is on the date of the  
2271 filing of a groundwater right owner petition or groundwater right owner request, the owner  
2272 according to:

2273 (a) a deed recorded with the county recorder in accordance with Section [73-1-10](#); or

2274 (b) a water right of record filed in the state engineer's office in accordance with Section  
2275 [73-1-10](#).

2276 (2) For purposes of each provision of this title that requires the owners of groundwater  
2277 rights covering a percentage of the total groundwater rights within the proposed [~~local~~] special  
2278 district to sign a request, petition, or protest:

2279 (a) a groundwater right may not be included in the calculation of the required  
2280 percentage unless the request or petition is signed by:

2281 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority  
2282 ownership interest in that groundwater right; or

2283 (ii) if the groundwater right is owned by joint tenants or tenants by the entirety, 50% of  
2284 the number of owners of that groundwater right;

2285 (b) the signature of a person signing a request or petition in a representative capacity on  
2286 behalf of an owner is invalid unless:

2287 (i) the person's representative capacity and the name of the owner the person represents  
2288 are indicated on the request or petition with the person's signature; and

2289 (ii) the person provides documentation accompanying the request or petition that  
2290 reasonably substantiates the person's representative capacity; and

2291 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a  
2292 request or petition on behalf of the estate of a deceased owner.

2293 (3) For an election by groundwater right owners described in this title, each owner of a  
2294 groundwater right is entitled to cast one vote.

2295 Section 20. Section **17B-1-105** is amended to read:

2296 **17B-1-105. Name of special district -- Name change.**

2297 (1) (a) The name of each [~~local~~] special district created on or after May 1, 2000 shall  
2298 comply with Subsection [17-50-103\(2\)\(a\)](#).

2299 (b) The board of each [~~local~~] special district affected by Subsection [17-50-103\(2\)\(b\)](#)  
2300 shall ensure that after January 1, 2005 the [~~local~~] special district name complies with the  
2301 requirements of [~~that~~] Subsection [17-50-103\(2\)\(b\)](#).

2302 (2) The name of a [~~local~~] special district created after April 30, 2007 may not include  
2303 the name of a county or municipality.

2304 (3) The name of a [~~local~~] special district may include words descriptive of the type of  
2305 service that the district provides.

2306 (4) (a) A [~~local~~] special district board may change the name of that [~~local~~] special  
2307 district as provided in this Subsection (4).

2308 (b) To initiate a name change, the [~~local~~] special district board shall:

2309 (i) hold a public hearing on the proposed name change;

2310 (ii) adopt a resolution approving the name change; and

2311 (iii) file with the lieutenant governor a notice of an impending name change, as defined  
2312 in Section [67-1a-6.7](#), that meets the requirements of Subsection [67-1a-6.7\(3\)](#).

2313 (c) Upon the lieutenant governor's issuance of a certificate of name change under  
2314 Section [67-1a-6.7](#), the [~~local~~] special district board shall:

2315 (i) if the [~~local~~] special district is located within the boundary of a single county,  
2316 submit to the recorder of that county:

2317 (A) the original:

2318 (I) notice of an impending name change; and

2319 (II) certificate of name change; and

2320 (B) a certified copy of the resolution approving the name change; or  
2321 (ii) if the [local] special district is located within the boundaries of more than a single  
2322 county:

2323 (A) submit to the recorder of one of those counties:  
2324 (I) the original 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; and  
2326 (B) submit to the recorder of each other county:  
2327 (I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and  
2328 (II) a certified copy of the resolution approving the name change.

2329 (d) (i) A name change under this Subsection (4) becomes effective upon the lieutenant  
2330 governor's issuance of a certificate of name change under Section [67-1a-6.7](#).

2331 (ii) Notwithstanding Subsection (4)(d)(i), the [local] special district may not operate  
2332 under the new name until the documents listed in Subsection (4)(c) are recorded in the office of  
2333 the recorder of each county in which the [local] special district is located.

2334 Section 21. Section **17B-1-106** is amended to read:

2335 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**  
2336 **certain property.**

2337 (1) As used in this section:

2338 (a) (i) "Affected entity" means each county, municipality, [local] special district under  
2339 this title, special service district, school district, interlocal cooperation entity established under  
2340 Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

2341 (A) whose services or facilities are likely to require expansion or significant  
2342 modification because of an intended use of land; or

2343 (B) that has filed with the [local] special district a copy of the general or long-range  
2344 plan of the county, municipality, [local] special district, school district, interlocal cooperation  
2345 entity, or specified public utility.

2346 (ii) "Affected entity" does not include the [local] special district that is required under  
2347 this section to provide notice.

2348 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
2349 telephone corporation, as those terms are defined in Section [54-2-1](#).

2350 (2) (a) If a [local] special district under this title located in a county of the first or



2351 second class prepares a long-range plan regarding the [local] special district's facilities  
2352 proposed for the future or amends an already existing long-range plan, the [local] special  
2353 district shall, before preparing a long-range plan or amendments to an existing long-range plan,  
2354 provide written notice, as provided in this section, of the [local] special district's intent to  
2355 prepare a long-range plan or to amend an existing long-range plan.

2356 (b) Each notice under Subsection (2)(a) shall:

2357 (i) indicate that the [local] special district intends to prepare a long-range plan or to  
2358 amend a long-range plan, as the case may be;

2359 (ii) describe or provide a map of the geographic area that will be affected by the  
2360 long-range plan or amendments to a long-range plan;

2361 (iii) be:

2362 (A) sent to each county in whose unincorporated area and each municipality in whose  
2363 boundaries is located the land on which the proposed long-range plan or amendments to a  
2364 long-range plan are expected to indicate that the proposed facilities will be located;

2365 (B) sent to each affected entity;

2366 (C) sent to the Utah Geospatial Resource Center created in Section [63A-16-505](#);

2367 (D) sent to each association of governments, established pursuant to an interlocal  
2368 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
2369 municipality described in Subsection (2)(b)(iii)(A) is a member; and

2370 (E) (I) placed on the Utah Public Notice Website created under Section [63A-16-601](#), if  
2371 the [local] special district:

2372 (Aa) is required under Subsection [52-4-203\(3\)](#) to use that website to provide public  
2373 notice of a meeting; or

2374 (Bb) voluntarily chooses to place notice on that website despite not being required to  
2375 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

2376 (II) the state planning coordinator appointed under Section [63J-4-401](#), if the [local]  
2377 special district does not provide notice on the Utah Public Notice Website under Subsection  
2378 (2)(b)(iii)(E)(I);

2379 (iv) with respect to the notice to counties and municipalities described in Subsection  
2380 (2)(b)(iii)(A) and affected entities, invite them to provide information for the [local] special  
2381 district to consider in the process of preparing, adopting, and implementing the long-range plan

2382 or amendments to a long-range plan concerning:

2383 (A) impacts that the use of land proposed in the proposed long-range plan or  
2384 amendments to a long-range plan may have on the county, municipality, or affected entity; and

2385 (B) uses of land that the county, municipality, or affected entity is planning or  
2386 considering that may conflict with the proposed long-range plan or amendments to a long-range  
2387 plan; and

2388 (v) include the address of an Internet website, if the [local] special district has one, and  
2389 the name and telephone number of an individual where more information can be obtained  
2390 concerning the [local] special district's proposed long-range plan or amendments to a  
2391 long-range plan.

2392 (3) (a) Except as provided in Subsection (3)(d), each [local] special district intending to  
2393 acquire real property in a county of the first or second class for the purpose of expanding the  
2394 [local] special district's infrastructure or other facilities used for providing the services that the  
2395 [local] special district is authorized to provide shall provide written notice, as provided in this  
2396 Subsection (3), of the [local] special district's intent to acquire the property if the intended use  
2397 of the property is contrary to:

2398 (i) the anticipated use of the property under the county or municipality's general plan;  
2399 or

2400 (ii) the property's current zoning designation.

2401 (b) Each notice under Subsection (3)(a) shall:

2402 (i) indicate that the [local] special district intends to acquire real property;

2403 (ii) identify the real property; and

2404 (iii) be sent to:

2405 (A) each county in whose unincorporated area and each municipality in whose  
2406 boundaries the property is located; and

2407 (B) each affected entity.

2408 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
2409 [63G-2-305\(8\)](#).

2410 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the [local] special  
2411 district previously provided notice under Subsection (2) identifying the general location within  
2412 the municipality or unincorporated part of the county where the property to be acquired is

2413 located.

2414 (ii) If a [local] special district is not required to comply with the notice requirement of  
2415 Subsection (3)(a) because of application of Subsection (3)(d)(i), the [local] special district shall  
2416 provide the notice specified in Subsection (3)(a) as soon as practicable after the [local] special  
2417 district's acquisition of the real property.

2418 Section 22. Section **17B-1-107** is amended to read:

2419 **17B-1-107. Recording a release of lien.**

2420 If a [local] special district records a lien upon real property or a groundwater right for  
2421 an unpaid assessment by the owner and the owner then pays the assessment in full, including,  
2422 subject to Section **17B-1-902.1**, any interest and administrative costs, the [local] special district  
2423 recording the lien shall record the release of the lien.

2424 Section 23. Section **17B-1-110** is amended to read:

2425 **17B-1-110. Compliance with nepotism requirements.**

2426 Each [local] special district shall comply with Title 52, Chapter 3, Prohibiting  
2427 Employment of Relatives.

2428 Section 24. Section **17B-1-111** is amended to read:

2429 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

2430 (1) (a) If a [local] special district wishes to impose impact fees, the board of trustees of  
2431 the [local] special district shall:

2432 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,  
2433 Chapter 36a, Impact Fees Act;

2434 (ii) make a copy of the impact fee resolution available to the public at least 14 days  
2435 before the date of the public hearing and hold a public hearing on the proposed impact fee  
2436 resolution; and

2437 (iii) provide reasonable notice of the public hearing at least 14 days before the date of  
2438 the hearing.

2439 (b) After the public hearing, the board of trustees may:

2440 (i) adopt the impact fee resolution as proposed;

2441 (ii) amend the impact fee resolution and adopt or reject it as amended; or

2442 (iii) reject the resolution.

2443 (2) A [local] special district meets the requirements of reasonable notice required by

2444 this section if it:

2445 (a) posts notice of the hearing or meeting in at least three public places within the  
2446 jurisdiction; or

2447 (b) gives actual notice of the hearing or meeting.

2448 (3) The [local] special district's board of trustees may enact a resolution establishing  
2449 stricter notice requirements than those required by this section.

2450 (4) (a) Proof that one of the two forms of notice required by this section was given is  
2451 prima facie evidence that notice was properly given.

2452 (b) If notice given under authority of this section is not challenged within 30 days from  
2453 the date of the meeting for which the notice was given, the notice is considered adequate and  
2454 proper.

2455 Section 25. Section **17B-1-113** is amended to read:

2456 **17B-1-113. Liability insurance.**

2457 (1) Each [local] special district with an annual operating budget of \$50,000 or more  
2458 shall obtain liability insurance as considered appropriate by the [local] special district board.

2459 (2) Each [local] special district with an annual operating budget of less than \$50,000 is  
2460 not required to obtain liability insurance, but liability insurance is encouraged, as considered  
2461 appropriate by the [local] special district board.

2462 Section 26. Section **17B-1-114** is amended to read:

2463 **17B-1-114. Special district property taxes on a parity with general taxes.**

2464 Unless otherwise specifically provided by statute, property taxes levied by a [local]  
2465 special district shall constitute a lien on the property on a parity with and collectible at the same  
2466 time and in the same manner as general county taxes that are a lien on the property.

2467 Section 27. Section **17B-1-115** is amended to read:

2468 **17B-1-115. Validation of previously created special districts -- Continuation of**  
2469 **certain special districts under this chapter -- Providing a previously authorized service.**

2470 (1) Each [local] special district created before April 30, 2007 under the law in effect at  
2471 the time of the creation is declared to be validly and legally constituted.

2472 (2) An entity created and operating under the law in effect before April 30, 2007 as a  
2473 [local] special district but not as a cemetery maintenance district, drainage district, fire  
2474 protection district, improvement district, irrigation district, metropolitan water district,

2475 mosquito abatement district, public transit district, service area, or water conservancy district  
2476 shall continue on and after April 30, 2007 as a [local] special district subject to the provisions  
2477 of this chapter but not subject to the provisions of [~~Chapter 2a, Provisions Applicable to~~  
2478 ~~Different Types of Local Districts~~] Chapter 2a, Provisions Applicable to Different Types of  
2479 Special Districts.

2480 (3) Nothing in this title may be construed to prohibit or limit a [local] special district  
2481 from providing on or after April 30, 2007 a service that it was authorized before that date to  
2482 provide.

2483 Section 28. Section **17B-1-116** is amended to read:

2484 **17B-1-116. Property exempt from taxation and execution.**

2485 All property and assets of a [local] special district are exempt from taxation and exempt  
2486 from execution.

2487 Section 29. Section **17B-1-118** is amended to read:

2488 **17B-1-118. Special district hookup fee -- Preliminary design or site plan from a**  
2489 **specified public agency.**

2490 (1) As used in this section:

2491 (a) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
2492 meter, or appurtenance to connect to a [local] special district water, sewer, storm water, power,  
2493 or other utility system.

2494 (b) "Impact fee" has the same meaning as defined in Section [11-36a-102](#).

2495 (c) "Specified public agency" means:

2496 (i) the state;

2497 (ii) a school district; or

2498 (iii) a charter school.

2499 (d) "State" includes any department, division, or agency of the state.

2500 (2) A [local] special district may not impose or collect a hookup fee that exceeds the  
2501 reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to  
2502 the [local] special district water, sewer, storm water, power, or other utility system.

2503 (3) (a) A specified public agency intending to develop its land shall submit a  
2504 development plan and schedule to each [local] special district from which the specified public  
2505 agency anticipates the development will receive service:

2506 (i) as early as practicable in the development process, but no later than the  
2507 commencement of construction; and

2508 (ii) with sufficient detail to enable the [local] special district to assess:

2509 (A) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),  
2510 (d), (e), and (g) caused by the development;

2511 (B) the amount of any hookup fees, or impact fees or substantive equivalent;

2512 (C) any credit against an impact fee; and

2513 (D) the potential for waiving an impact fee.

2514 (b) The [local] special district shall respond to a specified public agency's submission  
2515 under Subsection (3)(a) with reasonable promptness in order to allow the specified public  
2516 agency to consider information the [local] special district provides under Subsection (3)(a)(ii)  
2517 in the process of preparing the budget for the development.

2518 (4) Upon a specified public agency's submission of a development plan and schedule as  
2519 required in Subsection (3) that complies with the requirements of that subsection, the specified  
2520 public agency vests in the [local] special district's hookup fees and impact fees in effect on the  
2521 date of submission.

2522 Section 30. Section 17B-1-119 is amended to read:

2523 **17B-1-119. Duty to comply with local land use provisions.**

2524 A [local] special district shall comply with Title 10, Chapter 9a, Municipal Land Use,  
2525 Development, and Management Act, and Title 17, Chapter 27a, County Land Use,  
2526 Development, and Management Act, as applicable, if a land use authority consults with or  
2527 allows the [local] special district to participate in any way in a land use authority's land use  
2528 development review or approval process.

2529 Section 31. Section 17B-1-120 is amended to read:

2530 **17B-1-120. Exactions -- Exaction for water interest -- Requirement to offer to**  
2531 **original owner property acquired by exaction.**

2532 (1) A [local] special district may impose an exaction on a service received by an  
2533 applicant, including, subject to Subsection (2), an exaction for a water interest if:

2534 (a) the [local] special district establishes that a legitimate [local] special district interest  
2535 makes the exaction essential; and

2536 (b) the exaction is roughly proportionate, both in nature and extent, to the impact of the

2537 proposed service on the [local] special district.

2538 (2) (a) (i) A [local] special district shall base an exaction for a water interest on the  
2539 culinary water authority's established calculations of projected water interest requirements.

2540 (ii) If requested by a service applicant, the culinary authority shall provide the basis for  
2541 the culinary water authority's calculations described in Subsection (2)(a)(i).

2542 (b) A [local] special district may not impose an exaction for a water interest if the  
2543 culinary water authority's existing available water interests exceed the water interests needed to  
2544 meet the reasonable future water requirement of the public, as determined in accordance with  
2545 Section 73-1-4.

2546 (3) (a) If a [local] special district plans to dispose of surplus real property that was  
2547 acquired under this section and has been owned by the [local] special district for less than 15  
2548 years, the [local] special district shall offer to reconvey the surplus real property, without  
2549 receiving additional consideration, first to a person who granted the real property to the [local]  
2550 special district.

2551 (b) The person described in Subsection (3)(a) shall, within 90 days after the day on  
2552 which a [local] special district makes an offer under Subsection (3)(a), accept or reject the  
2553 offer.

2554 (c) If a person rejects an offer under Subsection (3)(b), the [local] special district may  
2555 sell the real property.

2556 Section 32. Section 17B-1-121 is amended to read:

2557 **17B-1-121. Limit on fees -- Requirement to itemize and account for fees --**  
2558 **Appeals.**

2559 (1) A [local] special district may not impose or collect:

2560 (a) an application fee that exceeds the reasonable cost of processing the application; or

2561 (b) an inspection or review fee that exceeds the reasonable cost of performing an  
2562 inspection or review.

2563 (2) (a) Upon request by a service applicant who is charged a fee or an owner of  
2564 residential property upon which a fee is imposed, a [local] special district shall provide a  
2565 statement of each itemized fee and calculation method for each fee.

2566 (b) If an applicant who is charged a fee or an owner of residential property upon which  
2567 a fee is imposed submits a request for a statement of each itemized fee no later than 30 days

2568 after the day on which the applicant or owner pays the fee, the [toeat] special district shall, no  
2569 later than 10 days after the day on which the request is received, provide or commit to provide  
2570 within a specific time:

2571 (i) for each fee, any studies, reports, or methods relied upon by the [toeat] special  
2572 district to create the calculation method described in Subsection (2)(a);

2573 (ii) an accounting of each fee paid;

2574 (iii) how each fee will be distributed by the [toeat] special district; and

2575 (iv) information on filing a fee appeal through the process described in Subsection  
2576 (2)(c).

2577 (c) (i) A [toeat] special district shall establish an impartial fee appeal process to  
2578 determine whether a fee reflects only the reasonable estimated cost of delivering the service for  
2579 which the fee was paid.

2580 (ii) A party to a fee appeal described in Subsection (2)(c)(i) may petition for judicial  
2581 review of the [toeat] special district's final decision.

2582 (3) A [toeat] special district may not impose on or collect from a public agency a fee  
2583 associated with the public agency's development of the public agency's land other than:

2584 (a) subject to Subsection (1), a hookup fee; or

2585 (b) an impact fee, as defined in Section 11-36a-102 and subject to Section 11-36a-402,  
2586 for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g).

2587 Section 33. Section 17B-1-201 is amended to read:

2588 **Part 2. Creation of a District**

2589 **17B-1-201. Definitions.**

2590 As used in this part:

2591 (1) "Applicable area" means:

2592 (a) for a county, the unincorporated area of the county that is included within the  
2593 proposed [toeat] special district; or

2594 (b) for a municipality, the area of the municipality that is included within the proposed  
2595 [toeat] special district.

2596 (2) "Governing body" means:

2597 (a) for a county or municipality, the legislative body of the county or municipality; and

2598 (b) for a [toeat] special district, the board of trustees of the [toeat] special district.



- 2599 (3) "Groundwater right owner petition" means a petition under Subsection  
2600 17B-1-203(1)(c).
- 2601 (4) "Groundwater right owner request" means a request under Section 17B-1-204 that  
2602 is signed by owners of water rights as provided in Subsection 17B-1-204(2)(b)(ii).
- 2603 (5) "Initiating ~~local~~ special district" means a ~~local~~ special district that adopts a  
2604 resolution proposing the creation of a ~~local~~ special district under Subsection 17B-1-203(1)(e).
- 2605 (6) "Petition" means a petition under Subsection 17B-1-203(1)(a), (b), or (c).
- 2606 (7) "Property owner petition" means a petition under Subsection 17B-1-203(1)(a).
- 2607 (8) "Property owner request" means a request under Section 17B-1-204 that is signed  
2608 by owners of real property as provided in Subsection 17B-1-204(2)(b)(i).
- 2609 (9) "Registered voter request" means a request under Section 17B-1-204 that is signed  
2610 by registered voters as provided in Subsection 17B-1-204(2)(b)(iii).
- 2611 (10) "Registered voter petition" means a petition under Subsection 17B-1-203(1)(b).
- 2612 (11) "Request" means a request as described in Section 17B-1-204.
- 2613 (12) "Responsible body" means the governing body of:
- 2614 (a) the municipality in which the proposed ~~local~~ special district is located, if the  
2615 petition or resolution proposes the creation of a ~~local~~ special district located entirely within a  
2616 single municipality;
- 2617 (b) the county in which the proposed ~~local~~ special district is located, if the petition or  
2618 resolution proposes the creation of a ~~local~~ special district located entirely within a single  
2619 county and all or part of the proposed ~~local~~ special district is located within:
- 2620 (i) the unincorporated part of the county; or
- 2621 (ii) more than one municipality within the county;
- 2622 (c) if the petition or resolution proposes the creation of a ~~local~~ special district located  
2623 within more than one county, the county whose boundaries include more of the area of the  
2624 proposed ~~local~~ special district than is included within the boundaries of any other county; or
- 2625 (d) the initiating ~~local~~ special district, if a resolution proposing the creation of a  
2626 ~~local~~ special district is adopted under Subsection 17B-1-203(1)(e).
- 2627 (13) "Responsible clerk" means the clerk of the county or the clerk or recorder of the  
2628 municipality whose legislative body is the responsible body.
- 2629 Section 34. Section 17B-1-202 is amended to read:

2630 17B-1-202. Special district may be created -- Services that may be provided --

2631 Limitations.

2632 (1) (a) A [~~local~~] special district may be created as provided in this part to provide  
2633 within its boundaries service consisting of:

2634 (i) the operation of an airport;

2635 (ii) the operation of a cemetery;

2636 (iii) fire protection, paramedic, and emergency services, including consolidated 911  
2637 and emergency dispatch services;

2638 (iv) garbage collection and disposal;

2639 (v) health care, including health department or hospital service;

2640 (vi) the operation of a library;

2641 (vii) abatement or control of mosquitos and other insects;

2642 (viii) the operation of parks or recreation facilities or services;

2643 (ix) the operation of a sewage system;

2644 (x) the construction and maintenance of a right-of-way, including:

2645 (A) a curb;

2646 (B) a gutter;

2647 (C) a sidewalk;

2648 (D) a street;

2649 (E) a road;

2650 (F) a water line;

2651 (G) a sewage line;

2652 (H) a storm drain;

2653 (I) an electricity line;

2654 (J) a communications line;

2655 (K) a natural gas line; or

2656 (L) street lighting;

2657 (xi) transportation, including public transit and providing streets and roads;

2658 (xii) the operation of a system, or one or more components of a system, for the  
2659 collection, storage, retention, control, conservation, treatment, supplying, distribution, or  
2660 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether

2661 the system is operated on a wholesale or retail level or both;

2662 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a  
2663 groundwater right for the development and execution of a groundwater management plan in  
2664 cooperation with and approved by the state engineer in accordance with Section 73-5-15;

2665 (xiv) law enforcement service;

2666 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line  
2667 or the conversion to underground of an existing electric utility line;

2668 (xvi) the control or abatement of earth movement or a landslide;

2669 (xvii) the operation of animal control services and facilities; or

2670 (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle  
2671 charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter  
2672 42a, Commercial Property Assessed Clean Energy Act.

2673 (b) Each ~~local~~ special district that provides the service of the underground installation  
2674 of an electric utility line or the conversion to underground of an existing electric utility line  
2675 shall, in installing or converting the line, provide advance notice to and coordinate with the  
2676 utility that owns the line.

2677 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include  
2678 the banking of groundwater rights by a ~~local~~ special district in a critical management area as  
2679 defined in Section 73-5-15 following the adoption of a groundwater management plan by the  
2680 state engineer under Section 73-5-15.

2681 (i) A ~~local~~ special district may manage the groundwater rights it acquires under  
2682 Subsection 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater  
2683 management plan described in this Subsection (1)(c).

2684 (ii) A groundwater right held by a ~~local~~ special district to satisfy the provisions of a  
2685 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

2686 (iii) (A) A ~~local~~ special district may divest itself of a groundwater right subject to a  
2687 determination that the groundwater right is not required to facilitate the groundwater  
2688 management plan described in this Subsection (1)(c).

2689 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section  
2690 73-1-4 beginning on the date of divestiture.

2691 (iv) Upon a determination by the state engineer that an area is no longer a critical

2692 management area as defined in Section 73-5-15, a groundwater right held by the [local] special  
2693 district is subject to Section 73-1-4.

2694 (v) A [local] special district created in accordance with Subsection (1)(a)(xiii) to  
2695 develop and execute a groundwater management plan may hold or acquire a right to surface  
2696 waters that are naturally tributary to the groundwater basin subject to the groundwater  
2697 management plan if the surface waters are appropriated in accordance with Title 73, Water and  
2698 Irrigation, and used in accordance with Title 73, Chapter 3b, Groundwater Recharge and  
2699 Recovery Act.

2700 (2) ~~[For purposes of]~~ As used in this section:

2701 (a) "Operation" means all activities involved in providing the indicated service  
2702 including acquisition and ownership of property reasonably necessary to provide the indicated  
2703 service and acquisition, construction, and maintenance of facilities and equipment reasonably  
2704 necessary to provide the indicated service.

2705 (b) "System" means the aggregate of interrelated components that combine together to  
2706 provide the indicated service including, for a sewage system, collection and treatment.

2707 (3) (a) A [local] special district may not be created to provide and may not after its  
2708 creation provide more than four of the services listed in Subsection (1).

2709 (b) Subsection (3)(a) may not be construed to prohibit a [local] special district from  
2710 providing more than four services if, before April 30, 2007, the [local] special district was  
2711 authorized to provide those services.

2712 (4) (a) Except as provided in Subsection (4)(b), a [local] special district may not be  
2713 created to provide and may not after its creation provide to an area the same service that may  
2714 already be provided to that area by another political subdivision, unless the other political  
2715 subdivision gives its written consent.

2716 (b) For purposes of Subsection (4)(a), a [local] special district does not provide the  
2717 same service as another political subdivision if it operates a component of a system that is  
2718 different from a component operated by another political subdivision but within the same:

2719 (i) sewage system; or

2720 (ii) water system.

2721 (5) (a) Except for a [local] special district in the creation of which an election is not  
2722 required under Subsection 17B-1-214(3)(d), the area of a [local] special district may include all

2723 or part of the unincorporated area of one or more counties and all or part of one or more  
2724 municipalities.

2725 (b) The area of a [local] special district need not be contiguous.

2726 (6) For a [local] special district created before May 5, 2008, the authority to provide  
2727 fire protection service also includes the authority to provide:

2728 (a) paramedic service; and

2729 (b) emergency service, including hazardous materials response service.

2730 (7) A [local] special district created before May 11, 2010, authorized to provide the  
2731 construction and maintenance of curb, gutter, or sidewalk may provide a service described in  
2732 Subsection (1)(a)(x) on or after May 11, 2010.

2733 (8) A [local] special district created before May 10, 2011, authorized to provide  
2734 culinary, irrigation, sewage, or storm water services may provide a service described in  
2735 Subsection (1)(a)(xii) on or after May 10, 2011.

2736 (9) A [local] special district may not be created under this chapter for two years after  
2737 the date on which a [local] special district is dissolved as provided in Section 17B-1-217 if the  
2738 [local] special district proposed for creation:

2739 (a) provides the same or a substantially similar service as the dissolved [local] special  
2740 district; and

2741 (b) is located in substantially the same area as the dissolved [local] special district.

2742 Section 35. Section 17B-1-203 is amended to read:

2743 **17B-1-203. Process to initiate the creation of a special district -- Petition or**  
2744 **resolution.**

2745 (1) The process to create a [local] special district may be initiated by:

2746 (a) unless the proposed [local] special district is a [local] special district to acquire or  
2747 assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a  
2748 petition signed by the owners of private real property that:

2749 (i) is located within the proposed [local] special district;

2750 (ii) covers at least 33% of the total private land area within the proposed [local] special  
2751 district as a whole and within each applicable area;

2752 (iii) is equal in value to at least 25% of the value of all private real property within the  
2753 proposed [local] special district as a whole and within each applicable area; and

2754 (iv) complies with the requirements of Subsection 17B-1-205(1) and Section  
2755 17B-1-208;

2756 (b) subject to Section 17B-1-204, a petition that:

2757 (i) is signed by registered voters residing within the proposed [local] special district as  
2758 a whole and within each applicable area, equal in number to at least 33% of the number of  
2759 votes cast in the proposed [local] special district as a whole and in each applicable area,  
2760 respectively, for the office of governor at the last regular general election prior to the filing of  
2761 the petition; and

2762 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section  
2763 17B-1-208;

2764 (c) if the proposed [local] special district is a [local] special district to acquire or assess  
2765 a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition  
2766 signed by the owners of groundwater rights that:

2767 (i) are diverted within the proposed [local] special district;

2768 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with  
2769 groundwater rights within the proposed [local] special district as a whole and within each  
2770 applicable area; and

2771 (iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

2772 (d) a resolution proposing the creation of a [local] special district, adopted by the  
2773 legislative body of each county whose unincorporated area, whether in whole or in part,  
2774 includes and each municipality whose boundaries include any of the proposed [local] special  
2775 district; or

2776 (e) a resolution proposing the creation of a [local] special district, adopted by the board  
2777 of trustees of an existing [local] special district whose boundaries completely encompass the  
2778 proposed [local] special district, if:

2779 (i) the proposed [local] special district is being created to provide one or more  
2780 components of the same service that the initiating [local] special district is authorized to  
2781 provide; and

2782 (ii) the initiating [local] special district is not providing to the area of the proposed  
2783 [local] special district any of the components that the proposed [local] special district is being  
2784 created to provide.

- 2785 (2) (a) Each resolution under Subsection (1)(d) or (e) shall:
- 2786 (i) describe the area proposed to be included in the proposed [toeat] special district;
- 2787 (ii) be accompanied by a map that shows the boundaries of the proposed [toeat] special
- 2788 district;
- 2789 (iii) describe the service proposed to be provided by the proposed [toeat] special
- 2790 district;
- 2791 (iv) if the resolution proposes the creation of a specialized [toeat] special district,
- 2792 specify the type of specialized [toeat] special district proposed to be created;
- 2793 (v) explain the anticipated method of paying the costs of providing the proposed
- 2794 service;
- 2795 (vi) state the estimated average financial impact on a household within the proposed
- 2796 [toeat] special district;
- 2797 (vii) state the number of members that the board of trustees of the proposed [toeat]
- 2798 special district will have, consistent with the requirements of Subsection 17B-1-302(4);
- 2799 (viii) for a proposed basic [toeat] special district:
- 2800 (A) state whether the members of the board of trustees will be elected or appointed or
- 2801 whether some members will be elected and some appointed, as provided in Section
- 2802 17B-1-1402;
- 2803 (B) if one or more members will be elected, state the basis upon which each elected
- 2804 member will be elected; and
- 2805 (C) if applicable, explain how the election or appointment of board members will
- 2806 transition from one method to another based on stated milestones or events, as provided in
- 2807 Section 17B-1-1402;
- 2808 (ix) for a proposed improvement district whose remaining area members or county
- 2809 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
- 2810 members will be elected; and
- 2811 (x) for a proposed service area that is entirely within the unincorporated area of a single
- 2812 county, state whether the initial board of trustees will be:
- 2813 (A) the county legislative body;
- 2814 (B) appointed as provided in Section 17B-1-304; or
- 2815 (C) elected as provided in Section 17B-1-306.

2816 (b) Each county or municipal legislative body adopting a resolution under Subsection  
2817 (1)(d) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a  
2818 copy of the resolution to the responsible body if the county or municipal legislative body's  
2819 resolution is one of multiple resolutions adopted by multiple county or municipal legislative  
2820 bodies proposing the creation of the same ~~local~~ special district.

2821 Section 36. Section 17B-1-204 is amended to read:

2822 **17B-1-204. Request for service required before filing of petition -- Request**  
2823 **requirements.**

2824 (1) A petition may not be filed until after:

2825 (a) a request has been filed with:

2826 (i) the clerk of each county in whose unincorporated area any part of the proposed  
2827 ~~local~~ special district is located; and

2828 (ii) the clerk or recorder of each municipality in which any part of the proposed ~~local~~  
2829 special district is located; and

2830 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

2831 (i) has adopted a resolution under Subsection 17B-1-212(1) indicating whether it will  
2832 provide the requested service; or

2833 (ii) is considered to have declined to provide the requested service under Subsection  
2834 17B-1-212(2) or (3).

2835 (2) Each request under Subsection (1)(a) shall:

2836 (a) ask the county or municipality to provide the service proposed to be provided by the  
2837 proposed ~~local~~ special district within the applicable area; and

2838 (b) be signed by:

2839 (i) unless the request is a request to create a ~~local~~ special district to acquire or assess a  
2840 groundwater right under Section 17B-1-202, the owners of private real property that:

2841 (A) is located within the proposed ~~local~~ special district;

2842 (B) covers at least 10% of the total private land area within the applicable area; and

2843 (C) is equal in value to at least 7% of the value of all private real property within the  
2844 applicable area;

2845 (ii) if the request is a request to create a ~~local~~ special district to acquire or assess a  
2846 groundwater right under Section 17B-1-202, the owners of groundwater rights that:



2847 (A) are diverted within the proposed [toeat] special district; and

2848 (B) cover at least 10% of the amount of groundwater diverted in accordance with  
2849 groundwater rights within the applicable area; or

2850 (iii) registered voters residing within the applicable area equal in number to at least  
2851 10% of the number of votes cast in the applicable area for the office of governor at the last  
2852 general election prior to the filing of the request.

2853 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a  
2854 municipality in a petition under Section 10-2-403 filed before and still pending at the time of  
2855 filing of a petition shall be considered to be part of that municipality.

2856 Section 37. Section 17B-1-205 is amended to read:

2857 **17B-1-205. Petition and request requirements -- Withdrawal of signature.**

2858 (1) Each petition and request shall:

2859 (a) indicate the typed or printed name and current residence address of each property  
2860 owner, groundwater right owner, or registered voter signing the petition;

2861 (b) (i) if it is a property owner request or petition, indicate the address of the property  
2862 as to which the owner is signing the request or petition; or

2863 (ii) if it is a groundwater right owner request or petition, indicate the location of the  
2864 diversion of the groundwater as to which the owner is signing the groundwater right owner  
2865 request or petition;

2866 (c) describe the entire area of the proposed [toeat] special district;

2867 (d) be accompanied by a map showing the boundaries of the entire proposed [toeat]  
2868 special district;

2869 (e) specify the service proposed to be provided by the proposed [toeat] special district;

2870 (f) if the petition or request proposes the creation of a specialized [toeat] special  
2871 district, specify the type of specialized [toeat] special district proposed to be created;

2872 (g) for a proposed basic [toeat] special district:

2873 (i) state whether the members of the board of trustees will be elected or appointed or  
2874 whether some members will be elected and some appointed, as provided in Section

2875 17B-1-1402;

2876 (ii) if one or more members will be elected, state the basis upon which each elected  
2877 member will be elected; and

2878 (iii) if applicable, explain how the election or appointment of board members will  
2879 transition from one method to another based on stated milestones or events, as provided in  
2880 Section 17B-1-1402;

2881 (h) for a proposed improvement district whose remaining area members or county  
2882 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those  
2883 members will be elected; and

2884 (i) for a proposed service area that is entirely within the unincorporated area of a single  
2885 county, state whether the initial board of trustees will be:

2886 (i) the county legislative body;

2887 (ii) appointed as provided in Section 17B-1-304; or

2888 (iii) elected as provided in Section 17B-1-306;

2889 (j) designate up to five signers of the petition or request as sponsors, one of whom shall  
2890 be designated as the contact sponsor, with the mailing address and telephone number of each;

2891 (k) if the petition or request is a groundwater right owner petition or request proposing  
2892 the creation of a ~~local~~ special district to acquire a groundwater right under Section  
2893 17B-1-202, explain the anticipated method:

2894 (i) of paying for the groundwater right acquisition; and

2895 (ii) of addressing blowing dust created by the reduced use of water; and

2896 (l) if the petition or request is a groundwater right owner petition or request proposing  
2897 the creation of a ~~local~~ special district to assess a groundwater right under Section 17B-1-202,  
2898 explain the anticipated method:

2899 (i) of assessing the groundwater right and securing payment of the assessment; and

2900 (ii) of addressing blowing dust created by the reduced use of water.

2901 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the  
2902 signer's signature at any time before the filing of the request or petition by filing a written  
2903 withdrawal or reinstatement with:

2904 (a) in the case of a request:

2905 (i) the clerk of the county or the clerk or recorder of the municipality in whose  
2906 applicable area the signer's property is located, if the request is a property owner request;

2907 (ii) the clerk of the county or the clerk or recorder of the municipality in whose  
2908 applicable area the signer's groundwater diversion point is located, if the request is a

2909 groundwater right owner request; or

2910 (iii) the clerk of the county or the clerk or recorder of the municipality in whose  
2911 applicable area the signer resides, if the request is a registered voter request; or

2912 (b) in the case of a petition, the responsible clerk.

2913 Section 38. Section **17B-1-207** is amended to read:

2914 **17B-1-207. Signature on request may be used on petition.**

2915 A signature on a request may be used toward fulfilling the signature requirement of a  
2916 petition:

2917 (1) if the request notifies the signer in conspicuous language that the signature, unless  
2918 withdrawn, would also be used for purposes of a petition to create a [local] special district; and

2919 (2) unless the signer files a written withdrawal of the signature before the petition is  
2920 filed.

2921 Section 39. Section **17B-1-208** is amended to read:

2922 **17B-1-208. Additional petition requirements and limitations.**

2923 (1) Each petition shall:

2924 (a) be filed with the responsible clerk;

2925 (b) separately group signatures by county and municipality, so that all signatures of the  
2926 owners of real property located within or of registered voters residing within each county  
2927 whose unincorporated area includes and each municipality whose boundaries include part of  
2928 the proposed [local] special district are grouped separately; and

2929 (c) state the number of members that the board of trustees of the proposed [local]  
2930 special district will have, consistent with the requirements of Subsection **17B-1-302**(4).

2931 (2) (a) A petition may not propose the creation of a [local] special district that includes  
2932 an area located within the unincorporated part of a county or within a municipality if the  
2933 legislative body of that county or municipality has adopted a resolution under Subsection  
2934 **17B-1-212**(1) indicating that the county or municipality will provide to that area the service  
2935 proposed to be provided by the proposed [local] special district.

2936 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is  
2937 considered to have declined to provide the requested service under Subsection **17B-1-212**(3).

2938 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that  
2939 proposes the creation of a [local] special district whose area excludes that part of the

2940 unincorporated area of a county or that part of a municipality to which the county or  
2941 municipality has indicated, in a resolution adopted under Section 17B-1-212, it will provide the  
2942 requested service.

2943 (3) A petition may not propose the creation of a [local] special district whose area  
2944 includes:

2945 (a) some or all of an area described in a previously filed petition that, subject to  
2946 Subsection 17B-1-202(4)(b):

2947 (i) proposes the creation of a [local] special district to provide the same service as  
2948 proposed by the later filed petition; and

2949 (ii) is still pending at the time the later petition is filed; or

2950 (b) some or all of an area within a political subdivision that provides in that area the  
2951 same service proposed to be provided by the proposed [local] special district.

2952 (4) A petition may not be filed more than 12 months after a county or municipal  
2953 legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is  
2954 considered to have declined to provide the requested service under Subsection 17B-1-212(2) or  
2955 (3).

2956 Section 40. Section 17B-1-209 is amended to read:

2957 **17B-1-209. Petition certification -- Amended petition.**

2958 (1) No later than five days after the day on which a petition is filed, the responsible  
2959 clerk shall mail a copy of the petition to the clerk of each other county and the clerk or recorder  
2960 of each municipality in which any part of the proposed [local] special district is located.

2961 (2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each  
2962 county whose unincorporated area includes and the clerk or recorder of each municipality  
2963 whose boundaries include part of the proposed [local] special district shall:

2964 (i) with the assistance of other county or municipal officers from whom the county  
2965 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's  
2966 respective county or municipality, whether the petition complies with the requirements of  
2967 Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, and Subsections 17B-1-208(2), (3),  
2968 and (4); and

2969 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under  
2970 Subsection (2)(a)(i).

2971 (b) The responsible clerk may rely on the determinations of other county clerks or  
2972 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's  
2973 determinations and certification or rejection under Subsection (3).

2974 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

2975 (i) determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), or  
2976 (c), as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208; and

2977 (ii) (A) if the responsible clerk determines that the petition complies with the  
2978 applicable requirements:

2979 (I) (Aa) certify the petition and deliver the certified petition to the responsible body;  
2980 and

2981 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2982 (II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to  
2983 the legislative body of each county whose unincorporated area includes and each municipality  
2984 whose boundaries include any of the proposed basic [~~local~~] special district, with a notice  
2985 indicating that the clerk has determined that the petition complies with applicable  
2986 requirements; or

2987 (B) if the responsible clerk determines that the petition fails to comply with any of the  
2988 applicable requirements, reject the petition and notify the contact sponsor in writing of the  
2989 rejection and the reasons for the rejection.

2990 (b) (i) A petition for which an election is not required under Subsection 17B-1-214(3)  
2991 and that proposes the creation of a basic [~~local~~] special district that has within its boundaries  
2992 fewer than one residential dwelling unit per 10 acres of land may not be certified without the  
2993 approval, by resolution, of the legislative body of each county whose unincorporated area  
2994 includes and each municipality whose boundaries include any of the proposed [~~local~~] special  
2995 district.

2996 (ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a  
2997 county or municipal legislative body may hold one or more public hearings on the petition.

2998 (iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that  
2999 subsection, the responsible clerk shall, within 10 days after its approval:

3000 (A) certify the petition and deliver the certified petition to the responsible body; and

3001 (B) mail or deliver written notification of the certification to the contact sponsor.

3002 (4) Except for a petition described in Subsection (3)(b)(i), if the responsible clerk fails  
3003 to certify or reject a petition within 45 days after its filing, the petition shall be considered to be  
3004 certified.

3005 (5) The responsible clerk shall certify or reject petitions in the order in which they are  
3006 filed.

3007 (6) (a) If the responsible clerk rejects a petition under Subsection (3)(a)(ii)(B), the  
3008 petition may be amended to correct the deficiencies for which it was rejected and then refiled.

3009 (b) A valid signature on a petition that was rejected under Subsection (3)(a)(ii)(B) may  
3010 be used toward fulfilling the applicable signature requirement of the petition as amended under  
3011 Subsection (6)(a).

3012 (c) If a petition is amended and refiled under Subsection (6)(a) after having been  
3013 rejected by the responsible clerk under Subsection (3)(a)(ii)(B), the amended petition shall be  
3014 considered as newly filed, and its processing priority shall be determined by the date on which  
3015 it is refiled.

3016 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall  
3017 act in good faith in making the determinations under this section.

3018 Section 41. Section **17B-1-210** is amended to read:

3019 **17B-1-210. Public hearing.**

3020 (1) The legislative body of each county and municipality with which a request is filed  
3021 or that adopts a resolution under Subsection **17B-1-203(1)(d)** and the board of trustees of each  
3022 [~~local~~] special district that adopts a resolution under Subsection **17B-1-203(1)(e)** shall hold a  
3023 public hearing or a set of public hearings, sufficient in number and location to ensure that no  
3024 substantial group of residents of the proposed [~~local~~] special district need travel an  
3025 unreasonable distance to attend a public hearing.

3026 (2) Each public hearing under Subsection (1) shall be held:

3027 (a) no later than 45 days after:

3028 (i) for a public hearing on a request, certification of a request under Subsection  
3029 **17B-1-206(1)(b)(i)**; or

3030 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection  
3031 **17B-1-203(1)(d)** or (e);

3032 (b) within the proposed [~~local~~] special district;

3033 (c) except as provided in Subsections (6) and (7), within the applicable area; and

3034 (d) for the purpose of:

3035 (i) for a public hearing on a request, allowing public input on:

3036 (A) whether the requested service is needed in the area of the proposed ~~local~~ special  
3037 district;

3038 (B) whether the service should be provided by the county or municipality or the  
3039 proposed ~~local~~ special district; and

3040 (C) all other matters relating to the request or the proposed ~~local~~ special district; or

3041 (ii) for a public hearing on a resolution, allowing the public to ask questions of and  
3042 obtain further information from the governing body holding the hearing regarding the issues  
3043 contained in or raised by the resolution.

3044 (3) A quorum of each governing body holding a public hearing under this section shall  
3045 be present throughout each hearing held by that governing body.

3046 (4) Each hearing under this section shall be held on a weekday evening other than a  
3047 holiday beginning no earlier than 6 p.m.

3048 (5) At the beginning and end of each hearing concerning a resolution, the governing  
3049 body shall announce the deadline for filing protests and generally explain the protest procedure  
3050 and requirements.

3051 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or  
3052 set of hearings required under this section if all the requirements of this section, other than the  
3053 requirements of Subsection (2)(c), are met as to each hearing.

3054 (7) Notwithstanding Subsection (2)(c), a governing body may hold a public hearing or  
3055 set of public hearings outside the applicable area if:

3056 (a) there is no reasonable place to hold a public hearing within the applicable area; and

3057 (b) the public hearing or set of public hearings is held as close to the applicable area as  
3058 reasonably possible.

3059 Section 42. Section **17B-1-211** is amended to read:

3060 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3061 (1) Before holding a public hearing or set of public hearings under Section **17B-1-210**,  
3062 the legislative body of each county or municipality with which a request is filed or that adopts a  
3063 resolution under Subsection **17B-1-203**(1)(d) and the board of trustees of each ~~local~~ special



3064 district that adopts a resolution under Subsection 17B-1-203(1)(e) shall:

3065 (a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population  
3066 of the applicable area and at places within the area that are most likely to provide actual notice  
3067 to residents of the area; and

3068 (ii) publish notice on the Utah Public Notice Website created in Section 63A-16-601,  
3069 for two weeks before the hearing or the first of the set of hearings; or

3070 (b) mail a notice to each registered voter residing within and each owner of real  
3071 property located within the proposed [toeat] special district.

3072 (2) Each notice required under Subsection (1) shall:

3073 (a) if the hearing or set of hearings is concerning a resolution:

3074 (i) contain the entire text or an accurate summary of the resolution; and

3075 (ii) state the deadline for filing a protest against the creation of the proposed [toeat]  
3076 special district;

3077 (b) clearly identify each governing body involved in the hearing or set of hearings;

3078 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
3079 the hearing or set of hearings; and

3080 (d) describe or include a map of the entire proposed [toeat] special district.

3081 (3) County or municipal legislative bodies may jointly provide the notice required  
3082 under this section if all the requirements of this section are met as to each notice.

3083 Section 43. Section 17B-1-212 is amended to read:

3084 **17B-1-212. Resolution indicating whether the requested service will be provided.**

3085 (1) (a) Within 60 days after the last hearing required under Section 17B-1-210  
3086 concerning a request, the legislative body of each county whose unincorporated area includes  
3087 and the legislative body of each municipality whose boundaries include any part of the  
3088 proposed [toeat] special district shall adopt a resolution indicating whether the county or  
3089 municipality will provide to the area of the proposed [toeat] special district within its  
3090 boundaries the service proposed to be provided by the proposed [toeat] special district.

3091 (b) If a county or municipality adopts a resolution indicating that the county or  
3092 municipality will provide the service proposed to be provided by the proposed [toeat] special  
3093 district under Subsection (1)(a), the resolution shall include a reasonable timeline for the  
3094 county or municipality to begin providing the service.



3095 (2) If the legislative body of a county or municipality fails to adopt a resolution within  
3096 the time provided under Subsection (1), the county or municipal legislative body shall be  
3097 considered to have declined to provide the service requested and to have consented to the  
3098 creation of the [~~local~~] special district.

3099 (3) If the county or municipality adopts a resolution under Subsection (1) indicating  
3100 that it will provide the requested service but does not, within 120 days after the adoption of that  
3101 resolution, take substantial measures to provide the requested service, the county or municipal  
3102 legislative body shall be considered to have declined to provide the requested service.

3103 (4) Each county or municipality that adopts a resolution under Subsection (1)  
3104 indicating that it will provide the requested service:

3105 (a) shall diligently proceed to take all measures necessary to provide the service; and

3106 (b) if the county or municipality fails to timely provide the requested service, the  
3107 county will be considered to have declined to provide the service and the creation of the [~~local~~]  
3108 special district may proceed accordingly.

3109 Section 44. Section **17B-1-213** is amended to read:

3110 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**  
3111 **approving creation for certain districts.**

3112 (1) For purposes of this section, "adequate protests" means protests that are:

3113 (a) filed with the county clerk, municipal clerk or recorder, or [~~local~~] special district  
3114 secretary or clerk, as the case may be, within 60 days after the last public hearing required  
3115 under Section **17B-1-210**; and

3116 (b) signed by:

3117 (i) the owners of private real property that:

3118 (A) is located within the proposed [~~local~~] special district;

3119 (B) covers at least 25% of the total private land area within the applicable area; and

3120 (C) is equal in value to at least 15% of the value of all private real property within the  
3121 applicable area; or

3122 (ii) registered voters residing within the applicable area equal in number to at least 25%  
3123 of the number of votes cast in the applicable area for the office of president of the United States  
3124 at the most recent election prior to the adoption of the resolution.

3125 (2) An owner may withdraw a protest at any time before the expiration of the 60-day

3126 period described in Subsection (1)(a).

3127 (3) If adequate protests are filed, the governing body that adopted a resolution under  
3128 Subsection 17B-1-203(1)(d) or (e):

3129 (a) may not:

3130 (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the  
3131 applicable area;

3132 (ii) take any further action under the protested resolution to create a [toeat] special  
3133 district or include the applicable area in a [toeat] special district; or

3134 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or  
3135 (e) proposing the creation of a [toeat] special district including substantially the same area as  
3136 the applicable area and providing the same service as the proposed [toeat] special district in the  
3137 protested resolution; and

3138 (b) shall, within five days after receiving adequate protests, mail or deliver written  
3139 notification of the adequate protests to the responsible body.

3140 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a  
3141 proposed [toeat] special district whose boundaries do not include an applicable area that is the  
3142 subject of adequate protests.

3143 (5) (a) If adequate protests are not filed with respect to a resolution proposing the  
3144 creation of a [toeat] special district for which an election is not required under Subsection  
3145 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the [toeat] special  
3146 district shall be adopted by:

3147 (i) (A) the legislative body of a county whose unincorporated area is included within  
3148 the proposed [toeat] special district; and

3149 (B) the legislative body of a municipality whose area is included within the proposed  
3150 [toeat] special district; or

3151 (ii) the board of trustees of the initiating [toeat] special district.

3152 (b) Each resolution adopted under Subsection (5)(a) shall:

3153 (i) describe the area included in the [toeat] special district;

3154 (ii) be accompanied by a map that shows the boundaries of the [toeat] special district;

3155 (iii) describe the service to be provided by the [toeat] special district;

3156 (iv) state the name of the [toeat] special district; and

3157 (v) provide a process for the appointment of the members of the initial board of  
3158 trustees.

3159 Section 45. Section 17B-1-214 is amended to read:

3160 **17B-1-214. Election -- Exceptions.**

3161 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an  
3162 election on the question of whether the [~~local~~] special district should be created shall be held  
3163 by:

3164 (i) if the proposed [~~local~~] special district is located entirely within a single county, the  
3165 responsible clerk; or

3166 (ii) except as provided under Subsection (1)(b), if the proposed [~~local~~] special district  
3167 is located within more than one county, the clerk of each county in which part of the proposed  
3168 [~~local~~] special district is located, in cooperation with the responsible clerk.

3169 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed [~~local~~] special district is  
3170 located within more than one county and the only area of a county that is included within the  
3171 proposed [~~local~~] special district is located within a single municipality, the election for that  
3172 area shall be held by the municipal clerk or recorder, in cooperation with the responsible clerk.

3173 (2) Each election under Subsection (1) shall be held at the next special or regular  
3174 general election date that is:

3175 (a) for an election pursuant to a property owner or registered voter petition, more than  
3176 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

3177 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing  
3178 required under Section 17B-1-210.

3179 (3) The election requirement of Subsection (1) does not apply to:

3180 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the  
3181 owners of private real property that:

3182 (i) is located within the proposed [~~local~~] special district;

3183 (ii) covers at least 67% of the total private land area within the proposed [~~local~~] special  
3184 district as a whole and within each applicable area; and

3185 (iii) is equal in value to at least 50% of the value of all private real property within the  
3186 proposed [~~local~~] special district as a whole and within each applicable area;

3187 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of

3188 registered voters residing within the proposed [local] special district as a whole and within each  
3189 applicable area, equal in number to at least 67% of the number of votes cast in the proposed  
3190 [local] special district as a whole and in each applicable area, respectively, for the office of  
3191 governor at the last general election prior to the filing of the petition;

3192 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the  
3193 petition contains the signatures of the owners of groundwater rights that:

3194 (i) are diverted within the proposed [local] special district; and

3195 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with  
3196 groundwater rights within the proposed [local] special district as a whole and within each  
3197 applicable area;

3198 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,  
3199 that proposes the creation of a [local] special district to provide fire protection, paramedic, and  
3200 emergency services or law enforcement service, if the proposed [local] special district:

3201 (i) includes the unincorporated area, whether in whole or in part, of one or more  
3202 counties; or

3203 (ii) consists of an area that:

3204 (A) has a boundary that is the same as the boundary of the municipality whose  
3205 legislative body adopts the resolution proposing the creation of the [local] special district;

3206 (B) previously received fire protection, paramedic, and emergency services or law  
3207 enforcement service from another [local] special district; and

3208 (C) may be withdrawn from the other [local] special district under Section 17B-1-505  
3209 without an election because the withdrawal is pursuant to an agreement under Subsection  
3210 17B-1-505(5)(a)(ii)(A) or (5)(b);

3211 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution  
3212 proposes the creation of a [local] special district that has no registered voters within its  
3213 boundaries;

3214 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,  
3215 that proposes the creation of a [local] special district described in Subsection  
3216 17B-1-202(1)(a)(xiii); or

3217 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services  
3218 district.

3219 (4) (a) If the proposed [~~local~~] special district is located in more than one county, the  
3220 responsible clerk shall coordinate with the clerk of each other county and the clerk or recorder  
3221 of each municipality involved in an election under Subsection (1) so that the election is held on  
3222 the same date and in a consistent manner in each jurisdiction.

3223 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
3224 an election under Subsection (1) shall cooperate with the responsible clerk in holding the  
3225 election.

3226 (c) Except as otherwise provided in this part, each election under Subsection (1) shall  
3227 be governed by Title 20A, Election Code.

3228 Section 46. Section 17B-1-215 is amended to read:

3229 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**  
3230 **Certificate of incorporation -- Special district incorporated as specialized special district**  
3231 **or basic special district -- Effective date.**

3232 (1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file  
3233 with the lieutenant governor:

3234 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
3235 that meets the requirements of Subsection 67-1a-6.5(3); and

3236 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

3237 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the  
3238 lieutenant governor within 10 days after:

3239 (i) the canvass of an election under Section 17B-1-214, if a majority of those voting at  
3240 the election within the proposed [~~local~~] special district as a whole vote in favor of the creation  
3241 of a [~~local~~] special district;

3242 (ii) certification of a petition as to which the election requirement of Subsection  
3243 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), or (c); or

3244 (iii) adoption of a resolution, under Subsection 17B-1-213(5) approving the creation of  
3245 a [~~local~~] special district for which an election was not required under Subsection  
3246 17B-1-214(3)(d), (e), (f), or (g) by the legislative body of each county whose unincorporated  
3247 area is included within and the legislative body of each municipality whose area is included  
3248 within the proposed [~~local~~] special district, or by the board of trustees of the initiating [~~local~~]  
3249 special district.

3250 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under  
3251 Section 67-1a-6.5, the responsible body shall:

3252 (a) if the [toeat] special district is located within the boundary of a single county,  
3253 submit to the recorder of that county:

3254 (i) the original:

3255 (A) notice of an impending boundary action;

3256 (B) certificate of incorporation; and

3257 (C) approved final local entity plat; and

3258 (ii) if applicable, a certified copy of each resolution adopted under Subsection  
3259 17B-1-213(5); or

3260 (b) if the [toeat] special district is located within the boundaries of more than a single  
3261 county:

3262 (i) submit to the recorder of one of those counties:

3263 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and

3264 (B) if applicable, a certified copy of each resolution adopted under Subsection  
3265 17B-1-213(5); and

3266 (ii) submit to the recorder of each other county:

3267 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);

3268 and

3269 (B) if applicable, a certified copy of each resolution adopted under Subsection  
3270 17B-1-213(5).

3271 (3) The area of each [toeat] special district consists of:

3272 (a) if an election was held under Section 17B-1-214, the area of the new [toeat] special  
3273 district as approved at the election;

3274 (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c),  
3275 the area of the proposed [toeat] special district as described in the petition; or

3276 (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), (f), or  
3277 (g), the area of the new [toeat] special district as described in the resolution adopted under  
3278 Subsection 17B-1-213(5).

3279 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under  
3280 Section 67-1a-6.5, the [toeat] special district is created and incorporated as:

3281 (i) the type of specialized [local] special district that was specified in the petition under  
3282 Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e),  
3283 if the petition or resolution proposed the creation of a specialized [local] special district; or

3284 (ii) a basic [local] special district, if the petition or resolution did not propose the  
3285 creation of a specialized [local] special district.

3286 (b) (i) The effective date of a [local] special district's incorporation for purposes of  
3287 assessing property within the [local] special district is governed by Section 59-2-305.5.

3288 (ii) Until the documents listed in Subsection (2) are recorded in the office of the  
3289 recorder of each county in which the property is located, a newly incorporated [local] special  
3290 district may not:

3291 (A) levy or collect a property tax on property within the [local] special district;

3292 (B) levy or collect an assessment on property within the [local] special district; or

3293 (C) charge or collect a fee for service provided to property within the [local] special  
3294 district.

3295 Section 47. Section 17B-1-216 is amended to read:

3296 **17B-1-216. Costs and expenses of creating a special district.**

3297 (1) Except as provided in Subsection (2), each county whose unincorporated area  
3298 includes and each municipality whose boundaries include some or all of the proposed [local]  
3299 special district shall bear their respective costs and expenses associated with the procedure  
3300 under this part for creating a [local] special district.

3301 (2) Within a year after its creation, each [local] special district shall reimburse the costs  
3302 and expenses associated with the preparation, certification, and recording of the approved final  
3303 local entity plat of the [local] special district and accompanying documents under Section  
3304 17B-1-215.

3305 Section 48. Section 17B-1-217 is amended to read:

3306 **17B-1-217. Activity required -- Dissolution -- Conclusive presumption regarding**  
3307 **creation and existence.**

3308 (1) A [local] special district that is not engaged in one or more of the following  
3309 activities, services, or duties is subject to dissolution in accordance with Subsections (5) and

3310 (6):

3311 (a) levying and collecting a tax;

- 3312 (b) providing a commodity or service;
- 3313 (c) collecting a fee or charging an assessment for a commodity, service, facility, or
- 3314 improvement provided by the [local] special district;
- 3315 (d) undertaking planning necessary for the provision of a commodity, service, facility,
- 3316 or improvement as reflected in a written study or report;
- 3317 (e) acquiring or maintaining property or an easement necessary for a service, facility, or
- 3318 improvement to be provided by the [local] special district in accordance with a general or
- 3319 master plan adopted by the district;
- 3320 (f) constructing, installing, maintaining, owning, or operating infrastructure for the
- 3321 provision of a commodity, service, facility, or improvement; or
- 3322 (g) legally incurring debt, contracting, or otherwise being obligated to provide a
- 3323 commodity, service, facility, or improvement within a reasonable period of time.
- 3324 (2) For a [local] special district created after May 14, 2013, the [local] special district
- 3325 shall file with the state auditor a written certification:
- 3326 (a) declaring that the district is engaged in an activity, service, or duty described in
- 3327 Subsection (1);
- 3328 (b) identifying the activity in which the [local] special district is engaged; and
- 3329 (c) no later than five years after the date on which a [local] special district is created as
- 3330 reflected in the certificate of incorporation issued by the lieutenant governor under Section
- 3331 [67-1a-6.5](#).
- 3332 (3) (a) The state auditor shall send a deficiency notice in accordance with Subsection
- 3333 (3)(c) if:
- 3334 (i) a [local] special district fails to deliver a certification in accordance with Subsection
- 3335 (2); or
- 3336 (ii) the state auditor determines that, subject to Subsection (3)(b), a [local] special
- 3337 district created after January 1, 2005, and before May 15, 2013, is not engaged in an activity,
- 3338 service, or duty required under Subsection (1) within five years after the date on which the
- 3339 [local] special district is created as reflected in the certificate of incorporation issued by the
- 3340 lieutenant governor under Section [67-1a-6.5](#) or thereafter.
- 3341 (b) The state auditor shall make a determination described in Subsection (3)(a)(ii)
- 3342 based on:



3343 (i) the [local] special district's failure to file a required annual financial report with the  
3344 state auditor in accordance with Section 17B-1-639; or

3345 (ii) subject to Subsection (7), other credible information related to Subsection (1).

3346 (c) (i) The state auditor shall send the deficiency notice to the [local] special district  
3347 and the Utah Association of Special Districts.

3348 (ii) The deficiency notice shall state that the [local] special district is required to file  
3349 with the state auditor a written certification:

3350 (A) declaring that the district was and continues to be engaged in an activity, service,  
3351 or duty described in Subsection (1) prior to the date of the deficiency notice; and

3352 (B) identifying the activity, service, or duty in which the [local] special district is  
3353 engaged.

3354 (4) If within four months of receiving a deficiency notice, a [local] special district fails  
3355 to file a written certification with the state auditor in accordance with Subsection (2) or  
3356 (3)(c)(ii), the state auditor shall, in writing:

3357 (a) notify the lieutenant governor that the [local] special district has failed to meet the  
3358 requirements of this section and specify the reason for the district's failure; and

3359 (b) request that the lieutenant governor dissolve the [local] special district in  
3360 accordance with Subsections (5) and (6).

3361 (5) If the lieutenant governor receives a request to dissolve a [local] special district  
3362 from the state auditor in accordance with Subsection (4), the lieutenant governor shall:

3363 (a) issue a certification of dissolution under Section 67-1a-6.5; and

3364 (b) send a copy of the certification of dissolution to:

3365 (i) the state auditor;

3366 (ii) the State Tax Commission;

3367 (iii) the recorder of the county in which the [local] special district is located, or, if the  
3368 [local] special district is located in more than one county, the recorder of each county in which  
3369 the [local] special district is located;

3370 (iv) the last known address of the [local] special district; and

3371 (v) the Utah Association of Special Districts.

3372 (6) A [local] special district identified in a certification of dissolution is dissolved:

3373 (a) upon recordation of the certification by the county recorder; or

3374 (b) if the [local] special district is located within more than one county, upon  
3375 recordation of the certification by the county recorder of the last county to record.

3376 (7) Notwithstanding any other provision of law, a [local] special district shall be  
3377 conclusively presumed to have been lawfully created, existing, and active if for two years  
3378 following the district's creation under Subsection 17B-1-215(4):

3379 (a) the district has:

3380 (i) levied and collected a tax; or

3381 (ii) collected a fee, charge, or assessment for a commodity, service, facility, or  
3382 improvement provided by the district; and

3383 (b) no challenge has been filed in court to the existence or creation of the district.

3384 Section 49. Section 17B-1-301 is amended to read:

3385 **17B-1-301. Board of trustees duties and powers.**

3386 (1) (a) Each [local] special district shall be governed by a board of trustees which shall  
3387 manage and conduct the business and affairs of the district and shall determine all questions of  
3388 district policy.

3389 (b) All powers of a [local] special district are exercised through the board of trustees.

3390 (2) The board of trustees may:

3391 (a) fix the location of the [local] special district's principal place of business and the  
3392 location of all offices and departments, if any;

3393 (b) fix the times of meetings of the board of trustees;

3394 (c) select and use an official district seal;

3395 (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to  
3396 district officers power to employ employees and agents, for the operation of the [local] special  
3397 district and its properties and prescribe or delegate to district officers the power to prescribe the  
3398 duties, compensation, and terms and conditions of employment of those employees and agents;

3399 (e) require district officers and employees charged with the handling of district funds to  
3400 provide surety bonds in an amount set by the board or provide a blanket surety bond to cover  
3401 officers and employees;

3402 (f) contract for or employ professionals to perform work or services for the [local]  
3403 special district that cannot satisfactorily be performed by the officers or employees of the  
3404 district;

3405 (g) through counsel, prosecute on behalf of or defend the [local] special district in all  
3406 court actions or other proceedings in which the district is a party or is otherwise involved;

3407 (h) adopt bylaws for the orderly functioning of the board;

3408 (i) adopt and enforce rules and regulations for the orderly operation of the [local]  
3409 special district or for carrying out the district's purposes;

3410 (j) prescribe a system of civil service for district employees;

3411 (k) on behalf of the [local] special district, enter into contracts that the board considers  
3412 to be for the benefit of the district;

3413 (l) acquire, construct or cause to be constructed, operate, occupy, control, and use  
3414 buildings, works, or other facilities for carrying out the purposes of the [local] special district;

3415 (m) on behalf of the [local] special district, acquire, use, hold, manage, occupy, and  
3416 possess property necessary to carry out the purposes of the district, dispose of property when  
3417 the board considers it appropriate, and institute and maintain in the name of the district any  
3418 action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated  
3419 with district property;

3420 (n) delegate to a district officer the exercise of a district duty; and

3421 (o) exercise all powers and perform all functions in the operation of the [local] special  
3422 district and its properties as are ordinarily exercised by the governing body of a political  
3423 subdivision of the state and as are necessary to accomplish the purposes of the district.

3424 (3) (a) As used in this Subsection (3), "interim vacancy period" means:

3425 (i) if any member of the [local] special district board is elected, the period of time that:  
3426 (A) begins on the day on which an election is held to elect a [local] special district  
3427 board member; and

3428 (B) ends on the day on which the [local] special district board member-elect begins the  
3429 member's term; or

3430 (ii) if any member of the [local] special district board is appointed, the period of time  
3431 that:

3432 (A) begins on the day on which an appointing authority posts a notice of vacancy in  
3433 accordance with Section [17B-1-304](#); and

3434 (B) ends on the day on which the person who is appointed by the [local] special district  
3435 board to fill the vacancy begins the person's term.

3436 (b) (i) The [local] special district may not hire during an interim vacancy period a  
3437 manager, a chief executive officer, a chief administrative officer, an executive director, or a  
3438 similar position to perform executive and administrative duties or functions.

3439 (ii) Notwithstanding Subsection (3)(b)(i):

3440 (A) the [local] special district may hire an interim manager, a chief executive officer, a  
3441 chief administrative officer, an executive director, or a similar position during an interim  
3442 vacancy period; and

3443 (B) the interim manager's, chief executive officer's, chief administrative officer's, or  
3444 similar position's employment shall terminate once a new manager, chief executive officer,  
3445 chief administrative officer, or similar position is hired by the new [local] special district board  
3446 after the interim vacancy period has ended.

3447 (c) Subsection (3)(b) does not apply if:

3448 (i) all the elected [local] special district board members who held office on the day of  
3449 the election for the [local] special district board members, whose term of office was vacant for  
3450 the election are re-elected to the [local] special district board; and

3451 (ii) all the appointed [local] special district board members who were appointed whose  
3452 term of appointment was expiring are re-appointed to the [local] special district board.

3453 (4) A [local] special district board that hires an interim manager, a chief executive  
3454 officer, a chief administrative officer, an executive director, or a similar position in accordance  
3455 with this section may not, on or after May 10, 2011, enter into an employment contract that  
3456 contains an automatic renewal provision with the interim manager, chief executive officer,  
3457 chief administrative officer, executive director, or similar position.

3458 Section 50. Section **17B-1-302** is amended to read:

3459 **17B-1-302. Board member qualifications -- Number of board members.**

3460 (1) Except as provided in Section [17B-2a-905](#), each member of a [local] special district  
3461 board of trustees shall be:

3462 (a) a registered voter at the location of the member's residence; and

3463 (b) except as otherwise provided in Subsection (2) or (3), a resident within:

3464 (i) the boundaries of the [local] special district; and

3465 (ii) if applicable, the boundaries of the division of the [local] special district from  
3466 which the member is elected or appointed.

3467 (2) (a) As used in this Subsection (2):

3468 (i) "Proportional number" means the number of members of a board of trustees that  
3469 bears, as close as mathematically possible, the same proportion to all members of the board that  
3470 the number of seasonally occupied homes bears to all residences within the district that receive  
3471 service from the district.

3472 (ii) "Seasonally occupied home" means a single-family residence:

3473 (A) that is located within the ~~[local]~~ special district;

3474 (B) that receives service from the ~~[local]~~ special district; and

3475 (C) whose owner does not reside permanently at the residence but may occupy the  
3476 residence on a temporary or seasonal basis.

3477 (b) If over 50% of the residences within a ~~[local]~~ special district that receive service  
3478 from the ~~[local]~~ special district are seasonally occupied homes, the requirement under  
3479 Subsection (1)(b) is replaced, for a proportional number of members of the board of trustees,  
3480 with the requirement that the member be an owner of land, or an agent or officer of the owner  
3481 of land, that:

3482 (i) receives service from the district; and

3483 (ii) is located within the ~~[local]~~ special district and, if applicable, the division from  
3484 which the member is elected.

3485 (3) (a) For a board of trustees member in a basic ~~[local]~~ special district, or in any other  
3486 type of ~~[local]~~ special district that is located solely within a county of the fourth, fifth, or sixth  
3487 class, that has within the district's boundaries fewer than one residential dwelling unit per 10  
3488 acres of land, the requirement under Subsection (1)(b) may be replaced by the requirement that  
3489 the member be a resident within the boundaries of the ~~[local]~~ special district, or that the  
3490 member be an owner of land within the ~~[local]~~ special district that receives service from the  
3491 district or an agent or officer of the owner.

3492 (b) A member of the board of trustees of a service area described in Subsection  
3493 [17B-2a-905](#)(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is  
3494 not subject to the requirements described in Subsection (1)(b) if the elected official was elected  
3495 at large by the voters of the county.

3496 (c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the  
3497 county legislative body may appoint to the ~~[local]~~ special district board one of the county

3498 legislative body's own members, regardless of whether the member resides within the  
3499 boundaries described in Subsection (1)(b), if:

3500 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

3501 (A) for the appointment of a new board member, Subsections 17B-1-304(2) and (3); or

3502 (B) for an appointment to fill a midterm vacancy, Subsection 20A-1-512(1)(a)(ii) or  
3503 Subsection 20A-1-512(2);

3504 (ii) fewer qualified candidates timely file to be considered for appointment to the  
3505 ~~local~~ special district board than are necessary to fill the board;

3506 (iii) the county legislative body appoints each of the qualified candidates who timely  
3507 filed to be considered for appointment to the board; and

3508 (iv) the county legislative body appoints a member of the body to the ~~local~~ special  
3509 district board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c),  
3510 who was:

3511 (A) elected at large by the voters of the county;

3512 (B) elected from a division of the county that includes more than 50% of the  
3513 geographic area of the ~~local~~ special district; or

3514 (C) if the ~~local~~ special district is divided into divisions under Section 17B-1-306.5,  
3515 elected from a division of the county that includes more than 50% of the geographic area of the  
3516 division of the ~~local~~ special district in which there is a board vacancy.

3517 (d) If it is necessary to reconstitute the board of trustees of a ~~local~~ special district  
3518 located solely within a county of the fourth, fifth, or sixth class because the term of a majority  
3519 of the members of the board has expired without new trustees having been elected or appointed  
3520 as required by law, even if sufficient qualified candidates timely file to be considered for a  
3521 vacancy on the board, the county legislative body may appoint to the ~~local~~ special district  
3522 board no more than one of the county legislative body's own members who does not satisfy the  
3523 requirements of Subsection (1).

3524 (4) (a) Except as otherwise provided by statute, the number of members of each board  
3525 of trustees of a ~~local~~ special district that has nine or fewer members shall have an odd number  
3526 of members that is no fewer than three.

3527 (b) If a board of trustees of a ~~local~~ special district has more than nine members, the  
3528 number of members may be odd or even.

3529 (5) For a newly created [~~local~~] special district, the number of members of the initial  
3530 board of trustees shall be the number specified:

3531 (a) for a [~~local~~] special district whose creation was initiated by a petition under  
3532 Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or

3533 (b) for a [~~local~~] special district whose creation was initiated by a resolution under  
3534 Subsection 17B-1-203(1)(d) or (e), in the resolution.

3535 (6) (a) For an existing [~~local~~] special district, the number of members of the board of  
3536 trustees may be changed by a two-thirds vote of the board of trustees.

3537 (b) No change in the number of members of a board of trustees under Subsection (6)(a)  
3538 may:

3539 (i) violate Subsection (4); or

3540 (ii) serve to shorten the term of any member of the board.

3541 Section 51. Section 17B-1-303 is amended to read:

3542 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**  
3543 **of board member contact information.**

3544 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each  
3545 member of a board of trustees begins at noon on the January 1 following the member's election  
3546 or appointment.

3547 (b) The term of each member of the initial board of trustees of a newly created [~~local~~]  
3548 special district begins:

3549 (i) upon appointment, for an appointed member; and

3550 (ii) upon the member taking the oath of office after the canvass of the election at which  
3551 the member is elected, for an elected member.

3552 (c) The term of each water conservancy district board member whom the governor  
3553 appoints in accordance with Subsection 17B-2a-1005(2)(c):

3554 (i) begins on the later of the following:

3555 (A) the date on which the Senate consents to the appointment; or

3556 (B) the expiration date of the prior term; and

3557 (ii) ends on the February 1 that is approximately four years after the date described in  
3558 Subsection (1)(c)(i)(A) or (B).

3559 (d) The term of a member of a board of trustees whom an appointing authority appoints



3560 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3561 (e) If the member of the board of trustees fails to assume or qualify for office on  
3562 January 1 for any reason, the term begins on the date the member assumes or qualifies for  
3563 office.

3564 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)  
3565 and (iii), the term of each member of a board of trustees is four years, except that  
3566 approximately half the members of the initial board of trustees, chosen by lot, shall serve a  
3567 two-year term so that the term of approximately half the board members expires every two  
3568 years.

3569 (ii) If the terms of members of the initial board of trustees of a newly created [~~local~~  
3570 special district do not begin on January 1 because of application of Subsection (1)(b), the terms  
3571 of those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in  
3572 the terms of their successors complying with:

3573 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
3574 a member's election or appointment; and

3575 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

3576 (iii) If the term of a member of a board of trustees does not begin on January 1 because  
3577 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term  
3578 complying with the requirement under Subsection (1)(a) that the successor member's term,  
3579 regardless of whether the incumbent is the successor, begins at noon on January 1 following the  
3580 successor member's election or appointment.

3581 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or  
3582 subtract more than a year from a member's term.

3583 (b) Each board of trustees member shall serve until a successor is duly elected or  
3584 appointed and qualified, unless the member earlier is removed from office or resigns or  
3585 otherwise leaves office.

3586 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
3587 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed  
3588 successor:

3589 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

3590 (ii) the member may continue to serve until a successor is duly elected or appointed



3591 and qualified.

3592 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
3593 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

3594 (ii) A judge, county clerk, notary public, or the ~~[local]~~ special district clerk may  
3595 administer an oath of office.

3596 (b) The member of the board of trustees taking the oath of office shall file the oath of  
3597 office with the clerk of the ~~[local]~~ special district.

3598 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)  
3599 does not invalidate any official act of that member.

3600 (4) A board of trustees member may serve any number of terms.

3601 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of  
3602 trustees position is filled in accordance with Section [20A-1-512](#).

3603 (b) When the number of members of a board of trustees increases in accordance with  
3604 Subsection [17B-1-302\(6\)](#), the appointing authority may appoint an individual to fill a new  
3605 board of trustees position in accordance with Section [17B-1-304](#) or [20A-1-512](#).

3606 (6) (a) ~~[For purposes of]~~ As used in this Subsection (6):

3607 (i) "Appointed official" means a person who:

3608 (A) is appointed as a member of a ~~[local]~~ special district board of trustees by a county  
3609 or municipality that is entitled to appoint a member to the board; and

3610 (B) holds an elected position with the appointing county or municipality.

3611 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
3612 official to the board of trustees.

3613 (b) The board of trustees shall declare a midterm vacancy for the board position held  
3614 by an appointed official if:

3615 (i) during the appointed official's term on the board of trustees, the appointed official  
3616 ceases to hold the elected position with the appointing entity; and

3617 (ii) the appointing entity submits a written request to the board to declare the vacancy.

3618 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
3619 appointing entity shall appoint another person to fill the remaining unexpired term on the board  
3620 of trustees.

3621 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or

3622 crime insurance for the faithful performance of the member's duties, in the amount and with the  
3623 sureties or with an insurance company that the board of trustees prescribes.

3624 (b) The [local] special district:

3625 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or  
3626 crime insurance as a group or for members individually; and

3627 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this  
3628 Subsection (7).

3629 (8) (a) The lieutenant governor may extend the term of an elected district board  
3630 member by one year in order to compensate for a change in the election year under Subsection  
3631 [17B-1-306](#)(14).

3632 (b) When the number of members of a board of trustees increases in accordance with  
3633 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members  
3634 expires every two years in accordance with Subsection (2)(a):

3635 (i) the board shall set shorter terms for approximately half of the new board members,  
3636 chosen by lot; and

3637 (ii) the initial term of a new board member position may be less than two or four years.

3638 (9) (a) A [local] special district shall:

3639 (i) post on the Utah Public Notice Website created in Section [63A-16-601](#) the name,  
3640 phone number, and email address of each member of the [local] special district's board of  
3641 trustees;

3642 (ii) update the information described in Subsection (9)(a)(i) when:

3643 (A) the membership of the board of trustees changes; or

3644 (B) a member of the board of trustees' phone number or email address changes; and

3645 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date  
3646 on which the change requiring the update occurs.

3647 (b) This Subsection (9) applies regardless of whether the county or municipal  
3648 legislative body also serves as the board of trustees of the [local] special district.

3649 Section 52. Section [17B-1-304](#) is amended to read:

3650 **[17B-1-304](#). Appointment procedures for appointed members.**

3651 (1) The appointing authority may, by resolution, appoint persons to serve as members  
3652 of a [local] special district board by following the procedures established by this section.

3653 (2) (a) In any calendar year when appointment of a new [local] special district board  
3654 member is required, the appointing authority shall prepare a notice of vacancy that contains:

3655 (i) the positions that are vacant that shall be filled by appointment;

3656 (ii) the qualifications required to be appointed to those positions;

3657 (iii) the procedures for appointment that the governing body will follow in making  
3658 those appointments; and

3659 (iv) the person to be contacted and any deadlines that a person shall meet who wishes  
3660 to be considered for appointment to those positions.

3661 (b) The appointing authority shall:

3662 (i) post the notice of vacancy in four public places within the [local] special district at  
3663 least one month before the deadline for accepting nominees for appointment; and

3664 (ii) post the notice of vacancy on the Utah Public Notice Website, created in Section  
3665 [63A-16-601](#), for five days before the deadline for accepting nominees for appointment.

3666 (c) The appointing authority may bill the [local] special district for the cost of  
3667 preparing, printing, and publishing the notice.

3668 (3) (a) After the appointing authority is notified of a vacancy and has satisfied the  
3669 requirements described in Subsection (2), the appointing authority shall select a person to fill  
3670 the vacancy from the applicants who meet the qualifications established by law.

3671 (b) The appointing authority shall:

3672 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the  
3673 appointment;

3674 (ii) allow any interested persons to be heard; and

3675 (iii) adopt a resolution appointing a person to the [local] special district board.

3676 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the  
3677 appointing authority, the appointing authority shall select the appointee from the two top  
3678 candidates by lot.

3679 (4) Persons appointed to serve as members of the [local] special district board serve  
3680 four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of  
3681 the appointing body.

3682 (5) (a) At the end of each board member's term, the position is considered vacant, and,  
3683 after following the appointment procedures established in this section, the appointing authority

3684 may either reappoint the incumbent board member or appoint a new member.

3685 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a  
3686 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

3687 (6) Notwithstanding any other provision of this section, if the appointing authority  
3688 appoints one of its own members and that member meets all applicable statutory board member  
3689 qualifications, the appointing authority need not comply with Subsection (2) or (3).

3690 Section 53. Section 17B-1-305 is amended to read:

3691 **17B-1-305. Notice of offices to be filled.**

3692 On or before February 1 of each election year in which board members of a [local]  
3693 special district are elected, the board of each [local] special district required to participate in an  
3694 election that year shall prepare and transmit to the clerk of each county in which any part of the  
3695 district is located a written notice that:

3696 (1) designates the offices to be filled at that year's election; and

3697 (2) identifies the dates for filing a declaration of candidacy for those offices.

3698 Section 54. Section 17B-1-306 is amended to read:

3699 **17B-1-306. Special district board -- Election procedures.**

3700 (1) Except as provided in Subsection (12), each elected board member shall be selected  
3701 as provided in this section.

3702 (2) (a) Each election of a [local] special district board member shall be held:

3703 (i) at the same time as the municipal general election or the regular general election, as  
3704 applicable; and

3705 (ii) at polling places designated by the [local] special district board in consultation with  
3706 the county clerk for each county in which the [local] special district is located, which polling  
3707 places shall coincide with municipal general election or regular general election polling places,  
3708 as applicable, whenever feasible.

3709 (b) The [local] special district board, in consultation with the county clerk, may  
3710 consolidate two or more polling places to enable voters from more than one district to vote at  
3711 one consolidated polling place.

3712 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under  
3713 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
3714 polling place per division of the district, designated by the district board.

3715 (ii) Each polling place designated by an irrigation district board under Subsection  
3716 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection  
3717 (2)(a)(ii).

3718 (3) The clerk of each ~~[local]~~ special district with a board member position to be filled  
3719 at the next municipal general election or regular general election, as applicable, shall provide  
3720 notice of:

3721 (a) each elective position of the ~~[local]~~ special district to be filled at the next municipal  
3722 general election or regular general election, as applicable;

3723 (b) the constitutional and statutory qualifications for each position; and

3724 (c) the dates and times for filing a declaration of candidacy.

3725 (4) The clerk of the ~~[local]~~ special district shall publish the notice described in  
3726 Subsection (3):

3727 (a) by posting the notice on the Utah Public Notice Website created in Section  
3728 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy;

3729 (b) by posting the notice in at least five public places within the ~~[local]~~ special district  
3730 at least 10 days before the first day for filing a declaration of candidacy; and

3731 (c) if the ~~[local]~~ special district has a website, on the ~~[local]~~ special district's website  
3732 for 10 days before the first day for filing a declaration of candidacy.

3733 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective  
3734 ~~[local]~~ special district board position, an individual shall file a declaration of candidacy in  
3735 person with an official designated by the ~~[local]~~ special district within the candidate filing  
3736 period for the applicable election year in which the election for the ~~[local]~~ special district board  
3737 is held and:

3738 (i) during the ~~[local]~~ special district's standard office hours, if the standard office hours  
3739 provide at least three consecutive office hours each day during the candidate filing period that  
3740 is not a holiday or weekend; or

3741 (ii) if the standard office hours of a ~~[local]~~ special district do not provide at least three  
3742 consecutive office hours each day, a three-hour consecutive time period each day designated by  
3743 the ~~[local]~~ special district during the candidate filing period that is not a holiday or weekend.

3744 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the  
3745 filing time shall be extended until the close of normal office hours on the following regular

3746 business day.

3747 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a  
3748 declaration of candidacy with the official designated by the [~~local~~] special district if:

3749 (i) the individual is located outside of the state during the entire filing period;

3750 (ii) the designated agent appears in person before the official designated by the [~~local~~]  
3751 special district; and

3752 (iii) the individual communicates with the official designated by the [~~local~~] special  
3753 district using an electronic device that allows the individual and official to see and hear each  
3754 other.

3755 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
3756 individual, the filing officer shall:

3757 (A) read to the individual the constitutional and statutory qualification requirements for  
3758 the office that the individual is seeking; and

3759 (B) require the individual to state whether the individual meets those requirements.

3760 (ii) If the individual does not meet the qualification requirements for the office, the  
3761 filing officer may not accept the individual's declaration of candidacy.

3762 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
3763 officer shall accept the individual's declaration of candidacy.

3764 (e) The declaration of candidacy shall be in substantially the following form:

3765 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
3766 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
3767 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
3768 office of board of trustees member for \_\_\_\_\_ (state the name of the  
3769 [~~local~~] special district); that I am a candidate for that office to be voted upon at the next  
3770 election; and that, if filing via a designated agent, I will be out of the state of Utah during the  
3771 entire candidate filing period, and I hereby request that my name be printed upon the official  
3772 ballot for that election.

3773 (Signed) \_\_\_\_\_

3774 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
3775 of \_\_\_\_\_, \_\_\_\_\_.

3776 (Signed) \_\_\_\_\_

3777 (Clerk or Notary Public)".

3778 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
3779 Subsection (5)(e).

3780 (g) Each individual wishing to become a valid write-in candidate for an elective [~~local~~]  
3781 special district board position is governed by Section 20A-9-601.

3782 (h) If at least one individual does not file a declaration of candidacy as required by this  
3783 section, an individual shall be appointed to fill that board position in accordance with the  
3784 appointment provisions of Section 20A-1-512.

3785 (i) If only one candidate files a declaration of candidacy and there is no write-in  
3786 candidate who complies with Section 20A-9-601, the board, in accordance with Section  
3787 20A-1-206, may:

3788 (i) consider the candidate to be elected to the position; and

3789 (ii) cancel the election.

3790 (6) (a) A primary election may be held if:

3791 (i) the election is authorized by the [~~local~~] special district board; and

3792 (ii) the number of candidates for a particular local board position or office exceeds  
3793 twice the number of persons needed to fill that position or office.

3794 (b) The primary election shall be conducted:

3795 (i) on the same date as the municipal primary election or the regular primary election,  
3796 as applicable; and

3797 (ii) according to the procedures for primary elections provided under Title 20A,  
3798 Election Code.

3799 (7) (a) Except as provided in Subsection (7)(c), within one business day after the  
3800 deadline for filing a declaration of candidacy, the [~~local~~] special district clerk shall certify the  
3801 candidate names to the clerk of each county in which the [~~local~~] special district is located.

3802 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section  
3803 20A-6-305, the clerk of each county in which the [~~local~~] special district is located and the  
3804 [~~local~~] special district clerk shall coordinate the placement of the name of each candidate for  
3805 [~~local~~] special district office in the nonpartisan section of the ballot with the appropriate  
3806 election officer.

3807 (ii) If consolidation of the [~~local~~] special district election ballot with the municipal

3808 general election ballot or the regular general election ballot, as applicable, is not feasible, the  
3809 [~~local~~] special district board of trustees, in consultation with the county clerk, shall provide for  
3810 a separate [~~local~~] special district election ballot to be administered by poll workers at polling  
3811 places designated under Subsection (2).

3812 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board  
3813 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3814 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall  
3815 prescribe the form of the ballot for each board member election.

3816 (B) Each ballot for an election of an irrigation district board member shall be in a  
3817 nonpartisan format.

3818 (C) The name of each candidate shall be placed on the ballot in the order specified  
3819 under Section [20A-6-305](#).

3820 (8) (a) Each voter at an election for a board of trustees member of a [~~local~~] special  
3821 district shall:

3822 (i) be a registered voter within the district, except for an election of:

3823 (A) an irrigation district board of trustees member; or

3824 (B) a basic [~~local~~] special district board of trustees member who is elected by property  
3825 owners; and

3826 (ii) meet the requirements to vote established by the district.

3827 (b) Each voter may vote for as many candidates as there are offices to be filled.

3828 (c) The candidates who receive the highest number of votes are elected.

3829 (9) Except as otherwise provided by this section, the election of [~~local~~] special district  
3830 board members is governed by Title 20A, Election Code.

3831 (10) (a) Except as provided in Subsection [17B-1-303\(8\)](#), a person elected to serve on a  
3832 [~~local~~] special district board shall serve a four-year term, beginning at noon on the January 1  
3833 after the person's election.

3834 (b) A person elected shall be sworn in as soon as practical after January 1.

3835 (11) (a) Except as provided in Subsection (11)(b), each [~~local~~] special district shall  
3836 reimburse the county or municipality holding an election under this section for the costs of the  
3837 election attributable to that [~~local~~] special district.

3838 (b) Each irrigation district shall bear the district's own costs of each election the district



3839 holds under this section.

3840 (12) This section does not apply to an improvement district that provides electric or gas  
3841 service.

3842 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,  
3843 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3844 (14) (a) As used in this Subsection (14), "board" means:

3845 (i) a [~~local~~] special district board; or

3846 (ii) the administrative control board of a special service district that has elected  
3847 members on the board.

3848 (b) A board may hold elections for membership on the board at a regular general  
3849 election instead of a municipal general election if the board submits an application to the  
3850 lieutenant governor that:

3851 (i) requests permission to hold elections for membership on the board at a regular  
3852 general election instead of a municipal general election; and

3853 (ii) indicates that holding elections at the time of the regular general election is  
3854 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
3855 material reason.

3856 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant  
3857 governor may approve the application if the lieutenant governor concludes that holding the  
3858 elections at the regular general election is beneficial based on the criteria described in  
3859 Subsection (14)(b)(ii).

3860 (d) If the lieutenant governor approves a board's application described in this section:

3861 (i) all future elections for membership on the board shall be held at the time of the  
3862 regular general election; and

3863 (ii) the board may not hold elections at the time of a municipal general election unless  
3864 the board receives permission from the lieutenant governor to hold all future elections for  
3865 membership on the board at a municipal general election instead of a regular general election,  
3866 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3867 (15) (a) This Subsection (15) applies to a [~~local~~] special district if:

3868 (i) the [~~local~~] special district's board members are elected by the owners of real  
3869 property, as provided in Subsection 17B-1-1402(1)(b); and

3870 (ii) the [local] special district was created before January 1, 2020.

3871 (b) The board of a [local] special district described in Subsection (15)(a) may conduct  
3872 an election:

3873 (i) to fill a board member position that expires at the end of the term for that board  
3874 member's position; and

3875 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired  
3876 term of a board member.

3877 (c) An election under Subsection (15)(b) may be conducted as determined by the  
3878 [local] special district board, subject to Subsection (15)(d).

3879 (d) (i) The [local] special district board shall provide to property owners eligible to  
3880 vote at the [local] special district election:

3881 (A) notice of the election; and

3882 (B) a form to nominate an eligible individual to be elected as a board member.

3883 (ii) (A) The [local] special district board may establish a deadline for a property owner  
3884 to submit a nomination form.

3885 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after  
3886 the board provides the notice and nomination form under Subsection (15)(d)(i).

3887 (iii) (A) After the deadline for submitting nomination forms, the [local] special district  
3888 board shall provide a ballot to all property owners eligible to vote at the [local] special district  
3889 election.

3890 (B) A [local] special district board shall allow at least five days for ballots to be  
3891 returned.

3892 (iv) A [local] special district board shall certify the results of an election under this  
3893 Subsection (15) during an open meeting of the board.

3894 Section 55. Section 17B-1-306.5 is amended to read:

3895 **17B-1-306.5. Dividing a special district into divisions.**

3896 (1) Subject to Subsection (3), the board of trustees of a [local] special district that has  
3897 elected board members may, upon a vote of two-thirds of the members of the board, divide the  
3898 [local] special district, or the portion of the [local] special district represented by elected board  
3899 of trustees members, into divisions so that some or all of the elected members of the board of  
3900 trustees may be elected by division rather than at large.

3901 (2) Subject to Subsection (3), the appointing authority of a [local] special district that  
3902 has appointed board members may, upon a vote of two-thirds of the members of the appointing  
3903 authority, divide the [local] special district, or the portion of the [local] special district  
3904 represented by appointed board members, into divisions so that some or all of the appointed  
3905 members of the board of trustees may be appointed by division rather than at large.

3906 (3) Before dividing a [local] special district into divisions or before changing the  
3907 boundaries of divisions already established, the board of trustees under Subsection (1), or the  
3908 appointing authority, under Subsection (2), shall:

3909 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

3910 (b) hold a public hearing at which any interested person may appear and speak for or  
3911 against the proposal.

3912 (4) (a) The board of trustees or the appointing authority shall review the division  
3913 boundaries at least every 10 years.

3914 (b) Except for changes in the divisions necessitated by annexations to or withdrawals  
3915 from the [local] special district, the boundaries of divisions established under Subsection (1) or  
3916 (2) may not be changed more often than every five years.

3917 (c) Changes to the boundaries of divisions already established under Subsection (1) or  
3918 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

3919 Section 56. Section **17B-1-307** is amended to read:

3920 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**  
3921 **group insurance plan -- Reimbursement of expenses.**

3922 (1) (a) Except as provided in Subsection **17B-1-308**(1)(e), a member of a board of  
3923 trustees may receive compensation for service on the board, as determined by the board of  
3924 trustees.

3925 (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per  
3926 year.

3927 (c) (i) As determined by the board of trustees, a member of the board of trustees may  
3928 participate in a group insurance plan provided to employees of the [local] special district on the  
3929 same basis as employees of the [local] special district.

3930 (ii) The amount that the [local] special district pays to provide a member with coverage  
3931 under a group insurance plan shall be included as part of the member's compensation for

3932 purposes of Subsection (1)(b).

3933 (d) The amount that a [local] special district pays employer-matching employment  
3934 taxes, if a member of the board of trustees is treated as an employee for federal tax purposes,  
3935 does not constitute compensation under Subsection (1).

3936 (2) In addition to the compensation provided under Subsection (1), the board of  
3937 trustees may elect to allow a member to receive per diem and travel expenses for up to 12  
3938 meetings or activities per year in accordance with rules adopted by the board of trustees or  
3939 Section 11-55-103.

3940 Section 57. Section 17B-1-308 is amended to read:

3941 **17B-1-308. Boards of trustees composed of county or municipal legislative body**  
3942 **members.**

3943 (1) If a county or municipal legislative body also serves as the board of trustees of a  
3944 [local] special district:

3945 (a) the board of trustees shall hold district meetings and keep district minutes,  
3946 accounts, and other records separate from those of the county or municipality;

3947 (b) subject to Subsection (2), the board of trustees may use, respectively, existing  
3948 county or municipal facilities and personnel for district purposes;

3949 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board  
3950 of trustees member coincides with the member's term as a county or municipal legislative body  
3951 member;

3952 (d) each board of trustees member represents the district at large; and

3953 (e) board members may not receive compensation for service as board members in  
3954 addition to compensation the board members receive as members of a county or municipal  
3955 legislative body.

3956 (2) The county or municipal legislative body, as the case may be, shall charge the  
3957 [local] special district, and the [local] special district shall pay to the county or municipality, a  
3958 reasonable amount for:

3959 (a) the county or municipal facilities that the district uses; and

3960 (b) except for services that the county or municipal legislative body members render,  
3961 the services that the county or municipality renders to the [local] special district.

3962 Section 58. Section 17B-1-310 is amended to read:

3963 **17B-1-310. Quorum of board of trustees -- Meetings of the board.**

3964 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees  
3965 constitutes a quorum for the transaction of board business, and action by a majority of a  
3966 quorum constitutes action of the board.

3967 (ii) Except as otherwise required by law, an otherwise valid action of the board is not  
3968 made invalid because of the method chosen by the board to take or memorialize the action.

3969 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that  
3970 require more than a majority to constitute a quorum or that require action by more than a  
3971 majority of a quorum to constitute action by the board.

3972 (ii) A board with five or more members may not adopt bylaws or rules that require a  
3973 vote of more than two-thirds of the board to constitute board action except for a board action to  
3974 dispose of real property owned by the [toeat] special district.

3975 (2) The board of trustees shall hold such regular and special meetings as the board  
3976 determines at a location that the board determines.

3977 (3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4,  
3978 Open and Public Meetings Act.

3979 (b) Subject to Subsection (3)(c), a board of trustees shall:

3980 (i) adopt rules of order and procedure to govern a public meeting of the board of  
3981 trustees;

3982 (ii) conduct a public meeting in accordance with the rules of order and procedure  
3983 described in Subsection (3)(b)(i); and

3984 (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available  
3985 to the public:

3986 (A) at each meeting of the board of trustees; and

3987 (B) on the [toeat] special district's public website, if available.

3988 (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52,  
3989 Chapter 4, Open and Public Meetings Act.

3990 Section 59. Section **17B-1-311** is amended to read:

3991 **17B-1-311. Board member prohibited from district employment -- Exception.**

3992 (1) No elected or appointed member of the board of trustees of a [toeat] special district  
3993 may, while serving on the board, be employed by the district, whether as an employee or under

3994 a contract.

3995 (2) No person employed by a [local] special district, whether as an employee or under a  
3996 contract, may serve on the board of that [local] special district.

3997 (3) A [local] special district is not in violation of a prohibition described in Subsection  
3998 (1) or (2) if the [local] special district:

3999 (a) treats a member of a board of trustees as an employee for income tax purposes; and

4000 (b) complies with the compensation limits of Section 17B-1-307 for purposes of that  
4001 member.

4002 (4) This section does not apply to a [local] special district if:

4003 (a) fewer than 3,000 people in the state live within 40 miles of the [local] special  
4004 district's boundaries or primary place of employment, measured over all weather public roads;  
4005 and

4006 (b) with respect to the employment of a board of trustees member under Subsection  
4007 (1):

4008 (i) the job opening has had reasonable public notice; and

4009 (ii) the person employed is the best qualified candidate for the position.

4010 (5) This section does not apply to a board of trustees of a large public transit district as  
4011 described in Chapter 2a, Part 8, Public Transit District Act.

4012 Section 60. Section 17B-1-312 is amended to read:

4013 **17B-1-312. Training for board members.**

4014 (1) (a) Each member of a board of trustees of a [local] special district shall, within one  
4015 year after taking office, complete the training described in Subsection (2).

4016 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a [local]  
4017 special district takes office each time the member is elected or appointed to a new term,  
4018 including an appointment to fill a midterm vacancy in accordance with Subsection  
4019 17B-1-303(5) or (6).

4020 (2) In conjunction with the Utah Association of Special Districts, the state auditor  
4021 shall:

4022 (a) develop a training curriculum for the members of [local] special district boards;

4023 (b) with the assistance of other state offices and departments the state auditor considers  
4024 appropriate and at times and locations established by the state auditor, carry out the training of

4025 members of [local] special district boards; and

4026 (c) ensure that any training required under this Subsection (2) complies with Title 63G,  
4027 Chapter 22, State Training and Certification Requirements.

4028 (3) (a) A [local] special district board of trustees may compensate each member of the  
4029 board for each day of training described in Subsection (2) that the member completes, in  
4030 accordance with Section [11-55-103](#).

4031 (b) The compensation authorized under Subsection (3)(a) is in addition to all other  
4032 amounts of compensation and expense reimbursement authorized under this chapter.

4033 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board  
4034 member more than once per year.

4035 (4) The state auditor shall issue a certificate of completion to each board member that  
4036 completes the training described in Subsection (2).

4037 Section 61. Section **17B-1-313** is amended to read:

4038 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**  
4039 **No contest after contest period.**

4040 (1) After the board of trustees of a [local] special district adopts a resolution or takes  
4041 other action on behalf of the district, the board may provide for the publication of a notice of  
4042 the resolution or other action.

4043 (2) Each notice under Subsection (1) shall:

4044 (a) include, as the case may be:

4045 (i) the language of the resolution or a summary of the resolution; or

4046 (ii) a description of the action taken by the board;

4047 (b) state that:

4048 (i) any person in interest may file an action in district court to contest the regularity,  
4049 formality, or legality of the resolution or action within 30 days after the date of publication; and

4050 (ii) if the resolution or action is not contested by filing an action in district court within  
4051 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or  
4052 action after the expiration of the 30-day period; and

4053 (c) be posted on the Utah Public Notice Website created in Section [63A-16-601](#).

4054 (3) For a period of 30 days after the date of the publication, any person in interest may  
4055 contest the regularity, formality, or legality of the resolution or other action by filing an action

4056 in district court.

4057 (4) After the expiration of the 30-day period under Subsection (3), no one may contest  
4058 the regularity, formality, or legality of the resolution or action for any cause.

4059 Section 62. Section **17B-1-314** is amended to read:

4060 **17B-1-314. Compelling attendance at board meetings.**

4061 The board of trustees of a ~~[local]~~ special district may:

4062 (1) compel the attendance of its own members at its meetings; and

4063 (2) provide penalties it considers necessary for the failure to attend.

4064 Section 63. Section **17B-1-401** is amended to read:

4065 **17B-1-401. Definitions.**

4066 ~~[For purposes of]~~ As used in this part:

4067 (1) "Applicable area" means:

4068 (a) for a county, the unincorporated area of the county that is included within the area  
4069 proposed for annexation; or

4070 (b) for a municipality, the area of the municipality that is included within the area  
4071 proposed for annexation.

4072 (2) "Retail" means, with respect to a service provided by a municipality or ~~[local]~~  
4073 special district, that the service is provided directly to the ultimate user.

4074 (3) "Wholesale" means, with respect to a service provided by a ~~[local]~~ special district,  
4075 that the service is not provided directly to the ultimate user but is provided to a retail provider.

4076 Section 64. Section **17B-1-402** is amended to read:

4077 **17B-1-402. Annexation of area outside special district.**

4078 (1) An area outside the boundaries of a ~~[local]~~ special district may be annexed to the  
4079 ~~[local]~~ special district, as provided in this part, in order to provide to the area a service that the  
4080 ~~[local]~~ special district provides.

4081 (2) The area proposed to be annexed:

4082 (a) may consist of one or more noncontiguous areas; and

4083 (b) need not be adjacent to the boundaries of the proposed annexing ~~[local]~~ special  
4084 district.

4085 (3) With respect to a ~~[local]~~ special district in the creation of which an election was not  
4086 required under Subsection **17B-1-214(3)(d)**:



4087 (a) an unincorporated area of a county may not be annexed to the [local] special district  
4088 unless, after annexation, at least a majority of the unincorporated area of the county will be  
4089 included in the [local] special district; and

4090 (b) the annexation of any part of an area within a municipality shall include all of the  
4091 area within the municipality.

4092 (4) A [local] special district may not annex an area located within a project area  
4093 described in a project area plan adopted by the military installation development authority  
4094 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the  
4095 authority's approval.

4096 Section 65. Section **17B-1-403** is amended to read:

4097 **17B-1-403. Initiation of annexation process -- Petition and resolution.**

4098 (1) Except as provided in Sections **17B-1-415**, **17B-1-416**, and **17B-1-417**, the process  
4099 to annex an area to a [local] special district may be initiated by:

4100 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet  
4101 of water allotted to the land owned by the elector and subject to Subsection (2), a petition  
4102 signed by the owners of all of the acre-feet of water allotted to the land proposed for  
4103 annexation; or

4104 (ii) for all other districts:

4105 (A) a petition signed by:

4106 (I) the owners of private real property that:

4107 (Aa) is located within the area proposed to be annexed;

4108 (Bb) covers at least 10% of the total private land area within the entire area proposed to  
4109 be annexed and within each applicable area; and

4110 (Cc) is equal in assessed value to at least 10% of the assessed value of all private real  
4111 property within the entire area proposed to be annexed and within each applicable area; or

4112 (II) the owner of all the publicly owned real property, if all the real property within the  
4113 area proposed for annexation is owned by a public entity other than the federal government; or

4114 (B) a petition signed by registered voters residing within the entire area proposed to be  
4115 annexed and within each applicable area equal in number to at least 10% of the number of  
4116 votes cast within the entire area proposed to be annexed and within each applicable area,  
4117 respectively, for the office of governor at the last regular general election before the filing of

4118 the petition;

4119 (b) a resolution adopted by the legislative body of each county whose unincorporated  
4120 area includes and each municipality whose boundaries include any of the area proposed to be  
4121 annexed; or

4122 (c) a resolution adopted by the board of trustees of the proposed annexing [~~local~~]  
4123 special district if, for at least 12 consecutive months immediately preceding adoption of the  
4124 resolution, the [~~local~~] special district has provided:

4125 (i) retail service to the area; or

4126 (ii) a wholesale service to a provider of the same service that has provided that service  
4127 on a retail basis to the area.

4128 (2) If an association representing all acre-feet of water allotted to the land that is  
4129 proposed to be annexed to a [~~local~~] special district signs a petition under Subsection (1)(a)(i),  
4130 pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the  
4131 association, the petition shall be considered to have been signed by the owners of all of the  
4132 acre-feet of water allotted to the land proposed for annexation, even though less than all of the  
4133 owners within the association consented to the association signing the petition.

4134 (3) Each petition and resolution under Subsection (1) shall:

4135 (a) describe the area proposed to be annexed; and

4136 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

4137 (4) The legislative body of each county and municipality that adopts a resolution under  
4138 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of  
4139 the resolution to the board of trustees of the proposed annexing [~~local~~] special district.

4140 Section 66. Section **17B-1-404** is amended to read:

4141 **17B-1-404. Petition requirements.**

4142 (1) Each petition under Subsection **17B-1-403**(1)(a) shall:

4143 (a) indicate the typed or printed name and current residence address of each person  
4144 signing the petition;

4145 (b) separately group signatures by county and municipality, so that all signatures of the  
4146 owners of real property located within or of registered voters residing within each county  
4147 whose unincorporated area includes and each municipality whose boundaries include part of  
4148 the area proposed for annexation are grouped separately;

4149 (c) if it is a petition under Subsection 17B-1-403(1)(a)(i) or (ii)(A), indicate the address  
4150 of the property as to which the owner is signing the petition;

4151 (d) designate up to three signers of the petition as sponsors, one of whom shall be  
4152 designated the contact sponsor, with the mailing address and telephone number of each;

4153 (e) be filed with the board of trustees of the proposed annexing [~~local~~] special district;  
4154 and

4155 (f) for a petition under Subsection 17B-1-403(1)(a)(i), state the proposed method of  
4156 supplying water to the area proposed to be annexed.

4157 (2) By submitting a written withdrawal or reinstatement with the board of trustees of  
4158 the proposed annexing [~~local~~] special district, a signer of a petition may withdraw, or once  
4159 withdrawn, reinstate the signer's signature at any time:

4160 (a) before the public hearing under Section 17B-1-409 is held; or

4161 (b) if a hearing is not held because of Subsection 17B-1-413(1) or because no hearing  
4162 is requested under Subsection 17B-1-413(2)(a)(ii)(B), until 20 days after the [~~local~~] special  
4163 district provides notice under Subsection 17B-1-413(2)(a)(i).

4164 Section 67. Section 17B-1-405 is amended to read:

4165 **17B-1-405. Petition certification.**

4166 (1) Within 30 days after the filing of a petition under Subsection 17B-1-403(1)(a)(i) or  
4167 (ii) or within the time that the [~~local~~] special district and each petition sponsor designate by  
4168 written agreement, the board of trustees of the proposed annexing [~~local~~] special district shall:

4169 (a) with the assistance of officers of the county in which the area proposed to be  
4170 annexed is located from whom the board requests assistance, determine whether the petition  
4171 meets the requirements of Subsection 17B-1-403(1)(a)(i) or (ii), as the case may be, Subsection  
4172 17B-1-403(3), and Subsection 17B-1-404(1); and

4173 (b) (i) if the board determines that the petition complies with the requirements, certify  
4174 the petition and mail or deliver written notification of the certification to the contact sponsor;  
4175 or

4176 (ii) if the board determines that the petition fails to comply with any of the  
4177 requirements, reject the petition and mail or deliver written notification of the rejection and the  
4178 reasons for the rejection to the contact sponsor.

4179 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be

4180 amended to correct the deficiencies for which it was rejected and then refiled.

4181 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
4182 used toward fulfilling the applicable signature requirement of the petition as amended under  
4183 Subsection (2)(a).

4184 (3) The board shall process an amended petition filed under Subsection (2)(a) in the  
4185 same manner as an original petition under Subsection (1).

4186 Section 68. Section **17B-1-406** is amended to read:

4187 **17B-1-406. Notice to county and municipality -- Exception.**

4188 (1) Except as provided in Subsection (2), within 10 days after certifying a petition  
4189 under Subsection **17B-1-405**(1)(b) the board of trustees of the proposed annexing [~~local~~  
4190 special] district shall mail or deliver a written notice of the proposed annexation, with a copy of  
4191 the certification and a copy of the petition, to the legislative body of each:

4192 (a) county in whose unincorporated area any part of the area proposed for annexation is  
4193 located; and

4194 (b) municipality in which any part of the area proposed for annexation is located.

4195 (2) The board is not required to send a notice under Subsection (1) to:

4196 (a) a county or municipality that does not provide the service proposed to be provided  
4197 by the [~~local~~] special district; or

4198 (b) a county or municipality whose legislative body has adopted an ordinance or  
4199 resolution waiving the notice requirement as to:

4200 (i) the proposed annexing [~~local~~] special district; or

4201 (ii) the service that the proposed annexing [~~local~~] special district provides.

4202 (3) For purposes of this section, an area proposed to be annexed to a municipality in a  
4203 petition under Section **10-2-403** filed before and still pending at the time of the filing of a  
4204 petition under Subsection **17B-1-403**(1)(a) and an area included within a municipality's  
4205 annexation policy plan under Section **10-2-401.5** shall be considered to be part of that  
4206 municipality.

4207 Section 69. Section **17B-1-407** is amended to read:

4208 **17B-1-407. Notice of intent to consider providing service -- Public hearing**  
4209 **requirements.**

4210 (1) (a) If the legislative body of a county or municipality whose applicable area is

4211 proposed to be annexed to a [local] special district in a petition under Subsection  
4212 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to  
4213 the applicable area the service that the proposed annexing [local] special district provides, the  
4214 legislative body shall, within 30 days after receiving the notice under Subsection 17B-1-406(1),  
4215 mail or deliver a written notice to the board of trustees of the proposed annexing [local] special  
4216 district indicating that intent.

4217 (b) (i) A notice of intent under Subsection (1)(a) suspends the [local] special district's  
4218 annexation proceeding as to the applicable area of the county or municipality that submits the  
4219 notice of intent until the county or municipality:

4220 (A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the service  
4221 proposed to be provided by the proposed annexing [local] special district; or

4222 (B) is considered under Subsection 17B-1-408(2) or (3) to have declined to provide the  
4223 service.

4224 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an  
4225 applicable area does not prevent the [local] special district from continuing to pursue the  
4226 annexation proceeding with respect to other applicable areas for which no notice of intent was  
4227 submitted.

4228 (c) If a legislative body does not mail or deliver a notice of intent within the time  
4229 required under Subsection (1)(a), the legislative body shall be considered to have declined to  
4230 provide the service.

4231 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall  
4232 hold a public hearing or a set of public hearings, sufficient in number and location to ensure  
4233 that no substantial group of residents of the area proposed for annexation need travel an  
4234 unreasonable distance to attend a public hearing.

4235 (3) Each public hearing under Subsection (2) shall be held:

4236 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

4237 (b) except as provided in Subsections (6) and (7), within the applicable area; and

4238 (c) for the purpose of allowing public input on:

4239 (i) whether the service is needed in the area proposed for annexation;

4240 (ii) whether the service should be provided by the county or municipality or the

4241 proposed annexing [local] special district; and

4242 (iii) all other matters relating to the issue of providing the service or the proposed  
4243 annexation.

4244 (4) A quorum of the legislative body of each county or municipal legislative body  
4245 holding a public hearing under this section shall be present throughout each hearing held by  
4246 that county or municipal legislative body.

4247 (5) Each hearing under this section shall be held on a weekday evening other than a  
4248 holiday beginning no earlier than 6 p.m.

4249 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or  
4250 set of hearings required under this section if all the requirements of this section, other than the  
4251 requirements of Subsection (3)(b), are met as to each hearing.

4252 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may  
4253 hold a public hearing or set of public hearings outside the applicable area if:

4254 (a) there is no reasonable place to hold a public hearing within the applicable area; and

4255 (b) the public hearing or set of public hearings is held as close to the applicable area as  
4256 reasonably possible.

4257 (8) Before holding a public hearing or set of public hearings under this section, the  
4258 legislative body of each county or municipality that receives a request for service shall provide  
4259 notice of the hearing or set of hearings as provided in Section [17B-1-211](#).

4260 Section 70. Section **17B-1-408** is amended to read:

4261 **17B-1-408. Resolution indicating whether the requested service will be provided.**

4262 (1) Within 30 days after the last hearing required under Section [17B-1-407](#) is held, the  
4263 legislative body of each county and municipality that sent a notice of intent under Subsection  
4264 [17B-1-407](#)(1) shall adopt a resolution indicating whether the county or municipality will  
4265 provide to the area proposed for annexation within its boundaries the service proposed to be  
4266 provided by the proposed annexing ~~local~~ special district.

4267 (2) If the county or municipal legislative body fails to adopt a resolution within the  
4268 time provided under Subsection (1), the county or municipality shall be considered to have  
4269 declined to provide the service.

4270 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)  
4271 indicating that the county or municipality will provide the service but the county or  
4272 municipality does not, within 120 days after the adoption of that resolution, take substantial

4273 measures to provide the service, the county or municipality shall be considered to have  
4274 declined to provide the service.

4275 (4) Each county or municipality whose legislative body adopts a resolution under  
4276 Subsection (1) indicating that the county or municipality will provide the service shall  
4277 diligently proceed to take all measures necessary to provide the service.

4278 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)  
4279 indicating that the county or municipality will provide the service and the county or  
4280 municipality takes substantial measures within the time provided in Subsection (3) to provide  
4281 the service, the ~~[local]~~ special district's annexation proceeding as to the applicable area of that  
4282 county or municipality is terminated and that applicable area is considered deleted from the  
4283 area proposed to be annexed in a petition under Subsection 17B-1-403(1)(a).

4284 Section 71. Section 17B-1-409 is amended to read:

4285 **17B-1-409. Public hearing on proposed annexation.**

4286 (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of  
4287 each ~~[local]~~ special district that certifies a petition that was filed under Subsection  
4288 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection  
4289 17B-1-403(1)(b), or adopts a resolution under Subsection 17B-1-403(1)(c) shall hold a public  
4290 hearing on the proposed annexation and provide notice of the hearing as provided in Section  
4291 17B-1-410.

4292 (2) Each public hearing under Subsection (1) shall be held:

4293 (a) within 45 days after:

4294 (i) if no notice to a county or municipal legislative body is required under Section  
4295 17B-1-406, petition certification under Section 17B-1-405; or

4296 (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted  
4297 by the deadline:

4298 (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of  
4299 intent; or

4300 (B) termination of a suspension of the annexation proceeding under Subsection  
4301 17B-1-407(1)(b);

4302 (b) (i) for a ~~[local]~~ special district located entirely within a single county:

4303 (A) within or as close as practicable to the area proposed to be annexed; or



4304 (B) at the [toeat] special district office; or  
4305 (ii) for a [toeat] special district located in more than one county:  
4306 (A) (I) within the county in which the area proposed to be annexed is located; and  
4307 (II) within or as close as practicable to the area proposed to be annexed; or  
4308 (B) if the [toeat] special district office is reasonably accessible to all residents within  
4309 the area proposed to be annexed, at the [toeat] special district office;  
4310 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and  
4311 (d) for the purpose of allowing:  
4312 (i) the public to ask questions and obtain further information about the proposed  
4313 annexation and issues raised by it; and  
4314 (ii) any interested person to address the board regarding the proposed annexation.  
4315 (3) A quorum of the board of trustees of the proposed annexing [toeat] special district  
4316 shall be present throughout each public hearing held under this section.  
4317 (4) (a) After holding a public hearing under this section or, if no hearing is held  
4318 because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under  
4319 Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by  
4320 resolution deny the annexation and terminate the annexation procedure if:  
4321 (i) for a proposed annexation initiated by a petition under Subsection  
4322 17B-1-403(1)(a)(i) or (ii), the board determines that:  
4323 (A) it is not feasible for the [toeat] special district to provide service to the area  
4324 proposed to be annexed; or  
4325 (B) annexing the area proposed to be annexed would be inequitable to the owners of  
4326 real property or residents already within the [toeat] special district; or  
4327 (ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b)  
4328 or (c), the board determines not to pursue annexation.  
4329 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its  
4330 reasons for denying the annexation.  
4331 Section 72. Section 17B-1-410 is amended to read:  
4332 **17B-1-410. Notice of public hearing.**  
4333 (1) Before holding a public hearing required under Section 17B-1-409, the board of  
4334 trustees of each proposed annexing [toeat] special district shall:



- 4335 (a) mail notice of the public hearing and the proposed annexation to:
- 4336 (i) if the [local] special district is funded predominantly by revenues from a property
- 4337 tax, each owner of private real property located within the area proposed to be annexed, as
- 4338 shown upon the county assessment roll last equalized as of the previous December 31; or
- 4339 (ii) if the [local] special district is not funded predominantly by revenues from a
- 4340 property tax, each registered voter residing within the area proposed to be annexed, as
- 4341 determined by the voter registration list maintained by the county clerk as of a date selected by
- 4342 the board of trustees that is at least 20 but not more than 60 days before the public hearing; and
- 4343 (b) post notice of the public hearing and the proposed annexation in at least four
- 4344 conspicuous places within the area proposed to be annexed, no less than 10 and no more than
- 4345 30 days before the public hearing.
- 4346 (2) Each notice required under Subsection (1) shall:
- 4347 (a) describe the area proposed to be annexed;
- 4348 (b) identify the proposed annexing [local] special district;
- 4349 (c) state the date, time, and location of the public hearing;
- 4350 (d) provide a [local] special district telephone number where additional information
- 4351 about the proposed annexation may be obtained;
- 4352 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical
- 4353 resident and upon the typical property owner within the area proposed to be annexed if the
- 4354 proposed annexation is completed; and
- 4355 (f) except for a proposed annexation under a petition that meets the requirements of
- 4356 Subsection 17B-1-413(1), explain that property owners and registered voters within the area
- 4357 proposed to be annexed may protest the annexation by filing a written protest with the [local]
- 4358 special district board of trustees within 30 days after the public hearing.

4359 Section 73. Section 17B-1-411 is amended to read:

4360 **17B-1-411. Modifications to area proposed for annexation -- Limitations.**

- 4361 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30
- 4362 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within
- 4363 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area
- 4364 proposed for annexation to include land not previously included in that area or to exclude land
- 4365 from that area if the modification enhances the feasibility of the proposed annexation.

4366 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land  
4367 within an applicable area if:

4368 (i) the entire area proposed to be annexed consists of more than that applicable area;

4369 (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable  
4370 area that an election would have been required under Subsection 17B-1-412(3) if that  
4371 applicable area were the entire area proposed to be annexed; and

4372 (iii) the other requirements of Subsection (1)(a) are met.

4373 (2) A board of trustees may not add property under Subsection (1) to the area proposed  
4374 for annexation without the consent of the owner of that property.

4375 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may  
4376 not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the  
4377 modification, the election was required because of protests filed under Section 17B-1-412.

4378 (4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A)  
4379 or (B), a modification may not be made unless the requirements of Subsection  
4380 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be  
4381 annexed.

4382 (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a  
4383 modification under this section but fails to meet those requirements after modification:

4384 (a) the [local] special district board shall give notice as provided in Section 17B-1-410  
4385 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and

4386 (b) the petition shall be considered in all respects as one that does not meet the  
4387 requirements of Subsection 17B-1-413(1).

4388 Section 74. Section 17B-1-412 is amended to read:

4389 **17B-1-412. Protests -- Election.**

4390 (1) (a) An owner of private real property located within or a registered voter residing  
4391 within an area proposed to be annexed may protest an annexation by filing a written protest  
4392 with the board of trustees of the proposed annexing [local] special district, except:

4393 (i) as provided in Section 17B-1-413;

4394 (ii) for an annexation under Section 17B-1-415; and

4395 (iii) for an annexation proposed by a [local] special district that receives sales and use  
4396 tax funds from the counties, cities, and towns within the [local] special district that impose a

4397 sales and use tax under Section 59-12-2213.

4398 (b) A protest of a boundary adjustment is not governed by this section but is governed  
4399 by Section 17B-1-417.

4400 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of  
4401 the public hearing under Section 17B-1-409.

4402 (3) (a) Except as provided in Subsection (4), the [~~local~~] special district shall hold an  
4403 election on the proposed annexation if:

4404 (i) timely protests are filed by:

4405 (A) the owners of private real property that:

4406 (I) is located within the area proposed to be annexed;

4407 (II) covers at least 10% of the total private land area within the entire area proposed to  
4408 be annexed and within each applicable area; and

4409 (III) is equal in assessed value to at least 10% of the assessed value of all private real  
4410 property within the entire area proposed to be annexed and within each applicable area; or

4411 (B) registered voters residing within the entire area proposed to be annexed and within  
4412 each applicable area equal in number to at least 10% of the number of votes cast within the  
4413 entire area proposed for annexation and within each applicable area, respectively, for the office  
4414 of governor at the last regular general election before the filing of the petition; or

4415 (ii) the proposed annexing [~~local~~] special district is one that receives sales and use tax  
4416 funds from the counties, cities, and towns within the [~~local~~] special district that impose a sales  
4417 and use tax under Section 59-12-2213.

4418 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be  
4419 phrased to indicate that a voter's casting a vote for or against the annexation includes also a  
4420 vote for or against the imposition of the sales and use tax as provided in Section 59-12-2213.

4421 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)  
4422 shall be governed by Title 20A, Election Code.

4423 (c) If a majority of registered voters residing within the area proposed to be annexed  
4424 and voting on the proposal vote:

4425 (i) in favor of annexation, the board of trustees shall, subject to Subsections  
4426 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution approving  
4427 annexation of the area; or

4428 (ii) against annexation, the annexation process is terminated, the board may not adopt a  
4429 resolution approving annexation of the area, and the area proposed to be annexed may not for  
4430 two years be the subject of an effort under this part to annex to the same [~~local~~] special district.

4431 (4) If sufficient protests are filed under this section to require an election for a  
4432 proposed annexation to which the protest provisions of this section are applicable, a board of  
4433 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and  
4434 terminating the annexation process without holding an election.

4435 Section 75. Section **17B-1-413** is amended to read:

4436 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**  
4437 **petitions.**

4438 (1) Section **17B-1-412** does not apply, and, except as provided in Subsection (2)(a),  
4439 Sections **17B-1-409** and **17B-1-410** do not apply:

4440 (a) if the process to annex an area to a [~~local~~] special district was initiated by:

4441 (i) a petition under Subsection **17B-1-403**(1)(a)(i);

4442 (ii) a petition under Subsection **17B-1-403**(1)(a)(ii)(A) that was signed by the owners  
4443 of private real property that:

4444 (A) is located within the area proposed to be annexed;

4445 (B) covers at least 75% of the total private land area within the entire area proposed to  
4446 be annexed and within each applicable area; and

4447 (C) is equal in assessed value to at least 75% of the assessed value of all private real  
4448 property within the entire area proposed to be annexed and within each applicable area; or

4449 (iii) a petition under Subsection **17B-1-403**(1)(a)(ii)(B) that was signed by registered  
4450 voters residing within the entire area proposed to be annexed and within each applicable area  
4451 equal in number to at least 75% of the number of votes cast within the entire area proposed to  
4452 be annexed and within each applicable area, respectively, for the office of governor at the last  
4453 regular general election before the filing of the petition;

4454 (b) to an annexation under Section **17B-1-415**; or

4455 (c) to a boundary adjustment under Section **17B-1-417**.

4456 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
4457 Section **17B-1-405**, the [~~local~~] special district board:

4458 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

4459 and

4460 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section  
4461 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

4462 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),  
4463 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is  
4464 submitted, within 20 days after the [local] special district provides notice under Subsection  
4465 (2)(a)(i), to the [local] special district board by an owner of property that is located within or a  
4466 registered voter residing within the area proposed to be annexed who did not sign the  
4467 annexation petition.

4468 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4469 (i) be given:

4470 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition  
4471 certification; or

4472 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more  
4473 than 30 days before the public hearing; and

4474 (B) by:

4475 (I) posting written notice at the [local] special district's principal office and in one or  
4476 more other locations within or proximate to the area proposed to be annexed as are reasonable  
4477 under the circumstances, considering the number of parcels included in that area, the size of the  
4478 area, the population of the area, and the contiguousness of the area; and

4479 (II) providing written notice:

4480 (Aa) to at least one newspaper of general circulation, if there is one, within the area  
4481 proposed to be annexed or to a local media correspondent; and

4482 (Bb) on the Utah Public Notice Website created in Section 63A-16-601; and

4483 (ii) contain a brief explanation of the proposed annexation and include the name of the  
4484 [local] special district, the service provided by the [local] special district, a description or map  
4485 of the area proposed to be annexed, a [local] special district telephone number where additional  
4486 information about the proposed annexation may be obtained, and, for a notice under Subsection  
4487 (2)(a)(i), an explanation of the right of a property owner or registered voter to request a public  
4488 hearing as provided in Subsection (2)(a)(ii)(B).

4489 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is

4490 required for a public hearing under Subsection (2)(a)(ii)(A).

4491 Section 76. Section 17B-1-414 is amended to read:

4492 **17B-1-414. Resolution approving an annexation -- Filing of notice and plat with**  
4493 **lieutenant governor -- Recording requirements -- Effective date.**

4494 (1) (a) Subject to Subsection (1)(b), the [~~local~~] special district board shall adopt a  
4495 resolution approving the annexation of the area proposed to be annexed or rejecting the  
4496 proposed annexation within 90 days after:

4497 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests  
4498 to require an election are not filed;

4499 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

4500 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is  
4501 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

4502 (B) expiration of the time for submitting a request for public hearing under Subsection  
4503 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public  
4504 hearing.

4505 (b) If the [~~local~~] special district has entered into an agreement with the United States  
4506 that requires the consent of the United States for an annexation of territory to the district, a  
4507 resolution approving annexation under this part may not be adopted until the written consent of  
4508 the United States is obtained and filed with the board of trustees.

4509 (2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with  
4510 the lieutenant governor:

4511 (A) a copy of a notice of an impending boundary action, as defined in Section  
4512 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,  
4513 Subsection (2)(b); and

4514 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

4515 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant  
4516 governor:

4517 (A) within 30 days after adoption of a resolution under Subsection (1), Subsection  
4518 17B-1-412(3)(c)(i), or Section 17B-1-415; and

4519 (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a  
4520 municipal annexation that causes an automatic annexation to a [~~local~~] special district under

4521 Section 17B-1-416.

4522 (b) For an automatic annexation to a [~~local~~] special district under Section 17B-1-416,  
4523 the notice of an impending boundary action required under Subsection (2)(a) shall state that an  
4524 area outside the boundaries of the [~~local~~] special district is being automatically annexed to the  
4525 [~~local~~] special district under Section 17B-1-416 because of a municipal annexation under Title  
4526 10, Chapter 2, Part 4, Annexation.

4527 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section  
4528 67-1a-6.5, the board shall:

4529 (i) if the annexed area is located within the boundary of a single county, submit to the  
4530 recorder of that county:

4531 (A) the original:

4532 (I) notice of an impending boundary action;

4533 (II) certificate of annexation; and

4534 (III) approved final local entity plat; and

4535 (B) a certified copy of the annexation resolution; or

4536 (ii) if the annexed area is located within the boundaries of more than a single county:

4537 (A) submit to the recorder of one of those counties:

4538 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

4539 (II) a certified copy of the annexation resolution; and

4540 (B) submit to the recorder of each other county:

4541 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);

4542 and

4543 (II) a certified copy of the annexation resolution.

4544 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation  
4545 under this part of an area located in a county of the first class to a [~~local~~] special district:

4546 (i) created to provide fire protection, paramedic, and emergency services; and

4547 (ii) in the creation of which an election was not required because of Subsection

4548 17B-1-214(3)(d).

4549 (b) An annexation under this part is complete and becomes effective:

4550 (i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the  
4551 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or



4552 (B) on January 1 for a fire district annexation, if the lieutenant governor issues the  
4553 certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or

4554 (ii) upon the lieutenant governor's issuance of the certificate of annexation under  
4555 Section 67-1a-6.5, for any other annexation.

4556 (c) (i) The effective date of a [toeat] special district annexation for purposes of  
4557 assessing property within the annexed area is governed by Section 59-2-305.5.

4558 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the  
4559 recorder of each county in which the property is located, a [toeat] special district may not:

4560 (A) levy or collect a property tax on property within the annexed area;

4561 (B) levy or collect an assessment on property within the annexed area; or

4562 (C) charge or collect a fee for service provided to property within the annexed area.

4563 (iii) Subsection (3)(c)(ii)(C):

4564 (A) may not be construed to limit a [toeat] special district's ability before annexation to  
4565 charge and collect a fee for service provided to property that is outside the [toeat] special  
4566 district's boundary; and

4567 (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the  
4568 [toeat] special district's annexation, with respect to a fee that the [toeat] special district was  
4569 charging for service provided to property within the annexed area immediately before the area  
4570 was annexed to the [toeat] special district.

4571 Section 77. Section 17B-1-415 is amended to read:

4572 **17B-1-415. Annexation of wholesale district through expansion of retail provider**  
4573 **-- Annexation of a special district that provides transportation services.**

4574 (1) (a) A [toeat] special district that provides a wholesale service may adopt a  
4575 resolution approving the annexation of an area outside the [toeat] special district's boundaries  
4576 if:

4577 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,  
4578 a municipality or another [toeat] special district that:

4579 (A) acquires the wholesale service from the [toeat] special district and provides it as a  
4580 retail service;

4581 (B) is, before the annexation or other addition, located at least partly within the [toeat]  
4582 special district; and



4583 (C) after the annexation or other addition will provide to the annexed or added area the  
4584 same retail service that the [toeat] special district provides as a wholesale service to the  
4585 municipality or other [toeat] special district; and

4586 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of  
4587 another [toeat] special district that provides the same wholesale service as the proposed  
4588 annexing [toeat] special district.

4589 (b) For purposes of this section:

4590 (i) a [toeat] special district providing public transportation service shall be considered  
4591 to be providing a wholesale service; and

4592 (ii) a municipality included within the boundaries of the [toeat] special district  
4593 providing public transportation service shall be considered to be acquiring that wholesale  
4594 service from the [toeat] special district and providing it as a retail service and to be providing  
4595 that retail service after the annexation or other addition to the annexed or added area, even  
4596 though the municipality does not in fact provide that service.

4597 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a [toeat]  
4598 special district providing a wholesale service and located partly or entirely within the  
4599 boundaries of another [toeat] special district that provides the same wholesale service may be  
4600 annexed to the [toeat] special district if:

4601 (a) the conditions under Subsection (1)(a)(i) are present; and

4602 (b) the proposed annexing [toeat] special district and the other [toeat] special district  
4603 follow the same procedure as is required for a boundary adjustment under Section 17B-1-417,  
4604 including both district boards adopting a resolution approving the annexation of the area to the  
4605 proposed annexing [toeat] special district and the withdrawal of that area from the other  
4606 district.

4607 (3) A [toeat] special district that provides transportation services may adopt a  
4608 resolution approving the annexation of the area outside of the [toeat] special district's  
4609 boundaries if:

4610 (a) the area is within a county that has levied a sales and use tax under Section  
4611 59-12-2216; and

4612 (b) the county legislative body has adopted a resolution approving the annexation of  
4613 the areas outside of the [toeat] special district.

4614 (4) Upon the adoption of an annexation resolution under this section, the board of the  
4615 annexing [tocal] special district shall comply with the requirements of Subsection  
4616 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a  
4617 copy of notice as provided in Section 67-1a-6.5.

4618 (5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.  
4619 Section 78. Section 17B-1-416 is amended to read:

4620 **17B-1-416. Automatic annexation to a district providing fire protection,  
4621 paramedic, and emergency services or law enforcement service.**

4622 (1) An area outside the boundaries of a [tocal] special district that is annexed to a  
4623 municipality or added to a municipality by a boundary adjustment under Title 10, Chapter 2,  
4624 Part 4, Annexation, is automatically annexed to the [tocal] special district if:

4625 (a) the [tocal] special district provides:

4626 (i) fire protection, paramedic, and emergency services; or

4627 (ii) law enforcement service;

4628 (b) an election for the creation of the [tocal] special district was not required because of  
4629 Subsection 17B-1-214(3)(d); and

4630 (c) before the municipal annexation or boundary adjustment, the entire municipality  
4631 that is annexing the area or adding the area by boundary adjustment was included within the  
4632 [tocal] special district.

4633 (2) The effective date of an annexation under this section is governed by Subsection  
4634 17B-1-414(3)(b).

4635 Section 79. Section 17B-1-417 is amended to read:

4636 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution  
4637 adjusting boundaries -- Filing of notice and plat with the lieutenant governor --  
4638 Recording requirements -- Effective date.**

4639 (1) As used in this section, "affected area" means the area located within the  
4640 boundaries of one [tocal] special district that will be removed from that [tocal] special district  
4641 and included within the boundaries of another [tocal] special district because of a boundary  
4642 adjustment under this section.

4643 (2) The boards of trustees of two or more [tocal] special districts having a common  
4644 boundary and providing the same service on the same wholesale or retail basis may adjust their

4645 common boundary as provided in this section.

4646 (3) (a) The board of trustees of each [local] special district intending to adjust a  
4647 boundary that is common with another [local] special district shall:

4648 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4649 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
4650 after the adoption of the resolution under Subsection (3)(a)(i); and

4651 (iii) (A) post notice:

4652 (I) in at least four conspicuous places within the [local] special district at least two  
4653 weeks before the public hearing; and

4654 (II) on the Utah Public Notice Website created in Section [63A-16-601](#), for two weeks;

4655 or

4656 (B) mail a notice to each owner of property located within the affected area and to each  
4657 registered voter residing within the affected area.

4658 (b) The notice required under Subsection (3)(a)(iii) shall:

4659 (i) state that the board of trustees of the [local] special district has adopted a resolution  
4660 indicating the board's intent to adjust a boundary that the [local] special district has in common  
4661 with another [local] special district that provides the same service as the [local] special district;

4662 (ii) describe the affected area;

4663 (iii) state the date, time, and location of the public hearing required under Subsection  
4664 (3)(a)(ii);

4665 (iv) provide a [local] special district telephone number where additional information  
4666 about the proposed boundary adjustment may be obtained;

4667 (v) explain the financial and service impacts of the boundary adjustment on property  
4668 owners or residents within the affected area; and

4669 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
4670 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
4671 written protests to the adjustment are filed with the board by:

4672 (A) the owners of private real property that:

4673 (I) is located within the affected area;

4674 (II) covers at least 50% of the total private land area within the affected area; and

4675 (III) is equal in assessed value to at least 50% of the assessed value of all private real

4676 property within the affected area; or

4677 (B) registered voters residing within the affected area equal in number to at least 50%  
4678 of the votes cast in the affected area for the office of governor at the last regular general  
4679 election before the filing of the protests.

4680 (c) The boards of trustees of the [~~local~~] special districts whose boundaries are being  
4681 adjusted may jointly:

4682 (i) post or mail the notice required under Subsection (3)(a)(iii); and

4683 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4684 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
4685 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
4686 the public hearing, written protests to the boundary adjustment have been filed with the board  
4687 by:

4688 (a) the owners of private real property that:

4689 (i) is located within the affected area;

4690 (ii) covers at least 50% of the total private land area within the affected area; and

4691 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
4692 property within the affected area; or

4693 (b) registered voters residing within the affected area equal in number to at least 50%  
4694 of the votes cast in the affected area for the office of governor at the last regular general  
4695 election before the filing of the protests.

4696 (5) A resolution adopted under Subsection (4) does not take effect until the board of  
4697 each [~~local~~] special district whose boundaries are being adjusted has adopted a resolution under  
4698 Subsection (4).

4699 (6) The board of the [~~local~~] special district whose boundaries are being adjusted to  
4700 include the affected area shall:

4701 (a) within 30 days after the resolutions take effect under Subsection (5), file with the  
4702 lieutenant governor:

4703 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
4704 that meets the requirements of Subsection 67-1a-6.5(3); and

4705 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

4706 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

4707 under Section 67-1a-6.5:

4708 (i) if the affected area is located within the boundary of a single county, submit to the  
4709 recorder of that county:

4710 (A) the original:

4711 (I) notice of an impending boundary action;

4712 (II) certificate of boundary adjustment; and

4713 (III) approved final local entity plat; and

4714 (B) a certified copy of each resolution adopted under Subsection (4); or

4715 (ii) if the affected area is located within the boundaries of more than a single county:

4716 (A) submit to the recorder of one of those counties:

4717 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

4718 (II) a certified copy of each resolution adopted under Subsection (4); and

4719 (B) submit to the recorder of each other county:

4720 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

4721 and

4722 (II) a certified copy of each resolution adopted under Subsection (4).

4723 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment  
4724 under Section 67-1a-6.5, the affected area is annexed to the ~~[local]~~ special district whose  
4725 boundaries are being adjusted to include the affected area, and the affected area is withdrawn  
4726 from the ~~[local]~~ special district whose boundaries are being adjusted to exclude the affected  
4727 area.

4728 (b) (i) The effective date of a boundary adjustment under this section for purposes of  
4729 assessing property within the affected area is governed by Section 59-2-305.5.

4730 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the  
4731 recorder of the county in which the property is located, a ~~[local]~~ special district in whose  
4732 boundary an affected area is included because of a boundary adjustment under this section may  
4733 not:

4734 (A) levy or collect a property tax on property within the affected area;

4735 (B) levy or collect an assessment on property within the affected area; or

4736 (C) charge or collect a fee for service provided to property within the affected area.

4737 (iii) Subsection (7)(b)(ii)(C):

4738 (A) may not be construed to limit a [local] special district's ability before a boundary  
4739 adjustment to charge and collect a fee for service provided to property that is outside the [local]  
4740 special district's boundary; and

4741 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the  
4742 [local] special district's boundary adjustment, with respect to a fee that the [local] special  
4743 district was charging for service provided to property within the area affected by the boundary  
4744 adjustment immediately before the boundary adjustment.

4745 Section 80. Section **17B-1-418** is amended to read:

4746 **17B-1-418. Annexed area subject to fees and taxes.**

4747 When an annexation under Section **17B-1-414** or **17B-1-415** or a boundary adjustment  
4748 under Section **17B-1-417** is complete, the annexed area or the area affected by the boundary  
4749 adjustment shall be subject to user fees imposed by and property, sales, and other taxes levied  
4750 by or for the benefit of the [local] special district.

4751 Section 81. Section **17B-1-501** is amended to read:

4752 **17B-1-501. Definition.**

4753 As used in this part, "receiving entity" means the entity that will, after the withdrawal of  
4754 an area from a [local] special district, provide to the withdrawn area the service that the [local]  
4755 special district previously provided to the area.

4756 Section 82. Section **17B-1-502** is amended to read:

4757 **17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in**  
4758 **certain circumstances.**

4759 (1) (a) An area within the boundaries of a [local] special district may be withdrawn  
4760 from the [local] special district only as provided in this part or, if applicable, as provided in  
4761 Chapter 2a, Part 11, Municipal Services District Act.

4762 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a [local]  
4763 special district within a municipality because of a municipal incorporation under Title 10,  
4764 Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under  
4765 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the  
4766 process of withdrawing that area from the [local] special district.

4767 (2) (a) An area within the boundaries of a [local] special district is automatically  
4768 withdrawn from the [local] special district by the annexation of the area to a municipality or the

4769 adding of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4,  
4770 Annexation, if:

4771 (i) the [toeat] special district provides:

4772 (A) fire protection, paramedic, and emergency services; or

4773 (B) law enforcement service;

4774 (ii) an election for the creation of the [toeat] special district was not required because  
4775 of Subsection 17B-1-214(3)(d) or (g); and

4776 (iii) before annexation or boundary adjustment, the boundaries of the [toeat] special  
4777 district do not include any of the annexing municipality.

4778 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
4779 Subsection 17B-1-512(2)(b).

4780 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of  
4781 a [toeat] special district located in a county of the first class is automatically withdrawn from  
4782 the [toeat] special district by the incorporation of a municipality whose boundaries include the  
4783 area if:

4784 (i) the [toeat] special district provides municipal services, as defined in Section  
4785 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services;

4786 (ii) an election for the creation of the [toeat] special district was not required because  
4787 of Subsection 17B-1-214(3) (g); and

4788 (iii) the legislative body of the newly incorporated municipality:

4789 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of  
4790 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
4791 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

4792 (B) adopts a resolution no later than 180 days after the effective date of incorporation  
4793 approving the withdrawal that includes the legal description of the area to be withdrawn; and

4794 (C) delivers a copy of the resolution to the board of trustees of the [toeat] special  
4795 district.

4796 (b) The effective date of a withdrawal under this Subsection (3) is governed by  
4797 Subsection 17B-1-512(2)(a).

4798 (c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a  
4799 county of the first class if:



- 4800 (i) the [local] special district from which the area is withdrawn provides:
- 4801 (A) fire protection, paramedic, and emergency services;
- 4802 (B) law enforcement service; or
- 4803 (C) municipal services, as defined in Section 17B-2a-1102;
- 4804 (ii) an election for the creation of the [local] special district was not required under
- 4805 Subsection 17B-1-214(3)(d) or (g); and
- 4806 (iii) for a [local] special district that provides municipal services, as defined in Section
- 4807 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,
- 4808 the 180-day period described in Subsection (3)(a)(iii)(B) is expired.
- 4809 (d) An area may not be withdrawn from a [local] special district that provides
- 4810 municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic,
- 4811 emergency, and law enforcement services, if:
- 4812 (i) the area is incorporated as a metro township; and
- 4813 (ii) at the election to incorporate as a metro township, the residents of the area chose to
- 4814 be included in a municipal services district.
- 4815 Section 83. Section 17B-1-503 is amended to read:
- 4816 **17B-1-503. Withdrawal or boundary adjustment with municipal approval.**
- 4817 (1) A municipality and a [local] special district whose boundaries adjoin or overlap
- 4818 may adjust the boundary of the [local] special district to include more or less of the
- 4819 municipality, including the expansion area identified in the annexation policy plan adopted by
- 4820 the municipality under Section 10-2-401.5, in the [local] special district by following the same
- 4821 procedural requirements as set forth in Section 17B-1-417 for boundary adjustments between
- 4822 adjoining [local] special districts.
- 4823 (2) (a) Notwithstanding any other provision of this title, a municipality annexing all or
- 4824 part of an unincorporated island or peninsula under Title 10, Chapter 2, Classification,
- 4825 Boundaries, Consolidation, and Dissolution of Municipalities, that overlaps a municipal
- 4826 services district organized under Chapter 2a, Part 11, Municipal Services District Act, may
- 4827 petition to withdraw the area from the municipal services district in accordance with this
- 4828 Subsection (2).
- 4829 (b) For a valid withdrawal described in Subsection (2)(a):
- 4830 (i) the annexation petition under Section 10-2-403 or a separate consent, signed by



4831 owners of at least 60% of the total private land area, shall state that the signers request the area  
4832 to be withdrawn from the municipal services district; and

4833 (ii) the legislative body of the municipality shall adopt a resolution, which may be the  
4834 resolution adopted in accordance with Subsection 10-2-418(5)(a), stating the municipal  
4835 legislative body's intent to withdraw the area from the municipal services district.

4836 (c) The board of trustees of the municipal services district shall consider the  
4837 municipality's petition to withdraw the area from the municipal services district within 90 days  
4838 after the day on which the municipal services district receives the petition.

4839 (d) The board of trustees of the municipal services district:

4840 (i) may hold a public hearing in accordance with the notice and public hearing  
4841 provisions of Section 17B-1-508;

4842 (ii) shall consider information that includes any factual data presented by the  
4843 municipality and any owner of private real property who signed a petition or other form of  
4844 consent described in Subsection (2)(b)(i); and

4845 (iii) identify in writing the information upon which the board of trustees relies in  
4846 approving or rejecting the withdrawal.

4847 (e) The board of trustees of the municipal services district shall approve the  
4848 withdrawal, effective upon the annexation of the area into the municipality or, if the  
4849 municipality has already annexed the area, as soon as possible in the reasonable course of  
4850 events, if the board of trustees makes a finding that:

4851 (i) (A) the loss of revenue to the municipal services district due to a withdrawal of the  
4852 area will be offset by savings associated with no longer providing municipal-type services to  
4853 the area; or

4854 (B) if the loss of revenue will not be offset by savings resulting from no longer  
4855 providing municipal-type services to the area, the municipality agreeing to terms and  
4856 conditions, which may include terms and conditions described in Subsection 17B-1-510(5), can  
4857 mitigate or eliminate the loss of revenue;

4858 (ii) the annexation petition under Section 10-2-403, or a separate petition meeting the  
4859 same signature requirements, states that the signers request the area to be withdrawn from the  
4860 municipal services district; or

4861 (iii) the following have consented in writing to the withdrawal:

4862 (A) owners of more than 60% of the total private land area; or

4863 (B) owners of private land equal in assessed value to more than 60% of the assessed  
4864 value of all private real property within the area proposed for withdrawal have consented in  
4865 writing to the withdrawal.

4866 (f) If the board of trustees of the municipal services district does not make any of the  
4867 findings described in Subsection (2)(e), the board of trustees may approve or reject the  
4868 withdrawal based upon information upon which the board of trustees relies and that the board  
4869 of trustees identifies in writing.

4870 (g) (i) If a municipality annexes an island or a part of an island before May 14, 2019,  
4871 the legislative body of the municipality may initiate the withdrawal of the area from the  
4872 municipal services district by adopting a resolution that:

4873 (A) requests that the area be withdrawn from the municipal services district; and

4874 (B) a final local entity plat accompanies, identifying the area proposed to be withdrawn  
4875 from the municipal services district.

4876 (ii) (A) Upon receipt of the resolution and except as provided in Subsection  
4877 (2)(g)(ii)(B), the board of trustees of the municipal services district shall approve the  
4878 withdrawal.

4879 (B) The board of trustees of the municipal services district may reject the withdrawal if  
4880 the rejection is based upon a good faith finding that lost revenues due to the withdrawal will  
4881 exceed expected cost savings resulting from no longer serving the area.

4882 (h) (i) Based upon a finding described in Subsection (e) or (f):

4883 (A) the board of trustees of the municipal services district shall adopt a resolution  
4884 approving the withdrawal; and

4885 (B) the chair of the board shall sign a notice of impending boundary action, as defined  
4886 in Section [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#).

4887 (ii) The annexing municipality shall deliver the following to the lieutenant governor:

4888 (A) the resolution and notice of impending boundary action described in Subsection  
4889 (2)(g)(i);

4890 (B) a copy of an approved final local entity plat as defined in Section [67-1a-6.5](#); and

4891 (C) any other documentation required by law.

4892 (i) (i) Once the lieutenant governor has issued an applicable certificate as defined in

4893 Section 67-1a-6.5, the municipality shall deliver the certificate, the resolution and notice of  
4894 impending boundary action described in Subsection (2)(h)(i), the final local entity plat as  
4895 defined in Section 67-1a-6.5, and any other document required by law, to the recorder of the  
4896 county in which the area is located.

4897 (ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the  
4898 area, for all purposes, is no longer part of the municipal services district.

4899 (j) The annexing municipality and the municipal services district may enter into an  
4900 interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:

4901 (i) the municipality's and the district's duties and responsibilities in conducting a  
4902 withdrawal under this Subsection (2); and

4903 (ii) any other matter respecting an unincorporated island that the municipality  
4904 surrounds on all sides.

4905 (3) After a boundary adjustment under Subsection (1) or a withdrawal under  
4906 Subsection (2) is complete:

4907 (a) the [toeat] special district shall, without interruption, provide the same service to  
4908 any area added to the [toeat] special district as provided to other areas within the [toeat] special  
4909 district; and

4910 (b) the municipality shall, without interruption, provide the same service that the  
4911 [toeat] special district previously provided to any area withdrawn from the [toeat] special  
4912 district.

4913 (4) No area within a municipality may be added to the area of a [toeat] special district  
4914 under this section if the area is part of a [toeat] special district that provides the same wholesale  
4915 or retail service as the first [toeat] special district.

4916 Section 84. Section 17B-1-504 is amended to read:

4917 **17B-1-504. Initiation of withdrawal process -- Notice of petition.**

4918 (1) Except as provided in Section 17B-1-505, the process to withdraw an area from a  
4919 [toeat] special district may be initiated:

4920 (a) for a [toeat] special district funded predominantly by revenues from property taxes  
4921 or service charges other than those based upon acre-feet of water:

4922 (i) by a petition signed by the owners of private real property that:

4923 (A) is located within the area proposed to be withdrawn;

4924 (B) covers at least 51% of the total private land within the area proposed to be  
4925 withdrawn; and

4926 (C) is equal in taxable value to at least 51% of the taxable value of all private real  
4927 property within the area proposed to be withdrawn;

4928 (ii) by a petition signed by registered voters residing within the area proposed to be  
4929 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the  
4930 office of governor at the last regular general election before the filing of the petition;

4931 (iii) by a resolution adopted by the board of trustees of the [local] special district in  
4932 which the area proposed to be withdrawn is located, which:

4933 (A) states the reasons for withdrawal; and

4934 (B) is accompanied by a general description of the area proposed to be withdrawn; or

4935 (iv) by a resolution to file a petition with the [local] special district to withdraw from  
4936 the [local] special district all or a specified portion of the area within a municipality or county,  
4937 adopted by the governing body of a municipality that has within its boundaries an area located  
4938 within the boundaries of a [local] special district, or by the governing body of a county that has  
4939 within its boundaries an area located within the boundaries of a [local] special district that is  
4940 located in more than one county, which petition of the governing body shall be filed with the  
4941 board of trustees only if a written request to petition the board of trustees to withdraw an area  
4942 from the [local] special district has been filed with the governing body of the municipality, or  
4943 county, and the request has been signed by registered voters residing within the boundaries of  
4944 the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in  
4945 the same area for the office of governor at the last regular general election before the filing of  
4946 the petition;

4947 (b) for a [local] special district whose board of trustees is elected by electors based on  
4948 the acre-feet of water allotted to the land owned by the elector:

4949 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

4950 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted  
4951 to the land proposed to be withdrawn; or

4952 (c) for a [local] special district funded predominantly by revenues other than property  
4953 taxes, service charges, or assessments based upon an allotment of acre-feet of water:

4954 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

4955 (ii) by a petition signed by the registered voters residing within the entire area proposed  
4956 to be withdrawn, which area shall be comprised of an entire unincorporated area within the  
4957 [local] special district or an entire municipality within a [local] special district, or a  
4958 combination thereof, equal in number to at least 67% of the number of votes cast within the  
4959 entire area proposed to be withdrawn for the office of governor at the last regular general  
4960 election before the filing of the petition.

4961 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of  
4962 the petition shall:

4963 (a) notify the [local] special district board with which the petition is intended to be  
4964 filed that the sponsors will be soliciting signatures for a petition; and

4965 (b) mail a copy of the petition to the [local] special district board.

4966 Section 85. Section **17B-1-505** is amended to read:

4967 **17B-1-505. Withdrawal of municipality from certain districts providing fire**  
4968 **protection, paramedic, and emergency services or law enforcement service or municipal**  
4969 **services.**

4970 (1) As used in this section, "first responder district" means a [local] special district,  
4971 other than a municipal services district, that provides:

4972 (a) fire protection, paramedic, and emergency services; or

4973 (b) law enforcement service.

4974 (2) This section applies to the withdrawal of a municipality that is entirely within the  
4975 boundary of a first responder district or municipal services district that was created without the  
4976 necessity of an election because of Subsection **17B-1-214(3)(d)** or (g).

4977 (3) (a) The process to withdraw a municipality from a first responder district or  
4978 municipal services district may be initiated by a resolution adopted by the legislative body of  
4979 the municipality, subject to Subsection (3)(b).

4980 (b) The legislative body of a municipality that is within a municipal services district  
4981 may not adopt a resolution under Subsection (3)(a) to withdraw from the municipal services  
4982 district unless the municipality has conducted a feasibility study in accordance with Section  
4983 **17B-2a-1110**.

4984 (c) Within 10 days after adopting a resolution under Subsection (3)(a), the municipal  
4985 legislative body shall submit to the board of trustees of the first responder district or municipal

4986 services district written notice of the adoption of the resolution, accompanied by a copy of the  
4987 resolution.

4988 (4) If a resolution is adopted under Subsection (3)(a) by the legislative body of a  
4989 municipality within a municipal services district, the municipal legislative body shall hold an  
4990 election at the next municipal general election that is more than 60 days after adoption of the  
4991 resolution on the question of whether the municipality should withdraw from the municipal  
4992 services district.

4993 (5) (a) A municipality shall be withdrawn from a first responder district if:

4994 (i) the legislative body of the municipality adopts a resolution initiating the withdrawal  
4995 under Subsection (3)(a); and

4996 (ii) (A) whether before or after the effective date of this section, the municipality and  
4997 first responder district agree in writing to the withdrawal; or

4998 (B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of  
4999 the municipality approve the withdrawal at an election held for that purpose.

5000 (b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study  
5001 is conducted under Section [17B-1-505.5](#) and a public hearing is held under Subsection  
5002 [17B-1-505.5\(14\)](#), the municipality and first responder district agree in writing to the  
5003 withdrawal.

5004 (6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

5005 (a) a feasibility study is conducted under Section [17B-1-505.5](#); and

5006 (b) (i) the feasibility study concludes that the withdrawal is functionally and financially  
5007 feasible for the municipality and the first responder district; or

5008 (ii) (A) the feasibility study concludes that the withdrawal would be functionally and  
5009 financially feasible for the municipality and the first responder district if conditions specified in  
5010 the feasibility study are met; and

5011 (B) the legislative body of the municipality adopts a resolution irrevocably committing  
5012 the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal  
5013 is approved by the municipality's voters.

5014 (7) If a majority of those voting on the question of withdrawal at an election held under  
5015 Subsection (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be  
5016 withdrawn from the ~~local~~ special district.

5017 (8) (a) Within 10 days after the canvass of an election at which a withdrawal under this  
5018 section is submitted to voters, the municipal legislative body shall send written notice to the  
5019 board of the first responder district or municipal services district from which the municipality  
5020 is proposed to withdraw.

5021 (b) Each notice under Subsection (8)(a) shall:

5022 (i) state the results of the withdrawal election; and

5023 (ii) if the withdrawal was approved by voters, be accompanied by a copy of an  
5024 approved final local entity plat, as defined in Section 67-1a-6.5.

5025 (9) The effective date of a withdrawal under this section is governed by Subsection  
5026 17B-1-512(2)(a).

5027 Section 86. Section 17B-1-505.5 is amended to read:

5028 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a special**  
5029 **district providing fire protection, paramedic, and emergency services or law enforcement**  
5030 **service.**

5031 (1) As used in this section:

5032 (a) "Feasibility consultant" means a person with expertise in:

5033 (i) the processes and economics of local government; and

5034 (ii) the economics of providing fire protection, paramedic, and emergency services or  
5035 law enforcement service.

5036 (b) "Feasibility study" means a study to determine the functional and financial  
5037 feasibility of a municipality's withdrawal from a first responder ~~[local]~~ special district.

5038 (c) "First responder district" means a ~~[local]~~ special district, other than a municipal  
5039 services district, that provides:

5040 (i) fire protection, paramedic, and emergency services; or

5041 (ii) law enforcement service.

5042 (d) "Withdrawing municipality" means a municipality whose legislative body has  
5043 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the  
5044 municipality's withdrawal from a first responder district.

5045 (2) This section applies and a feasibility study shall be conducted, as provided in this  
5046 section, if:

5047 (a) the legislative body of a municipality has adopted a resolution under Subsection

5048 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder  
5049 district;

5050 (b) the municipality and first responder district have not agreed in writing to the  
5051 withdrawal; and

5052 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election  
5053 to be held approving the withdrawal.

5054 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first  
5055 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

5056 (b) The withdrawing municipality and first responder district shall jointly choose and  
5057 engage a feasibility consultant according to applicable municipal or ~~local~~ special district  
5058 procurement procedures.

5059 (c) (i) If the withdrawing municipality and first responder district cannot agree on and  
5060 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the  
5061 legislative body of the withdrawing municipality submits written notice to the first responder  
5062 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder  
5063 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of  
5064 at least eight feasibility consultants provided by the Utah Association of Certified Public  
5065 Accountants.

5066 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a  
5067 feasibility consultant that has had a contract to provide services to the withdrawing  
5068 municipality or first responder district at any time during the two-year period immediately  
5069 preceding the date the list is provided under Subsection (3)(c)(i).

5070 (iii) (A) Beginning with the first responder district, the first responder district and  
5071 withdrawing municipality shall alternately eliminate one feasibility consultant each from the  
5072 list of feasibility consultants until one feasibility consultant remains.

5073 (B) Within five days after receiving the list of consultants from the Utah Association of  
5074 Certified Public Accountants, the first responder district shall make the first elimination of a  
5075 feasibility consultant from the list and notify the withdrawing municipality in writing of the  
5076 elimination.

5077 (C) After the first elimination of a feasibility consultant from the list, the withdrawing  
5078 municipality and first responder district shall each, within three days after receiving the written



5079 notification of the preceding elimination, notify the other in writing of the elimination of a  
5080 feasibility consultant from the list.

5081 (d) If a withdrawing municipality and first responder district do not engage a feasibility  
5082 consultant under Subsection (3)(b), the withdrawing municipality and first responder district  
5083 shall engage the feasibility consultant that has not been eliminated from the list at the  
5084 completion of the process described in Subsection (3)(c).

5085 (4) A feasibility consultant that conducts a feasibility study under this section shall be  
5086 independent of and unaffiliated with the withdrawing municipality and first responder district.

5087 (5) In conducting a feasibility study under this section, the feasibility consultant shall  
5088 consider:

5089 (a) population and population density within the withdrawing municipality;

5090 (b) current and five-year projections of demographics and economic base in the  
5091 withdrawing municipality, including household size and income, commercial and industrial  
5092 development, and public facilities;

5093 (c) projected growth in the withdrawing municipality during the next five years;

5094 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,  
5095 including overhead, of providing the same service in the withdrawing municipality as is  
5096 provided by the first responder district, including:

5097 (i) the estimated cost if the first responder district continues to provide service; and

5098 (ii) the estimated cost if the withdrawing municipality provides service;

5099 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,  
5100 including overhead, of the first responder district providing service with:

5101 (i) the municipality included in the first responder district's service area; and

5102 (ii) the withdrawing municipality excluded from the first responder district's service  
5103 area;

5104 (f) a projection of any new taxes per household that may be levied within the  
5105 withdrawing municipality within five years after the withdrawal;

5106 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other  
5107 municipalities and unincorporated areas served by the first responder district, including any rate  
5108 increase that may become necessary to maintain required coverage ratios for the first responder  
5109 district's debt;

5110 (h) the physical and other assets that will be required by the withdrawing municipality  
5111 to provide, without interruption or diminution of service, the same service that is being  
5112 provided by the first responder district;

5113 (i) the physical and other assets that will no longer be required by the first responder  
5114 district to continue to provide the current level of service to the remainder of the first responder  
5115 district, excluding the withdrawing municipality, and could be transferred to the withdrawing  
5116 municipality;

5117 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder  
5118 district's assets between the first responder district and the withdrawing municipality, effective  
5119 upon the withdrawal of the withdrawing municipality from the first responder district;

5120 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first  
5121 responder district and any local building authority of the first responder district, between the  
5122 withdrawing municipality and the remaining first responder district, taking into consideration:

5123 (i) any requirement to maintain the excludability of interest from the income of the  
5124 holder of the debt, liability, or obligation for federal income tax purposes; and

5125 (ii) any first responder district assets that have been purchased with the proceeds of  
5126 bonds issued by the first responder district that the first responder district will retain and any of  
5127 those assets that will be transferred to the withdrawing municipality;

5128 (l) the number and classification of first responder district employees who will no  
5129 longer be required to serve the remaining portions of the first responder district after the  
5130 withdrawing municipality withdraws from the first responder district, including the dollar  
5131 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost  
5132 associated with termination of the employees if the withdrawing municipality does not employ  
5133 the employees;

5134 (m) maintaining as a base, for a period of three years after withdrawal, the existing  
5135 schedule of pay and benefits for first responder district employees who are transferred to the  
5136 employment of the withdrawing municipality; and

5137 (n) any other factor that the feasibility consultant considers relevant to the question of  
5138 the withdrawing municipality's withdrawal from the first responder district.

5139 (6) (a) For purposes of Subsections (5)(d) and (e):

5140 (i) the feasibility consultant shall assume a level and quality of service to be provided

5141 in the future to the withdrawing municipality that fairly and reasonably approximates the level  
5142 and quality of service that the first responder district provides to the withdrawing municipality  
5143 at the time of the feasibility study;

5144 (ii) in determining the present value cost of a service that the first responder district  
5145 provides, the feasibility consultant shall consider:

5146 (A) the cost to the withdrawing municipality of providing the service for the first five  
5147 years after the withdrawal; and

5148 (B) the first responder district's present and five-year projected cost of providing the  
5149 same service within the withdrawing municipality; and

5150 (iii) the feasibility consultant shall consider inflation and anticipated growth in  
5151 calculating the cost of providing service.

5152 (b) The feasibility consultant may not consider an allocation of first responder district  
5153 assets or a transfer of first responder district employees to the extent that the allocation or  
5154 transfer would impair the first responder district's ability to continue to provide the current  
5155 level of service to the remainder of the first responder district without the withdrawing  
5156 municipality, unless the first responder district consents to the allocation or transfer.

5157 (7) A feasibility consultant may retain an architect, engineer, or other professional, as  
5158 the feasibility consultant considers prudent and as provided in the agreement with the  
5159 withdrawing municipality and first responder district, to assist the feasibility consultant to  
5160 conduct a feasibility study.

5161 (8) The withdrawing municipality and first responder district shall require the  
5162 feasibility consultant to:

5163 (a) complete the feasibility study within a time established by the withdrawing  
5164 municipality and first responder district;

5165 (b) prepare and submit a written report communicating the results of the feasibility  
5166 study, including a one-page summary of the results; and

5167 (c) attend all public hearings relating to the feasibility study under Subsection (14).

5168 (9) A written report of the results of a feasibility study under this section shall:

5169 (a) contain a recommendation concerning whether a withdrawing municipality's  
5170 withdrawal from a first responder district is functionally and financially feasible for both the  
5171 first responder district and the withdrawing municipality; and

5172 (b) include any conditions the feasibility consultant determines need to be satisfied in  
5173 order to make the withdrawal functionally and financially feasible, including:

5174 (i) first responder district assets and liabilities to be allocated to the withdrawing  
5175 municipality; and

5176 (ii) (A) first responder district employees to become employees of the withdrawing  
5177 municipality; and

5178 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first  
5179 responder district employees that the withdrawing municipality needs to assume.

5180 (10) The withdrawing municipality and first responder district shall equally share the  
5181 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing  
5182 municipality and first responder district and the feasibility consultant.

5183 (11) (a) Upon completion of the feasibility study and preparation of a written report,  
5184 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and  
5185 first responder district.

5186 (b) (i) A withdrawing municipality or first responder district that disagrees with any  
5187 aspect of a feasibility study report may, within 20 business days after receiving a copy of the  
5188 report under Subsection (11)(a), submit to the feasibility consultant a written objection  
5189 detailing the disagreement.

5190 (ii) (A) A withdrawing municipality that submits a written objection under Subsection  
5191 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

5192 (B) A first responder district that submits a written objection under Subsection  
5193 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

5194 (iii) A withdrawing municipality or first responder district may, within 10 business  
5195 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility  
5196 consultant a written response to the objection.

5197 (iv) (A) A withdrawing municipality that submits a response under Subsection  
5198 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

5199 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall  
5200 simultaneously deliver a copy of the response to the withdrawing municipality.

5201 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,  
5202 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for

5203 submitting a response to an objection:

5204 (A) modify the feasibility study report or explain in writing why the feasibility  
5205 consultant is not modifying the feasibility study report; and

5206 (B) deliver the modified feasibility study report or written explanation to the  
5207 withdrawing municipality and first responder ~~[to eat]~~ special district.

5208 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)  
5209 for submitting an objection or, if an objection is submitted, within seven days after receiving a  
5210 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least  
5211 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

5212 (a) make a copy of the report available to the public at the primary office of the  
5213 withdrawing municipality; and

5214 (b) if the withdrawing municipality has a website, post a copy of the report on the  
5215 municipality's website.

5216 (13) A feasibility study report or, if a feasibility study report is modified under  
5217 Subsection (11), a modified feasibility study report may not be challenged unless the basis of  
5218 the challenge is that the report results from collusion or fraud.

5219 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for  
5220 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following  
5221 the withdrawing municipality's receipt of the modified feasibility study report or written  
5222 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality  
5223 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be  
5224 held:

5225 (i) within the following 60 days; and

5226 (ii) for the purpose of allowing:

5227 (A) the feasibility consultant to present the results of the feasibility study; and

5228 (B) the public to become informed about the feasibility study results, to ask the  
5229 feasibility consultant questions about the feasibility study, and to express the public's views  
5230 about the proposed withdrawal.

5231 (b) At a public hearing under Subsection (14)(a), the legislative body of the  
5232 withdrawing municipality shall:

5233 (i) provide a copy of the feasibility study for public review; and

5234 (ii) allow the public to:

5235 (A) ask the feasibility consultant questions about the feasibility study; and

5236 (B) express the public's views about the withdrawing municipality's proposed  
5237 withdrawal from the first responder district.

5238 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a  
5239 hearing under Subsection (14) on the Utah Public Notice Website created in Section  
5240 [63A-16-601](#), for three consecutive weeks immediately before the public hearing.

5241 (b) A notice under Subsection (15)(a) shall state:

5242 (i) the date, time, and location of the public hearing; and

5243 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the  
5244 office of the withdrawing municipality or on the withdrawing municipality's website.

5245 (16) Unless the withdrawing municipality and first responder district agree otherwise,  
5246 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to  
5247 be functionally and financially feasible for the withdrawing municipality and first responder  
5248 district are binding on the withdrawing municipality and first responder district if the  
5249 withdrawal occurs.

5250 Section 87. Section **17B-1-506** is amended to read:

5251 **17B-1-506. Withdrawal petition requirements.**

5252 (1) Each petition under Section [17B-1-504](#) shall:

5253 (a) indicate the typed or printed name and current address of each owner of acre-feet of  
5254 water, property owner, registered voter, or authorized representative of the governing body  
5255 signing the petition;

5256 (b) separately group signatures by municipality and, in the case of unincorporated  
5257 areas, by county;

5258 (c) if it is a petition signed by the owners of land, the assessment of which is based on  
5259 acre-feet of water, indicate the address of the property and the property tax identification parcel  
5260 number of the property as to which the owner is signing the request;

5261 (d) designate up to three signers of the petition as sponsors, or in the case of a petition  
5262 filed under Subsection [17B-1-504](#)(1)(a)(iv), designate a governmental representative as a  
5263 sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing  
5264 address and telephone number of each;

5265 (e) state the reasons for withdrawal; and

5266 (f) when the petition is filed with the [local] special district board of trustees, be  
5267 accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn  
5268 and a legal description of the area proposed to be withdrawn.

5269 (2) (a) The [local] special district may prepare an itemized list of expenses, other than  
5270 attorney expenses, that will necessarily be incurred by the [local] special district in the  
5271 withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor.  
5272 If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the  
5273 petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses  
5274 to the [local] special district within 90 days of receipt. Until funds to cover the expenses are  
5275 delivered to the [local] special district, the district will have no obligation to proceed with the  
5276 withdrawal and the time limits on the district stated in this part will be tolled. If the expenses  
5277 are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under  
5278 Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been  
5279 withdrawn.

5280 (b) If there is no agreement between the board of trustees of the [local] special district  
5281 and the contact sponsor on the amount of expenses that will necessarily be incurred by the  
5282 [local] special district in the withdrawal proceeding, either the board of trustees or the contact  
5283 sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6,  
5284 Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an  
5285 arbitrator and the rules and procedures that will control the arbitration, either party may pursue  
5286 arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

5287 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's  
5288 signature at any time before the public hearing under Section 17B-1-508 by submitting a  
5289 written withdrawal or reinstatement with the board of trustees of the [local] special district in  
5290 which the area proposed to be withdrawn is located.

5291 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition  
5292 filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a  
5293 municipality to provide to the withdrawn area the service previously supplied by the [local]  
5294 special district, the board of trustees of the [local] special district may, within 21 days after  
5295 receiving the petition, notify the contact sponsor in writing that, before it will be considered by

5296 the board of trustees, the petition shall be presented to and approved by the governing body of  
5297 the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by  
5298 the [local] special district board of trustees. If the notice is timely given to the contact sponsor,  
5299 the petition shall be considered to have been withdrawn until the municipality files a petition  
5300 with the [local] special district under Subsection 17B-1-504(1)(a)(iv).

5301 (5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless  
5302 specifically allowed by law, a public entity may not make expenditures from public funds to  
5303 support or oppose the gathering of signatures on a petition for withdrawal.

5304 (b) Nothing in this section prohibits a public entity from providing factual information  
5305 and analysis regarding a withdrawal petition to the public, so long as the information grants  
5306 equal access to both the opponents and proponents of the petition for withdrawal.

5307 (c) Nothing in this section prohibits a public official from speaking, campaigning,  
5308 contributing personal money, or otherwise exercising the public official's constitutional rights.

5309 Section 88. Section 17B-1-507 is amended to read:

5310 **17B-1-507. Withdrawal petition certification -- Amended petition.**

5311 (1) Within 30 days after the filing of a petition under Sections 17B-1-504 and  
5312 17B-1-506, the board of trustees of the [local] special district in which the area proposed to be  
5313 withdrawn is located shall:

5314 (a) with the assistance of officers of the county in which the area proposed to be  
5315 withdrawn is located, determine whether the petition meets the requirements of Sections  
5316 17B-1-504 and 17B-1-506; and

5317 (b) (i) if the petition complies with the requirements set forth in Sections 17B-1-504  
5318 and 17B-1-506, certify the petition and mail or deliver written notification of the certification  
5319 to the contact sponsor; or

5320 (ii) if the petition fails to comply with any of the requirements set forth in Sections  
5321 17B-1-504 and 17B-1-506, reject the petition as insufficient and mail or deliver written  
5322 notification of the rejection and the reasons for the rejection to the contact sponsor.

5323 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be  
5324 amended to correct the deficiencies for which it was rejected and then refiled within 60 days  
5325 after notice of the rejection.

5326 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be



5327 used toward fulfilling the applicable signature requirement for an amended petition refiled  
5328 under Subsection (2)(a).

5329 (3) The board of trustees shall process an amended petition refiled under Subsection  
5330 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition  
5331 is rejected for failure to comply with the requirements of Sections 17B-1-504 and 17B-1-506,  
5332 the board of trustees shall issue a final rejection of the petition for insufficiency and mail or  
5333 deliver written notice of the final rejection to the contact sponsor.

5334 (4) (a) A signer of a petition for which there has been a final rejection under Subsection  
5335 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject  
5336 the petition as insufficient.

5337 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state  
5338 district court in the county in which a majority of the area proposed to be withdrawn is located.

5339 (c) The court in which an action is filed under this Subsection (4) may not overturn the  
5340 board of trustees' decision to reject the petition unless the court finds that:

5341 (i) the board of trustees' decision was arbitrary or capricious; or

5342 (ii) the petition materially complies with the requirements set forth in Sections  
5343 17B-1-504 and 17B-1-506.

5344 (d) The court may award costs and expenses of an action under this section, including  
5345 reasonable attorney fees, to the prevailing party.

5346 Section 89. Section 17B-1-508 is amended to read:

5347 **17B-1-508. Public hearing -- Quorum of board required to be present.**

5348 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees  
5349 of a ~~local~~ special district that:

5350 (a) certifies a petition under Subsection 17B-1-507(1)(b)(i) unless the petition was  
5351 signed by all of the owners of private land within the area proposed to be withdrawn or all of  
5352 the registered voters residing within the area proposed to be withdrawn; or

5353 (b) adopts a resolution under Subsection 17B-1-504(1)(a)(iii) unless another ~~local~~  
5354 special district provides to the area proposed to be withdrawn the same retail or wholesale  
5355 service as provided by the ~~local~~ special district that adopted the resolution.

5356 (2) The public hearing required by Subsection (1) for a petition certified by the board  
5357 of trustees of a ~~local~~ special district under Subsection 17B-1-507(1)(b)(i), other than a

5358 petition filed in accordance with Subsection 17B-1-504(1)(a)(iv), may be held as an agenda  
5359 item of a meeting of the board of trustees of the [local] special district without complying with  
5360 the requirements of Subsection (3)(b), (3)(c), or Section 17B-1-509.

5361 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)  
5362 shall be held:

5363 (a) no later than 90 days after:

5364 (i) certification of the petition under Subsection 17B-1-507(1)(b)(i); or

5365 (ii) adoption of a resolution under Subsection 17B-1-504(1)(a)(iii);

5366 (b) (i) for a [local] special district located entirely within a single county:

5367 (A) within or as close as practicable to the area proposed to be withdrawn; or

5368 (B) at the [local] special district office; or

5369 (ii) for a [local] special district located in more than one county:

5370 (A) (I) within the county in which the area proposed to be withdrawn is located; and

5371 (II) within or as close as practicable to the area proposed to be withdrawn; or

5372 (B) if the [local] special district office is reasonably accessible to all residents within  
5373 the area proposed to be annexed, at the [local] special district office;

5374 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and

5375 (d) for the purpose of allowing:

5376 (i) the public to ask questions and obtain further information about the proposed  
5377 withdrawal and issues raised by it; and

5378 (ii) any interested person to address the board of trustees concerning the proposed  
5379 withdrawal.

5380 (4) A quorum of the board of trustees of the [local] special district shall be present  
5381 throughout the public hearing provided for under this section.

5382 (5) A public hearing under this section may be postponed or continued to a new time,  
5383 date, and place without further notice by a resolution of the board of trustees adopted at the  
5384 public hearing held at the time, date, and place specified in the published notice; provided,  
5385 however, that the public hearing may not be postponed or continued to a date later than 15 days  
5386 after the 90-day period under Subsection (3).

5387 Section 90. Section 17B-1-509 is amended to read:

5388 **17B-1-509. Notice of hearing and withdrawal.**

5389 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a [local]  
5390 special district as allowed by Subsection 17B-1-508(2), before holding a public hearing under  
5391 Section 17B-1-508, the board of trustees of the [local] special district shall:

5392 (a) mail notice of the public hearing and of the proposed withdrawal to:

5393 (i) if the [local] special district is funded predominantly by revenues from a property  
5394 tax, each owner of private real property located within the area proposed to be withdrawn, as  
5395 shown upon the county assessment roll last equalized as of the previous December 31;

5396 (ii) if the [local] special district is funded by fees based upon an allotment of acre-feet  
5397 of water, each owner of private real property with an allotment of water located within the area  
5398 proposed to be withdrawn, as shown upon the district's records; or

5399 (iii) if the [local] special district is not funded predominantly by revenues from a  
5400 property tax or fees based upon an allotment of acre-feet of water, each registered voter  
5401 residing within the area proposed to be withdrawn, as determined by the voter registration list  
5402 maintained by the county clerk as of a date selected by the board of trustees that is at least 20  
5403 but not more than 60 days before the public hearing; and

5404 (b) post notice of the public hearing and of the proposed withdrawal in at least four  
5405 conspicuous places within the area proposed to be withdrawn, no less than five nor more than  
5406 30 days before the public hearing.

5407 (2) Each notice required under Subsection (1) shall:

5408 (a) describe the area proposed to be withdrawn;

5409 (b) identify the [local] special district in which the area proposed to be withdrawn is  
5410 located;

5411 (c) state the date, time, and location of the public hearing;

5412 (d) state that the petition or resolution may be examined during specified times and at a  
5413 specified place in the [local] special district; and

5414 (e) state that any person interested in presenting comments or other information for or  
5415 against the petition or resolution may:

5416 (i) prior to the hearing, submit relevant comments and other information in writing to  
5417 the board of trustees at a specified address in the [local] special district; or

5418 (ii) at the hearing, present relevant comments and other information in writing and may  
5419 also present comments and information orally.

5420 Section 91. Section 17B-1-510 is amended to read:

5421 **17B-1-510. Resolution approving or rejecting withdrawal -- Criteria for approval**  
5422 **or rejection -- Terms and conditions.**

5423 (1) (a) No later than 90 days after the public hearing under Section 17B-1-508, or, if no  
5424 hearing is held, within 90 days after the filing of a petition under Section 17B-1-504, the board  
5425 of trustees of the [local] special district in which the area proposed to be withdrawn is located  
5426 shall adopt a resolution:

5427 (i) approving the withdrawal of some or all of the area from the [local] special district;

5428 or

5429 (ii) rejecting the withdrawal.

5430 (b) Each resolution approving a withdrawal shall:

5431 (i) include a legal description of the area proposed to be withdrawn;

5432 (ii) state the effective date of the withdrawal; and

5433 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

5434 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the  
5435 board of trustees' reasons for the rejection.

5436 (2) Unless denial of the petition is required under Subsection (3), the board of trustees  
5437 shall adopt a resolution approving the withdrawal of some or all of the area from the [local]  
5438 special district if the board of trustees determines that:

5439 (a) the area to be withdrawn does not and will not require the service that the [local]  
5440 special district provides;

5441 (b) the [local] special district will not be able to provide service to the area to be  
5442 withdrawn for the reasonably foreseeable future; or

5443 (c) the area to be withdrawn has obtained the same service that is provided by the  
5444 [local] special district or a commitment to provide the same service that is provided by the  
5445 [local] special district from another source.

5446 (3) The board of trustees shall adopt a resolution denying the withdrawal if it  
5447 determines that the proposed withdrawal would:

5448 (a) result in a breach or default by the [local] special district under:

5449 (i) any of its notes, bonds, or other debt or revenue obligations;

5450 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise

5451 credit-enhanced any debt or revenue obligations of the [local] special district; or  
5452 (iii) any of its agreements with the United States or any agency of the United States;  
5453 provided, however, that, if the [local] special district has entered into an agreement with the  
5454 United States that requires the consent of the United States for a withdrawal of territory from  
5455 the district, a withdrawal under this part may occur if the written consent of the United States is  
5456 obtained and filed with the board of trustees;

5457 (b) adversely affect the ability of the [local] special district to make any payments or  
5458 perform any other material obligations under:

5459 (i) any of its agreements with the United States or any agency of the United States;  
5460 (ii) any of its notes, bonds, or other debt or revenue obligations; or  
5461 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise  
5462 credit-enhanced any debt or revenue obligations of the [local] special district;

5463 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or  
5464 other debt or revenue obligation of the [local] special district;

5465 (d) create an island or peninsula of nondistrict territory within the [local] special  
5466 district or of district territory within nondistrict territory that has a material adverse affect on  
5467 the [local] special district's ability to provide service or materially increases the cost of  
5468 providing service to the remainder of the [local] special district;

5469 (e) materially impair the operations of the remaining [local] special district; or  
5470 (f) require the [local] special district to materially increase the fees it charges or  
5471 property taxes or other taxes it levies in order to provide to the remainder of the district the  
5472 same level and quality of service that was provided before the withdrawal.

5473 (4) In determining whether the withdrawal would have any of the results described in  
5474 Subsection (3), the board of trustees may consider the cumulative impact that multiple  
5475 withdrawals over a specified period of time would have on the [local] special district.

5476 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),  
5477 the board of trustees may approve a resolution withdrawing an area from the [local] special  
5478 district imposing terms or conditions that mitigate or eliminate the conditions listed in  
5479 Subsection (3), including:

5480 (i) a requirement that the owners of property located within the area proposed to be  
5481 withdrawn or residents within that area pay their proportionate share of any outstanding district

5482 bond or other obligation as determined pursuant to Subsection (5)(b);

5483 (ii) a requirement that the owners of property located within the area proposed to be  
5484 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or  
5485 assessments;

5486 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable  
5487 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the  
5488 transfer to the receiving entity of district assets that the district used before withdrawal to  
5489 provide service to the withdrawn area but no longer needs because of the withdrawal; provided  
5490 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the  
5491 district shall immediately transfer to the receiving entity on the effective date of the  
5492 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

5493 (iv) any other reasonable requirement considered to be necessary by the board of  
5494 trustees.

5495 (b) Other than as provided for in Subsection 17B-1-511(2), and except as provided in  
5496 Subsection (5)(e), in determining the proportionate share of outstanding bonded indebtedness  
5497 or other obligations under Subsection (5)(a)(i) and for purposes of determining the allocation  
5498 and transfer of district assets under Subsection (5)(a)(iii), the board of trustees and the  
5499 receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the  
5500 petition shall:

5501 (i) engage engineering and accounting consultants chosen by the procedure provided in  
5502 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an  
5503 engineering consultant need not be engaged; and

5504 (ii) require the engineering and accounting consultants engaged under Subsection  
5505 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases  
5506 where there is no receiving entity, the board and the sponsors of the petition the information  
5507 required by Subsections (5)(f) through (h).

5508 (c) For purposes of this Subsection (5):

5509 (i) "accounting consultant" means a certified public accountant or a firm of certified  
5510 public accountants with the expertise necessary to make the determinations required under  
5511 Subsection (5)(h); and

5512 (ii) "engineering consultant" means a person or firm that has the expertise in the

5513 engineering aspects of the type of system by which the withdrawn area is receiving service that  
5514 is necessary to make the determination required under Subsections (5)(f) and (g).

5515 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is  
5516 no receiving entity, the board and the sponsors of the petition agree on an engineering  
5517 consultant and an accounting consultant, each consultant shall be chosen from a list of  
5518 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of  
5519 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

5520 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a  
5521 contract for services with the district or the receiving entity during the two-year period  
5522 immediately before the list is provided to the ~~[local]~~ special district.

5523 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of  
5524 trustees shall eliminate the name of one engineering consultant from the list of engineering  
5525 consultants and the name of one accounting consultant from the list of accounting consultants  
5526 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors  
5527 of the petition in writing of the eliminations.

5528 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving  
5529 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate  
5530 another name of an engineering consultant from the list of engineering consultants and another  
5531 name of an accounting consultant from the list of accounting consultants and shall notify the  
5532 board of trustees in writing of the eliminations.

5533 (v) The board of trustees and the receiving entity, or in cases where there is no  
5534 receiving entity, the board and the sponsors of the petition shall continue to alternate between  
5535 them, each eliminating the name of one engineering consultant from the list of engineering  
5536 consultants and the name of one accounting consultant from the list of accounting consultants  
5537 and providing written notification of the eliminations within three days of receiving  
5538 notification of the previous notification, until the name of only one engineering consultant  
5539 remains on the list of engineering consultants and the name of only one accounting consultant  
5540 remains on the list of accounting consultants.

5541 (e) The requirement under Subsection (5)(b) to engage engineering and accounting  
5542 consultants does not apply if the board of trustees and the receiving entity, or in cases where  
5543 there is no receiving entity, the board and the sponsors of the petition agree on the allocations

5544 that are the engineering consultant's responsibility under Subsection (5)(f) or the  
5545 determinations that are the accounting consultant's responsibility under Subsection (5)(h);  
5546 provided however, that if engineering and accounting consultants are engaged, the district and  
5547 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors  
5548 of the petition shall equally share the cost of the engineering and accounting consultants.

5549 (f) (i) The engineering consultant shall allocate the district assets between the district  
5550 and the receiving entity as provided in this Subsection (5)(f).

5551 (ii) The engineering consultant shall allocate:

5552 (A) to the district those assets reasonably needed by the district to provide to the area  
5553 of the district remaining after withdrawal the kind, level, and quality of service that was  
5554 provided before withdrawal; and

5555 (B) to the receiving entity those assets reasonably needed by the receiving entity to  
5556 provide to the withdrawn area the kind and quality of service that was provided before  
5557 withdrawal.

5558 (iii) If the engineering consultant determines that both the [~~local~~] special district and  
5559 the receiving entity reasonably need a district asset to provide to their respective areas the kind  
5560 and quality of service provided before withdrawal, the engineering consultant shall:

5561 (A) allocate the asset between the [~~local~~] special district and the receiving entity  
5562 according to their relative needs, if the asset is reasonably susceptible of division; or

5563 (B) allocate the asset to the [~~local~~] special district, if the asset is not reasonably  
5564 susceptible of division.

5565 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated  
5566 to the [~~local~~] special district.

5567 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate  
5568 share of any redemption premium and the principal of and interest on:

5569 (A) the [~~local~~] special district's revenue bonds that were outstanding at the time the  
5570 petition was filed;

5571 (B) the [~~local~~] special district's general obligation bonds that were outstanding at the  
5572 time the petition was filed; and

5573 (C) the [~~local~~] special district's general obligation bonds that:

5574 (I) were outstanding at the time the petition was filed; and



5575 (II) are treated as revenue bonds under Subsection (5)(i); and  
5576 (D) the district's bonds that were issued prior to the date the petition was filed to refund  
5577 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as  
5578 revenue bonds.

5579 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of  
5580 redemption premium, principal, and interest shall be the amount that bears the same  
5581 relationship to the total redemption premium, principal, and interest for the entire district that  
5582 the average annual gross revenues from the withdrawn area during the three most recent  
5583 complete fiscal years before the filing of the petition bears to the average annual gross revenues  
5584 from the entire district for the same period.

5585 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be  
5586 treated as a revenue bond if:

5587 (i) the bond is outstanding on the date the petition was filed; and

5588 (ii) the principal of and interest on the bond, as of the date the petition was filed, had  
5589 been paid entirely from ~~[local]~~ special district revenues and not from a levy of ad valorem tax.

5590 (j) (i) Before the board of trustees of the ~~[local]~~ special district files a resolution  
5591 approving a withdrawal, the receiving entity, or in cases where there is no receiving entity, the  
5592 sponsors of the petition shall irrevocably deposit government obligations, as defined in  
5593 Subsection 11-27-2(6), into an escrow trust fund the principal of and interest on which are  
5594 sufficient to provide for the timely payment of the amount determined by the accounting  
5595 consultant under Subsection (5)(h) or in an amount mutually agreeable to the board of trustees  
5596 of the ~~[local]~~ special district and the receiving entity, or in cases where there is no receiving  
5597 entity, the board and the sponsors of the petition. Notwithstanding Subsection 17B-1-512(1),  
5598 the board of trustees may not be required to file a resolution approving a withdrawal until the  
5599 requirements for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have  
5600 been met; provided that, if the escrow trust fund has not been established and funded within  
5601 180 days after the board of trustees passes a resolution approving a withdrawal, the resolution  
5602 approving the withdrawal shall be void.

5603 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where  
5604 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of  
5605 the ~~[local]~~ special district:

5606 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal  
5607 bonds stating that the establishment and use of the escrow to pay the proportionate share of the  
5608 district's outstanding revenue bonds and general obligation bonds that are treated as revenue  
5609 bonds will not adversely affect the tax-exempt status of the bonds; and

5610 (B) a written opinion of an independent certified public accountant verifying that the  
5611 principal of and interest on the deposited government obligations are sufficient to provide for  
5612 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection  
5613 (5)(h).

5614 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of  
5615 the petition shall bear all expenses of the escrow and the redemption of the bonds.

5616 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local  
5617 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the  
5618 escrow.

5619 (6) A requirement imposed by the board of trustees as a condition to withdrawal under  
5620 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly  
5621 authorized and executed written agreement between the parties to the withdrawal.

5622 (7) An area that is the subject of a withdrawal petition under Section 17B-1-504 that  
5623 results in a board of trustees resolution denying the proposed withdrawal may not be the  
5624 subject of another withdrawal petition under Section 17B-1-504 for two years after the date of  
5625 the board of trustees resolution denying the withdrawal.

5626 Section 92. Section 17B-1-511 is amended to read:

5627 **17B-1-511. Continuation of tax levy after withdrawal to pay for proportionate**  
5628 **share of district bonds.**

5629 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is  
5630 established and funded pursuant to Subsection 17B-1-510(5)(j), property within the withdrawn  
5631 area shall continue after withdrawal to be taxable by the ~~[local]~~ special district:

5632 (a) for the purpose of paying the withdrawn area's just proportion of the ~~[local]~~ special  
5633 district's general obligation bonds or lease obligations payable from property taxes with respect  
5634 to lease revenue bonds issued by a local building authority on behalf of the ~~[local]~~ special  
5635 district, other than those bonds treated as revenue bonds under Subsection 17B-1-510(5)(i),  
5636 until the bonded indebtedness has been satisfied; and

5637 (b) to the extent and for the years necessary to generate sufficient revenue that, when  
5638 combined with the revenues from the district remaining after withdrawal, is sufficient to  
5639 provide for the payment of principal and interest on the district's general obligation bonds that  
5640 are treated as revenue bonds under Subsection 17B-1-510(5)(i).

5641 (2) For a ~~[local]~~ special district funded predominately by revenues other than property  
5642 taxes, service charges, or assessments based upon an allotment of acre-feet of water, property  
5643 within the withdrawn area shall continue to be taxable by the ~~[local]~~ special district for  
5644 purposes of paying the withdrawn area's proportionate share of bonded indebtedness or  
5645 judgments against the ~~[local]~~ special district incurred prior to the date the petition was filed.

5646 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing  
5647 area is relieved of all other taxes, assessments, and charges levied by the district, including  
5648 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the  
5649 ~~[local]~~ special district.

5650 Section 93. Section 17B-1-512 is amended to read:

5651 **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period**  
5652 **-- Judicial review.**

5653 (1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file  
5654 with the lieutenant governor:

5655 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
5656 that meets the requirements of Subsection 67-1a-6.5(3); and

5657 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

5658 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

5659 (i) within 10 days after adopting a resolution approving a withdrawal under Section  
5660 17B-1-510;

5661 (ii) on or before January 31 of the year following the board of trustees' receipt of a  
5662 notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or  
5663 copy between July 1 and December 31; or

5664 (iii) on or before the July 31 following the board of trustees' receipt of a notice or copy  
5665 described in Subsection (1)(c), if the board of trustees receives the notice or copy between  
5666 January 1 and June 30.

5667 (c) The board of trustees shall comply with the requirements described in Subsection

5668 (1)(b)(ii) or (iii) after:  
5669 (i) receiving:  
5670 (A) a notice under Subsection 10-2-425(2) of an automatic withdrawal under  
5671 Subsection 17B-1-502(2);  
5672 (B) a copy of the municipal legislative body's resolution approving an automatic  
5673 withdrawal under Subsection 17B-1-502(3)(a); or  
5674 (C) notice of a withdrawal of a municipality from a ~~local~~ special district under  
5675 Section 17B-1-502; or  
5676 (ii) entering into an agreement with a municipality under Subsection  
5677 17B-1-505(5)(a)(ii)(A) or (5)(b).  
5678 (d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section  
5679 67-1a-6.5, the board shall:  
5680 (i) if the withdrawn area is located within the boundary of a single county, submit to  
5681 the recorder of that county:  
5682 (A) the original:  
5683 (I) notice of an impending boundary action;  
5684 (II) certificate of withdrawal; and  
5685 (III) approved final local entity plat; and  
5686 (B) if applicable, a certified copy of the resolution or notice referred to in Subsection  
5687 (1)(b); or  
5688 (ii) if the withdrawn area is located within the boundaries of more than a single county,  
5689 submit:  
5690 (A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)  
5691 and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to  
5692 one of those counties; and  
5693 (B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)  
5694 and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other  
5695 county.  
5696 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under  
5697 Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal  
5698 under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a ~~local~~ special

5699 district under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of  
5700 the withdrawal resolution, if applicable.

5701 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon  
5702 the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.

5703 (3) (a) The [toeat] special district may provide for the publication of any resolution  
5704 approving or denying the withdrawal of an area:

5705 (i) in a newspaper of general circulation in the area proposed for withdrawal; and

5706 (ii) as required in Section 45-1-101.

5707 (b) In lieu of publishing the entire resolution, the [toeat] special district may publish a  
5708 notice of withdrawal or denial of withdrawal, containing:

5709 (i) the name of the [toeat] special district;

5710 (ii) a description of the area proposed for withdrawal;

5711 (iii) a brief explanation of the grounds on which the board of trustees determined to  
5712 approve or deny the withdrawal; and

5713 (iv) the times and place where a copy of the resolution may be examined, which shall  
5714 be at the place of business of the [toeat] special district, identified in the notice, during regular  
5715 business hours of the [toeat] special district as described in the notice and for a period of at  
5716 least 30 days after the publication of the notice.

5717 (4) Any sponsor of the petition or receiving entity may contest the board's decision to  
5718 deny a withdrawal of an area from the [toeat] special district by submitting a request, within 60  
5719 days after the resolution is adopted under Section 17B-1-510, to the board of trustees,  
5720 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of  
5721 trustees based its decision to deny the withdrawal.

5722 (5) Within 60 days after the request under Subsection (4) is submitted to the board of  
5723 trustees, the board may consider the suggestions for mitigation and adopt a resolution  
5724 approving or denying the request in the same manner as provided in Section 17B-1-510 with  
5725 respect to the original resolution denying the withdrawal and file a notice of the action as  
5726 provided in Subsection (1).

5727 (6) (a) Any person in interest may seek judicial review of:

5728 (i) the board of trustees' decision to withdraw an area from the [toeat] special district;

5729 (ii) the terms and conditions of a withdrawal; or

5730 (iii) the board's decision to deny a withdrawal.

5731 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the  
5732 district court in the county in which a majority of the area proposed to be withdrawn is located:

5733 (i) if the resolution approving or denying the withdrawal is published under Subsection  
5734 (3), within 60 days after the publication or after the board of trustees' denial of the request  
5735 under Subsection (5);

5736 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after  
5737 the resolution approving or denying the withdrawal is adopted; or

5738 (iii) if a request is submitted to the board of trustees of a [~~local~~] special district under  
5739 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the  
5740 board adopts a resolution under Subsection (5) unless the resolution is published under  
5741 Subsection (3), in which event the action shall be filed within 60 days after the publication.

5742 (c) A court in which an action is filed under this Subsection (6) may not overturn, in  
5743 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

5744 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

5745 (ii) the court finds that the board materially failed to follow the procedures set forth in  
5746 this part.

5747 (d) A court may award costs and expenses of an action under this section, including  
5748 reasonable attorney fees, to the prevailing party.

5749 (7) After the applicable contest period under Subsection (4) or (6), no person may  
5750 contest the board of trustees' approval or denial of withdrawal for any cause.

5751 Section 94. Section **17B-1-513** is amended to read:

5752 **17B-1-513. Termination of terms of trustees representing withdrawn areas.**

5753 (1) Except as provided in Subsection (4), on the effective date of withdrawal of an area  
5754 from a [~~local~~] special district, any trustee residing in the withdrawn area shall cease to be a  
5755 member of the board of trustees of the [~~local~~] special district.

5756 (2) Except as provided in Subsection (4), if the [~~local~~] special district has been divided  
5757 into divisions for the purpose of electing or appointing trustees and the area withdrawn from a  
5758 district constitutes all or substantially all of the area in a division of the [~~local~~] special district  
5759 that is represented by a member of the board of trustees, on the effective date of the  
5760 withdrawal, the trustee representing the division shall cease to be a member of the board of

5761 trustees of the [local] special district.

5762 (3) In the event of a vacancy on the board of trustees as a result of an area being  
5763 withdrawn from the [local] special district:

5764 (a) the board of trustees shall reduce the number of trustees of the [local] special  
5765 district as provided by law; or

5766 (b) the trustee vacancy shall be filled as provided by law.

5767 (4) Subsections (1) and (2) apply only to a trustee who is required by law to be a  
5768 resident of the [local] special district or of a particular division within the [local] special  
5769 district.

5770 Section 95. Section **17B-1-601** is amended to read:

5771 **Part 6. Fiscal Procedures for Special Districts**

5772 **17B-1-601. Definitions.**

5773 As used in this part:

5774 (1) "Appropriation" means an allocation of money by the board of trustees for a  
5775 specific purpose.

5776 (2) "Budget" means a plan of financial operations for a fiscal year which embodies  
5777 estimates of proposed expenditures for given purposes and the proposed means of financing  
5778 them, and may refer to the budget of a particular fund for which a budget is required by law or  
5779 it may refer collectively to the budgets for all such funds.

5780 (3) "Budget officer" means the person appointed by the [local] special district board of  
5781 trustees to prepare the budget for the district.

5782 (4) "Budget year" means the fiscal year for which a budget is prepared.

5783 (5) "Calendar year entity" means a [local] special district whose fiscal year begins  
5784 January 1 and ends December 31 of each calendar year as described in Section **17B-1-602**.

5785 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,  
5786 which is the fiscal year next preceding the budget year.

5787 (7) "Deficit" has the meaning given under generally accepted accounting principles as  
5788 reflected in the Uniform Accounting Manual for [Local] Special Districts.

5789 (8) "Estimated revenue" means the amount of revenue estimated to be received from all  
5790 sources during the budget year in each fund for which a budget is being prepared.

5791 (9) "Financial officer" means the official under Section **17B-1-642**.

5792 (10) "Fiscal year" means the annual period for accounting for fiscal operations in each  
5793 district.

5794 (11) "Fiscal year entity" means a ~~[local]~~ special district whose fiscal year begins July 1  
5795 of each year and ends on June 30 of the following year as described in Section [17B-1-602](#).

5796 (12) "Fund" has the meaning given under generally accepted accounting principles as  
5797 reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.

5798 (13) "Fund balance" has the meaning given under generally accepted accounting  
5799 principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special Districts.

5800 (14) "General fund" is as defined by the Governmental Accounting Standards Board as  
5801 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office  
5802 of the Utah State Auditor.

5803 (15) "Governmental funds" means the general fund, special revenue fund, debt service  
5804 fund, and capital projects fund of a ~~[local]~~ special district.

5805 (16) "Interfund loan" means a loan of cash from one fund to another, subject to future  
5806 repayment.

5807 (17) "Last completed fiscal year" means the fiscal year next preceding the current fiscal  
5808 year.

5809 ~~[(18) "Local district general fund" means the general fund used by a local district.]~~

5810 ~~[(19)]~~ (18) "Proprietary funds" means enterprise funds and the internal service funds of  
5811 a ~~[local]~~ special district.

5812 ~~[(20)]~~ (19) "Public funds" means any money or payment collected or received by an  
5813 officer or employee of a ~~[local]~~ special district acting in an official capacity and includes  
5814 money or payment to the officer or employee for services or goods provided by the district, or  
5815 the officer or employee while acting within the scope of employment or duty.

5816 ~~[(21)]~~ (20) "Retained earnings" has the meaning given under generally accepted  
5817 accounting principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special  
5818 Districts.

5819 (21) "Special district general fund" means the general fund used by a special district.

5820 (22) "Special fund" means any ~~[local]~~ special district fund other than the ~~[local]~~ special  
5821 district's general fund.

5822 Section 96. Section [17B-1-602](#) is amended to read:



5823 **17B-1-602. Fiscal year.**

5824 The fiscal year of each [~~local~~] special district shall be, as determined by the board of  
5825 trustees:

5826 (1) the calendar year; or

5827 (2) the period from July 1 to the following June 30.

5828 Section 97. Section **17B-1-603** is amended to read:

5829 **17B-1-603. Uniform accounting system.**

5830 The accounting records of each [~~local~~] special district shall be established and  
5831 maintained, and financial statements prepared from those records, in conformance with  
5832 generally accepted accounting principles promulgated from time to time by authoritative bodies  
5833 in the United States.

5834 Section 98. Section **17B-1-604** is amended to read:

5835 **17B-1-604. Funds and account groups maintained.**

5836 Each district shall maintain, according to its own accounting needs, some or all of the  
5837 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting  
5838 Manual for [~~Local~~] Special Districts.

5839 Section 99. Section **17B-1-605** is amended to read:

5840 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

5841 (1) The budget officer of each [~~local~~] special district shall prepare for each budget year  
5842 a budget for each of the following funds:

5843 (a) the General Fund;

5844 (b) special revenue funds;

5845 (c) debt service funds;

5846 (d) capital projects funds;

5847 (e) proprietary funds, in accordance with Section [17B-1-629](#);

5848 (f) if the [~~local~~] special district has a local fund, as defined in Section [53-2a-602](#), the  
5849 local fund; and

5850 (g) any other fund or funds for which a budget is required by the uniform system of  
5851 budgeting, accounting, and reporting.

5852 (2) (a) Major capital improvements financed by general obligation bonds, capital  
5853 grants, or interfund transfers shall use a capital projects fund budget unless the improvements

5854 financed are to be used for proprietary type activities.

5855 (b) The [~~local~~] special district shall prepare a separate budget for the term of the  
5856 projects as well as the annual budget required under Subsection (1).

5857 Section 100. Section **17B-1-606** is amended to read:

5858 **17B-1-606. Total of revenues to equal expenditures.**

5859 (1) The budget for each fund under Section **17B-1-605** shall provide a financial plan  
5860 for the budget year.

5861 (2) Each budget shall specify in tabular form:

5862 (a) estimates of all anticipated revenues, classified by the account titles prescribed in  
5863 the Uniform Accounting Manual for [~~Local~~] Special Districts; and

5864 (b) all appropriations for expenditures, classified by the account titles prescribed in the  
5865 Uniform Accounting Manual for [~~Local~~] Special Districts.

5866 (3) The total of the anticipated revenues shall equal the total of appropriated  
5867 expenditures.

5868 Section 101. Section **17B-1-607** is amended to read:

5869 **17B-1-607. Tentative budget to be prepared -- Review by governing body.**

5870 (1) On or before the first regularly scheduled meeting of the board of trustees in  
5871 November for a calendar year entity and May for a fiscal year entity, the budget officer of each  
5872 [~~local~~] special district shall prepare for the ensuing year, in a format prescribed by the state  
5873 auditor, and file with the board of trustees a tentative budget for each fund for which a budget  
5874 is required.

5875 (2) (a) Each tentative budget under Subsection (1) shall provide in tabular form:

5876 (i) actual revenues and expenditures for the last completed fiscal year;

5877 (ii) estimated total revenues and expenditures for the current fiscal year; and

5878 (iii) the budget officer's estimates of revenues and expenditures for the budget year.

5879 (b) The budget officer shall estimate the amount of revenue available to serve the needs  
5880 of each fund, estimate the portion to be derived from all sources other than general property  
5881 taxes, and estimate the portion that shall be derived from general property taxes.

5882 (3) The tentative budget, when filed by the budget officer with the board of trustees,  
5883 shall contain the estimates of expenditures together with specific work programs and any other  
5884 supporting data required by this part or requested by the board.

5885 (4) The board of trustees shall review, consider, and tentatively adopt the tentative  
5886 budget in any regular meeting or special meeting called for that purpose and may amend or  
5887 revise the tentative budget in any manner that the board considers advisable prior to public  
5888 hearings, but no appropriation required for debt retirement and interest or reduction of any  
5889 existing deficits under Section 17B-1-613, or otherwise required by law, may be reduced below  
5890 the minimums so required.

5891 (5) When a new district is created, the board of trustees shall:

5892 (a) prepare a budget covering the period from the date of incorporation to the end of  
5893 the fiscal year;

5894 (b) substantially comply with all other provisions of this part with respect to notices  
5895 and hearings; and

5896 (c) pass the budget as soon after incorporation as feasible.

5897 Section 102. Section 17B-1-608 is amended to read:

5898 **17B-1-608. Tentative budget and data -- Public records.**

5899 (1) The tentative budget adopted by the board of trustees and all supporting schedules  
5900 and data are public records.

5901 (2) At least seven days before adopting a final budget in a public meeting, the [total]  
5902 special district shall:

5903 (a) make the tentative budget available for public inspection at the [total] special  
5904 district's principal place of business during regular business hours;

5905 (b) if the [total] special district has a website, publish the tentative budget on the  
5906 [total] special district's website; and

5907 (c) in accordance with Section 63A-16-601, do one of the following:

5908 (i) publish the tentative budget on the Utah Public Notice Website; or

5909 (ii) publish on the Utah Public Notice Website a link to a website on which the  
5910 tentative budget is published.

5911 Section 103. Section 17B-1-609 is amended to read:

5912 **17B-1-609. Hearing to consider adoption -- Notice.**

5913 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

5914 (a) establish the time and place of a public hearing to consider its adoption; and

5915 (b) except as provided in Subsection (6), order that notice of the hearing:

- 5916 (i) be posted in three public places within the district; and  
5917 (ii) be published at least seven days before the hearing on the Utah Public Notice  
5918 Website created in Section [63A-16-601](#).
- 5919 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
5920 required in Subsection (1)(b):
- 5921 (a) may be combined with the notice required under Section [59-2-919](#); and  
5922 (b) shall be published in accordance with the advertisement provisions of Section  
5923 [59-2-919](#).
- 5924 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the  
5925 notice required in Subsection (1)(b):
- 5926 (a) may be combined with the notice required under Section [17B-1-643](#); and  
5927 (b) shall be published or mailed in accordance with the notice provisions of Section  
5928 [17B-1-643](#).
- 5929 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is  
5930 prima facie evidence that notice was properly given.
- 5931 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within  
5932 30 days after the day on which the hearing is held, the notice is adequate and proper.
- 5933 (6) A board of trustees of a [~~local~~] special district with an annual operating budget of  
5934 less than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:
- 5935 (a) mailing a written notice, postage prepaid, to each voter in the [~~local~~] special  
5936 district; and
- 5937 (b) posting the notice in three public places within the district.
- 5938 Section 104. Section **17B-1-612** is amended to read:
- 5939 **17B-1-612. Accumulated fund balances -- Limitations -- Excess balances --**  
5940 **Unanticipated excess of revenues -- Reserves for capital projects.**
- 5941 (1) (a) A [~~local~~] special district may accumulate retained earnings or fund balances, as  
5942 appropriate, in any fund.
- 5943 (b) For the general fund only, a [~~local~~] special district may only use an accumulated  
5944 fund balance to:
- 5945 (i) provide working capital to finance expenditures from the beginning of the budget  
5946 year until general property taxes or other applicable revenues are collected, subject to

5947 Subsection (1)(c);

5948 (ii) provide a resource to meet emergency expenditures under Section 17B-1-623; and

5949 (iii) cover a pending year-end excess of expenditures over revenues from an

5950 unavoidable shortfall in revenues, subject to Subsection (1)(d).

5951 (c) Subsection (1)(b)(i) does not authorize a [~~local~~] special district to appropriate a  
5952 fund balance for budgeting purposes, except as provided in Subsection (4).

5953 (d) Subsection (1)(b)(iii) does not authorize a [~~local~~] special district to appropriate a  
5954 fund balance to avoid an operating deficit during a budget year except:

5955 (i) as provided under Subsection (4); or

5956 (ii) for emergency purposes under Section 17B-1-623.

5957 (2) (a) Except as provided in Subsection (2)(b), the accumulation of a fund balance in  
5958 the general fund may not exceed the most recently adopted general fund budget, plus 100% of  
5959 the current year's property tax.

5960 (b) Notwithstanding Subsection (2)(a), a [~~local~~] special district may accumulate in the  
5961 general fund mineral lease revenue that the [~~local~~] special district receives from the United  
5962 States under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq., through a distribution  
5963 under:

5964 (i) Title 35A, Chapter 8, Part 3, Community Impact Fund Act; or

5965 (ii) Title 59, Chapter 21, Mineral Lease Funds.

5966 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted  
5967 under Subsection (2), the district shall appropriate the excess in accordance with Section  
5968 17B-1-613.

5969 (4) A [~~local~~] special district may utilize any fund balance in excess of 5% of the total  
5970 revenues of the general fund for budget purposes.

5971 (5) (a) Within a capital projects fund, the board of trustees may, in any budget year,  
5972 appropriate from estimated revenue or fund balance to a reserve for capital projects for the  
5973 purpose of financing future specific capital projects, including new construction, capital  
5974 repairs, replacement, and maintenance, under a formal long-range capital plan that the board of  
5975 trustees adopts.

5976 (b) A [~~local~~] special district may allow a reserve amount under Subsection (5)(a) to  
5977 accumulate from year to year until the accumulated total is sufficient to permit economical

5978 expenditure for the specified purposes.

5979 (c) A [local] special district may disburse from a reserve account under Subsection  
5980 (5)(a) only by a budget appropriation that the [local] special district adopts in accordance with  
5981 this part.

5982 (d) A [local] special district shall ensure that the expenditures from the appropriation  
5983 budget accounts described in this Subsection (5) conform to all requirements of this part  
5984 relating to execution and control of budgets.

5985 Section 105. Section **17B-1-613** is amended to read:

5986 **17B-1-613. Appropriations not to exceed estimated expendable revenue --**  
5987 **Appropriations for existing deficits.**

5988 (1) The board of trustees of a [local] special district may not make any appropriation in  
5989 the final budget of any fund in excess of the estimated expendable revenue for the budget year  
5990 of the fund.

5991 (2) If there is a deficit fund balance in a fund at the close of the last completed fiscal  
5992 year, the board of trustees of a [local] special district shall include an item of appropriation for  
5993 the deficit in the current budget of the fund equal to:

5994 (a) at least 5% of the total revenue of the fund in the last completed fiscal year; or

5995 (b) if the deficit is equal to less than 5% of the total revenue of the fund in the last  
5996 completed fiscal year, the entire amount of the deficit.

5997 (3) The provisions of this section do not require a [local] special district to add revenue  
5998 to a fund that is used for debt service of a limited obligation, unless the revenue is pledged  
5999 toward the limited obligation.

6000 Section 106. Section **17B-1-614** is amended to read:

6001 **17B-1-614. Adoption of final budget -- Certification and filing.**

6002 (1) The board of trustees of each [local] special district shall by resolution adopt a  
6003 budget for the ensuing fiscal year for each fund for which a budget is required under this part  
6004 prior to the beginning of the fiscal year, except as provided in Sections [59-2-919](#) through  
6005 [59-2-923](#).

6006 (2) The [local] special district's budget officer shall certify a copy of the final budget  
6007 for each fund and file it with the state auditor within 30 days after adoption.

6008 Section 107. Section **17B-1-615** is amended to read:

6009 **17B-1-615. Budgets in effect for budget year.**

6010 (1) Upon final adoption, each budget shall be in effect for the budget year, subject to  
6011 amendment as provided in this part.

6012 (2) A certified copy of the adopted budgets shall be filed in the special district office  
6013 and shall be available to the public during regular business hours.

6014 Section 108. Section **17B-1-617** is amended to read:

6015 **17B-1-617. Fund expenditures -- Budget officer's duties.**

6016 (1) The budget officer of each [~~local~~] special district shall require all expenditures  
6017 within each fund to conform with the fund budget.

6018 (2) No appropriation may be encumbered and no expenditure may be made against any  
6019 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,  
6020 except in cases of emergency as provided in Section **17B-1-623**.

6021 Section 109. Section **17B-1-618** is amended to read:

6022 **17B-1-618. Purchasing procedures.**

6023 All purchases or encumbrances by a [~~local~~] special district shall be made or incurred  
6024 according to the purchasing procedures established for each district by the district's rulemaking  
6025 authority, as that term is defined in Section **63G-6a-103**, and only on an order or approval of  
6026 the person or persons duly authorized.

6027 Section 110. Section **17B-1-619** is amended to read:

6028 **17B-1-619. Expenditures or encumbrances in excess of appropriations prohibited**  
6029 **-- Processing claims.**

6030 (1) A [~~local~~] special district may not make or incur expenditures or encumbrances in  
6031 excess of total appropriations in the budget as adopted or as subsequently amended.

6032 (2) An obligation contracted by any officer in excess of total appropriations in the  
6033 budget is not enforceable against the district.

6034 (3) No check or warrant to cover a claim against an appropriation may be drawn until  
6035 the claim has been processed as provided by this part.

6036 Section 111. Section **17B-1-620** is amended to read:

6037 **17B-1-620. Transfer of appropriation balance between accounts in same fund.**

6038 (1) The board of trustees of each [~~local~~] special district shall establish policies for the  
6039 transfer of any unencumbered or unexpended appropriation balance or portion of the balance

6040 from one account in a fund to another account within the same fund, subject to Subsection (2).

6041 (2) An appropriation for debt retirement and interest, reduction of deficit, or other  
6042 appropriation required by law or covenant may not be reduced below the minimums required.

6043 Section 112. Section **17B-1-621** is amended to read:

6044 **17B-1-621. Review of individual governmental fund budgets -- Hearing.**

6045 (1) The board of trustees of a [~~local~~] special district may, at any time during the budget  
6046 year, review the individual budgets of the governmental funds for the purpose of determining if  
6047 the total of any of them should be increased.

6048 (2) If the board of trustees decides that the budget total of one or more of these funds  
6049 should be increased, it shall follow the procedures established in Sections **17B-1-609** and  
6050 **17B-1-610** for holding a public hearing.

6051 Section 113. Section **17B-1-623** is amended to read:

6052 **17B-1-623. Emergency expenditures.**

6053 The board of trustees of a [~~local~~] special district may, by resolution, amend a budget  
6054 and authorize an expenditure of money that results in a deficit in the district's general fund  
6055 balance if:

6056 (1) the board determines that:

6057 (a) an emergency exists; and

6058 (b) the expenditure is reasonably necessary to meet the emergency; and

6059 (2) the expenditure is used to meet the emergency.

6060 Section 114. Section **17B-1-626** is amended to read:

6061 **17B-1-626. Loans by one fund to another.**

6062 (1) Subject to this section, restrictions imposed by bond covenants, restrictions in  
6063 Section **53-2a-605**, or other controlling regulations, the board of trustees of a [~~local~~] special  
6064 district may authorize an interfund loan from one fund to another.

6065 (2) An interfund loan under Subsection (1) shall be in writing and specify the terms  
6066 and conditions of the loan, including the:

6067 (a) effective date of the loan;

6068 (b) name of the fund loaning the money;

6069 (c) name of the fund receiving the money;

6070 (d) amount of the loan;



- 6071 (e) subject to Subsection (3), term of and repayment schedule for the loan;
- 6072 (f) subject to Subsection (4), interest rate of the loan;
- 6073 (g) method of calculating interest applicable to the loan;
- 6074 (h) procedures for:
- 6075 (i) applying interest to the loan; and
- 6076 (ii) paying interest on the loan; and
- 6077 (i) other terms and conditions the board of trustees determines applicable.
- 6078 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed
- 6079 10 years.
- 6080 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the
- 6081 board of trustees shall apply an interest rate that reflects the rate of potential gain had the funds
- 6082 been deposited or invested in a comparable investment.
- 6083 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under
- 6084 Subsection (2)(f):
- 6085 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less
- 6086 than the rate offered by the Public Treasurers' Investment Fund that was created for public
- 6087 funds transferred to the state treasurer in accordance with Section [51-7-5](#); or
- 6088 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be
- 6089 less than the greater of the rate offered by:
- 6090 (A) the Public Treasurers' Investment Fund that was created for public funds
- 6091 transferred to the state treasurer in accordance with Section [51-7-5](#); or
- 6092 (B) a United States Treasury note of a comparable term.
- 6093 (5) (a) For an interfund loan under Subsection (1), the board of trustees shall:
- 6094 (i) hold a public hearing;
- 6095 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the
- 6096 proposed terms and conditions of the interfund loan under Subsection (2);
- 6097 (iii) provide notice of the public hearing in the same manner as required under Section
- 6098 [17B-1-609](#) as if the hearing were a budget hearing; and
- 6099 (iv) authorize the interfund loan by resolution in a public meeting.
- 6100 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the
- 6101 interfund loan is included in an original budget or in a subsequent budget amendment

6102 previously approved by the board of trustees for the current fiscal year.

6103 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan  
6104 is:

6105 (a) a loan from the [local] special district general fund to any other fund of the [local]  
6106 special district; or

6107 (b) a short-term advance from the [local] special district's cash and investment pool to  
6108 individual funds that are repaid by the end of the fiscal year.

6109 Section 115. Section **17B-1-627** is amended to read:

6110 **17B-1-627. Property tax levy -- Time for setting -- Computation of total levy --**  
6111 **Apportionment of proceeds -- Maximum levy.**

6112 (1) The board of trustees of each [local] special district authorized to levy a property  
6113 tax, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the  
6114 real and personal property tax rate for various district purposes by the date set under Section  
6115 [59-2-912](#), but the rate may be set at an appropriate later date in accordance with Sections  
6116 [59-2-919](#) through [59-2-923](#).

6117 (2) In its computation of the total levy, the board of trustees shall determine the  
6118 requirements of each fund for which property taxes are to be levied and shall specify in its  
6119 resolution adopting the tax rate the amount apportioned to each fund.

6120 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as  
6121 revenue in the general fund.

6122 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to  
6123 the appropriate accounts in the applicable special funds.

6124 (5) The combined levies for each district for all purposes in any year, excluding the  
6125 retirement of general obligation bonds and the payment of any interest on the bonds, and any  
6126 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated  
6127 by the laws governing each district.

6128 Section 116. Section **17B-1-629** is amended to read:

6129 **17B-1-629. Operating and capital budgets.**

6130 (1) (a) As used in this section, "operating and capital budget" means a plan of financial  
6131 operation for a proprietary or other required special fund, embodying estimates of operating  
6132 resources and expenses and other outlays for a fiscal year.

6133 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and  
6134 the procedures and controls relating to them in other sections of this part do not apply or refer  
6135 to the "operating and capital budgets" provided for in this section.

6136 (2) On or before the time the board of trustees adopts budgets for the governmental  
6137 funds under Section 17B-1-605, it shall adopt for the ensuing year an operating and capital  
6138 budget for each proprietary fund and shall adopt the type of budget for other special funds  
6139 which is required by the Uniform Accounting Manual for ~~Local~~ Special Districts.

6140 (3) Operating and capital budgets shall be adopted and administered in the following  
6141 manner:

6142 (a) (i) On or before the first regularly scheduled meeting of the board of trustees, in  
6143 November for calendar year entities and May for fiscal year entities, the budget officer shall  
6144 prepare for the ensuing fiscal year, and file with the board of trustees, a tentative operating and  
6145 capital budget for each proprietary fund and for other required special funds, together with  
6146 specific work programs and any other supporting data required by the board.

6147 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable  
6148 allocations of costs between funds are included in a tentative budget, a written notice of the  
6149 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least  
6150 seven days before the hearing.

6151 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall  
6152 identify:

- 6153 (A) the enterprise utility fund from which money is being transferred;
- 6154 (B) the amount being transferred; and
- 6155 (C) the fund to which the money is being transferred.

6156 (b) (i) The board of trustees shall review and consider the tentative budgets at any  
6157 regular meeting or special meeting called for that purpose.

6158 (ii) The board of trustees may make any changes in the tentative budgets that it  
6159 considers advisable.

6160 (c) Budgets for proprietary or other required special funds shall comply with the public  
6161 hearing requirements established in Sections 17B-1-609 and 17B-1-610.

6162 (d) (i) The board of trustees shall adopt an operating and capital budget for each  
6163 proprietary fund for the ensuing fiscal year before the beginning of each fiscal year, except as

6164 provided in Sections 59-2-919 through 59-2-923.

6165 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified  
6166 by the budget officer and filed by the officer in the district office and shall be available to the  
6167 public during regular business hours.

6168 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after  
6169 adoption.

6170 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget  
6171 year, subject to later amendment.

6172 (ii) During the budget year, the board of trustees may, in any regular meeting or special  
6173 meeting called for that purpose, review any one or more of the operating and capital budgets  
6174 for the purpose of determining if the total of any of them should be increased.

6175 (iii) If the board of trustees decides that the budget total of one or more of these  
6176 proprietary funds should be increased, the board shall follow the procedures established in  
6177 Section 17B-1-630.

6178 (f) Expenditures from operating and capital budgets shall conform to the requirements  
6179 relating to budgets specified in Sections 17B-1-617 through 17B-1-620.

6180 Section 117. Section 17B-1-631 is amended to read:

6181 **17B-1-631. District clerk -- Meetings and records.**

6182 (1) The board of trustees of each [~~local~~] special district shall appoint a district clerk.

6183 (2) If required, the clerk may be chosen from among the members of the board of  
6184 trustees, except the chair.

6185 (3) The district clerk or other appointed person shall attend the meetings and keep a  
6186 record of the proceedings of the board of trustees.

6187 Section 118. Section 17B-1-632 is amended to read:

6188 **17B-1-632. District clerk -- Bookkeeping duties.**

6189 The district clerk or other designated person not performing treasurer duties shall  
6190 maintain the financial records for each fund of the [~~local~~] special district and all related  
6191 subsidiary records, including a list of the outstanding bonds, their purpose, amount, terms, date,  
6192 and place payable.

6193 Section 119. Section 17B-1-633 is amended to read:

6194 **17B-1-633. District treasurer -- Duties generally.**

6195 (1) (a) The board of trustees of each ~~local~~ special district shall appoint a district  
6196 treasurer.

6197 (b) (i) If required, the treasurer may be chosen from among the members of the board  
6198 of trustees, except that the board chair may not be district treasurer.

6199 (ii) The district clerk may not also be the district treasurer.

6200 (2) The district treasurer is custodian of all money, bonds, or other securities of the  
6201 district.

6202 (3) The district treasurer shall:

6203 (a) determine the cash requirements of the district and provide for the deposit and  
6204 investment of all money by following the procedures and requirements of Title 51, Chapter 7,  
6205 State Money Management Act;

6206 (b) receive all public funds and money payable to the district within three business days  
6207 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

6208 (c) keep an accurate detailed account of all money received under Subsection (3)(b) in  
6209 the manner provided in this part and as directed by the district's board of trustees by resolution;  
6210 and

6211 (d) collect all special taxes and assessments as provided by law and ordinance.

6212 Section 120. Section **17B-1-635** is amended to read:

6213 **17B-1-635. Duties with respect to issuance of checks.**

6214 (1) The district clerk or other designated person not performing treasurer duties shall  
6215 prepare the necessary checks after having determined that:

6216 (a) the claim was authorized by:

6217 (i) the board of trustees; or

6218 (ii) the ~~local~~ special district financial officer, if the financial officer is not the clerk, in  
6219 accordance with Section [17B-1-642](#);

6220 (b) the claim does not overexpend the appropriate departmental budget established by  
6221 the board of trustees; and

6222 (c) the expenditure was approved in advance by the board of trustees or its designee.

6223 (2) (a) (i) The treasurer or any other person appointed by the board of trustees shall  
6224 sign all checks.

6225 (ii) The person maintaining the financial records may not sign any single signature

6226 check.

6227 (b) In a [~~local~~] special district with an expenditure budget of less than \$50,000 per  
6228 year, a member of the board of trustees shall also sign all checks.

6229 (c) Before affixing a signature, the treasurer or other designated person shall determine  
6230 that a sufficient amount is on deposit in the appropriate bank account of the district to honor  
6231 the check.

6232 Section 121. Section **17B-1-639** is amended to read:

6233 **17B-1-639. Annual financial reports -- Audit reports.**

6234 (1) Within 180 days after the close of each fiscal year, the district shall prepare an  
6235 annual financial report in conformity with generally accepted accounting principles as  
6236 prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

6237 (2) The requirement under Subsection (1) to prepare an annual financial report may be  
6238 satisfied by presentation of the audit report furnished by the auditor.

6239 (3) Copies of the annual financial report or the audit report furnished by the auditor  
6240 shall be filed with the state auditor and shall be filed as a public document in the district office.

6241 Section 122. Section **17B-1-640** is amended to read:

6242 **17B-1-640. Audits required.**

6243 (1) An audit of each [~~local~~] special district is required to be performed in conformity  
6244 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal  
6245 Organizations, and Other Local Entities Act.

6246 (2) The board of trustees shall appoint an auditor for the purpose of complying with the  
6247 requirements of this section and with Title 51, Chapter 2a, Accounting Reports from Political  
6248 Subdivisions, Interlocal Organizations, and Other Local Entities Act.

6249 Section 123. Section **17B-1-641** is amended to read:

6250 **17B-1-641. Special district may expand uniform procedures -- Limitation.**

6251 (1) Subject to Subsection (2), a [~~local~~] special district may expand the uniform  
6252 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual  
6253 for [~~Local~~] Special Districts prepared by the state auditor under Subsection [67-3-1\(16\)](#), to  
6254 better serve the needs of the district.

6255 (2) A [~~local~~] special district may not deviate from or alter the basic prescribed  
6256 classification systems for the identity of funds and accounts set forth in the Uniform

6257 Accounting Manual for [~~Local~~] Special Districts.

6258 Section 124. Section **17B-1-642** is amended to read:

6259 **17B-1-642. Approval of district expenditures.**

6260 (1) The board of trustees of each [~~local~~] special district shall approve all expenditures  
6261 of the district except as otherwise provided in this section.

6262 (2) The board of trustees may authorize the district manager or other official approved  
6263 by the board to act as the financial officer for the purpose of approving:

6264 (a) payroll checks, if the checks are prepared in accordance with a schedule approved  
6265 by the board; and

6266 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and  
6267 materials.

6268 (3) Notwithstanding Subsection (2), the board of trustees shall, at least quarterly,  
6269 review all expenditures authorized by the financial officer.

6270 (4) The board of trustees shall set a maximum sum over which all purchases may not  
6271 be made without the board's approval.

6272 Section 125. Section **17B-1-643** is amended to read:

6273 **17B-1-643. Imposing or increasing a fee for service provided by special district.**

6274 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
6275 by a [~~local~~] special district, each [~~local~~] special district board of trustees shall first hold a public  
6276 hearing at which:

6277 (i) the [~~local~~] special district shall demonstrate its need to impose or increase the fee;  
6278 and

6279 (ii) any interested person may speak for or against the proposal to impose a fee or to  
6280 increase an existing fee.

6281 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
6282 no earlier than 6 p.m.

6283 (c) A public hearing required under this Subsection (1) may be combined with a public  
6284 hearing on a tentative budget required under Section **17B-1-610**.

6285 (d) Except to the extent that this section imposes more stringent notice requirements,  
6286 the [~~local~~] special district board shall comply with Title 52, Chapter 4, Open and Public  
6287 Meetings Act, in holding the public hearing under Subsection (1)(a).



6288 (2) (a) Each [local] special district board shall give notice of a hearing under  
6289 Subsection (1) as provided in Subsections (2)(b) and (c) or Subsection (2)(d).  
6290 (b) The [local] special district board shall:  
6291 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website,  
6292 created in Section 63A-16-601; and  
6293 (ii) post at least one of the notices required under Subsection (2)(a) per 1,000  
6294 population within the [local] special district, at places within the [local] special district that are  
6295 most likely to provide actual notice to residents within the [local] special district, subject to a  
6296 maximum of 10 notices.  
6297 (c) The notice described in Subsection (2)(b) shall state that the [local] special district  
6298 board intends to impose or increase a fee for a service provided by the [local] special district  
6299 and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall  
6300 be not less than seven days after the day the first notice is published, for the purpose of hearing  
6301 comments regarding the proposed imposition or increase of a fee and to explain the reasons for  
6302 the proposed imposition or increase.  
6303 (d) (i) In lieu of providing notice under Subsection (2)(b), the [local] special district  
6304 board of trustees may give the notice required under Subsection (2)(a) by mailing the notice to  
6305 those within the district who:  
6306 (A) will be charged the fee for a district service, if the fee is being imposed for the first  
6307 time; or  
6308 (B) are being charged a fee, if the fee is proposed to be increased.  
6309 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).  
6310 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing  
6311 fee.  
6312 (e) If the hearing required under this section is combined with the public hearing  
6313 required under Section 17B-1-610, the notice required under this Subsection (2):  
6314 (i) may be combined with the notice required under Section 17B-1-609; and  
6315 (ii) shall be posted or mailed in accordance with the notice provisions of this section.  
6316 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie  
6317 evidence that notice was properly given.  
6318 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)



6319 within 30 days after the date of the hearing, the notice is considered adequate and proper.

6320 (3) After holding a public hearing under Subsection (1), a [local] special district board  
6321 may:

6322 (a) impose the new fee or increase the existing fee as proposed;

6323 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
6324 then impose the new fee or increase the existing fee as adjusted; or

6325 (c) decline to impose the new fee or increase the existing fee.

6326 (4) This section applies to each new fee imposed and each increase of an existing fee  
6327 that occurs on or after July 1, 1998.

6328 (5) (a) This section does not apply to an impact fee.

6329 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,  
6330 Impact Fees Act.

6331 Section 126. Section **17B-1-644** is amended to read:

6332 **17B-1-644. Definitions -- Electronic payments -- Fee.**

6333 (1) As used in this section:

6334 (a) "Electronic payment" means the payment of money to a [local] special district by  
6335 electronic means, including by means of a credit card, charge card, debit card, prepaid or stored  
6336 value card or similar device, or automatic clearinghouse transaction.

6337 (b) "Electronic payment fee" means an amount of money to defray the discount fee,  
6338 processing fee, or other fee charged by a credit card company or processing agent to process an  
6339 electronic payment.

6340 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party  
6341 that charges a fee to process an electronic payment.

6342 (2) A [local] special district may accept an electronic payment for the payment of funds  
6343 which the [local] special district could have received through another payment method.

6344 (3) A [local] special district that accepts an electronic payment may charge an  
6345 electronic payment fee.

6346 Section 127. Section **17B-1-645** is amended to read:

6347 **17B-1-645. Residential fee credit.**

6348 (1) A [local] special district may create a fee structure under this title that permits:

6349 (a) a home owner or residential tenant to file for a fee credit for a fee charged by the

6350 [~~local~~] special district, if the credit is based on:

6351 (i) the home owner's annual income; or

6352 (ii) the residential tenant's annual income; or

6353 (b) an owner of federally subsidized housing to file for a credit for a fee charged by the

6354 [~~local~~] special district.

6355 (2) If a [~~local~~] special district permits a person to file for a fee credit under Subsection

6356 (1)(a), the [~~local~~] special district shall make the credit available to:

6357 (a) a home owner; and

6358 (b) a residential tenant.

6359 Section 128. Section **17B-1-701** is amended to read:

6360 **Part 7. Special District Budgets and Audit Reports**

6361 **17B-1-701. Definitions.**

6362 As used in this part:

6363 (1) "Audit reports" means the reports of any independent audit of the district performed

6364 by:

6365 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports

6366 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

6367 (b) the state auditor; or

6368 (c) the legislative auditor.

6369 (2) "Board" means the [~~local~~] special district board of trustees.

6370 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

6371 (a) estimates of proposed expenditures for given purposes and the proposed means of

6372 financing them;

6373 (b) the source and amount of estimated revenue for the district for the fiscal year;

6374 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund

6375 balance for each fund at the end of the fiscal year; and

6376 (d) capital projects or budgets for proposed construction or improvement to capital

6377 facilities within the district.

6378 (4) "Constituent entity" means any county, city, or town that levies property taxes

6379 within the boundaries of the district.

6380 (5) (a) "Customer agencies" means those governmental entities, except school districts,

6381 institutions of higher education, and federal government agencies that purchase or obtain  
6382 services from the [local] special district.

6383 (b) "Customer agencies" for purposes of state agencies means the state auditor.

6384 Section 129. Section **17B-1-702** is amended to read:

6385 **17B-1-702. Special districts to submit budgets.**

6386 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by  
6387 the board, and at least 30 days before the board adopts a final budget, the board of each [local]  
6388 special district with an annual budget of \$50,000 or more shall send a copy of its tentative  
6389 budget and notice of the time and place for its budget hearing to:

6390 (i) each of its constituent entities that has in writing requested a copy; and

6391 (ii) to each of its customer agencies that has in writing requested a copy.

6392 (b) Within 30 days after it is approved by the board, and at least 30 days before the  
6393 board adopts a final budget, the board of trustees of a large public transit district as defined in  
6394 Section **17B-2a-802** shall send a copy of its tentative budget and notice of the time and place  
6395 for its budget hearing to:

6396 (i) each of its constituent entities;

6397 (ii) each of its customer agencies that has in writing requested a copy;

6398 (iii) the governor; and

6399 (iv) the Legislature.

6400 (c) The [local] special district shall include with the tentative budget a signature sheet  
6401 that includes:

6402 (i) language that the constituent entity or customer agency received the tentative budget  
6403 and has no objection to it; and

6404 (ii) a place for the chairperson or other designee of the constituent entity or customer  
6405 agency to sign.

6406 (2) Each constituent entity and each customer agency that receives the tentative budget  
6407 shall review the tentative budget submitted by the district and either:

6408 (a) sign the signature sheet and return it to the district; or

6409 (b) attend the budget hearing or other meeting scheduled by the district to discuss the  
6410 objections to the proposed budget.

6411 (3) (a) If any constituent entity or customer agency that received the tentative budget

6412 has not returned the signature sheet to the [local] special district within 15 calendar days after  
6413 the tentative budget was mailed, the [local] special district shall send a written notice of the  
6414 budget hearing to each constituent entity or customer agency that did not return a signature  
6415 sheet and invite them to attend that hearing.

6416 (b) If requested to do so by any constituent entity or customer agency, the [local]  
6417 special district shall schedule a meeting to discuss the budget with the constituent entities and  
6418 customer agencies.

6419 (c) At the budget hearing, the [local] special district board shall:

6420 (i) explain its budget and answer any questions about it;

6421 (ii) specifically address any questions or objections raised by the constituent entity,  
6422 customer agency, or those attending the meeting; and

6423 (iii) seek to resolve the objections.

6424 (4) Nothing in this part prevents a [local] special district board from approving or  
6425 implementing a budget over any or all constituent entity's or customer agency's protests,  
6426 objections, or failure to respond.

6427 Section 130. Section **17B-1-703** is amended to read:

6428 **17B-1-703. Special districts to submit audit reports.**

6429 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to  
6430 the board, the board of each [local] special district with an annual budget of \$50,000 or more  
6431 shall send a copy of any audit report to:

6432 (i) each of its constituent entities that has in writing requested a copy; and

6433 (ii) each of its customer agencies that has in writing requested a copy.

6434 (b) Within 30 days after it is presented to the board, the board of a large public transit  
6435 district as defined in Section **17B-2a-802** shall send a copy of its annual audit report to:

6436 (i) each of its constituent entities; and

6437 (ii) each of its customer agencies that has in writing requested a copy.

6438 (2) Each constituent entity and each customer agency that received the audit report  
6439 shall review the audit report submitted by the district and, if necessary, request a meeting with  
6440 the district board to discuss the audit report.

6441 (3) At the meeting, the [local] special district board shall:

6442 (a) answer any questions about the audit report; and

6443 (b) discuss their plans to implement suggestions made by the auditor.

6444 Section 131. Section **17B-1-801** is amended to read:

6445 **Part 8. Special District Personnel Management**

6446 **17B-1-801. Establishment of special district merit system.**

6447 (1) A merit system of personnel administration for the [local] special districts of the  
6448 state, their departments, offices, and agencies, except as otherwise specifically provided, is  
6449 established.

6450 (2) This part does not apply to a [local] special district with annual revenues less than  
6451 \$50,000.

6452 Section 132. Section **17B-1-802** is amended to read:

6453 **17B-1-802. Review of personnel policies.**

6454 Each [local] special district that has full or part-time employees shall annually review  
6455 its personnel policies to ensure that they conform to the requirements of state and federal law.

6456 Section 133. Section **17B-1-803** is amended to read:

6457 **17B-1-803. Merit principles.**

6458 A [local] special district may establish a personnel system administered in a manner  
6459 that will provide for the effective implementation of merit principles that provide for:

6460 (1) recruiting, selecting, and advancing employees on the basis of their relative ability,  
6461 knowledge, and skills, including open consideration of qualified applicants for initial  
6462 appointment;

6463 (2) providing equitable and adequate compensation;

6464 (3) training employees as needed to assure high-quality performance;

6465 (4) retaining employees on the basis of the adequacy of their performance, and  
6466 separation of employees whose inadequate performance cannot be corrected;

6467 (5) fair treatment of applicants and employees in all aspects of personnel  
6468 administration without regard to race, color, religion, sex, national origin, political affiliation,  
6469 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

6470 (6) providing information to employees regarding their political rights and prohibited  
6471 practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through 1508 et seq.; and

6472 (7) providing a formal procedure for processing the appeals and grievances of  
6473 employees without discrimination, coercion, restraint, or reprisal.

6474 Section 134. Section **17B-1-804** is amended to read:

6475 **17B-1-804. Compliance with Labor Code requirements.**

6476 Each [local] special district shall comply with the requirements of Section [34-32-1.1](#).

6477 Section 135. Section **17B-1-805** is amended to read:

6478 **17B-1-805. Human resource management requirement.**

6479 (1) As used in this section:

6480 (a) "Governing body" means the same as that term is defined in Section [17B-1-201](#).

6481 (b) "Human resource management duties" means the exercise of human resource  
6482 management functions and responsibilities, including:

6483 (i) complying with federal and state employment law;

6484 (ii) administering compensation and benefits; and

6485 (iii) ensuring employee safety.

6486 (c) "Human resource management training" means a program designed to instruct an  
6487 individual on the performance of human resource management duties.

6488 (2) If a [local] special district has full or part-time employees, the governing body  
6489 shall:

6490 (a) adopt human resource management policies;

6491 (b) assign human resource management duties to one of the district's employees or  
6492 another person; and

6493 (c) ensure that the employee or person assigned under Subsection (2)(b) receives  
6494 human resource management training.

6495 Section 136. Section **17B-1-901** is amended to read:

6496 **17B-1-901. Providing and billing for multiple commodities, services, or facilities**  
6497 **-- Suspending service to a delinquent customer.**

6498 (1) If a [local] special district provides more than one commodity, service, or facility,  
6499 the district may bill for the fees and charges for all commodities, services, and facilities in a  
6500 single bill.

6501 (2) Regardless of the number of commodities, services, or facilities furnished by a  
6502 [local] special district, the [local] special district may suspend furnishing any commodity,  
6503 service, or facility to a customer if the customer fails to pay all fees and charges when due.

6504 (3) (a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a

6505 [~~local~~] special district may not suspend furnishing any commodity, service, or facility to a  
6506 customer if discontinuance of the service is requested by a private third party, including an  
6507 individual, a private business, or a nonprofit organization, that is not the customer.

6508 (b) (i) An owner of land or the owner's agent may request that service be temporarily  
6509 discontinued for maintenance-related activities.

6510 (ii) An owner of land or the owner's agent may not request temporary discontinuance of  
6511 service under Subsection (3)(b)(i) if the request is for the purpose of debt collection, eviction,  
6512 or any other unlawful purpose.

6513 Section 137. Section **17B-1-902** is amended to read:

6514 **17B-1-902. Lien for past due service fees -- Notice -- Partial payment allocation.**

6515 (1) (a) A [~~local~~] special district may hold a lien on a customer's property for past due  
6516 fees for commodities, services, or facilities that the district has provided to the customer's  
6517 property by certifying, subject to Subsection (3), to the treasurer of the county in which the  
6518 customer's property is located the amount of past due fees, including, subject to Section  
6519 [17B-1-902.1](#), applicable interest and administrative costs.

6520 (b) (i) Upon certification under Subsection (1)(a), the past due fees, and if applicable,  
6521 interest and administrative costs, become a political subdivision lien that is a nonrecurring tax  
6522 notice charge, as those terms are defined in Section [11-60-102](#), on the customer's property to  
6523 which the commodities, services, or facilities were provided in accordance with Title 11,  
6524 Chapter 60, Political Subdivision Lien Authority.

6525 (ii) A lien described in this Subsection (1) has the same priority as, but is separate and  
6526 distinct from, a property tax lien.

6527 (2) (a) If a [~~local~~] special district certifies past due fees under Subsection (1)(a), the  
6528 treasurer of the county shall provide a notice, in accordance with this Subsection (2), to the  
6529 owner of the property for which the [~~local~~] special district has incurred the past due fees.

6530 (b) In providing the notice required in Subsection (2)(a), the treasurer of the county  
6531 shall:

6532 (i) include the amount of past due fees that a [~~local~~] special district has certified on or  
6533 before July 15 of the current year;

6534 (ii) provide contact information, including a phone number, for the property owner to  
6535 contact the [~~local~~] special district to obtain more information regarding the amount described in

6536 Subsection (2)(b)(i); and

6537 (iii) notify the property owner that:

6538 (A) if the amount described in Subsection (2)(b)(i) is not paid in full by September 15  
6539 of the current year, any unpaid amount will be included on the property tax notice required by  
6540 Section 59-2-1317; and

6541 (B) the failure to pay the amount described in Subsection (2)(b)(i) has resulted in a lien  
6542 on the property in accordance with Subsection (1)(b).

6543 (c) The treasurer of the county shall provide the notice required by this Subsection (2)  
6544 to a property owner on or before August 1.

6545 (3) (a) If a [local] special district certifies an unpaid amount in accordance with  
6546 Subsection (1)(a), the county treasurer shall include the unpaid amount on a property tax notice  
6547 issued in accordance with Section 59-2-1317.

6548 (b) If an unpaid fee, administrative cost, or interest is included on a property tax notice  
6549 in accordance with Subsection (3)(a), the county treasurer shall on the property tax notice:

6550 (i) clearly state that the unpaid fee, administrative cost, or interest is for a service  
6551 provided by the [local] special district; and

6552 (ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax,  
6553 fee, interest, or penalty that is included on the property tax notice in accordance with Section  
6554 59-2-1317.

6555 (4) A lien under Subsection (1) is not valid if the [local] special district makes  
6556 certification under Subsection (1)(a) after the filing for record of a document conveying title of  
6557 the customer's property to a new owner.

6558 (5) Nothing in this section may be construed to:

6559 (a) waive or release the customer's obligation to pay fees that the district has imposed;

6560 (b) preclude the certification of a lien under Subsection (1) with respect to past due  
6561 fees for commodities, services, or facilities provided after the date that title to the property is  
6562 transferred to a new owner; or

6563 (c) nullify or terminate a valid lien.

6564 (6) After all amounts owing under a lien established as provided in this section have  
6565 been paid, the [local] special district shall file for record in the county recorder's office a  
6566 release of the lien.



6567 Section 138. Section **17B-1-902.1** is amended to read:

6568 **17B-1-902.1. Interest -- Collection of administrative costs.**

6569 (1) (a) A [~~local~~] special district may charge interest on a past due fee or past due  
6570 charge.

6571 (b) If a [~~local~~] special district charges interest as described in Subsection (1)(b), the  
6572 [~~local~~] special district shall calculate the interest rate for a calendar year:

6573 (i) based on the federal short-term rate determined by the secretary of the treasury  
6574 under Section 6621, Internal Revenue Code, in effect for the preceding fourth calendar quarter;  
6575 and

6576 (ii) as simple interest at the rate of eighteen percentage points above the federal  
6577 short-term rate.

6578 (c) If a [~~local~~] special district charges interest on a past due fee collected by the [~~local~~]  
6579 special district, regardless of whether the fee is certified, the [~~local~~] special district may charge  
6580 the interest monthly but may not compound the interest more frequently than annually.

6581 (2) (a) A [~~local~~] special district may charge and collect only one of the following:

6582 (i) a one-time penalty charge not to exceed 8% for a past-due fee; or

6583 (ii) an administrative cost for some or all of the following:

6584 (A) the collection cost of a past due fee or charge;

6585 (B) reasonable attorney fees actually incurred for collection and foreclosure costs, if  
6586 applicable; and

6587 (C) any other cost.

6588 (b) A [~~local~~] special district may not charge interest on an administrative cost.

6589 Section 139. Section **17B-1-903** is amended to read:

6590 **17B-1-903. Authority to require written application for water or sewer service**  
6591 **and to terminate for failure to pay -- Limitations.**

6592 (1) A [~~local~~] special district that owns or controls a system for furnishing water or  
6593 providing sewer service or both may:

6594 (a) before furnishing water or providing sewer service to a property, require the  
6595 property owner or an authorized agent to submit a written application, signed by the owner or  
6596 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the  
6597 property, whether occupied by the owner or by a tenant or other occupant, according to the

6598 rules and regulations adopted by the [local] special district; and

6599 (b) if a customer fails to pay for water furnished or sewer service provided to the  
6600 customer's property, discontinue furnishing water or providing sewer service to the property  
6601 until all amounts for water furnished or sewer service provided are paid, subject to Subsection  
6602 (2).

6603 (2) Unless a valid lien has been established as provided in Section 17B-1-902, has not  
6604 been satisfied, and has not been terminated by a sale as provided in Section 17B-1-902, a  
6605 [local] special district may not:

6606 (a) use a customer's failure to pay for water furnished or sewer service provided to the  
6607 customer's property as a basis for not furnishing water or providing sewer service to the  
6608 property after ownership of the property is transferred to a subsequent owner; or

6609 (b) require an owner to pay for water that was furnished or sewer service that was  
6610 provided to the property before the owner's ownership.

6611 Section 140. Section 17B-1-904 is amended to read:

6612 **17B-1-904. Collection of service fees.**

6613 (1) As used in this section:

6614 (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a [local]  
6615 special district for expenses associated with its efforts to collect past due service fees from a  
6616 customer.

6617 (b) "Customer" means the owner of real property to which a [local] special district has  
6618 provided a service for which the [local] special district charges a service fee.

6619 (c) "Damages" means an amount equal to the greater of:

6620 (i) \$100; and

6621 (ii) triple the past due service fees.

6622 (d) "Default date" means the date on which payment for service fees becomes past due.

6623 (e) "Past due service fees" means service fees that on or after the default date have not  
6624 been paid.

6625 (f) "Prelitigation damages" means an amount that is equal to the greater of:

6626 (i) \$50; and

6627 (ii) triple the past due service fees.

6628 (g) "Service fee" means an amount charged by a [local] special district to a customer

6629 for a service, including furnishing water, providing sewer service, and providing garbage  
6630 collection service, that the district provides to the customer's property.

6631 (2) A customer is liable to a [~~local~~] special district for past due service fees and  
6632 collection costs if:

6633 (a) the customer has not paid service fees before the default date;

6634 (b) the [~~local~~] special district mails the customer notice as provided in Subsection (4);

6635 and

6636 (c) the past due service fees remain unpaid 15 days after the [~~local~~] special district has  
6637 mailed notice.

6638 (3) If a customer has not paid the [~~local~~] special district the past due service fees and  
6639 collection costs within 30 days after the [~~local~~] special district mails notice, the [~~local~~] special  
6640 district may make an offer to the customer that the [~~local~~] special district will forego filing a  
6641 civil action under Subsection (5) if the customer pays the [~~local~~] special district an amount that:

6642 (a) consists of the past due service fees, collection costs, prelitigation damages, and, if  
6643 the [~~local~~] special district retains an attorney to recover the past due service fees, a reasonable  
6644 attorney fee not to exceed \$50; and

6645 (b) if the customer's property is residential, may not exceed \$100.

6646 (4) (a) Each notice under Subsection (2)(b) shall:

6647 (i) be in writing;

6648 (ii) be mailed to the customer by the United States mail, postage prepaid;

6649 (iii) notify the customer that:

6650 (A) if the past due service fees are not paid within 15 days after the day on which the  
6651 [~~local~~] special district mailed notice, the customer is liable for the past due service fees and  
6652 collection costs; and

6653 (B) the [~~local~~] special district may file civil action if the customer does not pay to the  
6654 [~~local~~] special district the past due service fees and collection costs within 30 calendar days  
6655 from the day on which the [~~local~~] special district mailed notice; and

6656 (iv) be in substantially the following form:

6657 Date: \_\_\_\_\_

6658 To: \_\_\_\_\_

6659 Service address: \_\_\_\_\_

6660 Account or invoice number(s): \_\_\_\_\_

6661 Date(s) of service: \_\_\_\_\_

6662 Amount past due: \_\_\_\_\_

6663 You are hereby notified that water or sewer service fees (or both) owed by you are in  
6664 default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the  
6665 past due amount within 15 days from the day on which this notice was mailed to you, you are  
6666 liable for the past due amount together with collection costs of \$20.

6667 You are further notified that if you do not pay the past due amount and the \$20  
6668 collection costs within 30 calendar days from the day on which this notice was mailed to you,  
6669 an appropriate civil legal action may be filed against you for the past due amount, interest,  
6670 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the  
6671 past due amounts, but the combined total of all these amounts may not exceed \$200 if your  
6672 property is residential.

6673 (Signed) \_\_\_\_\_

6674 Name of [local] special district \_\_\_\_\_

6675 Address of [local] special district \_\_\_\_\_

6676 Telephone number of [local] special district \_\_\_\_\_

6677 (b) Written notice under this section is conclusively presumed to have been given if the  
6678 notice is:

6679 (i) properly deposited in the United States mail, postage prepaid, by certified or  
6680 registered mail, return receipt requested; and

6681 (ii) addressed to the customer at the customer's:

6682 (A) address as it appears in the records of the [local] special district; or

6683 (B) last-known address.

6684 (5) (a) A [local] special district may file a civil action against the customer if the  
6685 customer fails to pay the past due service fees and collection costs within 30 calendar days  
6686 from the date on which the [local] special district mailed notice under Subsection (2)(b).

6687 (b) (i) In a civil action under this Subsection (5), a customer is liable to the [local]  
6688 special district for an amount that:

6689 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable  
6690 attorney fee, and damages; and

6691 (B) if the customer's property is residential, may not exceed \$200.

6692 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,  
6693 waive interest, court costs, the attorney fee, and damages, or any combination of them.

6694 (c) If a [local] special district files a civil action under this Subsection (5) before 31  
6695 calendar days after the day on which the [local] special district mailed notice under Subsection  
6696 (2)(b), a customer may not be held liable for an amount in excess of past due service fees.

6697 (d) A [local] special district may not file a civil action under this Subsection (5) unless  
6698 the customer has failed to pay the past due service fees and collection costs within 30 days  
6699 from the day on which the [local] special district mailed notice under Subsection (2)(b).

6700 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall  
6701 be paid to and be the property of the [local] special district that furnished water or provided  
6702 sewer service and may not be retained by a person who is not that [local] special district.

6703 (b) A [local] special district may not contract for a person to retain any amounts  
6704 charged or collected as prelitigation damages or as damages.

6705 (7) This section may not be construed to limit a [local] special district from obtaining  
6706 relief to which it may be entitled under other applicable statute or cause of action.

6707 Section 141. Section **17B-1-905** is amended to read:

6708 **17B-1-905. Right of entry on premises of water user.**

6709 A person authorized by a [local] special district that provides a service from a water  
6710 system or sewer system may enter upon a premise furnished with or provided that water service  
6711 or sewer service to:

6712 (1) examine an apparatus related to or used by the water system or sewer system;

6713 (2) examine the amount of water used or wastewater discharged by the water system or  
6714 sewer system and the manner of use or discharge; or

6715 (3) make a necessary shutoff for vacancy, delinquency, or a violation of a [local]  
6716 special district rule or regulation relating to the water service or sewer service.

6717 Section 142. Section **17B-1-906** is amended to read:

6718 **17B-1-906. Extraterritorial supply of surplus.**

6719 If a [local] special district runs a surplus product or surplus capacity of a service that the  
6720 [local] special district is authorized to provide under Section **17B-1-202**, the [local] special  
6721 district may sell or deliver the product or service to others beyond the [local] special district

6722 boundaries.

6723 Section 143. Section **17B-1-1001** is amended to read:

6724 **Part 10. Special District Property Tax Levy**

6725 **17B-1-1001. Provisions applicable to property tax levy.**

6726 (1) Each [~~local~~] special district that levies and collects property taxes shall levy and  
6727 collect them according to the provisions of Title 59, Chapter 2, Property Tax Act.

6728 (2) As used in this section:

6729 (a) "Appointed board of trustees" means a board of trustees of a [~~local~~] special district  
6730 that includes a member who is appointed to the board of trustees in accordance with Section  
6731 **17B-1-304**, Subsection **17B-1-303(5)**, Subsection **17B-1-306(5)(h)**, or any of the applicable  
6732 provisions in [~~Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local~~  
6733 ~~Districts~~] Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

6734 (b) "Elected board of trustees" means a board of trustees of a [~~local~~] special district that  
6735 consists entirely of members who are elected to the board of trustees in accordance with  
6736 Subsection (4), Section **17B-1-306**, or any of the applicable provisions in [~~Title 17B, Chapter~~  
6737 ~~2a, Provisions Applicable to Different Types of Local Districts~~] Title 17B, Chapter 2a,  
6738 Provisions Applicable to Different Types of Special Districts.

6739 (3) (a) For a taxable year beginning on or after January 1, 2018, a [~~local~~] special district  
6740 may not levy or collect property tax revenue that exceeds the certified tax rate unless:

6741 (i) to the extent that the revenue from the property tax was pledged before January 1,  
6742 2018, the [~~local~~] special district pledges the property tax revenue to pay for bonds or other  
6743 obligations of the [~~local~~] special district; or

6744 (ii) the proposed tax or increase in the property tax rate has been approved by:

6745 (A) an elected board of trustees;

6746 (B) subject to Subsection (3)(b), an appointed board of trustees;

6747 (C) a majority of the registered voters within the [~~local~~] special district who vote in an  
6748 election held for that purpose on a date specified in Section **20A-1-204**;

6749 (D) the legislative body of the appointing authority; or

6750 (E) the legislative body of:

6751 (I) a majority of the municipalities partially or completely included within the  
6752 boundary of the specified [~~local~~] special district; or

6753 (II) the county in which the specified [local] special district is located, if the county has  
 6754 some or all of its unincorporated area included within the boundary of the specified [local]  
 6755 special district.

6756 (b) For a [local] special district with an appointed board of trustees, each appointed  
 6757 member of the board of trustees shall comply with the trustee reporting requirements described  
 6758 in Section 17B-1-1003 before the [local] special district may impose a property tax levy that  
 6759 exceeds the certified tax rate.

6760 (4) (a) Notwithstanding provisions to the contrary in [~~Title 17B, Chapter 2a, Provisions~~  
 6761 ~~Applicable to Different Types of Local Districts~~] Title 17B, Chapter 2a, Provisions Applicable  
 6762 to Different Types of Special Districts, and subject to Subsection (4)(b), members of the board  
 6763 of trustees of a [local] special district shall be elected, if:

6764 (i) two-thirds of all members of the board of trustees of the [local] special district vote  
 6765 in favor of changing to an elected board of trustees; and

6766 (ii) the legislative body of each municipality or county that appoints a member to the  
 6767 board of trustees adopts a resolution approving the change to an elected board of trustees.

6768 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten  
 6769 the term of any member of the board of trustees serving at the time of the change.

6770 (5) Subsections (2), (3), and (4) do not apply to:

6771 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

6772 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

6773 (c) a [local] special district in which:

6774 (i) the board of trustees consists solely of:

6775 (A) land owners or the land owners' agents; or

6776 (B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or  
 6777 officers; and

6778 (ii) there are no residents within the [local] special district at the time a property tax is  
 6779 levied.

6780 Section 144. Section 17B-1-1002 is amended to read:

6781 **17B-1-1002. Limit on special district property tax levy -- Exclusions.**

6782 (1) The rate at which a [local] special district levies a property tax for district operation  
 6783 and maintenance expenses on the taxable value of taxable property within the district may not

6784 exceed:

6785 (a) .0008, for a basic [~~local~~] special district;

6786 (b) .0004, for a cemetery maintenance district;

6787 (c) .0004, for a drainage district;

6788 (d) .0008, for a fire protection district;

6789 (e) .0008, for an improvement district;

6790 (f) .0005, for a metropolitan water district;

6791 (g) .0004, for a mosquito abatement district;

6792 (h) .0004, for a public transit district;

6793 (i) (i) .0023, for a service area that:

6794 (A) is located in a county of the first or second class; and

6795 (B) (I) provides fire protection, paramedic, and emergency services; or

6796 (II) subject to Subsection (3), provides law enforcement services; or

6797 (ii) .0014, for each other service area;

6798 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district; or

6799 (k) .0008 for a municipal services district.

6800 (2) Property taxes levied by a [~~local~~] special district are excluded from the limit  
6801 applicable to that district under Subsection (1) if the taxes are:

6802 (a) levied under Section 17B-1-1103 by a [~~local~~] special district, other than a water  
6803 conservancy district, to pay principal of and interest on general obligation bonds issued by the  
6804 district;

6805 (b) levied to pay debt and interest owed to the United States; or

6806 (c) levied to pay assessments or other amounts due to a water users association or other  
6807 public cooperative or private entity from which the district procures water.

6808 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax  
6809 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a  
6810 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses  
6811 on or after November 30 in the year in which the tax is first collected and each subsequent year  
6812 that the tax is collected:

6813 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement  
6814 services; or



6815 (b) any other generally assessed fee for law enforcement services.

6816 Section 145. Section **17B-1-1003** is amended to read:

6817 **17B-1-1003. Trustee reporting requirement.**

6818 (1) As used in this section:

6819 (a) "Appointed board of trustees" means a board of trustees of a ~~[local]~~ special district

6820 that includes a member who is appointed to the board of trustees in accordance with Section

6821 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable

6822 provisions in ~~[Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local~~

6823 ~~Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different Types of Special Districts.

6824 (b) "Legislative entity" means:

6825 (i) the member's appointing authority, if the appointing authority is a legislative body;

6826 or

6827 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

6828 (c) (i) "Member" means an individual who is appointed to a board of trustees for a

6829 ~~[local]~~ special district in accordance with Section 17B-1-304, Subsection 17B-1-303(5),

6830 Subsection 17B-1-306(5)(h), or any of the applicable provisions in ~~[Title 17B, Chapter 2a,~~

6831 ~~Provisions Applicable to Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions

6832 Applicable to Different Types of Special Districts.

6833 (ii) "Member" includes a member of the board of trustees who holds an elected

6834 position with a municipality, county, or another ~~[local]~~ special district that is partially or

6835 completely included within the boundaries of the ~~[local]~~ special district.

6836 (d) "Nominating entity" means the legislative body that submits nominees for

6837 appointment to the board of trustees to an appointing authority.

6838 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate

6839 for the taxable year.

6840 (2) (a) If a ~~[local]~~ special district board of trustees adopts a tentative budget that

6841 includes a property tax increase, each member shall report to the member's legislative entity on

6842 the property tax increase.

6843 (b) (i) The ~~[local]~~ special district shall request that each of the legislative entities that

6844 appoint or nominate a member to the ~~[local]~~ special district's board of trustees hear the report

6845 required by Subsection (2)(a) at a public meeting of each legislative entity.

- 6846 (ii) The request to make a report may be made by:
- 6847 (A) the member appointed or nominated by the legislative entity; or
- 6848 (B) another member of the board of trustees.
- 6849 (c) The member appointed or nominated by the legislative entity shall make the report
- 6850 required by Subsection (2)(a) at a public meeting that:
- 6851 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;
- 6852 (ii) includes the report as a separate agenda item; and
- 6853 (iii) is held within 40 days after the day on which the legislative entity receives a
- 6854 request to hear the report.
- 6855 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
- 6856 the day on which the legislative entity receives a request to hear the report required by
- 6857 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.
- 6858 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
- 6859 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
- 6860 shall be considered satisfied.
- 6861 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
- 6862 include:
- 6863 (i) a statement that the [~~local~~] special district intends to levy a property tax at a rate that
- 6864 exceeds the certified tax rate for the taxable year;
- 6865 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
- 6866 be generated by the proposed increase in the certified tax rate;
- 6867 (iii) the approximate percentage increase in ad valorem tax revenue for the [~~local~~]
- 6868 special district based on the proposed property tax increase; and
- 6869 (iv) any other information requested by the legislative entity.
- 6870 (b) The legislative entity shall allow time during the meeting for comment from the
- 6871 legislative entity and members of the public on the property tax increase.
- 6872 (4) (a) If more than one member is appointed to the board of trustees by the same
- 6873 legislative entity, a majority of the members appointed or nominated by the legislative entity
- 6874 shall be present to provide the report required by Subsection (2) and described in Subsection
- 6875 (3).
- 6876 (b) The chair of the board of trustees shall appoint another member of the board of

6877 trustees to provide the report described in Subsection (3) to the legislative entity if:

6878 (i) the member appointed or nominated by the legislative entity is unable or unwilling  
6879 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

6880 (ii) the absence of the member appointed or nominated by the legislative entity results  
6881 in:

6882 (A) no member who was appointed or nominated by the legislative entity being present  
6883 to provide the report; or

6884 (B) an inability to comply with Subsection (4)(a).

6885 (5) A ~~[local]~~ special district board of trustees may approve a property tax increase only  
6886 after the conditions of this section have been satisfied or considered satisfied for each member  
6887 of the board of trustees.

6888 Section 146. Section **17B-1-1101** is amended to read:

6889 **Part 11. Special District Bonds**

6890 **17B-1-1101. Provisions applicable to a special district's issuance of bonds.**

6891 Subject to the provisions of this part:

6892 (1) each ~~[local]~~ special district that issues bonds shall:

6893 (a) issue them as provided in, as applicable:

6894 (i) Title 11, Chapter 14, Local Government Bonding Act; or

6895 (ii) Title 11, Chapter 42, Assessment Area Act; and

6896 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

6897 (2) each ~~[local]~~ special district that issues refunding bonds shall issue them as provided  
6898 in Title 11, Chapter 27, Utah Refunding Bond Act.

6899 Section 147. Section **17B-1-1102** is amended to read:

6900 **17B-1-1102. General obligation bonds.**

6901 (1) Except as provided in Subsections (3) and (7), if a district intends to issue general  
6902 obligation bonds, the district shall first obtain the approval of district voters for issuance of the  
6903 bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local  
6904 Government Bonding Act.

6905 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of  
6906 the district, subject to, for a water conservancy district, the property tax levy limits of Section  
6907 [17B-2a-1006](#).

6908 (3) A district may issue refunding general obligation bonds, as provided in Title 11,  
6909 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

6910 (4) (a) A [~~local~~] special district may not issue general obligation bonds if the issuance  
6911 of the bonds will cause the outstanding principal amount of all of the district's general  
6912 obligation bonds to exceed the amount that results from multiplying the fair market value of  
6913 the taxable property within the district, as determined under Subsection [11-14-301\(3\)\(b\)](#), by a  
6914 number that is:

6915 (i) .05, for a basic [~~local~~] special district, except as provided in Subsection (7);

6916 (ii) .004, for a cemetery maintenance district;

6917 (iii) .002, for a drainage district;

6918 (iv) .004, for a fire protection district;

6919 (v) .024, for an improvement district;

6920 (vi) .1, for an irrigation district;

6921 (vii) .1, for a metropolitan water district;

6922 (viii) .0004, for a mosquito abatement district;

6923 (ix) .03, for a public transit district;

6924 (x) .12, for a service area; or

6925 (xi) .05 for a municipal services district.

6926 (b) Bonds or other obligations of a [~~local~~] special district that are not general obligation  
6927 bonds are not included in the limit stated in Subsection (4)(a).

6928 (5) A district may not be considered to be a municipal corporation for purposes of the  
6929 debt limitation of the Utah Constitution, Article XIV, Section 4.

6930 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter  
6931 13, Interlocal Cooperation Act, may not be considered to be bonds of a [~~local~~] special district  
6932 that participates in the agreement creating the administrative or legal entity.

6933 (7) (a) As used in this Subsection (7), "property owner district" means a [~~local~~] special  
6934 district whose board members are elected by property owners, as provided in Subsection  
6935 [17B-1-1402\(1\)\(b\)](#).

6936 (b) A property owner district may issue a general obligation bond with the consent of:

6937 (i) the owners of all property within the district; and

6938 (ii) all registered voters, if any, within the boundary of the district.

6939 (c) A property owner district may use proceeds from a bond issued under this  
6940 Subsection (7) to fund:

6941 (i) the acquisition and construction of a system or improvement authorized in the  
6942 district's creation resolution; and

6943 (ii) a connection outside the boundary of the district between systems or improvements  
6944 within the boundary of the district.

6945 (d) The consent under Subsection (7)(b) is sufficient for any requirement necessary for  
6946 the issuance of a general obligation bond.

6947 (e) A general obligation bond issued under this Subsection (7):

6948 (i) shall mature no later than 40 years after the date of issuance; and  
6949 (ii) is not subject to the limit under Subsection (4)(a)(i).

6950 (f) (i) A property owner district may not issue a general obligation bond under this  
6951 Subsection (7) if the issuance will cause the outstanding principal amount of all the district's  
6952 general obligation bonds to exceed one-half of the market value of all real property within the  
6953 district.

6954 (ii) Market value under Subsection (7)(f)(i) shall:

6955 (A) be based on the value that the real property will have after all improvements  
6956 financed by the general obligation bonds are constructed; and  
6957 (B) be determined by appraisal by an appraiser who is a member of the Appraisal  
6958 Institute.

6959 (g) With respect to a general obligation bond issued under this Subsection (7), the  
6960 board of a property owner district may, by resolution, delegate to one or more officers of the  
6961 district, the authority to:

6962 (i) approve the final interest rate, price, principal amount, maturity, redemption  
6963 features, and other terms of the bond;

6964 (ii) approve and execute a document relating to the issuance of the bond; and  
6965 (iii) approve a contract related to the acquisition and construction of an improvement,  
6966 facility, or property to be financed with proceeds from the bond.

6967 (h) (i) A person may commence a lawsuit or other proceeding to contest the legality of  
6968 the issuance of a general obligation bond issued under this Subsection (7) or any provision  
6969 relating to the security or payment of the bond if the lawsuit or other proceeding is commenced

6970 within 30 days after the publication of:

6971 (A) the resolution authorizing the issuance of the general obligation bond; or

6972 (B) a notice of the bond issuance containing substantially the items required under  
6973 Subsection [11-14-316\(2\)](#).

6974 (ii) Following the period described in Subsection (7)(h)(i), no person may bring a  
6975 lawsuit or other proceeding to contest for any reason the regularity, formality, or legality of a  
6976 general obligation bond issued under this Subsection (7).

6977 (i) (i) A property owner district that charges and collects an impact fee or other fee on  
6978 real property at the time the real property is sold may proportionally pay down a general  
6979 obligation bond issued under this Subsection (7) from the money collected from the impact fee  
6980 or other fee.

6981 (ii) A property owner district that proportionally pays down a general obligation bond  
6982 under Subsection (7)(i)(i) shall reduce the property tax rate on the parcel of real property on  
6983 which the district charged and collected an impact fee or other charge, to reflect the amount of  
6984 outstanding principal of a general obligation bond issued under this Subsection (7) that was  
6985 paid down and is attributable to that parcel.

6986 (j) If a property owner fails to pay a property tax that the property owner district  
6987 imposes in connection with a general obligation bond issued under this Subsection (7), the  
6988 district may impose a property tax penalty at an annual rate of .07, in addition to any other  
6989 penalty allowed by law.

6990 Section 148. Section **17B-1-1103** is amended to read:

6991 **17B-1-1103. Levy to pay for general obligation bonds.**

6992 (1) (a) If a district has issued general obligation bonds, or expects to have debt service  
6993 payments due on general obligation bonds during the current year, the district's board of  
6994 trustees may make an annual levy of ad valorem property taxes in order to:

6995 (i) pay the principal of and interest on the general obligation bonds;

6996 (ii) establish a sinking fund for defaults and future debt service on the general  
6997 obligation bonds; and

6998 (iii) establish a reserve to secure payment of the general obligation bonds.

6999 (b) A levy under Subsection (1)(a) is:

7000 (i) for a water conservancy district, subject to the limit stated in Section [17B-2a-1006](#);

7001 and

7002 (ii) for each other [~~local~~] special district, without limitation as to rate or amount.

7003 (2) (a) Each district that levies a tax under Subsection (1) shall:

7004 (i) levy the tax as a separate and special levy for the specific purposes stated in

7005 Subsection (1); and

7006 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of  
7007 and interest on the general obligation bonds, even though the proceeds may be used to establish  
7008 or replenish a sinking fund under Subsection (1)(a)(ii) or a reserve under Subsection (1)(a)(iii).

7009 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district  
7010 obligation in existence at the time the bonds were issued.

7011 Section 149. Section **17B-1-1104** is amended to read:

7012 **17B-1-1104. Pledge of revenues to pay for bonds.**

7013 Bonds may be payable from and secured by the pledge of all or any specified part of:

7014 (1) the revenues to be derived by the special district from providing its services and  
7015 from the operation of its facilities and other properties;

7016 (2) sales and use taxes, property taxes, and other taxes;

7017 (3) federal, state, or local grants;

7018 (4) in the case of special assessment bonds, the special assessments pledged to repay  
7019 the special assessment bonds; and

7020 (5) other money legally available to the district.

7021 Section 150. Section **17B-1-1105** is amended to read:

7022 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**  
7023 **revenue bonds -- Authority to make agreements and covenants to provide for bond**  
7024 **repayment.**

7025 (1) A [~~local~~] special district intending to issue revenue bonds may, but is not required  
7026 to, submit to district voters for their approval the issuance of the revenue bonds at an election  
7027 held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

7028 (2) Each [~~local~~] special district that has issued revenue bonds shall impose rates and  
7029 charges for the services or commodities it provides fully sufficient, along with other sources of  
7030 district revenues, to carry out all undertakings of the district with respect to its revenue bonds.

7031 (3) A [~~local~~] special district that issues revenue bonds may:

7032 (a) agree to pay operation and maintenance expenses of the district from the proceeds  
7033 of the ad valorem taxes authorized in Subsection 17B-1-103(2)(g); and

7034 (b) for the benefit of bondholders, enter into covenants that:

7035 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

7036 (ii) provide for other pertinent matters that the board of trustees considers proper to  
7037 assure the marketability of the bonds.

7038 Section 151. Section 17B-1-1107 is amended to read:

7039 **17B-1-1107. Ratification of previously issued bonds and previously entered**  
7040 **contracts.**

7041 All bonds issued or contracts entered into by a [~~local~~] special district before April 30,  
7042 2007 are ratified, validated, and confirmed and declared to be valid and legally binding  
7043 obligations of the district in accordance with their terms.

7044 Section 152. Section 17B-1-1201 is amended to read:

7045 **Part 12. Special District Validation Proceedings**

7046 **17B-1-1201. Definitions.**

7047 As used in this part:

7048 (1) "Eligible function" means:

7049 (a) a power conferred on a [~~local~~] special district under this title;

7050 (b) a tax or assessment levied by a [~~local~~] special district;

7051 (c) an act or proceeding that a [~~local~~] special district:

7052 (i) has taken; or

7053 (ii) contemplates taking; or

7054 (d) a district contract, whether already executed or to be executed in the future,  
7055 including a contract for the acquisition, construction, maintenance, or operation of works for  
7056 the district.

7057 (2) "Validation order" means a court order adjudicating the validity of an eligible  
7058 function.

7059 (3) "Validation petition" means a petition requesting a validation order.

7060 (4) "Validation proceedings" means judicial proceedings occurring in district court  
7061 pursuant to a validation petition.

7062 Section 153. Section 17B-1-1202 is amended to read:



7063           **17B-1-1202. Authority to file a validation petition -- Petition requirements --**  
7064 **Amending or supplementing a validation petition.**

7065           (1) The board of trustees of a [~~local~~] special district may at any time file a validation  
7066 petition.

7067           (2) Each validation petition shall:

7068           (a) describe the eligible function for which a validation order is sought;

7069           (b) set forth:

7070           (i) the facts upon which the validity of the eligible function is founded; and

7071           (ii) any other information or allegations necessary to a determination of the validation  
7072 petition;

7073           (c) be verified by the chair of the board of trustees; and

7074           (d) be filed in the district court of the county in which the district's principal office is  
7075 located.

7076           (3) A [~~local~~] special district may amend or supplement a validation petition:

7077           (a) at any time before the hearing under Section [17B-1-1203](#); or

7078           (b) after the hearing under Section [17B-1-1203](#), with permission of the court.

7079           Section 154. Section **17B-1-1204** is amended to read:

7080           **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
7081 **supplemented validation petition.**

7082           (1) Upon the entry of an order under Section [17B-1-1203](#) setting a hearing on a  
7083 validation petition, the [~~local~~] special district that filed the petition shall post notice:

7084           (a) on the Utah Public Notice Website created in Section [63A-16-601](#), for three weeks  
7085 immediately before the hearing; and

7086           (b) in the [~~local~~] special district's principal office at least 21 days before the date set for  
7087 the hearing.

7088           (2) Each notice under Subsection (1) shall:

7089           (a) state the date, time, and place of the hearing on the validation petition;

7090           (b) include a general description of the contents of the validation petition; and

7091           (c) if applicable, state the location where a complete copy of a contract that is the  
7092 subject of the validation petition may be examined.

7093           (3) If a district amends or supplements a validation petition under Subsection

7094 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district  
7095 is not required to publish or post notice again unless required by the court.

7096 Section 155. Section 17B-1-1207 is amended to read:

7097 **17B-1-1207. Findings, conclusions, and judgment -- Costs -- Effect of judgment --**  
7098 **Appeal.**

7099 (1) After the hearing under Section 17B-1-1203 on a validation petition, the district  
7100 court shall:

7101 (a) make and enter written findings of fact and conclusions of law; and

7102 (b) render a judgment as warranted.

7103 (2) A district court may apportion costs among the parties as the court determines  
7104 appropriate.

7105 (3) A district court judgment adjudicating matters raised by a validation petition:

7106 (a) is binding and conclusive as to the [local] special district and all other parties to the  
7107 validation proceedings; and

7108 (b) constitutes a permanent injunction against any action or proceeding to contest any  
7109 matter adjudicated in the validation proceedings.

7110 (4) (a) Each appeal of a final judgment in validation proceedings shall be filed with the  
7111 Supreme Court.

7112 (b) An appeal of a final judgment in validation proceedings may be filed only by a  
7113 party to the validation proceedings.

7114 (c) The appellate court hearing an appeal under this section shall expedite the hearing  
7115 of the appeal.

7116 Section 156. Section 17B-1-1301 is amended to read:

7117 **Part 13. Dissolution of a Special District**

7118 **17B-1-1301. Definitions.**

7119 For purposes of this part:

7120 (1) "Active" means, with respect to a [local] special district, that the district is not  
7121 inactive.

7122 (2) "Administrative body" means:

7123 (a) if the [local] special district proposed to be dissolved has a duly constituted board  
7124 of trustees in sufficient numbers to form a quorum, the board of trustees; or

7125 (b) except as provided in Subsection (2)(a):

7126 (i) for a [local] special district located entirely within a single municipality, the  
7127 legislative body of that municipality;

7128 (ii) for a [local] special district located in multiple municipalities within the same  
7129 county or at least partly within the unincorporated area of a county, the legislative body of that  
7130 county; or

7131 (iii) for a [local] special district located within multiple counties, the legislative body  
7132 of the county whose boundaries include more of the [local] special district than is included  
7133 within the boundaries of any other county.

7134 (3) "Clerk" means:

7135 (a) the board of trustees if the board is also the administrative body under Subsection  
7136 (2)(a);

7137 (b) the clerk or recorder of the municipality whose legislative body is the  
7138 administrative body under Subsection (2)(b)(i); or

7139 (c) the clerk of the county whose legislative body is the administrative body under  
7140 Subsection (2)(b)(ii) or (iii).

7141 (4) "Inactive" means, with respect to a [local] special district, that during the preceding  
7142 three years the district has not:

7143 (a) provided any service or otherwise operated;

7144 (b) received property taxes or user or other fees; and

7145 (c) expended any funds.

7146 Section 157. Section **17B-1-1302** is amended to read:

7147 **17B-1-1302. Special district dissolution.**

7148 A [local] special district may be dissolved as provided in this part.

7149 Section 158. Section **17B-1-1303** is amended to read:

7150 **17B-1-1303. Initiation of dissolution process.**

7151 The process to dissolve a [local] special district may be initiated by:

7152 (1) for an inactive [local] special district:

7153 (a) (i) for a [local] special district whose board of trustees is elected by electors based  
7154 on the acre-feet of water allotted to the land owned by the elector, a petition signed by the

7155 owners of 25% of the acre-feet of water allotted to the land within the [local] special district; or

7156 (ii) for all other districts:  
7157 (A) a petition signed by the owners of private real property that:  
7158 (I) is located within the [toeat] special district proposed to be dissolved;  
7159 (II) covers at least 25% of the private land area within the [toeat] special district; and  
7160 (III) is equal in assessed value to at least 25% of the assessed value of all private real  
7161 property within the [toeat] special district; or  
7162 (B) a petition signed by registered voters residing within the [toeat] special district  
7163 proposed to be dissolved equal in number to at least 25% of the number of votes cast in the  
7164 district for the office of governor at the last regular general election before the filing of the  
7165 petition; or  
7166 (b) a resolution adopted by the administrative body; and  
7167 (2) for an active [toeat] special district, a petition signed by:  
7168 (a) for a [toeat] special district whose board of trustees is elected by electors based on  
7169 the acre-feet of water allotted to the land owned by the elector, the owners of 33% of the  
7170 acre-feet of water allotted to the land within the [toeat] special district;  
7171 (b) for a [toeat] special district created to acquire or assess a groundwater right for the  
7172 development and execution of a groundwater management plan in coordination with the state  
7173 engineer in accordance with Section 73-5-15, the owners of groundwater rights that:  
7174 (i) are diverted within the district; and  
7175 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with  
7176 the groundwater rights within the district as a whole; or  
7177 (c) for all other districts:  
7178 (i) the owners of private real property that:  
7179 (A) is located within the [toeat] special district proposed to be dissolved;  
7180 (B) covers at least 33% of the private land area within the [toeat] special district; and  
7181 (C) is equal in assessed value to at least 25% of the assessed value of all private real  
7182 property within the [toeat] special district; or  
7183 (ii) 33% of registered voters residing within the [toeat] special district proposed to be  
7184 dissolved.  
7185 Section 159. Section **17B-1-1304** is amended to read:  
7186 **17B-1-1304. Petition requirements.**

- 7187 (1) Each petition under Subsection 17B-1-1303(1)(a) or (2) shall:  
7188 (a) indicate the typed or printed name and current residence address of each owner of  
7189 acre-feet of water, property owner, or registered voter signing the petition;  
7190 (b) if it is a petition signed by the owners of acre-feet of water or property owners,  
7191 indicate the address of the property as to which the owner is signing;  
7192 (c) designate up to three signers of the petition as sponsors, one of whom shall be  
7193 designated the contact sponsor, with the mailing address and telephone number of each; and  
7194 (d) be filed with the clerk.  
7195 (2) A signer of a petition to dissolve a [~~local~~] special district may withdraw, or, once  
7196 withdrawn, reinstate the signer's signature at any time until 30 days after the public hearing  
7197 under Section 17B-1-1306.

7198 Section 160. Section 17B-1-1305 is amended to read:

7199 **17B-1-1305. Petition certification.**

- 7200 (1) Within 30 days after the filing of a petition under Subsection 17B-1-1303(1)(a) or  
7201 (2), the clerk shall:  
7202 (a) with the assistance of officers of the county in which the [~~local~~] special district is  
7203 located from whom the clerk requests assistance, determine whether the petition meets the  
7204 requirements of Section 17B-1-1303 and Subsection 17B-1-1304(1); and  
7205 (b) (i) if the clerk determines that the petition complies with the requirements, certify  
7206 the petition and mail or deliver written notification of the certification to the contact sponsor;  
7207 or  
7208 (ii) if the clerk determines that the petition fails to comply with any of the  
7209 requirements, reject the petition and mail or deliver written notification of the rejection and the  
7210 reasons for the rejection to the contact sponsor.  
7211 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be  
7212 amended to correct the deficiencies for which it was rejected and then refiled.  
7213 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
7214 used toward fulfilling the applicable signature requirement of the petition as amended under  
7215 Subsection (2)(a).  
7216 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the  
7217 same manner as an original petition under Subsection (1).

7218 Section 161. Section **17B-1-1306** is amended to read:

7219 **17B-1-1306. Public hearing.**

7220 (1) For each petition certified under Section **17B-1-1305** and each resolution that an  
7221 administrative body adopts under Subsection **17B-1-1303(1)(b)**, the administrative body shall  
7222 hold a public hearing on the proposed dissolution.

7223 (2) The administrative body shall hold a public hearing under Subsection (1):

7224 (a) no later than 45 days after certification of the petition under Section **17B-1-1305** or  
7225 adoption of a resolution under Subsection **17B-1-1303(1)(b)**, as the case may be;

7226 (b) within the [toeat] special district proposed to be dissolved;

7227 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

7228 (d) for the purpose of allowing:

7229 (i) the administrative body to explain the process the administrative body will follow to  
7230 study and prepare the proposed dissolution;

7231 (ii) the public to ask questions and obtain further information about the proposed  
7232 dissolution and issues raised by it; and

7233 (iii) any interested person to address the administrative body concerning the proposed  
7234 dissolution.

7235 (3) A quorum of the administrative body shall be present throughout each public  
7236 hearing under this section.

7237 Section 162. Section **17B-1-1307** is amended to read:

7238 **17B-1-1307. Notice of public hearing and of dissolution.**

7239 (1) Before holding a public hearing required under Section **17B-1-1306**, the  
7240 administrative body shall:

7241 (a) post notice of the public hearing and of the proposed dissolution:

7242 (i) on the Utah Public Notice Website created in Section **63A-16-601**, for 30 days  
7243 before the public hearing; and

7244 (ii) in at least four conspicuous places within the [toeat] special district proposed to be  
7245 dissolved, no less than five and no more than 30 days before the public hearing; or

7246 (b) mail a notice to each owner of property located within the [toeat] special district  
7247 and to each registered voter residing within the [toeat] special district.

7248 (2) Each notice required under Subsection (1) shall:

7249 (a) identify the [local] special district proposed to be dissolved and the service it was  
7250 created to provide; and

7251 (b) state the date, time, and location of the public hearing.

7252 Section 163. Section **17B-1-1308** is amended to read:

7253 **17B-1-1308. Second public hearing -- Dissolution resolution -- Limitations on**  
7254 **dissolution.**

7255 (1) (a) Within 180 days after the day on which the administrative body holds the public  
7256 hearing described in Section **17B-1-1306**, the administrative body shall hold a second public  
7257 hearing to:

7258 (i) publicly explain the result of the study and preparation described in Subsection  
7259 **17B-1-1306(2)(d)(i)**;

7260 (ii) describe whether the proposed dissolution meets each criterion described in  
7261 Subsection (2); and

7262 (iii) adopt a resolution in accordance with Subsection (1)(b) or (c).

7263 (b) Subject to Subsection (2), after a proposed dissolution petition has been certified  
7264 under Section **17B-1-1305**, the administrative body shall adopt a resolution:

7265 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection  
7266 (2); and

7267 (ii) (A) for an inactive [local] special district, approving the dissolution of the [local]  
7268 special district; or

7269 (B) for an active [local] special district, initiating the dissolution election described in  
7270 Section **17B-1-1309**.

7271 (c) Subject to Subsection (2), for a proposed dissolution of an inactive district that an  
7272 administrative body initiates by adopting a resolution under Subsection **17B-1-1303(1)(b)**, the  
7273 administrative body may adopt a resolution:

7274 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection  
7275 (2); and

7276 (ii) approving the dissolution of the inactive [local] special district.

7277 (2) The administrative body may not adopt a resolution under Subsection (1) unless:

7278 (a) any outstanding debt of the [local] special district is:

7279 (i) satisfied and discharged in connection with the dissolution; or

7280 (ii) assumed by another governmental entity with the consent of all the holders of that  
7281 debt and all the holders of other debts of the [local] special district;

7282 (b) for a [local] special district that has provided service during the preceding three  
7283 years or undertaken planning or other activity preparatory to providing service:

7284 (i) another entity has committed to:

7285 (A) provide the same service to the area being served or proposed to be served by the  
7286 [local] special district; and

7287 (B) purchase, at fair market value, the assets of the [local] special district that are  
7288 required to provide the service; and

7289 (ii) all who are to receive the service have consented to the service being provided by  
7290 the other entity; and

7291 (c) all outstanding contracts to which the [local] special district is a party are resolved  
7292 through mutual termination or the assignment of the [local] special district's rights, duties,  
7293 privileges, and responsibilities to another entity with the consent of the other parties to the  
7294 contract.

7295 Section 164. Section **17B-1-1309** is amended to read:

7296 **17B-1-1309. Election to dissolve an active special district.**

7297 (1) When an administrative body adopts a resolution to initiate a dissolution election  
7298 under Subsection **17B-1-1308(1)(b)(ii)**, an election shall be held on the question of whether the  
7299 [local] special district should be dissolved by:

7300 (a) if the [local] special district proposed to be dissolved is located entirely within a  
7301 single county, the [local] special district clerk, in cooperation with the county clerk; or

7302 (b) if the [local] special district proposed to be dissolved is located within more than  
7303 one county, in cooperation with the [local] special district clerk:

7304 (i) the clerk of each county where part of the [local] special district is located in more  
7305 than one municipality or in an unincorporated area within the same county;

7306 (ii) the clerk or recorder of each municipality where part of the [local] special district is  
7307 not located in another municipality or in an unincorporated area within the same county; and

7308 (iii) the clerk of each county where part of the [local] special district is located only in  
7309 an unincorporated area within the county.

7310 (2) Each election under Subsection (1) shall be held at the next special or regular



7311 general election that is more than 60 days after the day on which the administrative body  
7312 adopts a resolution in accordance with Section 17B-1-1308.

7313 (3) (a) If the [local] special district proposed to be dissolved is located in more than  
7314 one county, the [local] special district clerk shall coordinate with the officials described in  
7315 Subsection (1)(b) to ensure that the election is held on the same date and in a consistent manner  
7316 in each jurisdiction.

7317 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
7318 an election under Subsection (1) shall cooperate with the [local] special district clerk in holding  
7319 the election.

7320 (4) If the [local] special district proposed to be dissolved is an irrigation district under  
7321 Title 17B, Chapter 2a, Part 5, Irrigation District Act:

7322 (a) the electors shall consist of the landowners whose land has allotments of water  
7323 through the district; and

7324 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of  
7325 water allotted to the land the elector owns within the district.

7326 (5) If the [local] special district proposed to be dissolved is a district created to acquire  
7327 or assess a groundwater right for the development and execution of a groundwater management  
7328 plan in accordance with Section 73-5-15:

7329 (a) the electors shall consist of the owners of groundwater rights within the district; and

7330 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of  
7331 groundwater that is within the district and reflected in the elector's water right.

7332 (6) If the [local] special district proposed to be dissolved is a basic [local] special  
7333 district, except for a district described in Subsection (5), and if the area of the basic [local]  
7334 special district contains less than one residential unit per 50 acres of land at the time of the  
7335 filing of a petition described in Subsection 17B-1-1303(2):

7336 (a) the electors shall consist of the owners of privately owned real property within a  
7337 basic [local] special district under [~~Title 17B, Chapter 1, Part 14, Basic Local District~~] Title  
7338 17B, Chapter 1, Part 14, Basic Special District; and

7339 (b) each elector may cast one vote for each acre or fraction of an acre of land that the  
7340 elector owns within the district.

7341 (7) Except as otherwise provided in this part, Title 20A, Election Code, governs each

7342 election under Subsection (1).

7343 Section 165. Section **17B-1-1310** is amended to read:

7344 **17B-1-1310. Notice to lieutenant governor -- Recording requirements --**

7345 **Distribution of remaining assets.**

7346 (1) The administrative body, shall file with the lieutenant governor a copy of a notice  
7347 of an impending boundary action, as defined in Section **67-1a-6.5**, that meets the requirements  
7348 of Subsection **67-1a-6.5(3)**:

7349 (a) within 30 days after the day on which the administrative body adopts a resolution  
7350 approving the dissolution of an inactive [~~local~~] special district; or

7351 (b) within 30 days after the day on which a majority of the voters within an active  
7352 [~~local~~] special district approve the dissolution of the [~~local~~] special district in an election  
7353 described in Subsection **17B-1-1309(2)**.

7354 (2) Upon the lieutenant governor's issuance of a certificate of dissolution under Section  
7355 **67-1a-6.5**, the administrative body shall:

7356 (a) if the [~~local~~] special district was located within the boundary of a single county,  
7357 submit to the recorder of that county:

7358 (i) the original:

7359 (A) notice of an impending boundary action; and

7360 (B) certificate of dissolution; and

7361 (ii) a certified copy of the resolution that the administrative body adopts under  
7362 Subsection **17B-1-1308(1)**; or

7363 (b) if the [~~local~~] special district was located within the boundaries of more than a single  
7364 county:

7365 (i) submit to the recorder of one of those counties:

7366 (A) the original notice of an impending boundary action and certificate of dissolution;

7367 and

7368 (B) if applicable, a certified copy of the resolution that the administrative body adopts  
7369 under Subsection **17B-1-1308(1)**; and

7370 (ii) submit to the recorder of each other county:

7371 (A) a certified copy of the notice of an impending boundary action and certificate of  
7372 dissolution; and

7373 (B) if applicable, a certified copy of the resolution that the administrative body adopts  
7374 under Subsection 17B-1-1308(1).

7375 (3) Upon the lieutenant governor's issuance of the certificate of dissolution under  
7376 Section 67-1a-6.5, the [local] special district is dissolved.

7377 (4) (a) After the dissolution of a [local] special district under this part, the  
7378 administrative body shall use any assets of the [local] special district remaining after paying all  
7379 debts and other obligations of the [local] special district to pay costs associated with the  
7380 dissolution process.

7381 (b) If the administrative body is not the board of trustees of the dissolved [local]  
7382 special district, the administrative body shall pay any costs of the dissolution process remaining  
7383 after exhausting the remaining assets of the [local] special district as described in Subsection  
7384 (4)(a).

7385 (c) If the administrative body is the board of trustees of the dissolved [local] special  
7386 district, each entity that has committed to provide a service that the dissolved [local] special  
7387 district previously provided, as described in Subsection 17B-1-1308(2)(b), shall pay, in the  
7388 same proportion that the services the entity commits to provide bear to all of the services the  
7389 [local] special district provided, any costs of the dissolution process remaining after exhausting  
7390 the remaining assets of the dissolved [local] special district described in Subsection (4)(a).

7391 (5) (a) The administrative body shall distribute any assets of the [local] special district  
7392 that remain after the payment of debts, obligations, and costs under Subsection (4) in the  
7393 following order of priority:

7394 (i) if there is a readily identifiable connection between the remaining assets and a  
7395 financial burden borne by the real property owners in the dissolved [local] special district,  
7396 proportionately to those real property owners;

7397 (ii) if there is a readily identifiable connection between the remaining assets and a  
7398 financial burden borne by the recipients of a service that the dissolved [local] special district  
7399 provided, proportionately to those recipients; and

7400 (iii) subject to Subsection (6), to each entity that has committed to provide a service  
7401 that the dissolved [local] special district previously provided, as described in Subsection  
7402 17B-1-1309(1)(b)(ii), in the same proportion that the services the entity commits to provide  
7403 bear to all of the services the [local] special district provided.

7404 (6) An entity that receives cash reserves of the dissolved [local] special district under  
7405 Subsection (5)(a)(iii) may not use the cash reserves:

7406 (a) in any way other than for the purpose the [local] special district originally intended;  
7407 or

7408 (b) in any area other than within the area that the dissolved [local] special district  
7409 previously served.

7410 Section 166. Section 17B-1-1401 is amended to read:

7411 **Part 14. Basic Special District**

7412 **17B-1-1401. Status of and provisions applicable to a basic special district.**

7413 A basic [local] special district:

7414 (1) operates under, is subject to, and has the powers set forth in this chapter; and

7415 (2) is not subject to [~~Chapter 2a, Provisions Applicable to Different Types of Local~~  
7416 ~~Districts~~] Chapter 2a, Provisions Applicable to Different Types of Special Districts.

7417 Section 167. Section 17B-1-1402 is amended to read:

7418 **17B-1-1402. Board of trustees of a basic special district.**

7419 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution  
7420 under Subsection 17B-1-203(1)(d) or (e), and except as provided in Subsection (2), the  
7421 members of a board of trustees of a basic [local] special district may be:

7422 (a) (i) elected by registered voters; or

7423 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

7424 (b) if the area of the [local] special district contains less than one residential dwelling  
7425 unit per 50 acres of land at the time the resolution is adopted or the petition is filed, elected by  
7426 the owners of real property within the [local] special district based on:

7427 (i) the amount of acreage owned by property owners;

7428 (ii) the assessed value of property owned by property owners; or

7429 (iii) water rights:

7430 (A) relating to the real property within the [local] special district;

7431 (B) that the real property owner:

7432 (I) owns; or

7433 (II) has transferred to the [local] special district.

7434 (2) As specified in a groundwater right owner petition under Subsection

7435 17B-1-203(1)(c) or a resolution under Subsection 17B-1-203(1)(d) or (e), the members of a  
 7436 board of trustees of a basic ~~[local]~~ special district created to manage groundwater rights the  
 7437 district acquires or assesses under Section 17B-1-202 shall be:

7438 (a) subject to Section 17B-1-104.5, elected by the owners of groundwater rights that  
 7439 are diverted within the ~~[local]~~ special district;

7440 (b) appointed by the responsible body, as defined in Section 17B-1-201; or

7441 (c) elected or appointed as provided in Subsection (3).

7442 (3) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under  
 7443 Subsection 17B-1-203(1)(d) or (e) may provide for a transition from one or more methods of  
 7444 election or appointment under Subsection (1) or (2) to one or more other methods of election or  
 7445 appointment based upon milestones or events that the petition or resolution identifies.

7446 Section 168. Section 17B-1-1403 is amended to read:

7447 **17B-1-1403. Prohibition against creating new basic special districts.**

7448 A person may not create a basic ~~[local]~~ special district on or after May 12, 2020.

7449 Section 169. Section 17B-2a-102 is amended to read:

7450 **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF SPECIAL**  
 7451 **DISTRICTS**

7452 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

7453 (1) Each cemetery maintenance district is governed by and has the powers stated in:

7454 (a) this part; and

7455 (b) ~~[Chapter 1, Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions  
 7456 Applicable to All Special Districts.

7457 (2) This part applies only to cemetery maintenance districts.

7458 (3) A cemetery maintenance district is not subject to the provisions of any other part of  
 7459 this chapter.

7460 (4) If there is a conflict between a provision in ~~[Chapter 1, Provisions Applicable to All~~  
 7461 ~~Local Districts]~~ Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
 7462 this part, the provision in this part governs.

7463 (5) A cemetery maintenance district shall comply with the applicable provisions of  
 7464 Title 8, Cemeteries.

7465 Section 170. Section 17B-2a-104 is amended to read:

7466 **17B-2a-104. Cemetery maintenance district bonding authority.**

7467 A cemetery maintenance district may issue bonds as provided in and subject to [~~Chapter~~  
7468 ~~1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the  
7469 purposes of the district.

7470 Section 171. Section **17B-2a-203** is amended to read:

7471 **17B-2a-203. Provisions applicable to drainage districts.**

7472 (1) Each drainage district is governed by and has the powers stated in:

7473 (a) this part; and

7474 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions  
7475 Applicable to All Special Districts.

7476 (2) This part applies only to drainage districts.

7477 (3) A drainage district is not subject to the provisions of any other part of this chapter.

7478 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
7479 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
7480 this part, the provision in this part governs.

7481 Section 172. Section **17B-2a-205** is amended to read:

7482 **17B-2a-205. Additional drainage district powers.**

7483 In addition to the powers conferred on a drainage district under Section **17B-1-103**, a  
7484 drainage district may:

7485 (1) enter upon land for the purpose of examining the land or making a survey;

7486 (2) locate a necessary drainage canal with any necessary branches on land that the  
7487 district's board of trustees considers best;

7488 (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]  
7489 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7490 (4) after the payment or tender of compensation allowed, go upon land to construct  
7491 proposed works, and thereafter enter upon that land to maintain or repair the works;

7492 (5) appropriate water for useful and beneficial purposes;

7493 (6) regulate and control, for the benefit of landholders within the district, all water  
7494 developed, appropriated, or owned by the district;

7495 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the  
7496 same manner and for the same use and purposes as a private person;

7497 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any  
7498 watercourse, whether inside or outside the district; and

7499 (9) if necessary, straighten a watercourse by cutting a new channel upon land not  
7500 already containing the watercourse, subject to the landowner receiving compensation for the  
7501 land occupied by the new channel and for any damages, as provided under the law of eminent  
7502 domain.

7503 Section 173. Section **17B-2a-209** is amended to read:

7504 **17B-2a-209. State land treated the same as private land -- Consent needed to**  
7505 **affect school and institutional trust land -- Owner of state land has same rights as owner**  
7506 **of private land.**

7507 (1) Subject to Subsection (2), a drainage district may treat state land the same as  
7508 private land with respect to the drainage of land for agricultural purposes.

7509 (2) A drainage district may not affect school or institutional trust land under this part or  
7510 [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to  
7511 All Special Districts, without the consent of the director of the School and Institutional Trust  
7512 Lands Administration acting in accordance with Sections [53C-1-102](#) and [53C-1-303](#).

7513 (3) The state and each person holding unpatented state land under entries or contracts  
7514 of purchase from the state have all the rights, privileges, and benefits under this part and  
7515 [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions Applicable to  
7516 All Special Districts, that a private owner of that land would have.

7517 Section 174. Section **17B-2a-303** is amended to read:

7518 **17B-2a-303. Provisions applicable to fire protection districts.**

7519 (1) Each fire protection district is governed by and has the powers stated in:

7520 (a) this part; and

7521 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions  
7522 Applicable to All Special Districts.

7523 (2) This part applies only to fire protection districts.

7524 (3) A fire protection district is not subject to the provisions of any other part of this  
7525 chapter.

7526 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
7527 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in

7528 this part, the provision in this part governs.

7529 Section 175. Section **17B-2a-304** is amended to read:

7530 **17B-2a-304. Additional fire protection district power.**

7531 In addition to the powers conferred on a fire protection district under Section  
7532 **17B-1-103**, a fire protection district may issue bonds as provided in and subject to [~~Chapter 1,~~  
7533 ~~Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the  
7534 purposes of the district.

7535 Section 176. Section **17B-2a-402** is amended to read:

7536 **17B-2a-402. Provisions applicable to improvement districts.**

7537 (1) Each improvement district is governed by and has the powers stated in:

7538 (a) this part; and

7539 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions  
7540 Applicable to All Special Districts.

7541 (2) This part applies only to improvement districts.

7542 (3) An improvement district is not subject to the provisions of any other part of this  
7543 chapter.

7544 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
7545 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
7546 this part, the provision in this part governs.

7547 Section 177. Section **17B-2a-403** is amended to read:

7548 **17B-2a-403. Additional improvement district powers.**

7549 (1) In addition to the powers conferred on an improvement district under Section  
7550 **17B-1-103**, an improvement district may:

7551 (a) acquire through construction, purchase, gift, or condemnation, or any combination  
7552 of these methods, and operate all or any part of a system for:

7553 (i) the supply, treatment, and distribution of water;

7554 (ii) the collection, treatment, and disposition of sewage;

7555 (iii) the collection, retention, and disposition of storm and flood waters;

7556 (iv) the generation, distribution, and sale of electricity, subject to Section **17B-2a-406**;

7557 and

7558 (v) the transmission of natural or manufactured gas if:



- 7559 (A) the system is connected to a gas plant, as defined in Section 54-2-1, of a gas  
7560 corporation, as defined in Section 54-2-1, that is regulated under Section 54-4-1;
- 7561 (B) the system is to be used to facilitate gas utility service within the district; and  
7562 (C) the gas utility service was not available within the district before the acquisition of  
7563 the system;
- 7564 (b) issue bonds in accordance with [~~Chapter 1, Part 11, Local District Bonds~~] Chapter  
7565 1, Part 11, Special District Bonds, to carry out the purposes of the improvement district;
- 7566 (c) appropriate or acquire water or water rights inside or outside the improvement  
7567 district's boundaries;
- 7568 (d) sell water or other services to consumers residing outside the improvement district's  
7569 boundaries;
- 7570 (e) enter into a contract with a gas corporation that is regulated under Section 54-4-1  
7571 to:
- 7572 (i) provide for the operation or maintenance of all or part of a system for the  
7573 transmission of natural or manufactured gas; or
- 7574 (ii) lease or sell all or a portion of a system described in Subsection (1)(e)(i) to a gas  
7575 corporation;
- 7576 (f) enter into a contract with a person for:
- 7577 (i) the purchase or sale of water or electricity;
- 7578 (ii) the use of any facility owned by the person; or
- 7579 (iii) the purpose of handling the person's industrial and commercial waste and sewage;
- 7580 (g) require pretreatment of industrial and commercial waste and sewage; and
- 7581 (h) impose a penalty or surcharge against a public entity or other person with which the  
7582 improvement district has entered into a contract for the construction, acquisition, or operation  
7583 of all or a part of a system for the collection, treatment, and disposal of sewage, if the public  
7584 entity or other person fails to comply with the provisions of the contract.
- 7585 (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas  
7586 corporation regulated under Section 54-4-1 and not by the district.
- 7587 (3) An improvement district may not begin to provide sewer service to an area where  
7588 sewer service is already provided by an existing sewage collection system operated by a  
7589 municipality or other political subdivision unless the municipality or other political subdivision

7590 gives its written consent.

7591 (4) An improvement district authorized to operate all or any part of a system for the  
7592 collection, treatment, or disposition of sewage may acquire, construct, or operate a resource  
7593 recovery project in accordance with Section [19-6-508](#).

7594 Section 178. Section **17B-2a-407** is enacted to read:

7595 **17B-2a-407. Nonfunctioning improvement district -- Replacing board of trustees.**

7596 (1) As used in this section:

7597 (a) "Non-functioning improvement district" means an improvement district:

7598 (i) for which the lieutenant governor issues a certificate of incorporation on or after  
7599 July 1, 2022, but before October 15, 2023;

7600 (ii) for which the legislative body of a county elected to be the board of trustees of the  
7601 district under Subsection [17B-2a-404\(3\)\(a\)](#); and

7602 (iii) (A) for which the responsible body has not, within 100 days after the day on which  
7603 the lieutenant governor issued the certificate of incorporation described in Subsection (1)(a)(i),  
7604 complied with the recording requirements described in Subsection [17B-1-215\(2\)](#); or

7605 (B) whose board of trustees has not, within 100 days after the day on which the  
7606 lieutenant governor issued the certificate of incorporation described in Subsection (1)(a)(i),  
7607 held a meeting as the board of trustees of the improvement district, that was noticed and held in  
7608 accordance with the requirements of Title 52, Chapter 4, Open and Public Meetings Act.

7609 (b) "Non-functioning improvement district" does not include an improvement district  
7610 that has emerged from non-functioning status under Subsection (6)(c)(ii).

7611 (2) (a) The board of trustees of a non-functioning improvement district may not, after  
7612 the 100-day period described in Subsection (1)(a)(ii)(A), take any action as the board of  
7613 trustees or on behalf of the non-functioning improvement district.

7614 (b) Any action taken in violation of Subsection (2)(a) is void.

7615 (3) (a) An owner of land located within the boundaries of a non-functioning  
7616 improvement district may file with the lieutenant governor a request to replace the board of  
7617 trustees with a new board of trustees.

7618 (b) A new board of trustees described in Subsection (3)(a) shall comprise three  
7619 individuals who are:

7620 (i) owners of land located within the boundaries of the improvement district; or

- 7621 (ii) agents of owners of land located within the boundaries of the improvement district.
- 7622 (4) A request described in Subsection (3) shall include:
- 7623 (a) the name and mailing address of the land owner who files the request;
- 7624 (b) the name of the improvement district;
- 7625 (c) a copy of the certificate of incorporation for the improvement district;
- 7626 (d) written consent to the request from each owner of land located within the
- 7627 boundaries of the improvement district; and
- 7628 (e) the names and mailing addresses of three individuals who will serve as the board of
- 7629 trustees of the improvement district until a new board of trustees is organized under Subsection
- 7630 (9).
- 7631 (5) Within 14 days after the day on which the lieutenant governor receives a request
- 7632 described in Subsections (3) and (4), the lieutenant governor shall:
- 7633 (a) determine whether:
- 7634 (i) the district is a non-functioning improvement district;
- 7635 (ii) the request complies with Subsection (4); and
- 7636 (b) if the lieutenant governor determines that the requirements described in Subsection
- 7637 (5)(a) are met, grant the request by issuing a certificate of replacement described in Subsection
- 7638 (6).
- 7639 (6) A certificate of replacement shall:
- 7640 (a) state the name of the improvement district;
- 7641 (b) reference the certificate of incorporation for the improvement district;
- 7642 (c) declare that, upon issuance of the certificate:
- 7643 (i) the existing board of trustees for the improvement district is dissolved and replaced
- 7644 by an interim board of trustees consisting of the three individuals described in Subsection
- 7645 (4)(e); and
- 7646 (ii) the improvement district is removed from nonfunctioning status and is, beginning
- 7647 at that point in time, a functioning improvement district.
- 7648 (7) The interim board of trustees described in Subsection (6)(c)(i) shall record, in the
- 7649 recorder's office for a county in which all or a portion of the improvement district exists:
- 7650 (a) the original of the certificate of replacement; and
- 7651 (b) the original or a copy of:

- 7652 (i) the items described in Subsections [17B-1-215](#)(2)(a)(i)(A), (B), and (C); and
- 7653 (ii) if applicable, a copy of each resolution adopted under Subsection [17B-1-213](#)(5).
- 7654 (8) Until a new board of trustees is organized under Subsection (9):
- 7655 (a) the interim board of trustees has the full authority of a board of trustees of an
- 7656 improvement district; and
- 7657 (b) a majority of the owners of land in the improvement district:
- 7658 (i) may appoint an individual described in Subsection (3)(b) to fill a vacancy on the
- 7659 interim board of trustees; and
- 7660 (ii) shall file written notification of the appointment of an individual described in
- 7661 Subsection (8)(b)(i) with the lieutenant governor.
- 7662 (9) Within 90 days after the day on which at least 20 persons own land within the
- 7663 improvement district, the interim board of trustees described in Subsection (6)(c)(i) shall
- 7664 dissolve and be replaced by a board of trustees described in Subsections [17B-1-302](#)(1) through
- 7665 (3)(a), except that:
- 7666 (a) the board of trustees shall comprise three members, appointed by the lieutenant
- 7667 governor, who are owners of property in the district, agents of an owner of property in the
- 7668 district, or residents of the district;
- 7669 (b) Subsections [17B-1-302](#)(3)(c) through (6) and Section [17B-2a-404](#) do not apply to
- 7670 the improvement district; and
- 7671 (c) a member of the legislative body of the county may not serve as a member of the
- 7672 board of trustees.
- 7673 Section 179. Section **17B-2a-502** is amended to read:
- 7674 **17B-2a-502. Provisions applicable to irrigation districts.**
- 7675 (1) Each irrigation district is governed by and has the powers stated in:
- 7676 (a) this part; and
- 7677 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions
- 7678 Applicable to All Special Districts.
- 7679 (2) This part applies only to irrigation districts.
- 7680 (3) An irrigation district is not subject to the provisions of any other part of this
- 7681 chapter.
- 7682 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~

7683 ~~Local Districts]~~ Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
7684 this part, the provision in this part governs.

7685 Section 180. Section **17B-2a-503** is amended to read:

7686 **17B-2a-503. Additional irrigation district powers -- No authority to levy property**  
7687 **tax.**

7688 (1) In addition to the powers conferred on an irrigation district under Section  
7689 **17B-1-103**, an irrigation district may:

7690 (a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]  
7691 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

7692 (b) purchase stock of an irrigation, canal, or reservoir company;

7693 (c) enter upon any land in the district to make a survey and to locate and construct a  
7694 canal and any necessary lateral;

7695 (d) convey water rights or other district property to the United States as partial or full  
7696 consideration under a contract with the United States;

7697 (e) pursuant to a contract with the United States, lease or rent water to private land, an  
7698 entryman, or a municipality in the neighborhood of the district;

7699 (f) if authorized under a contract with the United States, collect money on behalf of the  
7700 United States in connection with a federal reclamation project and assume the incident duties  
7701 and liabilities;

7702 (g) acquire water from inside or outside the state;

7703 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land  
7704 within the district:

7705 (i) to a municipality, corporation, association, or individual inside or outside the  
7706 district;

7707 (ii) for irrigation or any other beneficial use; and

7708 (iii) at a price and on terms that the board considers appropriate; and

7709 (i) repair a break in a reservoir or canal or remedy any other district disaster.

7710 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed  
7711 five years.

7712 (b) A vested or prescriptive right to the use of water may not attach to the land because  
7713 of a lease or rental of water under Subsection (1)(h).

7714 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a  
7715 property tax.

7716 Section 181. Section 17B-2a-602 is amended to read:

7717 **17B-2a-602. Provisions applicable to metropolitan water districts.**

7718 (1) Each metropolitan water district is governed by and has the powers stated in:

7719 (a) this part; and

7720 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions  
7721 Applicable to All Special Districts.

7722 (2) This part applies only to metropolitan water districts.

7723 (3) A metropolitan water district is not subject to the provisions of any other part of  
7724 this chapter.

7725 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
7726 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
7727 this part, the provision in this part governs.

7728 (5) Before September 30, 2019, a metropolitan water district shall submit a written  
7729 report to the Revenue and Taxation Interim Committee that describes, for the metropolitan  
7730 water district's fiscal year that ended in 2018, the percentage and amount of revenue in the  
7731 metropolitan water district from:

7732 (a) property taxes;

7733 (b) water rates; and

7734 (c) all other sources.

7735 Section 182. Section 17B-2a-603 is amended to read:

7736 **17B-2a-603. Additional metropolitan water district powers.**

7737 In addition to the powers conferred on a metropolitan water district under Section  
7738 17B-1-103, a metropolitan water district may:

7739 (1) acquire or lease any real or personal property or acquire any interest in real or  
7740 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or  
7741 outside the district or inside or outside the state;

7742 (2) encumber real or personal property or an interest in real or personal property that  
7743 the district owns;

7744 (3) acquire or construct works, facilities, and improvements, as provided in Subsection

7745 [17B-1-103](#)(2)(d), whether inside or outside the district or inside or outside the state;

7746 (4) acquire water, works, water rights, and sources of water necessary or convenient to  
7747 the full exercise of the district's powers, whether the water, works, water rights, or sources of  
7748 water are inside or outside the district or inside or outside the state, and encumber, transfer an  
7749 interest in, or dispose of water, works, water rights, and sources of water;

7750 (5) develop, store, and transport water;

7751 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful  
7752 beneficial use;

7753 (7) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]  
7754 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district; and

7755 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company,  
7756 irrigation company, water company, or water users association, for the purpose of acquiring the  
7757 right to use water or water infrastructure.

7758 Section 183. Section **17B-2a-702** is amended to read:

7759 **17B-2a-702. Provisions applicable to mosquito abatement districts.**

7760 (1) Each mosquito abatement district is governed by and has the powers stated in:

7761 (a) this part; and

7762 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions  
7763 Applicable to All Special Districts.

7764 (2) This part applies only to mosquito abatement districts.

7765 (3) A mosquito abatement district is not subject to the provisions of any other part of  
7766 this chapter.

7767 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
7768 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
7769 this part, the provision in this part governs.

7770 Section 184. Section **17B-2a-703** is amended to read:

7771 **17B-2a-703. Additional mosquito abatement district powers.**

7772 In addition to the powers conferred on a mosquito abatement district under Section  
7773 [17B-1-103](#), a mosquito abatement district may:

7774 (1) take all necessary and proper steps for the extermination of mosquitos, flies,  
7775 crickets, grasshoppers, and other insects:

- 7776 (a) within the district; or
- 7777 (b) outside the district, if lands inside the district are benefitted;
- 7778 (2) abate as nuisances all stagnant pools of water and other breeding places for
- 7779 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state
- 7780 from which mosquitos migrate into the district;
- 7781 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and
- 7782 examine the territory and to remove from the territory, without notice, stagnant water or other
- 7783 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;
- 7784 (4) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]
- 7785 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;
- 7786 (5) make a contract to indemnify or compensate an owner of land or other property for
- 7787 injury or damage that the exercise of district powers necessarily causes or arising out of the use,
- 7788 taking, or damage of property for a district purpose; and
- 7789 (6) in addition to the accumulated fund balance allowed under Section [17B-1-612](#),
- 7790 establish a reserve fund, not to exceed the greater of 25% of the district's annual operating
- 7791 budget or \$50,000, to pay for extraordinary abatement measures, including a vector-borne
- 7792 public health emergency.
- 7793 Section 185. Section **17B-2a-802** is amended to read:
- 7794 **17B-2a-802. Definitions.**
- 7795 As used in this part:
- 7796 (1) "Affordable housing" means housing occupied or reserved for occupancy by
- 7797 households that meet certain gross household income requirements based on the area median
- 7798 income for households of the same size.
- 7799 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
- 7800 households that meet specific area median income targets or ranges of area median income
- 7801 targets.
- 7802 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
- 7803 by households with gross household incomes that are more than 60% of the area median
- 7804 income for households of the same size.
- 7805 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
- 7806 municipality appointing a member to a public transit district board of trustees.



7807 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a  
7808 small public transit district to serve as chief executive officer.

7809 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities  
7810 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and  
7811 responsibilities assigned to the general manager but prescribed by the board of trustees to be  
7812 fulfilled by the chief executive officer.

7813 (4) "Council of governments" means a decision-making body in each county composed  
7814 of membership including the county governing body and the mayors of each municipality in the  
7815 county.

7816 (5) "Department" means the Department of Transportation created in Section 72-1-201.

7817 (6) "Executive director" means a person appointed by the board of trustees of a large  
7818 public transit district to serve as executive director.

7819 (7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

7820 (8) "Fixed guideway capital development" means the same as that term is defined in  
7821 Section 72-1-102.

7822 (9) (a) "General manager" means a person appointed by the board of trustees of a small  
7823 public transit district to serve as general manager.

7824 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in  
7825 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public  
7826 transit district.

7827 (10) "Large public transit district" means a public transit district that provides public  
7828 transit to an area that includes:

7829 (a) more than 65% of the population of the state based on the most recent official  
7830 census or census estimate of the United States Census Bureau; and

7831 (b) two or more counties.

7832 (11) (a) "Locally elected public official" means a person who holds an elected position  
7833 with a county or municipality.

7834 (b) "Locally elected public official" does not include a person who holds an elected  
7835 position if the elected position is not with a county or municipality.

7836 (12) "Metropolitan planning organization" means the same as that term is defined in  
7837 Section 72-1-208.5.

7838 (13) "Multicounty district" means a public transit district located in more than one  
7839 county.

7840 (14) "Operator" means a public entity or other person engaged in the transportation of  
7841 passengers for hire.

7842 (15) (a) "Public transit" means regular, continuing, shared-ride, surface transportation  
7843 services that are open to the general public or open to a segment of the general public defined  
7844 by age, disability, or low income.

7845 (b) "Public transit" does not include transportation services provided by:

7846 (i) chartered bus;

7847 (ii) sightseeing bus;

7848 (iii) taxi;

7849 (iv) school bus service;

7850 (v) courtesy shuttle service for patrons of one or more specific establishments; or

7851 (vi) intra-terminal or intra-facility shuttle services.

7852 (16) "Public transit district" means a ~~local~~ special district that provides public transit  
7853 services.

7854 (17) "Small public transit district" means any public transit district that is not a large  
7855 public transit district.

7856 (18) "Station area plan" means a plan developed and adopted by a municipality in  
7857 accordance with Section [10-9a-403.1](#).

7858 (19) "Transit facility" means a transit vehicle, transit station, depot, passenger loading  
7859 or unloading zone, parking lot, or other facility:

7860 (a) leased by or operated by or on behalf of a public transit district; and

7861 (b) related to the public transit services provided by the district, including:

7862 (i) railway or other right-of-way;

7863 (ii) railway line; and

7864 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
7865 a transit vehicle.

7866 (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle  
7867 operated as public transportation by a public transit district.

7868 (21) "Transit-oriented development" means a mixed use residential or commercial area

7869 that is designed to maximize access to public transit and includes the development of land  
7870 owned by a large public transit district.

7871 (22) "Transit-supportive development" means a mixed use residential or commercial  
7872 area that is designed to maximize access to public transit and does not include the development  
7873 of land owned by a large public transit district.

7874 Section 186. Section **17B-2a-803** is amended to read:

7875 **17B-2a-803. Provisions applicable to public transit districts.**

7876 (1) (a) Each public transit district is governed by and has the powers stated in:

7877 (i) this part; and

7878 (ii) except as provided in Subsection (1)(b), [~~Chapter 1, Provisions Applicable to All~~  
7879 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

7880 (b) (i) Except for Sections [17B-1-301](#), [17B-1-311](#), and [17B-1-313](#), the following  
7881 provisions do not apply to public transit districts:

7882 (A) Chapter 1, Part 3, Board of Trustees; and

7883 (B) Section [17B-2a-905](#).

7884 (ii) A public transit district is not subject to [~~Chapter 1, Part 6, Fiscal Procedures for~~  
7885 ~~Local Districts~~] Chapter 1, Part 6, Fiscal Procedures for Special Districts.

7886 (2) This part applies only to public transit districts.

7887 (3) A public transit district is not subject to the provisions of any other part of this  
7888 chapter.

7889 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
7890 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
7891 this part, the provision in this part governs.

7892 (5) The provisions of Subsection [53-3-202](#)(3)(b) do not apply to a motor vehicle owned  
7893 in whole or in part by a public transit district.

7894 Section 187. Section **17B-2a-804** is amended to read:

7895 **17B-2a-804. Additional public transit district powers.**

7896 (1) In addition to the powers conferred on a public transit district under Section  
7897 [17B-1-103](#), a public transit district may:

7898 (a) provide a public transit system for the transportation of passengers and their  
7899 incidental baggage;

7900 (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,  
7901 levy and collect property taxes only for the purpose of paying:

7902 (i) principal and interest of bonded indebtedness of the public transit district; or

7903 (ii) a final judgment against the public transit district if:

7904 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
7905 indemnity policy; and

7906 (B) the district is required by a final court order to levy a tax to pay the judgment;

7907 (c) insure against:

7908 (i) loss of revenues from damage to or destruction of some or all of a public transit  
7909 system from any cause;

7910 (ii) public liability;

7911 (iii) property damage; or

7912 (iv) any other type of event, act, or omission;

7913 (d) subject to Section 72-1-202 pertaining to fixed guideway capital development  
7914 within a large public transit district, acquire, contract for, lease, construct, own, operate,  
7915 control, or use:

7916 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,  
7917 parking lot, or any other facility necessary or convenient for public transit service; or

7918 (ii) any structure necessary for access by persons and vehicles;

7919 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,  
7920 equipment, service, employee, or management staff of an operator; and

7921 (ii) provide for a sublease or subcontract by the operator upon terms that are in the  
7922 public interest;

7923 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

7924 (g) accept a grant, contribution, or loan, directly through the sale of securities or  
7925 equipment trust certificates or otherwise, from the United States, or from a department,  
7926 instrumentality, or agency of the United States;

7927 (h) study and plan transit facilities in accordance with any legislation passed by  
7928 Congress;

7929 (i) cooperate with and enter into an agreement with the state or an agency of the state  
7930 or otherwise contract to finance to establish transit facilities and equipment or to study or plan

7931 transit facilities;

7932 (j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to  
7933 [~~Chapter 1, Part 11, Local District Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry  
7934 out the purposes of the district;

7935 (k) from bond proceeds or any other available funds, reimburse the state or an agency  
7936 of the state for an advance or contribution from the state or state agency;

7937 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available  
7938 under federal law, including complying with labor standards and making arrangements for  
7939 employees required by the United States or a department, instrumentality, or agency of the  
7940 United States;

7941 (m) sell or lease property;

7942 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or  
7943 transit-supportive developments;

7944 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner  
7945 or member in a development with limited liabilities in accordance with Subsection (1)(p),  
7946 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with  
7947 Subsection (3), transit-oriented developments or transit-supportive developments; and

7948 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a  
7949 transit-oriented development or a transit-supportive development in connection with project  
7950 area development as defined in Section 17C-1-102 by:

7951 (i) investing in a project as a limited partner or a member, with limited liabilities; or

7952 (ii) subordinating an ownership interest in real property owned by the public transit  
7953 district.

7954 (2) (a) A public transit district may only assist in the development of areas under  
7955 Subsection (1)(p) that have been approved by the board of trustees, and in the manners  
7956 described in Subsection (1)(p).

7957 (b) A public transit district may not invest in a transit-oriented development or  
7958 transit-supportive development as a limited partner or other limited liability entity under the  
7959 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,  
7960 makes an equity contribution equal to no less than 25% of the appraised value of the property  
7961 to be contributed by the public transit district.

7962 (c) (i) For transit-oriented development projects, a public transit district shall adopt  
7963 transit-oriented development policies and guidelines that include provisions on affordable  
7964 housing.

7965 (ii) For transit-supportive development projects, a public transit district shall work with  
7966 the metropolitan planning organization and city and county governments where the project is  
7967 located to collaboratively seek to create joint plans for the areas within one-half mile of transit  
7968 stations, including plans for affordable housing.

7969 (d) A current board member of a public transit district to which the board member is  
7970 appointed may not have any interest in the transactions engaged in by the public transit district  
7971 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's  
7972 fiduciary duty as a board member.

7973 (3) For any transit-oriented development or transit-supportive development authorized  
7974 in this section, the public transit district shall:

7975 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the  
7976 development, including effect on:

7977 (i) service and ridership;

7978 (ii) regional plans made by the metropolitan planning agency;

7979 (iii) the local economy;

7980 (iv) the environment and air quality;

7981 (v) affordable housing; and

7982 (vi) integration with other modes of transportation;

7983 (b) provide evidence to the public of a quantifiable positive return on investment,  
7984 including improvements to public transit service; and

7985 (c) coordinate with the Department of Transportation in accordance with Section  
7986 [72-1-202](#) pertaining to fixed guideway capital development and associated parking facilities  
7987 within a station area plan for a transit oriented development within a large public transit  
7988 district.

7989 (4) For any fixed guideway capital development project with oversight by the  
7990 Department of Transportation as described in Section [72-1-202](#), a large public transit district  
7991 shall coordinate with the Department of Transportation in all aspects of the project, including  
7992 planning, project development, outreach, programming, environmental studies and impact

7993 statements, impacts on public transit operations, and construction.

7994 (5) A public transit district may participate in a transit-oriented development only if:

7995 (a) for a transit-oriented development involving a municipality:

7996 (i) the relevant municipality has developed and adopted a station area plan; and

7997 (ii) the municipality is in compliance with Sections 10-9a-403 and 10-9a-408 regarding

7998 the inclusion of moderate income housing in the general plan and the required reporting

7999 requirements; or

8000 (b) for a transit-oriented development involving property in an unincorporated area of a

8001 county, the county is in compliance with Sections 17-27a-403 and 17-27a-408 regarding

8002 inclusion of moderate income housing in the general plan and required reporting requirements.

8003 (6) A public transit district may be funded from any combination of federal, state,

8004 local, or private funds.

8005 (7) A public transit district may not acquire property by eminent domain.

8006 Section 188. Section 17B-2a-817 is amended to read:

8007 **17B-2a-817. Voter approval required for property tax levy.**

8008 Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax

8009 under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit

8010 district may levy a property tax, as provided in and subject to [~~Chapter 1, Part 10, Local~~

8011 ~~District Property Tax Levy~~] Chapter 1, Part 10, Special District Property Tax Levy, if:

8012 (1) the district first submits the proposal to levy the property tax to voters within the

8013 district; and

8014 (2) a majority of voters within the district voting on the proposal vote in favor of the

8015 tax at an election held for that purpose on a date specified in Section 20A-1-204.

8016 Section 189. Section 17B-2a-902 is amended to read:

8017 **17B-2a-902. Provisions applicable to service areas.**

8018 (1) Each service area is governed by and has the powers stated in:

8019 (a) this part; and

8020 (b) except as provided in Subsection (5), [~~Chapter 1, Provisions Applicable to All~~

8021 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts.

8022 (2) This part applies only to service areas.

8023 (3) A service area is not subject to the provisions of any other part of this chapter.

8024 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
8025 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
8026 this part, the provision in this part governs.

8027 (5) (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a  
8028 service area may not charge or collect a fee under Section [17B-1-643](#) for:

8029 (i) law enforcement services;

8030 (ii) fire protection services;

8031 (iii) 911 ambulance or paramedic services as defined in Section [26-8a-102](#) that are  
8032 provided under a contract in accordance with Section [26-8a-405.2](#); or

8033 (iv) emergency services.

8034 (b) Subsection (5)(a) does not apply to:

8035 (i) a fee charged or collected on an individual basis rather than a general basis;

8036 (ii) a non-911 service as defined in Section [26-8a-102](#) that is provided under a contract  
8037 in accordance with Section [26-8a-405.2](#);

8038 (iii) an impact fee charged or collected for a public safety facility as defined in Section  
8039 [11-36a-102](#); or

8040 (iv) a service area that includes within the boundary of the service area a county of the  
8041 fifth or sixth class.

8042 Section 190. Section **17B-2a-903** is amended to read:

8043 **17B-2a-903. Additional service area powers -- Property tax limitation for service**  
8044 **area providing law enforcement service.**

8045 (1) In addition to the powers conferred on a service area under Section [17B-1-103](#), a  
8046 service area:

8047 (a) may issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District~~  
8048 ~~Bonds~~] Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

8049 (b) that, until April 30, 2007, was a regional service area, may provide park, recreation,  
8050 or parkway services, or any combination of those services; and

8051 (c) may, with the consent of the county in which the service area is located, provide  
8052 planning and zoning service.

8053 (2) A service area that provides law enforcement service may not levy a property tax or  
8054 increase its certified tax rate, as defined in Section [59-2-924](#), without the prior approval of:



8055 (a) (i) the legislative body of each municipality that is partly or entirely within the  
8056 boundary of the service area; and

8057 (ii) the legislative body of the county with an unincorporated area within the boundary  
8058 of the service area; or

8059 (b) (i) a majority of the legislative bodies of all municipalities that are partly or entirely  
8060 within the boundary of the service area; and

8061 (ii) two-thirds of the legislative body of the county with an unincorporated area within  
8062 the boundary of the service area.

8063 Section 191. Section **17B-2a-904** is amended to read:

8064 **17B-2a-904. Regional service areas to become service areas -- Change from**  
8065 **regional service area to service area not to affect rights, obligations, board makeup, or**  
8066 **property of former regional service area.**

8067 (1) Each regional service area, created and operating under the law in effect before  
8068 April 30, 2007, becomes on that date a service area, governed by and subject to [~~Chapter 1,~~  
8069 ~~Provisions Applicable to All Local Districts]~~ Chapter 1, Provisions Applicable to All Special  
8070 Districts, and this part.

8071 (2) The change of an entity from a regional service area to a service area under  
8072 Subsection (1) does not affect:

8073 (a) the entity's basic structure and operations or its nature as a body corporate and  
8074 politic and a political subdivision of the state;

8075 (b) the ability of the entity to provide the service that the entity:

8076 (i) was authorized to provide before the change; and

8077 (ii) provided before the change;

8078 (c) the validity of the actions taken, bonds issued, or contracts or other obligations  
8079 entered into by the entity before the change;

8080 (d) the ability of the entity to continue to impose and collect taxes, fees, and other  
8081 charges for the service it provides;

8082 (e) the makeup of the board of trustees;

8083 (f) the entity's ownership of property acquired before the change; or

8084 (g) any other powers, rights, or obligations that the entity had before the change, except  
8085 as modified by this part.

8086 Section 192. Section **17B-2a-907** is amended to read:

8087 **17B-2a-907. Adding a new service within a service area.**

8088 A service area may begin to provide within the boundaries of the service area a service  
8089 that it had not previously provided by using the procedures set forth in [~~Chapter 1, Part 2,~~  
8090 ~~Creation of a Local District~~] Chapter 1, Part 2, Creation of Special District, for the creation of a  
8091 service area as though a new service area were being created to provide that service.

8092 Section 193. Section **17B-2a-1003** is amended to read:

8093 **17B-2a-1003. Provisions applicable to water conservancy districts.**

8094 (1) Each water conservancy district is governed by and has the powers stated in:

8095 (a) this part; and

8096 (b) [~~Chapter 1, Provisions Applicable to All Local Districts~~] Chapter 1, Provisions  
8097 Applicable to All Special Districts.

8098 (2) This part applies only to water conservancy districts.

8099 (3) A water conservancy district is not subject to the provisions of any other part of this  
8100 chapter.

8101 (4) If there is a conflict between a provision in [~~Chapter 1, Provisions Applicable to All~~  
8102 ~~Local Districts~~] Chapter 1, Provisions Applicable to All Special Districts, and a provision in  
8103 this part, the provision in this part governs.

8104 (5) Before September 30, 2019, a water conservancy district shall submit a written  
8105 report to the Revenue and Taxation Interim Committee that describes, for the water  
8106 conservancy district's fiscal year that ended in 2018, the percentage and amount of revenue in  
8107 the water conservancy district from:

8108 (a) property taxes;

8109 (b) water rates; and

8110 (c) all other sources.

8111 Section 194. Section **17B-2a-1004** is amended to read:

8112 **17B-2a-1004. Additional water conservancy district powers -- Limitations on**  
8113 **water conservancy districts.**

8114 (1) In addition to the powers conferred on a water conservancy district under Section  
8115 **17B-1-103**, a water conservancy district may:

8116 (a) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]

- 8117 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;
- 8118 (b) acquire or lease any real or personal property or acquire any interest in real or  
8119 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or  
8120 outside the district;
- 8121 (c) acquire or construct works, facilities, or improvements, as provided in Subsection  
8122 17B-1-103(2)(d), whether inside or outside the district;
- 8123 (d) acquire water, works, water rights, and sources of water necessary or convenient to  
8124 the full exercise of the district's powers, whether the water, works, water rights, or sources of  
8125 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or  
8126 dispose of water, works, water rights, and sources of water;
- 8127 (e) fix rates and terms for the sale, lease, or other disposal of water;
- 8128 (f) acquire rights to the use of water from works constructed or operated by the district  
8129 or constructed or operated pursuant to a contract to which the district is a party, and sell rights  
8130 to the use of water from those works;
- 8131 (g) levy assessments against lands within the district to which water is allotted on the  
8132 basis of:
- 8133 (i) a uniform district-wide value per acre foot of irrigation water; or  
8134 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the  
8135 district into units and fixes a different value per acre foot of water in the respective units;
- 8136 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at  
8137 rates that are equitable, though not necessarily equal or uniform, for like classes of service;
- 8138 (i) adopt and modify plans and specifications for the works for which the district was  
8139 organized;
- 8140 (j) investigate and promote water conservation and development;
- 8141 (k) appropriate and otherwise acquire water and water rights inside or outside the state;
- 8142 (l) develop, store, treat, and transport water;
- 8143 (m) acquire stock in canal companies, water companies, and water users associations;
- 8144 (n) acquire, construct, operate, or maintain works for the irrigation of land;
- 8145 (o) subject to Subsection (2), sell water and water services to individual customers and  
8146 charge sufficient rates for the water and water services supplied;
- 8147 (p) own property for district purposes within the boundaries of a municipality; and

8148 (q) coordinate water resource planning among public entities.

8149 (2) (a) A water conservancy district and another political subdivision of the state may  
8150 contract with each other, and a water conservancy district may contract with one or more public  
8151 entities and private persons, for:

8152 (i) the joint operation or use of works owned by any party to the contract; or

8153 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related  
8154 services.

8155 (b) An agreement under Subsection (2)(a) may provide for the joint use of works  
8156 owned by one of the contracting parties if the agreement provides for reasonable compensation.

8157 (c) A statutory requirement that a district supply water to its own residents on a priority  
8158 basis does not apply to a contract under Subsection (2)(a).

8159 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,  
8160 including:

8161 (i) a term of years specified by the contract;

8162 (ii) a requirement that the purchasing party make specified payments, without regard to  
8163 actual taking or use;

8164 (iii) a requirement that the purchasing party pay user charges, charges for the  
8165 availability of water or water facilities, or other charges for capital costs, debt service,  
8166 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not  
8167 the related water, water rights, or facilities are acquired, completed, operable, or operating, and  
8168 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or  
8169 services for any reason;

8170 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or  
8171 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

8172 (A) the methods for financing the costs of acquisition, construction, and operation of  
8173 the joint facilities;

8174 (B) the method for allocating the costs of acquisition, construction, and operation of  
8175 the facilities among the parties consistent with their respective interests in or rights to the  
8176 facilities;

8177 (C) a management committee comprised of representatives of the parties, which may  
8178 be responsible for the acquisition, construction, and operation of the facilities as the parties

8179 determine; and

8180 (D) the remedies upon a default by any party in the performance of its obligations  
8181 under the contract, which may include a provision obligating or enabling the other parties to  
8182 succeed to all or a portion of the ownership interest or contractual rights and obligations of the  
8183 defaulting party; and

8184 (v) provisions that a purchasing party make payments from:

8185 (A) general or other funds of the purchasing party;

8186 (B) the proceeds of assessments levied under this part;

8187 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36a,  
8188 Impact Fees Act;

8189 (D) revenues from the operation of the water system of a party receiving water or  
8190 services under the contract;

8191 (E) proceeds of any revenue-sharing arrangement between the parties, including  
8192 amounts payable as a percentage of revenues or net revenues of the water system of a party  
8193 receiving water or services under the contract; and

8194 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)  
8195 through (E).

8196 (3) (a) A water conservancy district may enter into a contract with another state or a  
8197 political subdivision of another state for the joint construction, operation, or ownership of a  
8198 water facility.

8199 (b) Water from any source in the state may be appropriated and used for beneficial  
8200 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

8201 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not  
8202 sell water to a customer located within a municipality for domestic or culinary use without the  
8203 consent of the municipality.

8204 (b) Subsection (4)(a) does not apply if:

8205 (i) the property of a customer to whom a water conservancy district sells water was, at  
8206 the time the district began selling water to the customer, within an unincorporated area of a  
8207 county; and

8208 (ii) after the district begins selling water to the customer, the property becomes part of  
8209 a municipality through municipal incorporation or annexation.

8210 (5) A water conservancy district may not carry or transport water in transmountain  
8211 diversion if title to the water was acquired by a municipality by eminent domain.

8212 (6) A water conservancy district may not be required to obtain a franchise for the  
8213 acquisition, ownership, operation, or maintenance of property.

8214 (7) A water conservancy district may not acquire by eminent domain title to or  
8215 beneficial use of vested water rights for transmountain diversion.

8216 Section 195. Section **17B-2a-1007** is amended to read:

8217 **17B-2a-1007. Contract assessments.**

8218 (1) As used in this section:

8219 (a) "Assessed land" means:

8220 (i) for a contract assessment under a water contract with a private water user, the land  
8221 owned by the private water user that receives the beneficial use of water under the water  
8222 contract; or

8223 (ii) for a contract assessment under a water contract with a public water user, the land  
8224 within the boundaries of the public water user that is within the boundaries of the water  
8225 conservancy district and that receives the beneficial use of water under the water contract.

8226 (b) "Contract assessment" means an assessment levied as provided in this section by a  
8227 water conservancy district on assessed land.

8228 (c) "Governing body" means:

8229 (i) for a county, city, or town, the legislative body of the county, city, or town;

8230 (ii) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;

8231 (iii) for a special service district:

8232 (A) the legislative body of the county, city, or town that established the special service  
8233 district, if no administrative control board has been appointed under Section [17D-1-301](#); or

8234 (B) the administrative control board of the special service district, if an administrative  
8235 control board has been appointed under Section [17D-1-301](#); and

8236 (iv) for any other political subdivision of the state, the person or body with authority to  
8237 govern the affairs of the political subdivision.

8238 (d) "Petitioner" means a private petitioner or a public petitioner.

8239 (e) "Private petitioner" means an owner of land within a water conservancy district  
8240 who submits a petition to a water conservancy district under Subsection (3) to enter into a

8241 water contract with the district.

8242 (f) "Private water user" means an owner of land within a water conservancy district  
8243 who enters into a water contract with the district.

8244 (g) "Public petitioner" means a political subdivision of the state:

8245 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
8246 district; and

8247 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter  
8248 into a water contract with the district.

8249 (h) "Public water user" means a political subdivision of the state:

8250 (i) whose territory is partly or entirely within the boundaries of a water conservancy  
8251 district; and

8252 (ii) that enters into a water contract with the district.

8253 (i) "Water contract" means a contract between a water conservancy district and a  
8254 private water user or a public water user under which the water user purchases, leases, or  
8255 otherwise acquires the beneficial use of water from the water conservancy district for the  
8256 benefit of:

8257 (i) land owned by the private water user; or

8258 (ii) land within the public water user's boundaries that is also within the boundaries of  
8259 the water conservancy district.

8260 (j) "Water user" means a private water user or a public water user.

8261 (2) A water conservancy district may levy a contract assessment as provided in this  
8262 section.

8263 (3) (a) The governing body of a public petitioner may authorize its chief executive  
8264 officer to submit a written petition on behalf of the public petitioner to a water conservancy  
8265 district requesting to enter into a water contract.

8266 (b) A private petitioner may submit a written petition to a water conservancy district  
8267 requesting to enter into a water contract.

8268 (c) Each petition under this Subsection (3) shall include:

8269 (i) the petitioner's name;

8270 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

8271 (iii) a description of the land upon which the water will be used;

8272 (iv) the price to be paid for the water;

8273 (v) the amount of any service, turnout, connection, distribution system, or other charge  
8274 to be paid;

8275 (vi) whether payment will be made in cash or annual installments;

8276 (vii) a provision requiring the contract assessment to become a lien on the land for  
8277 which the water is petitioned and is to be allotted; and

8278 (viii) an agreement that the petitioner is bound by the provisions of this part and the  
8279 rules and regulations of the water conservancy district board of trustees.

8280 (4) (a) If the board of a water conservancy district desires to consider a petition  
8281 submitted by a petitioner under Subsection (3), the board shall:

8282 (i) post notice of the petition and of the hearing required under Subsection (4)(a)(ii) on  
8283 the Utah Public Notice Website, created in Section [63A-16-601](#), for at least two successive  
8284 weeks immediately before the date of the hearing; and

8285 (ii) hold a public hearing on the petition.

8286 (b) Each notice under Subsection (4)(a)(i) shall:

8287 (i) state that a petition has been filed and that the district is considering levying a  
8288 contract assessment; and

8289 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

8290 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the  
8291 water conservancy district shall:

8292 (A) allow any interested person to appear and explain why the petition should not be  
8293 granted; and

8294 (B) consider each written objection to the granting of the petition that the board  
8295 receives before or at the hearing.

8296 (ii) The board of trustees may adjourn and reconvene the hearing as the board  
8297 considers appropriate.

8298 (d) (i) Any interested person may file with the board of the water conservancy district,  
8299 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting  
8300 a petition.

8301 (ii) Each person who fails to submit a written objection within the time provided under  
8302 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and



8303 levying a contract assessment.

8304 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of  
8305 trustees of a water conservancy district may:

8306 (a) deny the petition; or

8307 (b) grant the petition, if the board considers granting the petition to be in the best  
8308 interests of the district.

8309 (6) The board of a water conservancy district that grants a petition under this section  
8310 may:

8311 (a) make an allotment of water for the benefit of assessed land;

8312 (b) authorize any necessary construction to provide for the use of water upon the terms  
8313 and conditions stated in the water contract;

8314 (c) divide the district into units and fix a different rate for water purchased or otherwise  
8315 acquired and for other charges within each unit, if the rates and charges are equitable, although  
8316 not equal and uniform, for similar classes of services throughout the district; and

8317 (d) levy a contract assessment on assessed land.

8318 (7) (a) The board of trustees of each water conservancy district that levies a contract  
8319 assessment under this section shall:

8320 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment  
8321 to be recorded in the office of the recorder of each county in which assessed land is located;  
8322 and

8323 (ii) on or before July 1 of each year after levying the contract assessment, certify to the  
8324 auditor of each county in which assessed land is located the amount of the contract assessment.

8325 (b) Upon the recording of the resolution, ordinance, or order, in accordance with  
8326 Subsection (7)(a)(i):

8327 (i) the contract assessment associated with allotting water to the assessed land under  
8328 the water contract becomes a political subdivision lien, as that term is defined in Section  
8329 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision  
8330 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

8331 (ii) (A) the board of trustees of the water conservancy district shall certify the amount  
8332 of the assessment to the county treasurer; and

8333 (B) the county treasurer shall include the certified amount on the property tax notice

8334 required by Section 59-2-1317 for that year.

8335 (c) (i) Each county in which assessed land is located shall collect the contract  
8336 assessment in the same manner as taxes levied by the county.

8337 (ii) If the amount of a contract assessment levied under this section is not paid in full in  
8338 a given year:

8339 (A) by September 15, the governing body of the water conservancy district that levies  
8340 the contract assessment shall certify any unpaid amount to the treasurer of the county in which  
8341 the property is located; and

8342 (B) the county treasurer shall include the certified amount on the property tax notice  
8343 required by Section 59-2-1317 for that year.

8344 (8) (a) The board of trustees of each water conservancy district that levies a contract  
8345 assessment under this section shall:

8346 (i) hold a public hearing, before August 8 of each year in which a contract assessment  
8347 is levied, to hear and consider objections filed under Subsection (8)(b); and

8348 (ii) post a notice:

8349 (A) on the Utah Public Notice Website, created in Section 63A-16-601, for at least the  
8350 two consecutive weeks before the public hearing; and

8351 (B) that contains a general description of the assessed land, the amount of the contract  
8352 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

8353 (b) An owner of assessed land within the water conservancy district who believes that  
8354 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the  
8355 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to  
8356 the assessment, stating the grounds for the objection.

8357 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and  
8358 consider the evidence and arguments supporting each objection.

8359 (ii) After hearing and considering the evidence and arguments supporting an objection,  
8360 the board of trustees:

8361 (A) shall enter a written order, stating its decision; and

8362 (B) may modify the assessment.

8363 (d) (i) An owner of assessed land may file a petition in district court seeking review of  
8364 a board of trustees' order under Subsection (8)(c)(ii)(A).

8365 (ii) Each petition under Subsection (8)(d)(i) shall:

8366 (A) be filed within 30 days after the board enters its written order;

8367 (B) state specifically the part of the board's order for which review is sought; and

8368 (C) be accompanied by a bond with good and sufficient security in an amount not

8369 exceeding \$200, as determined by the court clerk.

8370 (iii) If more than one owner of assessed land seeks review, the court may, upon a

8371 showing that the reviews may be consolidated without injury to anyone's interests, consolidate

8372 the reviews and hear them together.

8373 (iv) The court shall act as quickly as possible after a petition is filed.

8374 (v) A court may not disturb a board of trustees' order unless the court finds that the

8375 contract assessment on the petitioner's assessed land is manifestly disproportionate to

8376 assessments imposed upon other land in the district.

8377 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is

8378 conclusively considered to have been made in proportion to the benefits conferred on the land

8379 in the district.

8380 (9) Each resolution, ordinance, or order under which a water conservancy district

8381 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect

8382 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district

8383 may continue to levy the assessment according to the terms of the resolution, ordinance, or

8384 order.

8385 (10) A contract assessment is not a levy of an ad valorem property tax and is not

8386 subject to the limits stated in Section [17B-2a-1006](#).

8387 Section 196. Section **17B-2a-1102** is amended to read:

8388 **17B-2a-1102. Definitions.**

8389 As used in this part:

8390 (1) "Municipal services" means one or more of the services identified in Section

8391 [17-34-1](#), [17-36-3](#), or [17B-1-202](#).

8392 (2) "Metro township" means:

8393 (a) a metro township for which the electors at an election under Section [10-2a-404](#)

8394 chose a metro township that is included in a municipal services district; or

8395 (b) a metro township that subsequently joins a municipal services district.

8396 Section 197. Section **17B-2a-1104** is amended to read:

8397 **17B-2a-1104. Additional municipal services district powers.**

8398 In addition to the powers conferred on a municipal services district under Section  
8399 **17B-1-103**, a municipal services district may:

8400 (1) notwithstanding Subsection **17B-1-202**(3), provide no more than six municipal  
8401 services;

8402 (2) assist a municipality or a county located within a municipal services district by  
8403 providing staffing and administrative services, including:

8404 (a) human resources staffing and services;

8405 (b) finance and budgeting staffing and services; and

8406 (c) information technology staffing and services; and

8407 (3) issue bonds as provided in and subject to [~~Chapter 1, Part 11, Local District Bonds~~]

8408 Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district.

8409 Section 198. Section **17B-2a-1106** is amended to read:

8410 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

8411 (1) Notwithstanding any other provision of law regarding the membership of a [~~local~~]  
8412 special district board of trustees, the initial board of trustees of a municipal services district  
8413 shall consist of the county legislative body.

8414 (2) (a) If, after the initial creation of a municipal services district, an area within the  
8415 district is incorporated as a municipality as defined in Section **10-1-104** and the area is not  
8416 withdrawn from the district in accordance with Section **17B-1-502** or **17B-1-505**, or an area  
8417 within the municipality is annexed into the municipal services district in accordance with  
8418 Section **17B-2a-1103**, the district's board of trustees shall be as follows:

8419 (i) subject to Subsection (2)(b), a member of that municipality's governing body;

8420 (ii) one member of the county council of the county in which the municipal services  
8421 district is located; and

8422 (iii) the total number of board members is not required to be an odd number.

8423 (b) A member described in Subsection (2)(a)(i) shall be:

8424 (i) for a municipality other than a metro township, designated by the municipal  
8425 legislative body; and

8426 (ii) for a metro township, the mayor of the metro township or, during any period of

8427 time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro  
8428 township council elects in accordance with Subsection 10-3b-503(4).

8429 (3) For a board of trustees described in Subsection (2), each board member's vote is  
8430 weighted using the proportion of the municipal services district population that resides:

8431 (a) for each member described in Subsection (2)(a)(i), within that member's  
8432 municipality; and

8433 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated  
8434 county.

8435 (4) The board may adopt a resolution providing for future board members to be  
8436 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

8437 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees  
8438 may adopt a resolution to determine the internal governance of the board.

8439 (6) The municipal services district and the county may enter into an agreement for the  
8440 provision of legal services to the municipal services district.

8441 Section 199. Section 17C-1-102 is amended to read:

8442 **17C-1-102. Definitions.**

8443 As used in this title:

8444 (1) "Active project area" means a project area that has not been dissolved in accordance  
8445 with Section 17C-1-702.

8446 (2) "Adjusted tax increment" means the percentage of tax increment, if less than  
8447 100%, that an agency is authorized to receive:

8448 (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax  
8449 increment under Subsection 17C-1-403(3);

8450 (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax  
8451 increment under Section 17C-1-406;

8452 (c) under a project area budget approved by a taxing entity committee; or

8453 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's  
8454 tax increment.

8455 (3) "Affordable housing" means housing owned or occupied by a low or moderate  
8456 income family, as determined by resolution of the agency.

8457 (4) "Agency" or "community reinvestment agency" means a separate body corporate

- 8458 and politic, created under Section [17C-1-201.5](#) or as a redevelopment agency or community  
8459 development and renewal agency under previous law:
- 8460 (a) that is a political subdivision of the state;
- 8461 (b) that is created to undertake or promote project area development as provided in this  
8462 title; and
- 8463 (c) whose geographic boundaries are coterminous with:
- 8464 (i) for an agency created by a county, the unincorporated area of the county; and  
8465 (ii) for an agency created by a municipality, the boundaries of the municipality.
- 8466 (5) "Agency funds" means money that an agency collects or receives for agency  
8467 operations, implementing a project area plan or an implementation plan as defined in Section  
8468 [17C-1-1001](#), or other agency purposes, including:
- 8469 (a) project area funds;
- 8470 (b) income, proceeds, revenue, or property derived from or held in connection with the  
8471 agency's undertaking and implementation of project area development or agency-wide project  
8472 development as defined in Section [17C-1-1001](#);
- 8473 (c) a contribution, loan, grant, or other financial assistance from any public or private  
8474 source;
- 8475 (d) project area incremental revenue as defined in Section [17C-1-1001](#); or  
8476 (e) property tax revenue as defined in Section [17C-1-1001](#).
- 8477 (6) "Annual income" means the same as that term is defined in regulations of the  
8478 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as  
8479 amended or as superseded by replacement regulations.
- 8480 (7) "Assessment roll" means the same as that term is defined in Section [59-2-102](#).
- 8481 (8) "Base taxable value" means, unless otherwise adjusted in accordance with  
8482 provisions of this title, a property's taxable value as shown upon the assessment roll last  
8483 equalized during the base year.
- 8484 (9) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the year  
8485 during which the assessment roll is last equalized:
- 8486 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,  
8487 before the project area plan's effective date;
- 8488 (b) for a post-June 30, 1993, urban renewal or economic development project area

- 8489 plan, or a community reinvestment project area plan that is subject to a taxing entity  
8490 committee:
- 8491 (i) before the date on which the taxing entity committee approves the project area  
8492 budget; or
- 8493 (ii) if taxing entity committee approval is not required for the project area budget,  
8494 before the date on which the community legislative body adopts the project area plan;
- 8495 (c) for a project on an inactive airport site, after the later of:
- 8496 (i) the date on which the inactive airport site is sold for remediation and development;  
8497 or
- 8498 (ii) the date on which the airport that operated on the inactive airport site ceased  
8499 operations; or
- 8500 (d) for a community development project area plan or a community reinvestment  
8501 project area plan that is subject to an interlocal agreement, as described in the interlocal  
8502 agreement.
- 8503 (10) "Basic levy" means the portion of a school district's tax levy constituting the  
8504 minimum basic levy under Section [59-2-902](#).
- 8505 (11) "Board" means the governing body of an agency, as described in Section  
8506 [17C-1-203](#).
- 8507 (12) "Budget hearing" means the public hearing on a proposed project area budget  
8508 required under Subsection [17C-2-201\(2\)\(d\)](#) for an urban renewal project area budget,  
8509 Subsection [17C-3-201\(2\)\(d\)](#) for an economic development project area budget, or Subsection  
8510 [17C-5-302\(2\)\(e\)](#) for a community reinvestment project area budget.
- 8511 (13) "Closed military base" means land within a former military base that the Defense  
8512 Base Closure and Realignment Commission has voted to close or realign when that action has  
8513 been sustained by the president of the United States and Congress.
- 8514 (14) "Combined incremental value" means the combined total of all incremental values  
8515 from all project areas, except project areas that contain some or all of a military installation or  
8516 inactive industrial site, within the agency's boundaries under project area plans and project area  
8517 budgets at the time that a project area budget for a new project area is being considered.
- 8518 (15) "Community" means a county or municipality.
- 8519 (16) "Community development project area plan" means a project area plan adopted



8520 under Chapter 4, Part 1, Community Development Project Area Plan.

8521 (17) "Community legislative body" means the legislative body of the community that  
8522 created the agency.

8523 (18) "Community reinvestment project area plan" means a project area plan adopted  
8524 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

8525 (19) "Contest" means to file a written complaint in the district court of the county in  
8526 which the agency is located.

8527 (20) "Development impediment" means a condition of an area that meets the  
8528 requirements described in Section 17C-2-303 for an urban renewal project area or Section  
8529 17C-5-405 for a community reinvestment project area.

8530 (21) "Development impediment hearing" means a public hearing regarding whether a  
8531 development impediment exists within a proposed:

8532 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section  
8533 17C-2-302; or

8534 (b) community reinvestment project area under Section 17C-5-404.

8535 (22) "Development impediment study" means a study to determine whether a  
8536 development impediment exists within a survey area as described in Section 17C-2-301 for an  
8537 urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

8538 (23) "Economic development project area plan" means a project area plan adopted  
8539 under Chapter 3, Part 1, Economic Development Project Area Plan.

8540 (24) "Fair share ratio" means the ratio derived by:

8541 (a) for a municipality, comparing the percentage of all housing units within the  
8542 municipality that are publicly subsidized income targeted housing units to the percentage of all  
8543 housing units within the county in which the municipality is located that are publicly  
8544 subsidized income targeted housing units; or

8545 (b) for the unincorporated part of a county, comparing the percentage of all housing  
8546 units within the unincorporated county that are publicly subsidized income targeted housing  
8547 units to the percentage of all housing units within the whole county that are publicly subsidized  
8548 income targeted housing units.

8549 (25) "Family" means the same as that term is defined in regulations of the United  
8550 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended



8551 or as superseded by replacement regulations.

8552 (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

8553 (27) "Hazardous waste" means any substance defined, regulated, or listed as a  
8554 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,  
8555 or toxic substance, or identified as hazardous to human health or the environment, under state  
8556 or federal law or regulation.

8557 (28) "Housing allocation" means project area funds allocated for housing under Section  
8558 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

8559 (29) "Housing fund" means a fund created by an agency for purposes described in  
8560 Section 17C-1-411 or 17C-1-412 that is comprised of:

8561 (a) project area funds, project area incremental revenue as defined in Section  
8562 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the  
8563 purposes described in Section 17C-1-411; or

8564 (b) an agency's housing allocation.

8565 (30) (a) "Inactive airport site" means land that:

8566 (i) consists of at least 100 acres;

8567 (ii) is occupied by an airport:

8568 (A) (I) that is no longer in operation as an airport; or

8569 (II) (Aa) that is scheduled to be decommissioned; and

8570 (Bb) for which a replacement commercial service airport is under construction; and

8571 (B) that is owned or was formerly owned and operated by a public entity; and

8572 (iii) requires remediation because:

8573 (A) of the presence of hazardous waste or solid waste; or

8574 (B) the site lacks sufficient public infrastructure and facilities, including public roads,  
8575 electric service, water system, and sewer system, needed to support development of the site.

8576 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land  
8577 described in Subsection (30)(a).

8578 (31) (a) "Inactive industrial site" means land that:

8579 (i) consists of at least 1,000 acres;

8580 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial  
8581 facility; and

8582 (iii) requires remediation because of the presence of hazardous waste or solid waste.

8583 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land  
8584 described in Subsection (31)(a).

8585 (32) "Income targeted housing" means housing that is owned or occupied by a family  
8586 whose annual income is at or below 80% of the median annual income for a family within the  
8587 county in which the housing is located.

8588 (33) "Incremental value" means a figure derived by multiplying the marginal value of  
8589 the property located within a project area on which tax increment is collected by a number that  
8590 represents the adjusted tax increment from that project area that is paid to the agency.

8591 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
8592 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

8593 (35) (a) "Local government building" means a building owned and operated by a  
8594 community for the primary purpose of providing one or more primary community functions,  
8595 including:

8596 (i) a fire station;

8597 (ii) a police station;

8598 (iii) a city hall; or

8599 (iv) a court or other judicial building.

8600 (b) "Local government building" does not include a building the primary purpose of  
8601 which is cultural or recreational in nature.

8602 (36) "Major transit investment corridor" means the same as that term is defined in  
8603 Section [10-9a-103](#).

8604 (37) "Marginal value" means the difference between actual taxable value and base  
8605 taxable value.

8606 (38) "Military installation project area" means a project area or a portion of a project  
8607 area located within a federal military installation ordered closed by the federal Defense Base  
8608 Realignment and Closure Commission.

8609 (39) "Municipality" means a city, town, or metro township as defined in Section  
8610 [10-2a-403](#).

8611 (40) "Participant" means one or more persons that enter into a participation agreement  
8612 with an agency.

8613 (41) "Participation agreement" means a written agreement between a person and an  
8614 agency that:

8615 (a) includes a description of:

8616 (i) the project area development that the person will undertake;

8617 (ii) the amount of project area funds the person may receive; and

8618 (iii) the terms and conditions under which the person may receive project area funds;

8619 and

8620 (b) is approved by resolution of the board.

8621 (42) "Plan hearing" means the public hearing on a proposed project area plan required

8622 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection

8623 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d)

8624 for a community development project area plan, or Subsection 17C-5-104(3)(e) for a

8625 community reinvestment project area plan.

8626 (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or

8627 after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project

8628 area plan's adoption.

8629 (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July

8630 1, 1993, whether or not amended subsequent to the project area plan's adoption.

8631 (45) "Private," with respect to real property, means property not owned by a public

8632 entity or any other governmental entity.

8633 (46) "Project area" means the geographic area described in a project area plan within

8634 which the project area development described in the project area plan takes place or is

8635 proposed to take place.

8636 (47) "Project area budget" means a multiyear projection of annual or cumulative

8637 revenues and expenses and other fiscal matters pertaining to a project area prepared in

8638 accordance with:

8639 (a) for an urban renewal project area, Section 17C-2-201;

8640 (b) for an economic development project area, Section 17C-3-201;

8641 (c) for a community development project area, Section 17C-4-204; or

8642 (d) for a community reinvestment project area, Section 17C-5-302.

8643 (48) "Project area development" means activity within a project area that, as

8644 determined by the board, encourages, promotes, or provides development or redevelopment for  
8645 the purpose of implementing a project area plan, including:

8646 (a) promoting, creating, or retaining public or private jobs within the state or a  
8647 community;

8648 (b) providing office, manufacturing, warehousing, distribution, parking, or other  
8649 facilities or improvements;

8650 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or  
8651 remediating environmental issues;

8652 (d) providing residential, commercial, industrial, public, or other structures or spaces,  
8653 including recreational and other facilities incidental or appurtenant to the structures or spaces;

8654 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating  
8655 existing structures;

8656 (f) providing open space, including streets or other public grounds or space around  
8657 buildings;

8658 (g) providing public or private buildings, infrastructure, structures, or improvements;

8659 (h) relocating a business;

8660 (i) improving public or private recreation areas or other public grounds;

8661 (j) eliminating a development impediment or the causes of a development impediment;

8662 (k) redevelopment as defined under the law in effect before May 1, 2006; or

8663 (l) any activity described in this Subsection (48) outside of a project area that the board  
8664 determines to be a benefit to the project area.

8665 (49) "Project area funds" means tax increment or sales and use tax revenue that an  
8666 agency receives under a project area budget adopted by a taxing entity committee or an  
8667 interlocal agreement.

8668 (50) "Project area funds collection period" means the period of time that:

8669 (a) begins the day on which the first payment of project area funds is distributed to an  
8670 agency under a project area budget approved by a taxing entity committee or an interlocal  
8671 agreement; and

8672 (b) ends the day on which the last payment of project area funds is distributed to an  
8673 agency under a project area budget approved by a taxing entity committee or an interlocal  
8674 agreement.

8675 (51) "Project area plan" means an urban renewal project area plan, an economic  
8676 development project area plan, a community development project area plan, or a community  
8677 reinvestment project area plan that, after the project area plan's effective date, guides and  
8678 controls the project area development.

8679 (52) (a) "Property tax" means each levy on an ad valorem basis on tangible or  
8680 intangible personal or real property.

8681 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege  
8682 Tax.

8683 (53) "Public entity" means:

8684 (a) the United States, including an agency of the United States;

8685 (b) the state, including any of the state's departments or agencies; or

8686 (c) a political subdivision of the state, including a county, municipality, school district,  
8687 [~~local~~] special district, special service district, community reinvestment agency, or interlocal  
8688 cooperation entity.

8689 (54) "Publicly owned infrastructure and improvements" means water, sewer, storm  
8690 drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets,  
8691 roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or  
8692 other facilities, infrastructure, and improvements benefitting the public and to be publicly  
8693 owned or publicly maintained or operated.

8694 (55) "Record property owner" or "record owner of property" means the owner of real  
8695 property, as shown on the records of the county in which the property is located, to whom the  
8696 property's tax notice is sent.

8697 (56) "Sales and use tax revenue" means revenue that is:

8698 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;  
8699 and

8700 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

8701 (57) "Superfund site":

8702 (a) means an area included in the National Priorities List under the Comprehensive  
8703 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

8704 (b) includes an area formerly included in the National Priorities List, as described in  
8705 Subsection (57)(a), but removed from the list following remediation that leaves on site the

8706 waste that caused the area to be included in the National Priorities List.

8707 (58) "Survey area" means a geographic area designated for study by a survey area

8708 resolution to determine whether:

8709 (a) one or more project areas within the survey area are feasible; or

8710 (b) a development impediment exists within the survey area.

8711 (59) "Survey area resolution" means a resolution adopted by a board that designates a

8712 survey area.

8713 (60) "Taxable value" means:

8714 (a) the taxable value of all real property a county assessor assesses in accordance with  
8715 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

8716 (b) the taxable value of all real and personal property the commission assesses in  
8717 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

8718 (c) the year end taxable value of all personal property a county assessor assesses in  
8719 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's  
8720 tax rolls of the taxing entity.

8721 (61) (a) "Tax increment" means the difference between:

8722 (i) the amount of property tax revenue generated each tax year by a taxing entity from  
8723 the area within a project area designated in the project area plan as the area from which tax  
8724 increment is to be collected, using the current assessed value of the property and each taxing  
8725 entity's current certified tax rate as defined in Section 59-2-924; and

8726 (ii) the amount of property tax revenue that would be generated from that same area  
8727 using the base taxable value of the property and each taxing entity's current certified tax rate as  
8728 defined in Section 59-2-924.

8729 (b) "Tax increment" does not include taxes levied and collected under Section  
8730 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

8731 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
8732 area plan was subsequently amended; and

8733 (ii) the taxes were pledged to support bond indebtedness or other contractual  
8734 obligations of the agency.

8735 (62) "Taxing entity" means a public entity that:

8736 (a) levies a tax on property located within a project area; or

8737 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

8738 (63) "Taxing entity committee" means a committee representing the interests of taxing  
8739 entities, created in accordance with Section 17C-1-402.

8740 (64) "Unincorporated" means not within a municipality.

8741 (65) "Urban renewal project area plan" means a project area plan adopted under  
8742 Chapter 2, Part 1, Urban Renewal Project Area Plan.

8743 Section 200. Section 17C-1-409 is amended to read:

8744 **17C-1-409. Allowable uses of agency funds.**

8745 (1) (a) An agency may use agency funds:

8746 (i) for any purpose authorized under this title;

8747 (ii) for administrative, overhead, legal, or other operating expenses of the agency,  
8748 including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for  
8749 a business resource center;

8750 (iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or  
8751 part of:

8752 (A) project area development in a project area, including environmental remediation  
8753 activities occurring before or after adoption of the project area plan;

8754 (B) housing-related expenditures, projects, or programs as described in Section  
8755 17C-1-411 or 17C-1-412;

8756 (C) an incentive or other consideration paid to a participant under a participation  
8757 agreement;

8758 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the  
8759 installation and construction of any publicly owned building, facility, structure, landscaping, or  
8760 other improvement within the project area from which the project area funds are collected; or

8761 (E) the cost of the installation of publicly owned infrastructure and improvements  
8762 outside the project area from which the project area funds are collected if the board and the  
8763 community legislative body determine by resolution that the publicly owned infrastructure and  
8764 improvements benefit the project area;

8765 (iv) in an urban renewal project area that includes some or all of an inactive industrial  
8766 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created  
8767 under Section 72-1-201, or a public transit district created under ~~Title 17B, Chapter 2a, Part 8,~~

8768 ~~Public Transit District Act]~~ Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special  
8769 Districts, for the cost of:

8770 (A) construction of a public road, bridge, or overpass;

8771 (B) relocation of a railroad track within the urban renewal project area; or

8772 (C) relocation of a railroad facility within the urban renewal project area;

8773 (v) subject to Subsection (5), to transfer funds to a community that created the agency;

8774 or

8775 (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10,  
8776 Agency Taxing Authority.

8777 (b) The determination of the board and the community legislative body under  
8778 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

8779 (c) An agency may not use project area funds received from a taxing entity for the  
8780 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an  
8781 economic development project area plan, or a community reinvestment project area plan  
8782 without the community legislative body's consent.

8783 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a  
8784 project area fund to another project area fund if:

8785 (A) the board approves; and

8786 (B) the community legislative body approves.

8787 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the  
8788 projections for agency funds are sufficient to repay the loan amount.

8789 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,  
8790 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal  
8791 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
8792 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for ~~Local~~ Special Districts.

8793 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection  
8794 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the  
8795 reimbursement with:

8796 (i) the Department of Transportation; or

8797 (ii) a public transit district.

8798 (f) Before an agency may use project area funds for agency-wide project development,



8799 as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity  
8800 committee or each taxing entity party to an interlocal agreement with the agency.

8801 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not  
8802 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility  
8803 Incentive Payments Act.

8804 (b) An agency may use sales and use tax revenue that the agency receives under an  
8805 interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the  
8806 interlocal agreement.

8807 (3) (a) An agency may contract with the community that created the agency or another  
8808 public entity to use agency funds to reimburse the cost of items authorized by this title to be  
8809 paid by the agency that are paid by the community or other public entity.

8810 (b) If land is acquired or the cost of an improvement is paid by another public entity  
8811 and the land or improvement is leased to the community, an agency may contract with and  
8812 make reimbursement from agency funds to the community.

8813 (4) Notwithstanding any other provision of this title, an agency may not use project  
8814 area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax  
8815 revenue as defined in Section 17C-1-1001, to construct a local government building unless the  
8816 taxing entity committee or each taxing entity party to an interlocal agreement with the agency  
8817 consents.

8818 (5) For the purpose of offsetting the community's annual local contribution to the  
8819 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in  
8820 a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and  
8821 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in  
8822 Subsection 59-12-205(5).

8823 Section 201. Section 17D-1-102 is amended to read:

8824 **17D-1-102. Definitions.**

8825 As used in this chapter:

8826 (1) "Adequate protests" means written protests timely filed by:

8827 (a) the owners of private real property that:

8828 (i) is located within the applicable area;

8829 (ii) covers at least 25% of the total private land area within the applicable area; and

8830 (iii) is equal in value to at least 15% of the value of all private real property within the  
8831 applicable area; or

8832 (b) registered voters residing within the applicable area equal in number to at least 25%  
8833 of the number of votes cast in the applicable area for the office of president of the United States  
8834 at the most recent election prior to the adoption of the resolution or filing of the petition.

8835 (2) "Applicable area" means:

8836 (a) for a proposal to create a special service district, the area included within the  
8837 proposed special service district;

8838 (b) for a proposal to annex an area to an existing special service district, the area  
8839 proposed to be annexed;

8840 (c) for a proposal to add a service to the service or services provided by a special  
8841 service district, the area included within the special service district; and

8842 (d) for a proposal to consolidate special service districts, the area included within each  
8843 special service district proposed to be consolidated.

8844 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,  
8845 water, or other real or personal property required to provide a service that a special service  
8846 district is authorized to provide, including any related or appurtenant easement or right-of-way,  
8847 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

8848 (4) "General obligation bond":

8849 (a) means a bond that is directly payable from and secured by ad valorem property  
8850 taxes that are:

8851 (i) levied:

8852 (A) by the county or municipality that created the special service district that issues the  
8853 bond; and

8854 (B) on taxable property within the special service district; and

8855 (ii) in excess of the ad valorem property taxes for the current fiscal year; and

8856 (b) does not include:

8857 (i) a short-term bond;

8858 (ii) a tax and revenue anticipation bond; or

8859 (iii) a special assessment bond.

8860 (5) "Governing body" means:

8861 (a) the legislative body of the county or municipality that creates the special service  
8862 district, to the extent that the county or municipal legislative body has not delegated authority  
8863 to an administrative control board created under Section [17D-1-301](#); or

8864 (b) the administrative control board of the special service district, to the extent that the  
8865 county or municipal legislative body has delegated authority to an administrative control board  
8866 created under Section [17D-1-301](#).

8867 (6) "Guaranteed bonds" means bonds:

8868 (a) issued by a special service district; and

8869 (b) the debt service of which is guaranteed by one or more taxpayers owning property  
8870 within the special service district.

8871 [~~(7)~~] "~~Local district~~" has the same meaning as defined in Section ~~17B-1-102~~;

8872 [~~(8)~~] (7) "Revenue bond":

8873 (a) means a bond payable from designated taxes or other revenues other than the ad  
8874 valorem property taxes of the county or municipality that created the special service district;  
8875 and

8876 (b) does not include:

8877 (i) an obligation constituting an indebtedness within the meaning of an applicable  
8878 constitutional or statutory debt limit;

8879 (ii) a tax and revenue anticipation bond; or

8880 (iii) a special assessment bond.

8881 [~~(9)~~] (8) "Special assessment" means an assessment levied against property to pay all  
8882 or a portion of the costs of making improvements that benefit the property.

8883 [~~(10)~~] (9) "Special assessment bond" means a bond payable from special assessments.

8884 (10) "Special district" has the same meaning as that term is defined in Section  
8885 [17B-1-102](#).

8886 (11) "Special service district" means a limited purpose local government entity, as  
8887 described in Section [17D-1-103](#), that:

8888 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

8889 (b) operates under, is subject to, and has the powers set forth in this chapter.

8890 (12) "Tax and revenue anticipation bond" means a bond:

8891 (a) issued in anticipation of the collection of taxes or other revenues or a combination

8892 of taxes and other revenues; and

8893 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
8894 issued.

8895 Section 202. Section **17D-1-103** is amended to read:

8896 **17D-1-103. Special service district status, powers, and duties -- Registration as a**  
8897 **limited purpose entity -- Limitation on districts providing jail service.**

8898 (1) A special service district:

8899 (a) is:

8900 (i) a body corporate and politic with perpetual succession, separate and distinct from  
8901 the county or municipality that creates it;

8902 (ii) a quasi-municipal corporation; and

8903 (iii) a political subdivision of the state; and

8904 (b) may sue and be sued.

8905 (2) A special service district may:

8906 (a) exercise the power of eminent domain possessed by the county or municipality that  
8907 creates the special service district;

8908 (b) enter into a contract that the governing authority considers desirable to carry out  
8909 special service district functions, including a contract:

8910 (i) with the United States or an agency of the United States, the state, an institution of  
8911 higher education, a county, a municipality, a school district, a [~~local~~] special district, another  
8912 special service district, or any other political subdivision of the state; or

8913 (ii) that includes provisions concerning the use, operation, and maintenance of special  
8914 service district facilities and the collection of fees or charges with respect to commodities,  
8915 services, or facilities that the district provides;

8916 (c) acquire or construct facilities;

8917 (d) acquire real or personal property, or an interest in real or personal property,  
8918 including water and water rights, whether by purchase, lease, gift, devise, bequest, or  
8919 otherwise, and whether the property is located inside or outside the special service district, and  
8920 own, hold, improve, use, finance, or otherwise deal in and with the property or property right;

8921 (e) sell, convey, lease, exchange, transfer, or otherwise dispose of all or any part of the  
8922 special service district's property or assets, including water and water rights;

- 8923 (f) mortgage, pledge, or otherwise encumber all or any part of the special service
- 8924 district's property or assets, including water and water rights;
- 8925 (g) enter into a contract with respect to the use, operation, or maintenance of all or any
- 8926 part of the special service district's property or assets, including water and water rights;
- 8927 (h) accept a government grant or loan and comply with the conditions of the grant or
- 8928 loan;
- 8929 (i) use an officer, employee, property, equipment, office, or facility of the county or
- 8930 municipality that created the special service district, subject to reimbursement as provided in
- 8931 Subsection (4);
- 8932 (j) employ one or more officers, employees, or agents, including one or more
- 8933 engineers, accountants, attorneys, or financial consultants, and establish their compensation;
- 8934 (k) designate an assessment area and levy an assessment as provided in Title 11,
- 8935 Chapter 42, Assessment Area Act;
- 8936 (l) contract with a franchised, certificated public utility for the construction and
- 8937 operation of an electrical service distribution system within the special service district;
- 8938 (m) borrow money and incur indebtedness;
- 8939 (n) as provided in Part 5, Special Service District Bonds, issue bonds for the purpose of
- 8940 acquiring, constructing, and equipping any of the facilities required for the services the special
- 8941 service district is authorized to provide, including:
- 8942 (i) bonds payable in whole or in part from taxes levied on the taxable property in the
- 8943 special service district;
- 8944 (ii) bonds payable from revenues derived from the operation of revenue-producing
- 8945 facilities of the special service district;
- 8946 (iii) bonds payable from both taxes and revenues;
- 8947 (iv) guaranteed bonds, payable in whole or in part from taxes levied on the taxable
- 8948 property in the special service district;
- 8949 (v) tax anticipation notes;
- 8950 (vi) bond anticipation notes;
- 8951 (vii) refunding bonds;
- 8952 (viii) special assessment bonds; and
- 8953 (ix) bonds payable in whole or in part from mineral lease payments as provided in

8954 Section 11-14-308;

8955 (o) except as provided in Subsection (5), impose fees or charges or both for  
8956 commodities, services, or facilities that the special service district provides;

8957 (p) provide to an area outside the special service district's boundary, whether inside or  
8958 outside the state, a service that the special service district is authorized to provide within its  
8959 boundary, if the governing body makes a finding that there is a public benefit to providing the  
8960 service to the area outside the special service district's boundary;

8961 (q) provide other services that the governing body determines will more effectively  
8962 carry out the purposes of the special service district; and

8963 (r) adopt an official seal for the special service district.

8964 (3) (a) Each special service district shall register and maintain the special service  
8965 district's registration as a limited purpose entity, in accordance with Section 67-1a-15.

8966 (b) A special service district that fails to comply with Subsection (3)(a) or Section  
8967 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

8968 (4) Each special service district that uses an officer, employee, property, equipment,  
8969 office, or facility of the county or municipality that created the special service district shall  
8970 reimburse the county or municipality a reasonable amount for what the special service district  
8971 uses.

8972 (5) (a) A special service district that provides jail service as provided in Subsection  
8973 17D-1-201(10) may not impose a fee or charge for the service it provides.

8974 (b) Subsection (5)(a) may not be construed to limit a special service district that  
8975 provides jail service from:

8976 (i) entering into a contract with the federal government, the state, or a political  
8977 subdivision of the state to provide jail service for compensation; or

8978 (ii) receiving compensation for jail service it provides under a contract described in  
8979 Subsection (5)(b)(i).

8980 Section 203. Section 17D-1-106 is amended to read:

8981 **17D-1-106. Special service districts subject to other provisions.**

8982 (1) A special service district is, to the same extent as if it were a [local] special district,  
8983 subject to and governed by:

8984 (a) (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-111, 17B-1-113,

8985 17B-1-116, 17B-1-118, 17B-1-119, 17B-1-120, 17B-1-121, 17B-1-304, 17B-1-307,  
8986 17B-1-310, 17B-1-311, 17B-1-312, 17B-1-313, and 17B-1-314; and

8987 (ii) Sections 17B-1-305 and 17B-1-306, to the extent that a county legislative body or a  
8988 municipal legislative body, as applicable, has delegated authority to an administrative control  
8989 board with elected members, under Section 17D-1-301.

8990 (b) Subsections:

8991 (i) 17B-1-301(3) and (4); and

8992 (ii) 17B-1-303(1), (2)(a) and (b), (3), (4), (5), (6), (7), and (9);

8993 (c) Section 20A-1-512;

8994 (d) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,  
8995 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

8996 (e) [~~Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports~~] Title 17B,  
8997 Chapter 1, Part 7, Special District Budgets and Audit Reports;

8998 (f) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,  
8999 Chapter 1, Part 8, Special District Personnel Management; and

9000 (g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

9001 (2) For purposes of applying the provisions listed in Subsection (1) to a special service  
9002 district, each reference in those provisions to the [~~local~~] special district board of trustees means  
9003 the governing body.

9004 Section 204. Section 17D-1-202 is amended to read:

9005 **17D-1-202. Limitations on the creation of a special service district.**

9006 (1) Subject to Subsection (2), the boundary of a proposed special service district may  
9007 include all or part of the area within the boundary of the county or municipality that creates the  
9008 special service district.

9009 (2) (a) The boundary of a proposed special service district may not include an area  
9010 included within the boundary of an existing special service district that provides the same  
9011 service that the proposed special service district is proposed to provide.

9012 (b) The boundary of a proposed special service district may not include an area  
9013 included within the boundary of an existing [~~local~~] special district that provides the same  
9014 service that the proposed special service district is proposed to provide, unless the [~~local~~]  
9015 special district consents.

9016 (c) A proposed special service district may not include land that will not be benefitted  
9017 by the service that the special service district is proposed to provide, unless the owner of the  
9018 nonbenefitted land consents to the inclusion.

9019 (d) A county may not create a special service district that includes some or all of the  
9020 area within a municipality unless the legislative body of that municipality adopts a resolution or  
9021 ordinance consenting to the inclusion.

9022 (3) All areas included within a special service district need not be contiguous.

9023 Section 205. Section **17D-1-303** is amended to read:

9024 **17D-1-303. Election or appointment of administrative control board members.**

9025 (1) Except as provided in Subsection (5), a county or municipal legislative body that  
9026 creates an administrative control board may provide for board members to be elected or  
9027 appointed, or for some members to be elected and some appointed.

9028 (2) Except as provided in Subsection (3), each member of an administrative control  
9029 board shall be elected or appointed as provided for the election or appointment, respectively, of  
9030 a member of a board of trustees of a [~~local~~] special district under Title 17B, Chapter 1, Part 3,  
9031 Board of Trustees.

9032 (3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4,  
9033 Improvement District Act, may appoint one member to represent it on an administrative control  
9034 board created for a special service district if:

9035 (a) the special service district was created by a county;

9036 (b) the municipality or improvement district:

9037 (i) provides the same service as the special service district; or

9038 (ii) provided the same service as the special service district:

9039 (A) prior to the creation of the special service district, if all or part of the municipality  
9040 or improvement district was then included in the special service district; or

9041 (B) prior to all or part of the municipality or improvement district being annexed into  
9042 the special service district; and

9043 (c) the special service district includes some or all of the area included within the  
9044 municipality or improvement district.

9045 (4) An institution of higher education for which a special service district provides  
9046 commodities, services, or facilities may appoint the number of members of an administrative



9047 control board of that special service district that are equal in number to at least 1/3 of the total  
9048 number of board members.

9049 (5) With respect to an administrative control board created for a special service district  
9050 created by a county of the first class to provide jail service as provided in Subsection

9051 [17D-1-201](#)(10), the county legislative body shall appoint:

9052 (a) three members from a list of at least six recommendations from the county sheriff;

9053 (b) three members from a list of at least six recommendations from municipalities  
9054 within the county; and

9055 (c) three members from a list of at least six recommendations from the county  
9056 executive.

9057 Section 206. Section [17D-1-305](#) is amended to read:

9058 **17D-1-305. Compensation for administrative control board members.**

9059 An administrative control board member may receive compensation and reimbursement  
9060 of expenses as provided in Section [17B-1-307](#) to the same extent as if the member were a  
9061 member of a board of trustees of a ~~local~~ special district.

9062 Section 207. Section [17D-1-401](#) is amended to read:

9063 **17D-1-401. Annexing an area or adding a service to an existing special service**  
9064 **district.**

9065 (1) Except as provided in Subsections (3) and (4), a county or municipal legislative  
9066 body acting as the governing body of the special service district may, as provided in this part:

9067 (a) annex an area to an existing special service district to provide to that area a service  
9068 that the special service district is authorized to provide;

9069 (b) add a service under Section [17D-1-201](#) within the area of an existing special service  
9070 district that the special service district is not already authorized to provide; or

9071 (c) both annex an area under Subsection (1)(a) and add a service under Subsection  
9072 (1)(b).

9073 (2) Except for Section [17D-1-209](#), the provisions of Part 2, Creating a Special Service  
9074 District, apply to and govern the process of annexing an area to an existing special service  
9075 district or adding a service that the special service district is not already authorized to provide,  
9076 to the same extent as if the annexation or addition were the creation of a special service district.

9077 (3) A county or municipal legislative body may not:

9078 (a) annex an area to an existing special service district if a [~~local~~] special district  
9079 provides to that area the same service that the special service district is proposed to provide to  
9080 the area, unless the [~~local~~] special district consents to the annexation; or

9081 (b) add a service within the area of an existing special service district if a [~~local~~]  
9082 special district provides to that area the same service that is proposed to be added, unless the  
9083 [~~local~~] special district consents to the addition.

9084 (4) A county or municipal legislative body may not annex an area to an existing special  
9085 service district or add a service within the area of an existing special service district if the  
9086 creation of a special service district including that area or providing that service would not be  
9087 allowed under Part 2, Creating a Special Service District.

9088 (5) A county or municipal legislative body may not annex an area to an existing special  
9089 service district or add a service within the area of an existing special service district if the area  
9090 is located within a project area described in a project area plan adopted by the military  
9091 installation development authority under Title 63H, Chapter 1, Military Installation  
9092 Development Authority Act, unless the county or municipal legislative body has first obtained  
9093 the authority's approval.

9094 Section 208. Section **17D-1-601** is amended to read:

9095 **17D-1-601. Adoption of a resolution to approve withdrawal, dissolution,**  
9096 **discontinuance of a service, or reorganization.**

9097 Subject to and as provided in this part, the legislative body of the county or  
9098 municipality that created a special service district may by resolution:

9099 (1) approve the withdrawal of an area from the special service district if the legislative  
9100 body determines that the area should not or cannot be provided the service that the special  
9101 service district provides;

9102 (2) approve the dissolution of the special service district if the legislative body  
9103 determines that the special service district is no longer needed for the purposes for which it was  
9104 created;

9105 (3) discontinue a service that the special service district provides; or

9106 (4) reorganize the special service district as a [~~local~~] special district.

9107 Section 209. Section **17D-1-603** is amended to read:

9108 **17D-1-603. Notice and plat to lieutenant governor -- Recording requirements.**

9109 (1) If a county or municipal legislative body adopts a resolution approving the  
9110 withdrawal of an area from a special service district, the dissolution of a special service district,  
9111 or the reorganization of a special service district as a ~~[local]~~ special district, the county or  
9112 municipal legislative body, as the case may be, shall:

9113 (a) within 30 days after adopting the resolution, file with the lieutenant governor:

9114 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
9115 that meets the requirements of Subsection 67-1a-6.5(3); and

9116 (ii) in the case of a withdrawal, a copy of an approved final local entity plat, as defined  
9117 in Section 67-1a-6.5; and

9118 (b) upon the lieutenant governor's issuance of a certificate of withdrawal, dissolution,  
9119 or incorporation, as the case may be, under Section 67-1a-6.5, submit to the recorder of the  
9120 county in which the special service district is located:

9121 (i) the original notice of an impending boundary action;

9122 (ii) the original certificate of withdrawal or dissolution, as the case may be;

9123 (iii) in the case of a withdrawal, the original approved final local entity plat; and

9124 (iv) a certified copy of the resolution approving the withdrawal, dissolution, or  
9125 incorporation.

9126 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under  
9127 Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's  
9128 resolution is withdrawn from the special service district.

9129 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under  
9130 Section 67-1a-6.5, the special service district is dissolved.

9131 (3) (a) Upon the lieutenant governor's issuance of a certificate of incorporation as  
9132 provided in Section 67-1a-6.5, the special service district is:

9133 (i) reorganized and incorporated as a ~~[local]~~ special district subject to the provisions of  
9134 ~~[Title 17B, Chapter 1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1,  
9135 Provisions Applicable to All Special Districts;

9136 (ii) subject to Subsection (3)(b), if the special service district is reorganized as a ~~[local]~~  
9137 special district described in and subject to ~~[Title 17B, Chapter 2a, Provisions Applicable to~~  
9138 ~~Different Types of Local Districts]~~ Title 17B, Chapter 2a, Provisions Applicable to Different  
9139 Types of Special Districts, the applicable part of that chapter; and

9140 (iii) no longer a special service district.

9141 (b) A special service district reorganized as a ~~[local]~~ special district is a basic ~~[local]~~  
9142 special district as provided in ~~[Title 17B, Chapter 1, Part 14, Basic Local District]~~ Title 17B,  
9143 Chapter 1, Part 14, Basic Special District, unless the resolution adopted in accordance with  
9144 Subsection 17D-1-604(5):

9145 (i) specifies that the reorganized ~~[local]~~ special district is a different type of ~~[local]~~  
9146 special district other than a basic ~~[local]~~ special district; and

9147 (ii) states the type of that ~~[local]~~ special district, including the governing part in ~~[Title~~  
9148 ~~17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts]~~ Title 17B,  
9149 Chapter 2a, Provisions Applicable to Different Types of Special Districts.

9150 Section 210. Section **17D-1-604** is amended to read:

9151 **17D-1-604. Reorganization as a special district.**

9152 (1) The legislative body of a county or municipality that has created a special service  
9153 district may reorganize the special service district as a ~~[local]~~ special district in accordance  
9154 with this section.

9155 (2) The process to reorganize a special service district as a ~~[local]~~ special district is  
9156 initiated if the legislative body of the county or municipality that originally created the special  
9157 service district adopts a resolution that:

9158 (a) indicates the legislative body's intent to reorganize the special service district as a  
9159 ~~[local]~~ special district; and

9160 (b) complies with the requirements of Subsection (3).

9161 (3) A resolution to initiate reorganization described in Subsection (2) shall:

9162 (a) state the name of the special service district that is proposed to be reorganized as a  
9163 ~~[local]~~ special district;

9164 (b) generally describe the boundaries of the special service district, whether or not  
9165 those boundaries coincide with the boundaries of the creating county or municipality; and

9166 (c) specify each service that the special service district is authorized to provide.

9167 (4) After adopting the resolution described in Subsection (3), the legislative body of the  
9168 county or municipality that created the special service district shall hold a public hearing  
9169 following the notice requirements of Section 17D-1-205 applicable to the creation of a special  
9170 service district, with changes as appropriate for the reorganization of the special service district

9171 as a [local] special district.

9172 (5) (a) At or following the public hearing, the county or municipal legislative body  
9173 shall:

9174 (i) subject to Subsection (5)(b), adopt a resolution approving the reorganization of the  
9175 special service district as a [local] special district; or

9176 (ii) abandon the reorganization.

9177 (b) A resolution approving reorganization shall:

9178 (i) state the name of the special service district that is being reorganized as a [local]  
9179 special district;

9180 (ii) state the name of the [local] special district in accordance with Subsection (7);

9181 (iii) subject to Subsection (5)(c), describe the boundaries of the [local] special district;

9182 (iv) subject to Subsection (8)(a), specify the service or services to be provided by the  
9183 [local] special district;

9184 (v) state:

9185 (A) whether the [local] special district is a different type of [local] special district other  
9186 than a basic [local] special district; and

9187 (B) if the reorganized [local] special district is not a basic [local] special district, the  
9188 type of [local] special district, including the governing part in [~~Title 17B, Chapter 2a,~~  
9189 ~~Provisions Applicable to Different Types of Local Districts~~] Title 17B, Chapter 2a, Provisions  
9190 Applicable to Different Types of Special Districts;

9191 (vi) state whether the [local] special district is to be governed by an appointed or an  
9192 elected board of trustees, or a combination of appointed and elected trustees, in accordance  
9193 with Title 17B, Chapter 1, Part 3, Board of Trustees;

9194 (vii) state whether an administrative control board established for the special service  
9195 district that is being reorganized as a [local] special district will serve as the first board of  
9196 trustees of the [local] special district; and

9197 (viii) contain additional provisions as necessary.

9198 (c) The boundaries of the [local] special district shall reflect the boundaries of the  
9199 reorganized special service district.

9200 (6) A county may not reorganize a special service district as a [local] special district to  
9201 include some or all of the area within a municipality unless the legislative body of the

9202 municipality adopts a resolution or ordinance consenting to the reorganization.

9203 (7) The name of the ~~[local]~~ special district:

9204 (a) shall comply with Subsection 17-50-103(2)(a); and

9205 (b) may not include the phrase "special service district."

9206 (8) A ~~[local]~~ special district created under this section may not provide:

9207 (a) (i) at the time of reorganization, a service that it could not have provided as the

9208 special service district prior to reorganization; or

9209 (ii) after reorganization, an additional service listed in Section 17B-1-202, unless the

9210 ~~[local]~~ special district adds the service in accordance with the provisions of ~~[Title 17B, Chapter~~

9211 ~~1, Provisions Applicable to All Local Districts]~~ Title 17B, Chapter 1, Provisions Applicable to

9212 All Special Districts; and

9213 (b) more than four of the services listed in Section 17B-1-202 at any time.

9214 (9) After the lieutenant governor issues, in accordance with Section 67-1a-6.5, a

9215 certificate of incorporation for a ~~[local]~~ special district created under this section, the ~~[local]~~

9216 special district:

9217 (a) is:

9218 (i) a body corporate and politic with perpetual succession;

9219 (ii) a quasi-municipal corporation; and

9220 (iii) a political subdivision of the state as provided in Section 17B-1-103; and

9221 (b) may, subject to Subsection (8), provide a service that:

9222 (i) the special service district was authorized to provide before reorganization; and

9223 (ii) the ~~[local]~~ special district is authorized to provide under the resolution adopted in

9224 accordance with Subsection (5).

9225 (10) An action taken, a bond issued, or a contract or other obligation entered into by

9226 the reorganized special service district before reorganization is a valid action, bond issuance,

9227 contract, or other obligation of the ~~[local]~~ special district.

9228 (11) A ~~[local]~~ special district created under this section:

9229 (a) may impose and collect taxes, fees, and other charges for services provided in

9230 accordance with applicable law;

9231 (b) shall own all property acquired by the special service district before reorganization;

9232 and

9233 (c) shall have a power, right, or obligation that the reorganized special service district  
9234 had before the reorganization, unless otherwise provided by law.

9235 Section 211. Section **17D-2-102** is amended to read:

9236 **17D-2-102. Definitions.**

9237 As used in this chapter:

9238 (1) "Authority board" means the board of directors of a local building authority, as  
9239 described in Section [17D-2-203](#).

9240 (2) "Bond" includes a bond, note, or other instrument issued under this chapter  
9241 evidencing an indebtedness of a local building authority.

9242 (3) "Creating local entity" means the local entity that creates or created the local  
9243 building authority.

9244 (4) "Governing body" means:

9245 (a) for a county, city, or town, the legislative body of the county, city, or town;

9246 (b) for a school district, the local school board for the school district;

9247 (c) for a ~~[local]~~ special district, the ~~[local]~~ special district's board of trustees; and

9248 (d) for a special service district, the special service district's governing body, as defined  
9249 in Section [17D-1-102](#).

9250 (5) "Local building authority":

9251 (a) means a nonprofit corporation that is:

9252 (i) created as provided in Section [17D-2-201](#);

9253 (ii) described in Section [17D-2-103](#); and

9254 (iii) subject to and governed by the provisions of this chapter; and

9255 (b) includes a nonprofit corporation created as a municipal building authority before  
9256 May 5, 2008 under the law then in effect.

9257 ~~[(6) "Local district" has the same meaning as provided in Section [17B-1-102](#).]~~

9258 ~~[(7)]~~ (6) "Local entity" means a county, city, town, school district, ~~[local]~~ special  
9259 district, or special service district.

9260 ~~[(8)]~~ (7) "Mortgage" means any instrument under which property may be encumbered  
9261 as security for an obligation, including a mortgage, trust deed, indenture, pledge, assignment,  
9262 security agreement, and financing statement.

9263 ~~[(9)]~~ (8) "Project" means an improvement, facility, property, or appurtenance to

9264 property that a local entity is permitted under law to own or acquire, whether located inside or  
9265 outside the local entity's boundary, including:

9266 (a) a public building or other structure of any kind; and

9267 (b) a joint or partial interest in the improvement, facility, property, or appurtenance to  
9268 property.

9269 ~~[(10)]~~ (9) "Project costs":

9270 (a) means all costs incurred in the development of a project; and

9271 (b) includes:

9272 (i) organizational and incorporation fees, including filing, legal, and financial advisor  
9273 fees;

9274 (ii) the cost of a site for the project;

9275 (iii) the cost of equipment and furnishings for the project;

9276 (iv) the cost of planning and designing the project, including architectural, planning,  
9277 engineering, legal, and fiscal advisor fees;

9278 (v) contractor fees associated with the project;

9279 (vi) the cost of issuing local building authority bonds to finance the project, including  
9280 printing costs, document preparation costs, filing fees, recording fees, legal and other  
9281 professional fees, underwriting costs, bond discount costs, any premium on the bonds, and any  
9282 fees required to be paid to retire outstanding bonds;

9283 (vii) interest on local building authority bonds issued to finance the project;

9284 (viii) carrying costs;

9285 (ix) interest estimated to accrue on local building authority bonds during the period of  
9286 construction of the project and for 12 months after;

9287 (x) any amount the governing body finds necessary to establish one or more reserve  
9288 funds;

9289 (xi) any amount the governing body finds necessary to provide working capital for the  
9290 project;

9291 (xii) all costs of transferring title of the project to the creating local entity;

9292 (xiii) all costs of dissolving the local building authority; and

9293 (xiv) all other reasonable costs associated with the project.

9294 (10) "Special district" means the same as that term is defined in Section [17B-1-102](#).



9295 (11) "Special service district" [~~has the same meaning as provided~~] means the same as  
9296 that term is defined in Section 17D-1-102.

9297 Section 212. Section **17D-2-108** is amended to read:

9298 **17D-2-108. Other statutory provisions.**

9299 (1) This chapter is supplemental to existing laws relating to a local entity's acquisition,  
9300 use, maintenance, management, or operation of a project.

9301 (2) Except as provided in this chapter, a local entity or local building authority that  
9302 complies with the provisions of this chapter need not comply with any other statutory provision  
9303 concerning the acquisition, construction, use, or maintenance of a project, including:

9304 (a) a statute relating to public bidding; and

9305 (b) Title 63G, Chapter 6a, Utah Procurement Code.

9306 (3) A local building authority is, to the same extent as if it were a [~~local~~] special  
9307 district, subject to and governed by:

9308 (a) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,  
9309 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

9310 (b) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,  
9311 Chapter 1, Part 8, Special District Personnel Management; and

9312 (c) Section 17B-1-108.

9313 Section 213. Section **17D-3-105** is amended to read:

9314 **17D-3-105. Conservation districts subject to other provisions.**

9315 (1) Subject to Subsection (3), a conservation district is, to the same extent as if it were  
9316 a [~~local~~] special district, subject to and governed by:

9317 (a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-113, 17B-1-116,  
9318 17B-1-121, 17B-1-307, 17B-1-311, 17B-1-313, and 17B-1-314;

9319 (b) [~~Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts~~] Title 17B,  
9320 Chapter 1, Part 6, Fiscal Procedures for Special Districts;

9321 (c) [~~Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports~~] Title 17B,  
9322 Chapter 1, Part 7, Special District Budgets and Audit Reports;

9323 (d) [~~Title 17B, Chapter 1, Part 8, Local District Personnel Management~~] Title 17B,  
9324 Chapter 1, Part 8, Special District Personnel Management; and

9325 (e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

9326 (2) For purposes of applying the provisions listed in Subsection (1) to a conservation  
9327 district, each reference in those provisions to the [~~local~~] special district board of trustees means  
9328 the board of supervisors described in Section [17D-3-301](#).

9329 (3) A conservation district may not exercise taxing authority.

9330 Section 214. Section **17D-4-102** is amended to read:

9331 **17D-4-102. Definitions.**

9332 As used in this chapter:

9333 (1) "Board" means the board of trustees of a public infrastructure district.

9334 (2) "Creating entity" means the county, municipality, or development authority that  
9335 approves the creation of a public infrastructure district.

9336 (3) "Development authority" means:

9337 (a) the Utah Inland Port Authority created in Section [11-58-201](#);

9338 (b) the Point of the Mountain State Land Authority created in Section [11-59-201](#); or

9339 (c) the military installation development authority created in Section [63H-1-201](#).

9340 (4) "District applicant" means the person proposing the creation of a public  
9341 infrastructure district.

9342 (5) "Division" means a division of a public infrastructure district:

9343 (a) that is relatively equal in number of eligible voters or potential eligible voters to all  
9344 other divisions within the public infrastructure district, taking into account existing or potential  
9345 developments which, when completed, would increase or decrease the population within the  
9346 public infrastructure district; and

9347 (b) which a member of the board represents.

9348 (6) "Governing document" means the document governing a public infrastructure  
9349 district to which the creating entity agrees before the creation of the public infrastructure  
9350 district, as amended from time to time, and subject to the limitations of [~~Title 17B, Chapter 1,~~  
9351 ~~Provisions Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to  
9352 All Special Districts, and this chapter.

9353 (7) (a) "Limited tax bond" means a bond:

9354 (i) that is directly payable from and secured by ad valorem property taxes that are  
9355 levied:

9356 (A) by a public infrastructure district that issues the bond; and

- 9357 (B) on taxable property within the district;
- 9358 (ii) that is a general obligation of the public infrastructure district; and
- 9359 (iii) for which the ad valorem property tax levy for repayment of the bond does not
- 9360 exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year,
- 9361 except as provided in Subsection 17D-4-301(8).
- 9362 (b) "Limited tax bond" does not include:
- 9363 (i) a short-term bond;
- 9364 (ii) a tax and revenue anticipation bond; or
- 9365 (iii) a special assessment bond.
- 9366 (8) "Public infrastructure and improvements" means:
- 9367 (a) the same as that term is defined in Section 11-58-102, for a public infrastructure
- 9368 district created by the Utah Inland Port Authority created in Section 11-58-201; and
- 9369 (b) the same as that term is defined in Section 63H-1-102, for a public infrastructure
- 9370 district created by the military installation development authority created in Section 63H-1-201.
- 9371 Section 215. Section 17D-4-103 is amended to read:
- 9372 **17D-4-103. Provisions applicable to public infrastructure districts.**
- 9373 (1) Each public infrastructure district is governed by and has the powers stated in:
- 9374 (a) this chapter; and
- 9375 (b) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B,
- 9376 Chapter 1, Provisions Applicable to All Special Districts.
- 9377 (2) This chapter applies only to a public infrastructure district.
- 9378 (3) Except as modified or exempted by this chapter, a public infrastructure district is,
- 9379 to the same extent as if the public infrastructure district were a [~~local~~] special district, subject to
- 9380 the provisions in:
- 9381 (a) [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~] Title 17B,
- 9382 Chapter 1, Provisions Applicable to All Special Districts; and
- 9383 (b) Title 20A, Election Code.
- 9384 (4) If there is a conflict between a provision in [~~Title 17B, Chapter 1, Provisions~~
- 9385 Applicable to All Local Districts] Title 17B, Chapter 1, Provisions Applicable to All Special
- 9386 Districts, and a provision in this chapter, the provision in this chapter supersedes the
- 9387 conflicting provision in [~~Title 17B, Chapter 1, Provisions Applicable to All Local Districts~~]

9388 Title 17B, Chapter 1, Provisions Applicable to All Special Districts.

9389 (5) The annexation of an unincorporated area by a municipality or the adjustment of a  
9390 boundary shared by more than one municipality does not affect the boundaries of a public  
9391 infrastructure district.

9392 Section 216. Section **17D-4-201** is amended to read:

9393 **17D-4-201. Creation -- Annexation or withdrawal of property.**

9394 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the  
9395 provisions regarding creation of a [~~local~~] special district in [~~Title 17B, Chapter 1, Provisions~~  
9396 ~~Applicable to All Local Districts~~] Title 17B, Chapter 1, Provisions Applicable to All Special  
9397 Districts, a public infrastructure district may not be created unless:

9398 (i) if there are any registered voters within the applicable area, a petition is filed with  
9399 the creating entity that contains the signatures of 100% of registered voters within the  
9400 applicable area approving the creation of the public infrastructure district; and

9401 (ii) a petition is filed with the creating entity that contains the signatures of 100% of  
9402 surface property owners within the applicable area consenting to the creation of the public  
9403 infrastructure district.

9404 (b) Notwithstanding [~~Title 17B, Chapter 1, Part 2, Creation of a Local District~~] Title  
9405 17B, Chapter 1, Part 2, Creation of a Special District, and any other provision of this chapter,  
9406 the development authority may adopt a resolution creating a public infrastructure district as a  
9407 subsidiary of the development authority if all owners of surface property proposed to be  
9408 included within the public infrastructure district consent in writing to the creation of the public  
9409 infrastructure district.

9410 (2) (a) The following do not apply to the creation of a public infrastructure district:

9411 (i) Section [17B-1-203](#);

9412 (ii) Section [17B-1-204](#);

9413 (iii) Subsection [17B-1-208\(2\)](#);

9414 (iv) Section [17B-1-212](#); or

9415 (v) Section [17B-1-214](#).

9416 (b) The protest period described in Section [17B-1-213](#) may be waived in whole or in  
9417 part with the consent of:

9418 (i) 100% of registered voters within the applicable area approving the creation of the

9419 public infrastructure district; and

9420 (ii) 100% of the surface property owners within the applicable area approving the  
9421 creation of the public infrastructure district.

9422 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the  
9423 creation of the public infrastructure district may be adopted in accordance with Subsection  
9424 17B-1-213(5).

9425 (d) A petition meeting the requirements of Subsection (1):

9426 (i) may be certified under Section 17B-1-209; and

9427 (ii) shall be filed with the lieutenant governor in accordance with Subsection  
9428 17B-1-215(1)(b)(iii).

9429 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the  
9430 boundaries of a public infrastructure district may be annexed into the public infrastructure  
9431 district if the following requirements are met:

9432 (i) (A) adoption of resolutions of the board and the creating entity, each approving of  
9433 the annexation; or

9434 (B) adoption of a resolution of the board to annex the area, provided that the governing  
9435 document or creation resolution for the public infrastructure district authorizes the board to  
9436 annex an area outside of the boundaries of the public infrastructure district without future  
9437 consent of the creating entity;

9438 (ii) if there are any registered voters within the area proposed to be annexed, a petition  
9439 is filed with the creating entity that contains the signatures of 100% of registered voters within  
9440 the area, demonstrating that the registered voters approve of the annexation into the public  
9441 infrastructure district; and

9442 (iii) a petition is filed with the creating entity that contains the signatures of 100% of  
9443 surface property owners within the area proposed to be annexed, demonstrating the surface  
9444 property owners' consent to the annexation into the public infrastructure district.

9445 (b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall  
9446 file with the lieutenant governor:

9447 (i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5,  
9448 that meets the requirements of Subsection 67-1a-6.5(3); and

9449 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

9450 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be  
9451 withdrawn from a public infrastructure district if the following requirements are met:

9452 (i) (A) adoption of resolutions of the board and the creating entity, each approving of  
9453 the withdrawal; or

9454 (B) adoption of a resolution of the board to withdraw the property, provided that the  
9455 governing document or creation resolution for the public infrastructure district authorizes the  
9456 board to withdraw property from the public infrastructure district without further consent from  
9457 the creating entity;

9458 (ii) if there are any registered voters within the area proposed to be withdrawn, a  
9459 petition is filed with the creating entity that contains the signatures of 100% of registered voters  
9460 within the area, demonstrating that the registered voters approve of the withdrawal from the  
9461 public infrastructure district; and

9462 (iii) a petition is filed with the creating entity that contains the signatures of 100% of  
9463 surface property owners within the area proposed to be withdrawn, demonstrating that the  
9464 surface property owners consent to the withdrawal from the public infrastructure district.

9465 (b) If any bonds that the public infrastructure district issues are allocable to the area to  
9466 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains  
9467 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the  
9468 bonds or any associated refunding bonds are paid.

9469 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall  
9470 comply with the requirements of Section [17B-1-512](#).

9471 (5) A creating entity may impose limitations on the powers of a public infrastructure  
9472 district through the governing document.

9473 (6) (a) A public infrastructure district is separate and distinct from the creating entity.

9474 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public  
9475 infrastructure district:

9476 (A) is borne solely by the public infrastructure district; and

9477 (B) is not borne by the creating entity, by the state, or by any municipality, county, or  
9478 other political subdivision.

9479 (ii) Notwithstanding Subsection (6)(b)(i) and Section [17B-1-216](#), the governing  
9480 document may require:

9481 (A) the district applicant to bear the initial costs of the public infrastructure district;  
9482 and

9483 (B) the public infrastructure district to reimburse the district applicant for the initial  
9484 costs the creating entity bears.

9485 (c) Any liability, judgment, or claim against a public infrastructure district:

9486 (i) is the sole responsibility of the public infrastructure district; and

9487 (ii) does not constitute a liability, judgment, or claim against the creating entity, the  
9488 state, or any municipality, county, or other political subdivision.

9489 (d) (i) (A) The public infrastructure district solely bears the responsibility of any  
9490 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment  
9491 the public infrastructure district imposes.

9492 (B) The creating entity does not bear the responsibility described in Subsection  
9493 (6)(d)(i)(A).

9494 (ii) A public infrastructure district, and not the creating entity, shall undertake the  
9495 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with  
9496 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

9497 (7) A creating entity may establish criteria in determining whether to approve or  
9498 disapprove of the creation of a public infrastructure district, including:

9499 (a) historical performance of the district applicant;

9500 (b) compliance with the creating entity's master plan;

9501 (c) credit worthiness of the district applicant;

9502 (d) plan of finance of the public infrastructure district; and

9503 (e) proposed development within the public infrastructure district.

9504 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of  
9505 the creating entity responsible for approving or rejecting the creation of the public  
9506 infrastructure district.

9507 (b) The proposed creating entity bears no liability for rejecting the proposed creation of  
9508 a public infrastructure district.

9509 Section 217. Section **17D-4-203** is amended to read:

9510 **17D-4-203. Public infrastructure district powers.**

9511 A public infrastructure district shall have all of the authority conferred upon a [local]

9512 special district under Section 17B-1-103, and in addition a public infrastructure district may:

9513 (1) issue negotiable bonds to pay:

9514 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending

9515 any of the improvements, facilities, or property allowed under Section 11-14-103;

9516 (b) capital costs of improvements in an energy assessment area, as defined in Section

9517 11-42a-102, and other related costs, against the funds that the public infrastructure district will

9518 receive because of an assessment in an energy assessment area, as defined in Section

9519 11-42a-102;

9520 (c) public improvements related to the provision of housing;

9521 (d) capital costs related to public transportation; and

9522 (e) for a public infrastructure district created by a development authority, the cost of

9523 acquiring or financing public infrastructure and improvements;

9524 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,

9525 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers

9526 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal

9527 Cooperation Act, without the consent of the creating entity;

9528 (3) acquire completed or partially completed improvements for fair market value as

9529 reasonably determined by:

9530 (a) the board;

9531 (b) the creating entity, if required in the governing document; or

9532 (c) a surveyor or engineer that a public infrastructure district employs or engages to

9533 perform the necessary engineering services for and to supervise the construction or installation

9534 of the improvements;

9535 (4) contract with the creating entity for the creating entity to provide administrative

9536 services on behalf of the public infrastructure district, when agreed to by both parties, in order

9537 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and

9538 (5) for a public infrastructure district created by a development authority:

9539 (a) (i) operate and maintain public infrastructure and improvements the district

9540 acquires or finances; and

9541 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those

9542 public infrastructure and improvements; and



9543 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

9544 Section 218. Section **17D-4-204** is amended to read:

9545 **17D-4-204. Relation to other local entities.**

9546 (1) Notwithstanding the creation of a public infrastructure district, the creating entity  
9547 and any other public entity, as applicable, retains all of the entity's authority over all zoning,  
9548 planning, design specifications and approvals, and permitting within the public infrastructure  
9549 district.

9550 (2) The inclusion of property within the boundaries of a public infrastructure district  
9551 does not preclude the inclusion of the property within any other [~~local~~] special district.

9552 (3) (a) All infrastructure that is connected to another public entity's system:

9553 (i) belongs to that public entity, regardless of inclusion within the boundaries of a  
9554 public infrastructure district, unless the public infrastructure district and the public entity  
9555 otherwise agree; and

9556 (ii) shall comply with the design, inspection requirements, and other standards of the  
9557 public entity.

9558 (b) A public infrastructure district shall convey or transfer the infrastructure described  
9559 in Subsection (3)(a) free of liens or financial encumbrances to the public entity at no cost to the  
9560 public entity.

9561 Section 219. Section **17D-4-301** is amended to read:

9562 **17D-4-301. Public infrastructure district bonds.**

9563 (1) (a) Subject to Subsection (1)(b), a public infrastructure district may issue negotiable  
9564 bonds for the purposes described in Section **17D-4-203**, as provided in, as applicable:

9565 (i) Title 11, Chapter 14, Local Government Bonding Act;

9566 (ii) Title 11, Chapter 27, Utah Refunding Bond Act;

9567 (iii) Title 11, Chapter 42, Assessment Area Act; and

9568 (iv) this section.

9569 (b) A public infrastructure district created by a bonding political subdivision, as  
9570 defined in Section **63C-25-101**, may not issue bonds under this part unless the board first:

9571 (i) adopts a parameters resolution for the bonds that sets forth:

9572 (A) the maximum:

9573 (I) amount of bonds;

9574 (II) term; and  
9575 (III) interest rate; and  
9576 (B) the expected security for the bonds; and  
9577 (ii) submits the parameters resolution for review and recommendation to the State  
9578 Finance Review Commission created in Section [63C-25-201](#).  
9579 (2) A public infrastructure district bond:  
9580 (a) shall mature within 40 years of the date of issuance; and  
9581 (b) may not be secured by any improvement or facility paid for by the public  
9582 infrastructure district.  
9583 (3) (a) A public infrastructure district may issue a limited tax bond, in the same manner  
9584 as a general obligation bond:  
9585 (i) with the consent of 100% of surface property owners within the boundaries of the  
9586 public infrastructure district and 100% of the registered voters, if any, within the boundaries of  
9587 the proposed public infrastructure district; or  
9588 (ii) upon approval of a majority of the registered voters within the boundaries of the  
9589 public infrastructure district voting in an election held for that purpose under Title 11, Chapter  
9590 14, Local Government Bonding Act.  
9591 (b) A limited tax bond described in Subsection (3)(a):  
9592 (i) is not subject to the limitation on a general obligation bond described in Subsection  
9593 ~~[17B-1-1102(4)(a)(xii)]~~ [17B-1-1102\(4\)](#); and  
9594 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as  
9595 described in the governing document.  
9596 (c) Unless limited tax bonds are initially purchased exclusively by one or more  
9597 qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public  
9598 infrastructure district may only issue limited tax bonds in denominations of not less than  
9599 \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.  
9600 (d) (i) Without any further election or consent of property owners or registered voters,  
9601 a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to  
9602 a general obligation bond if the principal amount of the related limited tax bond together with  
9603 the principal amount of other related outstanding general obligation bonds of the public  
9604 infrastructure district does not exceed 15% of the fair market value of taxable property in the

9605 public infrastructure district securing the general obligation bonds, determined by:

9606 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that is  
9607 addressed to the public infrastructure district or a financial institution; or

9608 (B) the most recent market value of the property from the assessor of the county in  
9609 which the property is located.

9610 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is  
9611 sufficient to meet any statutory or constitutional election requirement necessary for the  
9612 issuance of the limited tax bond and any general obligation bond to be issued in place of the  
9613 limited tax bond upon meeting the requirements of this Subsection (3)(d).

9614 (iii) A general obligation bond resulting from a conversion of a limited tax bond under  
9615 this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in  
9616 Subsection 17B-1-1102(4)(a)(xii).

9617 (e) A public infrastructure district that levies a property tax for payment of debt service  
9618 on a limited tax bond issued under this section is not required to comply with the notice and  
9619 hearing requirements of Section 59-2-919 unless the rate exceeds the rate established in:

9620 (i) Section 17D-4-303, except as provided in Subsection (8);

9621 (ii) the governing document; or

9622 (iii) the documents relating to the issuance of the limited tax bond.

9623 (4) There is no limitation on the duration of revenues that a public infrastructure  
9624 district may receive to cover any shortfall in the payment of principal of and interest on a bond  
9625 that the public infrastructure district issues.

9626 (5) A public infrastructure district is not a municipal corporation for purposes of the  
9627 debt limitation of Utah Constitution, Article XIV, Section 4.

9628 (6) The board may, by resolution, delegate to one or more officers of the public  
9629 infrastructure district the authority to:

9630 (a) in accordance and within the parameters set forth in a resolution adopted in  
9631 accordance with Section 11-14-302, approve the final interest rate, price, principal amount,  
9632 maturity, redemption features, and other terms of the bond;

9633 (b) approve and execute any document relating to the issuance of a bond; and

9634 (c) approve any contract related to the acquisition and construction of the  
9635 improvements, facilities, or property to be financed with a bond.

9636 (7) (a) Any person may contest the legality of the issuance of a public infrastructure  
9637 district bond or any provisions for the security and payment of the bond for a period of 30 days  
9638 after:

9639 (i) publication of the resolution authorizing the bond; or  
9640 (ii) publication of a notice of bond containing substantially the items required under  
9641 Subsection 11-14-316(2).

9642 (b) After the 30-day period described in Subsection (7)(a), no person may bring a  
9643 lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any  
9644 reason.

9645 (8) (a) In the event of any statutory change in the methodology of assessment or  
9646 collection of property taxes in a manner that reduces the amounts which are devoted or pledged  
9647 to the repayment of limited tax bonds, a public infrastructure district may charge a rate  
9648 sufficient to receive the amount of property taxes or assessment the public infrastructure  
9649 district would have received before the statutory change in order to pay the debt service on  
9650 outstanding limited tax bonds.

9651 (b) The rate increase described in Subsection (8)(a) may exceed the limit described in  
9652 Section 17D-4-303.

9653 (c) The public infrastructure district may charge the rate increase described in  
9654 Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,  
9655 together with applicable interest, are fully met and discharged.

9656 (9) No later than 60 days after the closing of any bonds by a public infrastructure  
9657 district created by a bonding political subdivision, as defined in Section 63C-25-101, the public  
9658 infrastructure district shall report the bond issuance, including the amount of the bonds, terms,  
9659 interest rate, and security, to:

9660 (a) the Executive Appropriations Committee; and

9661 (b) the State Finance Review Commission created in Section 63C-25-101.

9662 Section 220. Section 20A-1-102 is amended to read:

9663 **20A-1-102. Definitions.**

9664 As used in this title:

9665 (1) "Active voter" means a registered voter who has not been classified as an inactive  
9666 voter by the county clerk.

- 9667 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
9668 and counts votes recorded on ballots and tabulates the results.
- 9669 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
9670 storage medium, that records an individual voter's vote.
- 9671 (b) "Ballot" does not include a record to tally multiple votes.
- 9672 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
9673 on the ballot for their approval or rejection including:
- 9674 (a) an opinion question specifically authorized by the Legislature;
- 9675 (b) a constitutional amendment;
- 9676 (c) an initiative;
- 9677 (d) a referendum;
- 9678 (e) a bond proposition;
- 9679 (f) a judicial retention question;
- 9680 (g) an incorporation of a city or town; or
- 9681 (h) any other ballot question specifically authorized by the Legislature.
- 9682 (5) "Bind," "binding," or "bound" means securing more than one piece of paper  
9683 together using staples or another means in at least three places across the top of the paper in the  
9684 blank space reserved for securing the paper.
- 9685 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
9686 [20A-4-306](#) to canvass election returns.
- 9687 (7) "Bond election" means an election held for the purpose of approving or rejecting  
9688 the proposed issuance of bonds by a government entity.
- 9689 (8) "Business reply mail envelope" means an envelope that may be mailed free of  
9690 charge by the sender.
- 9691 (9) "Canvass" means the review of election returns and the official declaration of  
9692 election results by the board of canvassers.
- 9693 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
9694 the canvass.
- 9695 (11) "Contracting election officer" means an election officer who enters into a contract  
9696 or interlocal agreement with a provider election officer.
- 9697 (12) "Convention" means the political party convention at which party officers and

9698 delegates are selected.

9699 (13) "Counting center" means one or more locations selected by the election officer in  
9700 charge of the election for the automatic counting of ballots.

9701 (14) "Counting judge" means a poll worker designated to count the ballots during  
9702 election day.

9703 (15) "Counting room" means a suitable and convenient private place or room for use  
9704 by the poll workers and counting judges to count ballots.

9705 (16) "County officers" means those county officers that are required by law to be  
9706 elected.

9707 (17) "Date of the election" or "election day" or "day of the election":

9708 (a) means the day that is specified in the calendar year as the day that the election  
9709 occurs; and

9710 (b) does not include:

9711 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
9712 voting; or

9713 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early  
9714 Voting.

9715 (18) "Elected official" means:

9716 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,  
9717 Municipal Alternate Voting Methods Pilot Project;

9718 (b) a person who is considered to be elected to a municipal office in accordance with  
9719 Subsection 20A-1-206(1)(c)(ii); or

9720 (c) a person who is considered to be elected to a [~~local~~] special district office in  
9721 accordance with Subsection 20A-1-206(3)(b)(ii).

9722 (19) "Election" means a regular general election, a municipal general election, a  
9723 statewide special election, a local special election, a regular primary election, a municipal  
9724 primary election, and a [~~local~~] special district election.

9725 (20) "Election Assistance Commission" means the commission established by the Help  
9726 America Vote Act of 2002, Pub. L. No. 107-252.

9727 (21) "Election cycle" means the period beginning on the first day persons are eligible to  
9728 file declarations of candidacy and ending when the canvass is completed.

- 9729 (22) "Election judge" means a poll worker that is assigned to:
- 9730 (a) preside over other poll workers at a polling place;
- 9731 (b) act as the presiding election judge; or
- 9732 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 9733 (23) "Election officer" means:
- 9734 (a) the lieutenant governor, for all statewide ballots and elections;
- 9735 (b) the county clerk for:
- 9736 (i) a county ballot and election; and
- 9737 (ii) a ballot and election as a provider election officer as provided in Section
- 9738 [20A-5-400.1](#) or [20A-5-400.5](#);
- 9739 (c) the municipal clerk for:
- 9740 (i) a municipal ballot and election; and
- 9741 (ii) a ballot and election as a provider election officer as provided in Section
- 9742 [20A-5-400.1](#) or [20A-5-400.5](#);
- 9743 (d) the ~~[local]~~ special district clerk or chief executive officer for:
- 9744 (i) a ~~[local]~~ special district ballot and election; and
- 9745 (ii) a ballot and election as a provider election officer as provided in Section
- 9746 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 9747 (e) the business administrator or superintendent of a school district for:
- 9748 (i) a school district ballot and election; and
- 9749 (ii) a ballot and election as a provider election officer as provided in Section
- 9750 [20A-5-400.1](#) or [20A-5-400.5](#).
- 9751 (24) "Election official" means any election officer, election judge, or poll worker.
- 9752 (25) "Election results" means:
- 9753 (a) for an election other than a bond election, the count of votes cast in the election and
- 9754 the election returns requested by the board of canvassers; or
- 9755 (b) for bond elections, the count of those votes cast for and against the bond
- 9756 proposition plus any or all of the election returns that the board of canvassers may request.
- 9757 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 9758 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 9759 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and

9760 the total votes cast form.

9761 (27) "Electronic signature" means an electronic sound, symbol, or process attached to  
9762 or logically associated with a record and executed or adopted by a person with the intent to sign  
9763 the record.

9764 (28) "Inactive voter" means a registered voter who is listed as inactive by a county  
9765 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

9766 (29) "Judicial office" means the office filled by any judicial officer.

9767 (30) "Judicial officer" means any justice or judge of a court of record or any county  
9768 court judge.

9769 ~~[(31) "Local district" means a local government entity under Title 17B, Limited  
9770 Purpose Local Government Entities - Local Districts, and includes a special service district  
9771 under Title 17D, Chapter 1, Special Service District Act.]~~

9772 ~~[(32) "Local district officers" means those local district board members that are  
9773 required by law to be elected.]~~

9774 ~~[(33)]~~ (31) "Local election" means a regular county election, a regular municipal  
9775 election, a municipal primary election, a local special election, a ~~[local]~~ special district election,  
9776 and a bond election.

9777 ~~[(34)]~~ (32) "Local political subdivision" means a county, a municipality, a ~~[local]~~  
9778 special district, or a local school district.

9779 ~~[(35)]~~ (33) "Local special election" means a special election called by the governing  
9780 body of a local political subdivision in which all registered voters of the local political  
9781 subdivision may vote.

9782 ~~[(36)]~~ (34) "Manual ballot" means a paper document produced by an election officer on  
9783 which an individual records an individual's vote by directly placing a mark on the paper  
9784 document using a pen or other marking instrument.

9785 ~~[(37)]~~ (35) "Mechanical ballot" means a record, including a paper record, electronic  
9786 record, or mechanical record, that:

9787 (a) is created via electronic or mechanical means; and

9788 (b) records an individual voter's vote cast via a method other than an individual directly  
9789 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

9790 ~~[(38)]~~ (36) "Municipal executive" means:



- 9791 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- 9792 (b) the mayor in the council-manager form of government defined in Subsection
- 9793 10-3b-103(7); or
- 9794 (c) the chair of a metro township form of government defined in Section 10-3b-102.
- 9795 ~~[(39)]~~ (37) "Municipal general election" means the election held in municipalities and,
- 9796 as applicable, ~~[local]~~ special districts on the first Tuesday after the first Monday in November
- 9797 of each odd-numbered year for the purposes established in Section 20A-1-202.
- 9798 ~~[(40)]~~ (38) "Municipal legislative body" means:
- 9799 (a) the council of the city or town in any form of municipal government; or
- 9800 (b) the council of a metro township.
- 9801 ~~[(41)]~~ (39) "Municipal office" means an elective office in a municipality.
- 9802 ~~[(42)]~~ (40) "Municipal officers" means those municipal officers that are required by
- 9803 law to be elected.
- 9804 ~~[(43)]~~ (41) "Municipal primary election" means an election held to nominate
- 9805 candidates for municipal office.
- 9806 ~~[(44)]~~ (42) "Municipality" means a city, town, or metro township.
- 9807 ~~[(45)]~~ (43) "Official ballot" means the ballots distributed by the election officer for
- 9808 voters to record their votes.
- 9809 ~~[(46)]~~ (44) "Official endorsement" means the information on the ballot that identifies:
- 9810 (a) the ballot as an official ballot;
- 9811 (b) the date of the election; and
- 9812 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
- 9813 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 9814 (ii) for a ballot prepared by a county clerk, the words required by Subsection
- 9815 20A-6-301(1)(b)(iii).
- 9816 ~~[(47)]~~ (45) "Official register" means the official record furnished to election officials
- 9817 by the election officer that contains the information required by Section 20A-5-401.
- 9818 ~~[(48)]~~ (46) "Political party" means an organization of registered voters that has
- 9819 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
- 9820 Formation and Procedures.
- 9821 ~~[(49)]~~ (47) (a) "Poll worker" means a person assigned by an election official to assist

9822 with an election, voting, or counting votes.

9823 (b) "Poll worker" includes election judges.

9824 (c) "Poll worker" does not include a watcher.

9825 [~~(50)~~] (48) "Pollbook" means a record of the names of voters in the order that they

9826 appear to cast votes.

9827 [~~(51)~~] (49) "Polling place" means a building where voting is conducted.

9828 [~~(52)~~] (50) "Position" means a square, circle, rectangle, or other geometric shape on a

9829 ballot in which the voter marks the voter's choice.

9830 [~~(53)~~] (51) "Presidential Primary Election" means the election established in Chapter 9,

9831 Part 8, Presidential Primary Election.

9832 [~~(54)~~] (52) "Primary convention" means the political party conventions held during the

9833 year of the regular general election.

9834 [~~(55)~~] (53) "Protective counter" means a separate counter, which cannot be reset, that:

9835 (a) is built into a voting machine; and

9836 (b) records the total number of movements of the operating lever.

9837 [~~(56)~~] (54) "Provider election officer" means an election officer who enters into a

9838 contract or interlocal agreement with a contracting election officer to conduct an election for

9839 the contracting election officer's local political subdivision in accordance with Section

9840 [20A-5-400.1](#).

9841 [~~(57)~~] (55) "Provisional ballot" means a ballot voted provisionally by a person:

9842 (a) whose name is not listed on the official register at the polling place;

9843 (b) whose legal right to vote is challenged as provided in this title; or

9844 (c) whose identity was not sufficiently established by a poll worker.

9845 [~~(58)~~] (56) "Provisional ballot envelope" means an envelope printed in the form

9846 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide

9847 information to verify a person's legal right to vote.

9848 [~~(59)~~] (57) (a) "Public figure" means an individual who, due to the individual being

9849 considered for, holding, or having held a position of prominence in a public or private capacity,

9850 or due to the individual's celebrity status, has an increased risk to the individual's safety.

9851 (b) "Public figure" does not include an individual:

9852 (i) elected to public office; or

- 9853 (ii) appointed to fill a vacancy in an elected public office.
- 9854 ~~[(60)]~~ (58) "Qualify" or "qualified" means to take the oath of office and begin  
9855 performing the duties of the position for which the individual was elected.
- 9856 ~~[(61)]~~ (59) "Receiving judge" means the poll worker that checks the voter's name in the  
9857 official register at a polling place and provides the voter with a ballot.
- 9858 ~~[(62)]~~ (60) "Registration form" means a form by which an individual may register to  
9859 vote under this title.
- 9860 ~~[(63)]~~ (61) "Regular ballot" means a ballot that is not a provisional ballot.
- 9861 ~~[(64)]~~ (62) "Regular general election" means the election held throughout the state on  
9862 the first Tuesday after the first Monday in November of each even-numbered year for the  
9863 purposes established in Section 20A-1-201.
- 9864 ~~[(65)]~~ (63) "Regular primary election" means the election, held on the date specified in  
9865 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
9866 local school board positions to advance to the regular general election.
- 9867 ~~[(66)]~~ (64) "Resident" means a person who resides within a specific voting precinct in  
9868 Utah.
- 9869 ~~[(67)]~~ (65) "Return envelope" means the envelope, described in Subsection  
9870 20A-3a-202(4), provided to a voter with a manual ballot:
- 9871 (a) into which the voter places the manual ballot after the voter has voted the manual  
9872 ballot in order to preserve the secrecy of the voter's vote; and
- 9873 (b) that includes the voter affidavit and a place for the voter's signature.
- 9874 ~~[(68)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot,  
9875 published as provided in Section 20A-5-405.
- 9876 (67) "Special district" means a local government entity under Title 17B, Limited  
9877 Purpose Local Government Entities - Special Districts, and includes a special service district  
9878 under Title 17D, Chapter 1, Special Service District Act.
- 9879 (68) "Special district officers" means those special district board members who are  
9880 required by law to be elected.
- 9881 (69) "Special election" means an election held as authorized by Section 20A-1-203.
- 9882 (70) "Spoiled ballot" means each ballot that:
- 9883 (a) is spoiled by the voter;

9884 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

9885 (c) lacks the official endorsement.

9886 (71) "Statewide special election" means a special election called by the governor or the  
9887 Legislature in which all registered voters in Utah may vote.

9888 (72) "Tabulation system" means a device or system designed for the sole purpose of  
9889 tabulating votes cast by voters at an election.

9890 (73) "Ticket" means a list of:

9891 (a) political parties;

9892 (b) candidates for an office; or

9893 (c) ballot propositions.

9894 (74) "Transfer case" means the sealed box used to transport voted ballots to the  
9895 counting center.

9896 (75) "Vacancy" means the absence of a person to serve in any position created by  
9897 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
9898 or other cause.

9899 (76) "Valid voter identification" means:

9900 (a) a form of identification that bears the name and photograph of the voter which may  
9901 include:

9902 (i) a currently valid Utah driver license;

9903 (ii) a currently valid identification card that is issued by:

9904 (A) the state; or

9905 (B) a branch, department, or agency of the United States;

9906 (iii) a currently valid Utah permit to carry a concealed weapon;

9907 (iv) a currently valid United States passport; or

9908 (v) a currently valid United States military identification card;

9909 (b) one of the following identification cards, whether or not the card includes a  
9910 photograph of the voter:

9911 (i) a valid tribal identification card;

9912 (ii) a Bureau of Indian Affairs card; or

9913 (iii) a tribal treaty card; or

9914 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear

9915 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
9916 may include:

9917 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
9918 election;

9919 (ii) a bank or other financial account statement, or a legible copy thereof;

9920 (iii) a certified birth certificate;

9921 (iv) a valid social security card;

9922 (v) a check issued by the state or the federal government or a legible copy thereof;

9923 (vi) a paycheck from the voter's employer, or a legible copy thereof;

9924 (vii) a currently valid Utah hunting or fishing license;

9925 (viii) certified naturalization documentation;

9926 (ix) a currently valid license issued by an authorized agency of the United States;

9927 (x) a certified copy of court records showing the voter's adoption or name change;

9928 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

9929 (xii) a currently valid identification card issued by:

9930 (A) a local government within the state;

9931 (B) an employer for an employee; or

9932 (C) a college, university, technical school, or professional school located within the  
9933 state; or

9934 (xiii) a current Utah vehicle registration.

9935 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in  
9936 candidate by following the procedures and requirements of this title.

9937 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

9938 (a) mailing the ballot to the location designated in the mailing; or

9939 (b) depositing the ballot in a ballot drop box designated by the election officer.

9940 (79) "Voter" means an individual who:

9941 (a) meets the requirements for voting in an election;

9942 (b) meets the requirements of election registration;

9943 (c) is registered to vote; and

9944 (d) is listed in the official register book.

9945 (80) "Voter registration deadline" means the registration deadline provided in Section

9946 20A-2-102.5.

9947 (81) "Voting area" means the area within six feet of the voting booths, voting  
9948 machines, and ballot box.

9949 (82) "Voting booth" means:

9950 (a) the space or compartment within a polling place that is provided for the preparation  
9951 of ballots, including the voting enclosure or curtain; or

9952 (b) a voting device that is free standing.

9953 (83) "Voting device" means any device provided by an election officer for a voter to  
9954 vote a mechanical ballot.

9955 (84) "Voting precinct" means the smallest geographical voting unit, established under  
9956 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

9957 (85) "Watcher" means an individual who complies with the requirements described in  
9958 Section 20A-3a-801 to become a watcher for an election.

9959 (86) "Write-in ballot" means a ballot containing any write-in votes.

9960 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on  
9961 the ballot, in accordance with the procedures established in this title.

9962 Section 221. Section 20A-1-201 is amended to read:

9963 **20A-1-201. Date and purpose of regular general elections.**

9964 (1) A regular general election shall be held throughout the state on the first Tuesday  
9965 after the first Monday in November of each even-numbered year.

9966 (2) At the regular general election, the voters shall:

9967 (a) choose persons to serve the terms established by law for the following offices:

9968 (i) electors of President and Vice President of the United States;

9969 (ii) United States Senators;

9970 (iii) Representatives to the United States Congress;

9971 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

9972 (v) senators and representatives to the Utah Legislature;

9973 (vi) county officers;

9974 (vii) State School Board members;

9975 (viii) local school board members;

9976 (ix) except as provided in Subsection (3), ~~local~~ special district officers, as applicable;

9977 and

9978 (x) any elected judicial officers; and

9979 (b) approve or reject:

9980 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot

9981 under procedures established in the Utah Code;

9982 (ii) any proposed initiatives or referenda that have qualified for the ballot under

9983 procedures established in the Utah Code; and

9984 (iii) any other ballot propositions submitted to the voters that are authorized by the

9985 Utah Code.

9986 (3) This section:

9987 (a) applies to a special service district for which the county legislative body or the

9988 municipal legislative body, as applicable, has delegated authority for the special service district

9989 to an administrative control board; and

9990 (b) does not apply to a special service district for which the county legislative body or

9991 the municipal legislative body, as applicable, has not delegated authority for the special service

9992 district to an administrative control board.

9993 Section 222. Section **20A-1-202** is amended to read:

9994 **20A-1-202. Date and purpose of municipal general election.**

9995 (1) Except as provided in Section [20A-1-206](#), a municipal general election shall be

9996 held in municipalities, and [~~local~~] special districts as applicable, on the first Tuesday after the

9997 first Monday in November of each odd-numbered year.

9998 (2) At the municipal general election, the voters shall:

9999 (a) (i) choose persons to serve as municipal officers; and

10000 (ii) for a [~~local~~] special district that holds an election during an odd-numbered year,

10001 choose persons to serve as [~~local~~] special district officers; and

10002 (b) approve or reject:

10003 (i) any proposed initiatives or referenda that have qualified for the ballot as provided

10004 by law; and

10005 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah

10006 Code.

10007 Section 223. Section **20A-1-206** is amended to read:

10008           **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special**  
10009 **districts -- Notice.**

10010           (1) As used in this section:

10011           (a) "Contested race" means a race in a general election where the number of  
10012 candidates, including any eligible write-in candidates, exceeds the number of offices to be  
10013 filled in the race.

10014           (b) "Election" means an event, run by an election officer, that includes one or more  
10015 races for public office or one or more ballot propositions.

10016           (c) (i) "Race" means a contest between candidates to obtain the number of votes  
10017 necessary to take a particular public office.

10018           (ii) "Race," as the term relates to a contest for an at-large position, includes all open  
10019 positions for the same at-large office.

10020           (iii) "Race," as the term relates to a contest for a municipal council position that is not  
10021 an at-large position, includes only the contest to represent a particular district on the council.

10022           (2) A municipal legislative body may cancel a local election if:

10023           (a) the ballot for the local election will not include any contested races or ballot  
10024 propositions; and

10025           (b) the municipal legislative body passes, no later than 20 days before the day of the  
10026 scheduled election, a resolution that cancels the election and certifies that:

10027           (i) the ballot for the election would not include any contested races or ballot  
10028 propositions; and

10029           (ii) the candidates who qualified for the ballot are considered elected.

10030           (3) A municipal legislative body may cancel a race in a local election if:

10031           (a) the ballot for the race will not include any contested races or ballot propositions;  
10032 and

10033           (b) the municipal legislative body passes, no later than 20 days before the day of the  
10034 scheduled election, a resolution that cancels the race and certifies that:

10035           (i) the ballot for the race would not include any contested races or ballot propositions;  
10036 and

10037           (ii) the candidate for the race is considered elected.

10038           (4) A municipal legislative body that cancels a local election in accordance with



10039 Subsection (2) shall give notice that the election is cancelled by:

10040 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be  
10041 posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801,  
10042 for 15 consecutive days before the day of the scheduled election;

10043 (b) if the municipality has a public website, posting notice on the municipality's public  
10044 website for 15 days before the day of the scheduled election;

10045 (c) if the elected officials or departments of the municipality regularly publish a printed  
10046 or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter  
10047 or other periodical published before the day of the scheduled election;

10048 (d) (i) publishing notice at least twice in a newspaper of general circulation in the  
10049 municipality before the day of the scheduled election;

10050 (ii) at least 10 days before the day of the scheduled election, posting one notice, and at  
10051 least one additional notice per 2,000 population within the municipality, in places within the  
10052 municipality that are most likely to give notice to the voters in the municipality, subject to a  
10053 maximum of 10 notices; or

10054 (iii) at least 10 days before the day of the scheduled election, mailing notice to each  
10055 registered voter in the municipality; and

10056 (e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601,  
10057 for at least 10 days before the day of the scheduled election.

10058 (5) A ~~[local]~~ special district board may cancel a local election if:

10059 (a) the ballot for the local election will not include any contested races or ballot  
10060 propositions; and

10061 (b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the  
10062 scheduled election, a resolution that cancels the election and certifies that:

10063 (i) the ballot for the election would not include any contested races or ballot  
10064 propositions; and

10065 (ii) the candidates who qualified for the ballot are considered elected.

10066 (6) A ~~[local]~~ special district board may cancel a ~~[local]~~ special district race if:

10067 (a) the race is uncontested; and

10068 (b) the ~~[local]~~ special district board passes, no later than 20 days before the day of the  
10069 scheduled election, a resolution that cancels the race and certifies that the candidate who

10070 qualified for the ballot for that race is considered elected.

10071 (7) A [local] special district that cancels a local election in accordance with Subsection  
10072 (5) shall provide notice that the election is cancelled:

10073 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter  
10074 Information Website described in Section [20A-7-801](#), for 15 consecutive days before the day of  
10075 the scheduled election;

10076 (b) if the [local] special district has a public website, by posting notice on the [local]  
10077 special district's public website for 15 days before the day of the scheduled election;

10078 (c) if the [local] special district publishes a newsletter or other periodical, by  
10079 publishing notice in the next scheduled newsletter or other periodical published before the day  
10080 of the scheduled election;

10081 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the  
10082 [local] special district before the scheduled election;

10083 (ii) at least 10 days before the day of the scheduled election, by posting one notice, and  
10084 at least one additional notice per 2,000 population of the [local] special district, in places  
10085 within the [local] special district that are most likely to give notice to the voters in the [local]  
10086 special district, subject to a maximum of 10 notices; or

10087 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each  
10088 registered voter in the [local] special district; and

10089 (e) by posting notice on the Utah Public Notice Website, created in Section  
10090 [63A-16-601](#), for at least 10 days before the day of the scheduled election.

10091 (8) A municipal legislative body that posts a notice in accordance with Subsection  
10092 (4)(a) or a [local] special district that posts a notice in accordance with Subsection (7)(a) is not  
10093 liable for a notice that fails to post due to technical or other error by the publisher of the  
10094 Statewide Electronic Voter Information Website.

10095 Section 224. Section **20A-1-512** is amended to read:

10096 **20A-1-512. Midterm vacancies on special district boards.**

10097 (1) (a) When a vacancy occurs on any [local] special district board for any reason, the  
10098 following shall appoint a replacement to serve out the unexpired term in accordance with this  
10099 section:

10100 (i) the [local] special district board, if the person vacating the position was elected; or

10101 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the  
10102 appointing authority appointed the person vacating the position.

10103 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the  
10104 [tocat] special district board or appointing authority shall:

10105 (i) give public notice of the vacancy at least two weeks before the [tocat] special  
10106 district board or appointing authority meets to fill the vacancy by:

10107 (A) if there is a newspaper of general circulation, as that term is defined in Section  
10108 45-1-201, within the district, publishing the notice in the newspaper of general circulation;

10109 (B) posting the notice in three public places within the [tocat] special district; and

10110 (C) posting on the Utah Public Notice Website created under Section 63A-16-601; and

10111 (ii) identify, in the notice:

10112 (A) the date, time, and place of the meeting where the vacancy will be filled;

10113 (B) the individual to whom an individual who is interested in an appointment to fill the  
10114 vacancy may submit the individual's name for consideration; and

10115 (C) any submission deadline.

10116 (c) An appointing authority is not subject to Subsection (1)(b) if:

10117 (i) the appointing authority appoints one of the appointing authority's own members;  
10118 and

10119 (ii) that member meets all applicable statutory board member qualifications.

10120 (d) When a vacancy occurs on the board of a water conservancy district located in  
10121 more than one county:

10122 (i) the board shall give notice of the vacancy to the county legislative bodies that  
10123 nominated the vacating trustee as provided in Section 17B-2a-1005;

10124 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively  
10125 compile a list of three nominees to fill the vacancy; and

10126 (iii) the governor shall, with the advice and consent of the Senate, appoint an  
10127 individual to fill the vacancy from nominees submitted as provided in Subsection  
10128 17B-2a-1005(2)(c).

10129 (2) If the [tocat] special district board fails to appoint an individual to complete an  
10130 elected board member's term within 90 days, the legislative body of the county or municipality  
10131 that created the [tocat] special district shall fill the vacancy in accordance with the procedure

10132 for a [~~local~~] special district described in Subsection (1)(b).

10133 Section 225. Section **20A-1-513** is amended to read:

10134 **20A-1-513. Temporary absence in elected office of a political subdivision for**  
10135 **military service.**

10136 (1) As used in this section:

10137 (a) "Armed forces" means the same as that term is defined in Section [68-3-12.5](#), and  
10138 includes:

10139 (i) the National Guard; and

10140 (ii) the national guard and armed forces reserves.

10141 (b) (i) "Elected official" is a person who holds an office of a political subdivision that  
10142 is required by law to be filled by an election.

10143 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office  
10144 described in Subsection (1)(b)(i).

10145 (c) (i) "Military leave" means the temporary absence from an office:

10146 (A) by an elected official called to active, full-time duty in the armed forces; and

10147 (B) for a period of time that exceeds 30 days and does not exceed 400 days.

10148 (ii) "Military leave" includes the time a person on leave, as described in Subsection  
10149 (1)(c)(i), spends for:

10150 (A) out processing;

10151 (B) an administrative delay;

10152 (C) accrued leave; and

10153 (D) on rest and recuperation leave program of the armed forces.

10154 (d) "Political subdivision's governing body" means:

10155 (i) for a county, city, or town, the legislative body of the county, city, or town;

10156 (ii) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district;

10157 (iii) for a local school district, the local school board;

10158 (iv) for a special service district:

10159 (A) the legislative body of the county, city, or town that established the special service  
10160 district, if no administrative control board has been appointed under Section [17D-1-301](#); or

10161 (B) the administrative control board of the special service district, if an administrative  
10162 control board has been appointed under Section [17D-1-301](#); and

10163 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body  
10164 that governs the affairs of the political subdivision.

10165 (e) "Temporary replacement" means the person appointed by the political subdivision's  
10166 governing body in accordance with this section to exercise the powers and duties of the office  
10167 of the elected official who takes military leave.

10168 (2) An elected official creates a vacancy in the elected official's office if the elected  
10169 official is called to active, full-time duty in the armed forces in accordance with Title 10,  
10170 U.S.C.A. unless the elected official takes military leave as provided by this section.

10171 (3) (a) An elected official who is called to active, full-time duty in the armed forces in  
10172 a status other than in accordance with Title 10, U.S.C.A. shall notify the political subdivision's  
10173 governing body of the elected official's orders not later than five days after receipt of orders.

10174 (b) The elected official described in Subsection (3)(a) may:

10175 (i) continue to carry out the official's duties if possible while on active, full-time duty;  
10176 or

10177 (ii) take military leave if the elected official submits to the political subdivision's  
10178 governing body written notice of the intent to take military leave and the expected duration of  
10179 the military leave.

10180 (4) (a) An elected official who chooses to continue to carry out the official's duties  
10181 while on active, full-time duty shall, within 10 days after arrival at the official's place of  
10182 deployment, confirm in writing to the political subdivision's governing body that the official  
10183 has the ability to carry out the official's duties.

10184 (b) If no confirmation is received by the political subdivision within the time period  
10185 described in Subsection (4)(a), the elected official shall be placed in a military leave status and  
10186 a temporary replacement appointed in accordance with Subsection (6).

10187 (5) An elected official's military leave:

10188 (a) begins the later of:

10189 (i) the day after the day on which the elected official notifies the political subdivision's  
10190 governing body of the intent to take military leave;

10191 (ii) day 11 after the elected official's deployment if no confirmation is received in  
10192 accordance with Subsection (4)(a); or

10193 (iii) the day on which the elected official begins active, full-time duty in the armed

10194 forces; and

10195 (b) ends the sooner of:

10196 (i) the expiration of the elected official's term of office; or

10197 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

10198 (6) A temporary replacement shall:

10199 (a) meet the qualifications required to hold the office; and

10200 (b) be appointed:

10201 (i) in the same manner as provided by this part for a midterm vacancy if a registered

10202 political party nominated the elected official who takes military leave as a candidate for the

10203 office; or

10204 (ii) by the political subdivision's governing body after submitting an application in

10205 accordance with Subsection (8)(b) if a registered political party did not nominate the elected

10206 official who takes military leave as a candidate for office.

10207 (7) (a) A temporary replacement shall exercise the powers and duties of the office for

10208 which the temporary replacement is appointed for the duration of the elected official's military

10209 leave.

10210 (b) An elected official may not exercise the powers or duties of the office while on

10211 military leave.

10212 (c) If a temporary replacement is not appointed as required by Subsection (6)(b), no

10213 person may exercise the powers and duties of the elected official's office during the elected

10214 official's military leave.

10215 (8) The political subdivision's governing body shall establish:

10216 (a) the distribution of the emoluments of the office between the elected official and the

10217 temporary replacement; and

10218 (b) an application form and the date and time before which a person shall submit the

10219 application to be considered by the political subdivision's governing body for appointment as a

10220 temporary replacement.

10221 Section 226. Section **20A-2-101** is amended to read:

10222 **20A-2-101. Eligibility for registration.**

10223 (1) Except as provided in Subsection (2), an individual may register to vote in an

10224 election who:

- 10225 (a) is a citizen of the United States;
- 10226 (b) has been a resident of Utah for at least the 30 days immediately before the election;
- 10227 (c) will be:
- 10228 (i) at least 18 years of age on the day of the election; or
- 10229 (ii) if the election is a regular primary election, a municipal primary election, or a
- 10230 presidential primary election:
- 10231 (A) 17 years of age on or before the day of the regular primary election, municipal
- 10232 primary election, or presidential primary election; and
- 10233 (B) 18 years of age on or before the day of the general election that immediately
- 10234 follows the regular primary election, municipal primary election, or presidential primary
- 10235 election; and
- 10236 (d) currently resides within the voting district or precinct in which the individual
- 10237 applies to register to vote.
- 10238 (2) (a) (i) An individual who is involuntarily confined or incarcerated in a jail, prison,
- 10239 or other facility within a voting precinct is not a resident of that voting precinct and may not
- 10240 register to vote in that voting precinct unless the individual was a resident of that voting
- 10241 precinct before the confinement or incarceration.
- 10242 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
- 10243 resident of the voting precinct in which the individual resided before the confinement or
- 10244 incarceration.
- 10245 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
- 10246 under this title may not register to vote or remain registered to vote unless the individual's right
- 10247 to vote has been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#).
- 10248 (c) An individual whose right to vote has been restored, as provided in Section
- 10249 [20A-2-101.3](#) or [20A-2-101.5](#), is eligible to register to vote.
- 10250 (3) An individual who is eligible to vote and who resides within the geographic
- 10251 boundaries of the entity in which the election is held may register to vote in a:
- 10252 (a) regular general election;
- 10253 (b) regular primary election;
- 10254 (c) municipal general election;
- 10255 (d) municipal primary election;

- 10256 (e) statewide special election;
- 10257 (f) local special election;
- 10258 (g) [~~local~~] special district election;
- 10259 (h) bond election; and
- 10260 (i) presidential primary election.

10261 Section 227. Section **20A-3a-102** is amended to read:

10262 **20A-3a-102. Residency and age requirements of voters.**

10263 (1) An individual may vote in any regular general election or statewide special election  
10264 if that individual has registered to vote in accordance with Chapter 2, Voter Registration.

10265 (2) An individual may vote in the presidential primary election or a regular primary  
10266 election if:

10267 (a) that individual has registered to vote in accordance with Chapter 2, Voter  
10268 Registration; and

10269 (b) that individual's political party affiliation, or unaffiliated status, allows the person  
10270 to vote in the election.

10271 (3) An individual may vote in a municipal general election, municipal primary election,  
10272 local special election, [~~local~~] special district election, and bond election if that individual:

10273 (a) has registered to vote in accordance with Chapter 2, Voter Registration; and

10274 (b) is a resident of a voting district or precinct within the local entity that is holding the  
10275 election.

10276 Section 228. Section **20A-3a-104** is amended to read:

10277 **20A-3a-104. Voting by secret ballot.**

10278 All voting at each regular and municipal general election, at each statewide or local  
10279 special election, at each primary election, at each [~~local~~] special district election, and at each  
10280 bond election shall be by secret ballot.

10281 Section 229. Section **20A-3a-501** is amended to read:

10282 **20A-3a-501. Prohibited conduct at polling place -- Other prohibited activities.**

10283 (1) As used in this section:

10284 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to  
10285 refrain from voting or to vote for or vote against any candidate or issue; and

10286 (b) "polling place" means the physical place where ballots are cast and includes the



10287 physical place where a ballot drop box is located.

10288 (2) (a) An individual may not, within a polling place or in any public area within 150  
10289 feet of the building where a polling place is located:

10290 (i) do any electioneering;

10291 (ii) circulate cards or handbills of any kind;

10292 (iii) solicit signatures to any kind of petition; or

10293 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts  
10294 the administration of the polling place.

10295 (b) A county, municipality, school district, or [~~local~~] special district may not prohibit  
10296 electioneering that occurs more than 150 feet from the building where a polling place is  
10297 located, but may regulate the place and manner of that electioneering to protect the public  
10298 safety.

10299 (3) (a) An individual may not obstruct the doors or entries to a building in which a  
10300 polling place is located or prevent free access to and from any polling place.

10301 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the  
10302 obstruction of the entrance to a polling place and may arrest an individual creating an  
10303 obstruction.

10304 (4) An individual may not solicit any voter to show the voter's ballot.

10305 (5) (a) An individual may not knowingly possess or control another individual's voted  
10306 manual ballot, unless:

10307 (i) the individual is an election official or postal worker acting in the capacity of an  
10308 election official or postal worker;

10309 (ii) the individual possesses or controls the voted ballot in accordance with Section  
10310 [20A-3a-301](#), relating to emergency ballots;

10311 (iii) the possession or control is authorized in order to deliver a military-overseas ballot  
10312 in accordance with Chapter 16, Uniform Military and Overseas Voters Act;

10313 (iv) subject to Section [20A-3a-208](#), the individual is authorized by a voter to possess or  
10314 control the voter's voted ballot if the voter needs assistance delivering the ballot due to the  
10315 voter's age, illness, or disability; or

10316 (v) the individual resides in the same household as the voter.

10317 (b) A violation of Subsection (5)(a) does not invalidate the ballot.

10318 (6) An individual who violates any provision of this section is, in addition to the  
10319 penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.

10320 (7) A political subdivision may not prohibit political signs that are located more than  
10321 150 feet away from a polling place, but may regulate their placement to protect public safety.

10322 Section 230. Section 20A-3a-605 is amended to read:

10323 **20A-3a-605. Exemptions from early voting.**

10324 (1) (a) This part does not apply to an election of a board member of a [local] special  
10325 district.

10326 (b) Notwithstanding Subsection (1)(a), a [local] special district may, in the [local]  
10327 special district's discretion, provide early voting in accordance with this part for election of a  
10328 board member.

10329 (2) Notwithstanding the requirements of Section 20A-3a-601, a municipality of the  
10330 fifth class or a town as described in Section 10-2-301 may provide early voting as provided  
10331 under this part for:

10332 (a) a municipal primary election; or

10333 (b) a municipal general election.

10334 (3) A municipality is not required to conduct early voting for the election.

10335 Section 231. Section 20A-4-301 is amended to read:

10336 **20A-4-301. Board of canvassers.**

10337 (1) (a) Each county legislative body is the board of county canvassers for:

10338 (i) the county; and

10339 (ii) each [local] special district whose election is conducted by the county if:

10340 (A) the election relates to the creation of the [local] special district;

10341 (B) the county legislative body serves as the governing body of the [local] special  
10342 district; or

10343 (C) there is no duly constituted governing body of the [local] special district.

10344 (b) The board of county canvassers shall meet to canvass the returns at the usual place  
10345 of meeting of the county legislative body, at a date and time determined by the county clerk  
10346 that is no sooner than seven days after the election and no later than 14 days after the election.

10347 (c) If one or more of the county legislative body fails to attend the meeting of the board  
10348 of county canvassers, the remaining members shall replace the absent member by appointing in

10349 the order named:

10350 (i) the county treasurer;

10351 (ii) the county assessor; or

10352 (iii) the county sheriff.

10353 (d) Attendance of the number of persons equal to a simple majority of the county  
10354 legislative body, but not less than three persons, shall constitute a quorum for conducting the  
10355 canvass.

10356 (e) The county clerk is the clerk of the board of county canvassers.

10357 (2) (a) The mayor and the municipal legislative body are the board of municipal  
10358 canvassers for the municipality.

10359 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
10360 place of meeting of the municipal legislative body:

10361 (i) for canvassing of returns from a municipal general election, no sooner than seven  
10362 days after the election and no later than 14 days after the election; or

10363 (ii) for canvassing of returns from a municipal primary election, no sooner than seven  
10364 days after the election and no later than 14 days after the election.

10365 (c) Attendance of a simple majority of the municipal legislative body shall constitute a  
10366 quorum for conducting the canvass.

10367 (3) (a) The legislative body of the entity authorizing a bond election is the board of  
10368 canvassers for each bond election.

10369 (b) The board of canvassers for the bond election shall comply with the canvassing  
10370 procedures and requirements of Section [11-14-207](#).

10371 (c) Attendance of a simple majority of the legislative body of the entity authorizing a  
10372 bond election shall constitute a quorum for conducting the canvass.

10373 Section 232. Section **20A-4-304** is amended to read:

10374 **20A-4-304. Declaration of results -- Canvassers' report.**

10375 (1) Each board of canvassers shall:

10376 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,  
10377 declare "elected" or "nominated" those persons who:

10378 (i) had the highest number of votes; and

10379 (ii) sought election or nomination to an office completely within the board's

10380 jurisdiction;

10381 (b) declare:

10382 (i) "approved" those ballot propositions that:

10383 (A) had more "yes" votes than "no" votes; and

10384 (B) were submitted only to the voters within the board's jurisdiction; or

10385 (ii) "rejected" those ballot propositions that:

10386 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

10387 votes; and

10388 (B) were submitted only to the voters within the board's jurisdiction;

10389 (c) certify the vote totals for persons and for and against ballot propositions that were

10390 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

10391 the lieutenant governor; and

10392 (d) if applicable, certify the results of each ~~[local]~~ special district election to the ~~[local]~~

10393 special district clerk.

10394 (2) As soon as the result is declared, the election officer shall prepare a report of the

10395 result, which shall contain:

10396 (a) the total number of votes cast in the board's jurisdiction;

10397 (b) the names of each candidate whose name appeared on the ballot;

10398 (c) the title of each ballot proposition that appeared on the ballot;

10399 (d) each office that appeared on the ballot;

10400 (e) from each voting precinct:

10401 (i) the number of votes for each candidate;

10402 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

10403 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each

10404 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting

10405 phase; and

10406 (iii) the number of votes for and against each ballot proposition;

10407 (f) the total number of votes given in the board's jurisdiction to each candidate, and for

10408 and against each ballot proposition;

10409 (g) the number of ballots that were rejected; and

10410 (h) a statement certifying that the information contained in the report is accurate.

- 10411 (3) The election officer and the board of canvassers shall:
- 10412 (a) review the report to ensure that it is correct; and
- 10413 (b) sign the report.
- 10414 (4) The election officer shall:
- 10415 (a) record or file the certified report in a book kept for that purpose;
- 10416 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 10417 to each nominated or elected candidate;
- 10418 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 10419 (d) file a copy of the certified report with the lieutenant governor.
- 10420 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 10421 days after the day on which the board of canvassers declares the election results, publicize the
- 10422 certified report described in Subsection (2):
- 10423 (a) (i) by publishing notice at least once in a newspaper of general circulation within
- 10424 the jurisdiction;
- 10425 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
- 10426 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
- 10427 of the jurisdiction, subject to a maximum of 10 notices; or
- 10428 (iii) by mailing notice to each residence within the jurisdiction;
- 10429 (b) by posting notice on the Utah Public Notice Website, created in Section
- 10430 [63A-16-601](#), for one week; and
- 10431 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
- 10432 one week.
- 10433 (6) Instead of including a copy of the entire certified report, a notice required under
- 10434 Subsection (5) may contain a statement that:
- 10435 (a) includes the following: "The Board of Canvassers for [indicate name of
- 10436 jurisdiction] has prepared a report of the election results for the [indicate type and date of
- 10437 election]."; and
- 10438 (b) specifies the following sources where an individual may view or obtain a copy of
- 10439 the entire certified report:
- 10440 (i) if the jurisdiction has a website, the jurisdiction's website;
- 10441 (ii) the physical address for the jurisdiction; and

10442 (iii) a mailing address and telephone number.

10443 (7) When there has been a regular general or a statewide special election for statewide  
10444 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
10445 or more county ballot proposition, each board of canvassers shall:

10446 (a) prepare a separate report detailing the number of votes for each candidate and the  
10447 number of votes for and against each ballot proposition; and

10448 (b) transmit the separate report by registered mail to the lieutenant governor.

10449 (8) In each county election, municipal election, school election, ~~[local]~~ special district  
10450 election, and local special election, the election officer shall transmit the reports to the  
10451 lieutenant governor within 14 days after the date of the election.

10452 (9) In a regular primary election and in a presidential primary election, the board shall  
10453 transmit to the lieutenant governor:

10454 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
10455 governor not later than the second Tuesday after the election; and

10456 (b) a complete tabulation showing voting totals for all primary races, precinct by  
10457 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
10458 primary election.

10459 Section 233. Section **20A-4-305** is amended to read:

10460 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

10461 Within 10 days after the canvass of a November municipal election, ~~[local]~~ special  
10462 district election, bond election, or special election, the clerk or recorder shall transmit the  
10463 checked official register to the county clerk.

10464 Section 234. Section **20A-4-401** is amended to read:

10465 **20A-4-401. Recounts -- Procedure.**

10466 (1) (a) This section does not apply to a race conducted by instant runoff voting under  
10467 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

10468 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the  
10469 difference between the number of votes cast for a winning candidate in the race and a losing  
10470 candidate in the race is equal to or less than .25% of the total number of votes cast for all  
10471 candidates in the race, that losing candidate may file a request for a recount in accordance with  
10472 Subsection (1)(d).

10473 (c) For a race between candidates where the total of all votes cast in the race is 400 or  
10474 less, if the difference between the number of votes cast for a winning candidate in the race and  
10475 a losing candidate in the race is one vote, that losing candidate may file a request for a recount  
10476 in accordance with Subsection (1)(d).

10477 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall  
10478 file the request:

10479 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within  
10480 three days after the canvass; or

10481 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

10482 (A) the municipal clerk, if the election is a municipal general election;

10483 (B) the [~~local~~] special district clerk, if the election is a [~~local~~] special district election;

10484 (C) the county clerk, for races voted on entirely within a single county; or

10485 (D) the lieutenant governor, for statewide races and multicounty races.

10486 (e) The election officer shall:

10487 (i) supervise the recount;

10488 (ii) recount all ballots cast for that race;

10489 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
10490 Disposition of Ballots;

10491 (iv) for a race where only one candidate may win, declare elected the candidate who  
10492 receives the highest number of votes on the recount; and

10493 (v) for a race where multiple candidates may win, declare elected the applicable  
10494 number of candidates who receive the highest number of votes on the recount.

10495 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond  
10496 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of  
10497 the total votes cast for or against the proposition, any 10 voters who voted in the election where  
10498 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven  
10499 days after the day of the canvass with the person described in Subsection (2)(c).

10500 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or  
10501 against the proposition is 400 or less, if the difference between the number of votes cast for the  
10502 proposition and the number of votes cast against the proposition is one vote, any 10 voters who  
10503 voted in the election where the proposition was on the ballot may file a request for a recount

10504 before 5 p.m. within seven days after the day of the canvass with the person described in  
10505 Subsection (2)(c).

10506 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall  
10507 file the request with:

- 10508 (i) the municipal clerk, if the election is a municipal election;
- 10509 (ii) the ~~[local]~~ special district clerk, if the election is a ~~[local]~~ special district election;
- 10510 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 10511 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

10512 (d) The election officer shall:

- 10513 (i) supervise the recount;
- 10514 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 10515 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
10516 Disposition of Ballots; and
- 10517 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"  
10518 based upon the results of the recount.

10519 (e) Proponents and opponents of the ballot proposition or bond proposition may  
10520 designate representatives to witness the recount.

10521 (f) The voters requesting the recount shall pay the costs of the recount.

10522 (3) Costs incurred by recount under Subsection (1) may not be assessed against the  
10523 person requesting the recount.

10524 (4) (a) Upon completion of the recount, the election officer shall immediately convene  
10525 the board of canvassers.

10526 (b) The board of canvassers shall:

10527 (i) canvass the election returns for the race or proposition that was the subject of the  
10528 recount; and

10529 (ii) with the assistance of the election officer, prepare and sign the report required by  
10530 Section [20A-4-304](#) or [20A-4-306](#).

10531 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,  
10532 the board of county canvassers shall prepare and transmit a separate report to the lieutenant  
10533 governor as required by Subsection [20A-4-304](#)(7).

10534 (d) The canvassers' report prepared as provided in this Subsection (4) is the official



10535 result of the race or proposition that is the subject of the recount.

10536 Section 235. Section **20A-5-302** is amended to read:

10537 **20A-5-302. Automated voting system.**

10538 (1) (a) Any county or municipal legislative body or [~~local~~] special district board may:

10539 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any  
10540 automated voting system that meets the requirements of this section; and

10541 (ii) use that system in any election, in all or a part of the voting precincts within its  
10542 boundaries, or in combination with manual ballots.

10543 (b) Nothing in this title shall be construed to require the use of electronic voting  
10544 devices in local special elections, municipal primary elections, or municipal general elections.

10545 (2) Each automated voting system shall:

10546 (a) provide for voting in secrecy, except in the case of voters who have received  
10547 assistance as authorized by Section [20A-3a-208](#);

10548 (b) permit each voter at any election to:

10549 (i) vote for all persons and offices for whom and for which that voter is lawfully  
10550 entitled to vote;

10551 (ii) vote for as many persons for an office as that voter is entitled to vote; and

10552 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

10553 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates  
10554 of that party for president, vice president, and for their presidential electors;

10555 (d) at elections other than primary elections, permit each voter to vote for the nominees  
10556 of one or more parties and for independent candidates;

10557 (e) at primary elections:

10558 (i) permit each voter to vote for candidates of the political party of the voter's choice;

10559 and

10560 (ii) reject any votes cast for candidates of another party;

10561 (f) prevent the voter from voting for the same person more than once for the same  
10562 office;

10563 (g) provide the opportunity for each voter to change the ballot and to correct any error  
10564 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.

10565 L. No. 107-252;

10566 (h) include automatic tabulating equipment that rejects choices recorded on a voter's  
10567 ballot if the number of the voter's recorded choices is greater than the number which the voter  
10568 is entitled to vote for the office or on the measure;

10569 (i) be of durable construction, suitably designed so that it may be used safely,  
10570 efficiently, and accurately in the conduct of elections and counting ballots;

10571 (j) when properly operated, record correctly and count accurately each vote cast;

10572 (k) for voting equipment certified after January 1, 2005, produce a permanent paper  
10573 record that:

10574 (i) shall be available as an official record for any recount or election contest conducted  
10575 with respect to an election where the voting equipment is used;

10576 (ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling  
10577 place; and

10578 (B) shall permit the voter to inspect the record of the voter's selections independently  
10579 only if reasonably practicable commercial methods permitting independent inspection are  
10580 available at the time of certification of the voting equipment by the lieutenant governor;

10581 (iii) shall include, at a minimum, human readable printing that shows a record of the  
10582 voter's selections;

10583 (iv) may also include machine readable printing which may be the same as the human  
10584 readable printing; and

10585 (v) allows a watcher to observe the election process to ensure the integrity of the  
10586 election process; and

10587 (l) meet the requirements of Section [20A-5-802](#).

10588 (3) For the purposes of a recount or an election contest, if the permanent paper record  
10589 contains a conflict or inconsistency between the human readable printing and the machine  
10590 readable printing, the human readable printing shall supercede the machine readable printing  
10591 when determining the intent of the voter.

10592 (4) Notwithstanding any other provisions of this section, the election officers shall  
10593 ensure that the ballots to be counted by means of electronic or electromechanical devices are of  
10594 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
10595 for use in the counting devices in which they are intended to be placed.

10596 Section 236. Section **20A-5-400.5** is amended to read:

10597           **20A-5-400.5. Election officer for bond and leeway elections.**

10598           (1) When a voted leeway or bond election is held on the regular general election date,  
10599 the county clerk shall serve as the provider election officer to conduct that election.

10600           (2) (a) When a voted leeway or bond election is held on the municipal general election  
10601 date or any other election date permitted for special elections under Section 20A-1-204, and the  
10602 local political subdivision calling the election is entirely within the boundaries of the  
10603 unincorporated county, the county clerk shall serve as the provider election officer to conduct  
10604 that election subject to Subsection (3).

10605           (b) When a voted leeway or bond election is held on the municipal general election  
10606 date or any other election date permitted for special elections under Section 20A-1-204, and the  
10607 local political subdivision calling the election is entirely within the boundaries of a  
10608 municipality, the municipal clerk for that municipality shall, except as provided in Subsection  
10609 (3), serve as the provider election officer to conduct that election.

10610           (c) When a voted leeway or bond election is held on the municipal general election  
10611 date or any other election date permitted for special elections under Section 20A-1-204, and the  
10612 local political subdivision calling the election extends beyond the boundaries of a single  
10613 municipality:

10614           (i) except as provided in Subsection (3), the municipal clerk shall serve as the provider  
10615 election officer to conduct the election for those portions of the local political subdivision  
10616 where the municipal general election or other election is being held; and

10617           (ii) except as provided in Subsection (3), the county clerk shall serve as the provider  
10618 election officer to conduct the election for the unincorporated county and for those portions of  
10619 any municipality where no municipal general election or other election is being held.

10620           (3) When a voted leeway or bond election is held on a date when no other election,  
10621 other than another voted leeway or bond election, is being held in the entire area comprising  
10622 the local political subdivision calling the voted leeway or bond election:

10623           (a) the clerk or chief executive officer of a [local] special district or the business  
10624 administrator or superintendent of the school district, as applicable, shall serve as the election  
10625 officer to conduct the bond election for those portions of the local political subdivision in  
10626 which no other election, other than another voted leeway or bond election, is being held, unless  
10627 the [local] special district or school district has contracted with a provider election officer; and

10628 (b) the county clerk, municipal clerk, or both, as determined by the local political  
10629 subdivision holding the bond election, shall serve as the provider election officer to conduct the  
10630 bond election for those portions of the local political subdivision in which another election,  
10631 other than another voted leeway or bond election, is being held.

10632 (4) A provider election officer required by this section to conduct an election for a local  
10633 political subdivision shall comply with Section 20A-5-400.1.

10634 Section 237. Section 20A-5-401 is amended to read:

10635 **20A-5-401. Official register -- Preparation -- Contents.**

10636 (1) (a) Before the registration days for each regular general, municipal general, regular  
10637 primary, municipal primary, or presidential primary election, each county clerk shall prepare an  
10638 official register of all voters that will participate in the election.

10639 (b) The county clerk shall ensure that the official register is prepared and contains the  
10640 following for each registered voter:

10641 (i) name;

10642 (ii) party affiliation;

10643 (iii) an entry field for a voter challenge, including the name of the individual making  
10644 the challenge and the grounds for the challenge;

10645 (iv) election name and date;

10646 (v) date of birth;

10647 (vi) place of current residence;

10648 (vii) street address of current residence;

10649 (viii) zip code;

10650 (ix) identification and provisional ballot information as required under Subsection

10651 (1)(d); and

10652 (x) space for the voter to sign the voter's name for the election.

10653 (c) When preparing the official register for the presidential primary election, the county  
10654 clerk shall include:

10655 (i) an entry field to record the name of the political party whose ballot the voter voted;

10656 and

10657 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

10658 (d) When preparing the official register for any regular general election, municipal

10659 general election, statewide special election, local special election, regular primary election,  
10660 municipal primary election, [~~local~~] special district election, or election for federal office, the  
10661 county clerk shall include:

10662 (i) an entry field for the poll worker to record the type of identification provided by the  
10663 voter;

10664 (ii) a space for the poll worker to record the provisional envelope ballot number for  
10665 voters who receive a provisional ballot; and

10666 (iii) a space for the poll worker to record the type of identification that was provided by  
10667 voters who receive a provisional ballot.

10668 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal  
10669 elections, [~~local~~] special district elections, and bond elections, the county clerk shall make an  
10670 official register only for voting precincts affected by the primary, municipal, [~~local~~] special  
10671 district, or bond election.

10672 (ii) If a polling place to be used in a bond election serves both voters residing in the  
10673 local political subdivision calling the bond election and voters residing outside of that local  
10674 political subdivision, the official register shall designate whether each voter resides in or  
10675 outside of the local political subdivision.

10676 (iii) Each county clerk, with the assistance of the clerk of each affected [~~local~~] special  
10677 district, shall provide a detailed map or an indication on the registration list or other means to  
10678 enable a poll worker to determine the voters entitled to vote at an election of [~~local~~] special  
10679 district officers.

10680 (b) Municipalities shall pay the costs of making the official register for municipal  
10681 elections.

10682 Section 238. Section **20A-5-403** is amended to read:

10683 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**  
10684 **Arrangements.**

10685 (1) Except as provided in Section [20A-7-609.5](#), each election officer shall:

10686 (a) designate polling places for each voting precinct in the jurisdiction; and

10687 (b) obtain the approval of the county or municipal legislative body or [~~local~~] special  
10688 district governing board for those polling places.

10689 (2) (a) For each polling place, the election officer shall provide:

- 10690 (i) an American flag;
- 10691 (ii) a sufficient number of voting booths or compartments;
- 10692 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and  
10693 supplies necessary to enable a voter to vote;
- 10694 (iv) the constitutional amendment cards required by Part 1, Election Notices and  
10695 Instructions;
- 10696 (v) the instructions required by Section 20A-5-102; and
- 10697 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter  
10698 identification is required for every voter before the voter may vote and listing the forms of  
10699 identification that constitute valid voter identification.
- 10700 (b) Each election officer shall ensure that:
- 10701 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
10702 voter can prepare the voter's ballot screened from observation;
- 10703 (ii) there are a sufficient number of voting booths or voting devices to accommodate  
10704 the voters at that polling place; and
- 10705 (iii) there is at least one voting booth or voting device that is configured to  
10706 accommodate persons with disabilities.
- 10707 (c) Each county clerk shall provide a ballot box for each polling place that is large  
10708 enough to properly receive and hold the ballots to be cast.
- 10709 (3) (a) All polling places shall be physically inspected by each county clerk to ensure  
10710 access by a person with a disability.
- 10711 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
10712 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
10713 clerk shall be:
- 10714 (i) forwarded to the Office of the Lieutenant Governor; and
- 10715 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
10716 either:
- 10717 (A) remedied at the particular location by the county clerk;
- 10718 (B) the county clerk shall designate an alternative accessible location for the particular  
10719 precinct; or
- 10720 (C) if no practical solution can be identified, file with the Office of the Lieutenant

10721 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

10722 (4) (a) The municipality in which the election is held shall pay the cost of conducting  
10723 each municipal election, including the cost of printing and supplies.

10724 (b) (i) Costs assessed by a county clerk to a municipality under this section may not  
10725 exceed the actual costs incurred by the county clerk.

10726 (ii) The actual costs shall include:

10727 (A) costs of or rental fees associated with the use of election equipment and supplies;  
10728 and

10729 (B) reasonable and necessary administrative costs.

10730 (5) The county clerk shall make detailed entries of all proceedings had under this  
10731 chapter.

10732 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time  
10733 that an individual waits in line before the individual can vote at a polling place in the county  
10734 does not exceed 30 minutes.

10735 (b) The lieutenant governor may require a county clerk to submit a line management  
10736 plan before the next election if an individual waits in line at a polling place in the county longer  
10737 than 30 minutes before the individual can vote.

10738 (c) The lieutenant governor may consider extenuating circumstances in deciding  
10739 whether to require the county clerk to submit a plan described in Subsection (6)(b).

10740 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)  
10741 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the  
10742 amount of time an individual waits in line before the individual can vote at a polling place in  
10743 the county does not exceed 30 minutes.

10744 Section 239. Section **20A-5-407** is amended to read:

10745 **20A-5-407. Election officer to provide ballot boxes.**

10746 (1) Except as provided in Subsection (3), an election officer shall:

10747 (a) provide one ballot box with a lock and key for each polling place; and

10748 (b) deliver the ballot boxes, locks, and keys to the polling place before the polls open.

10749 (2) An election officer for a municipality or [~~local~~] special district may obtain ballot  
10750 boxes from the county clerk's office.

10751 (3) If locks and keys are unavailable, the election officer shall ensure that the ballot

10752 box lid is secured by tape.

10753 Section 240. Section **20A-5-601** is amended to read:

10754 **20A-5-601. Appointment of poll workers in elections where candidates are**  
10755 **distinguished by registered political parties.**

10756 (1) (a) This section governs appointment of poll workers in elections where candidates  
10757 are distinguished by registered political parties.

10758 (b) On or before March 1 of each even-numbered year, an election officer shall provide  
10759 to the county chair of each registered political party a list of the number of poll workers that the  
10760 party must nominate for each polling place.

10761 (c) On or before April 1 of each even-numbered year, the county chair and secretary of  
10762 each registered political party shall file a list with the election officer containing the names of  
10763 individuals in the county who are willing to serve as poll workers, who are qualified to serve as  
10764 poll workers in accordance with this section, and who are competent and trustworthy.

10765 (d) The county chair and secretary shall submit names equal in number to the number  
10766 required by the election officer, plus one.

10767 (2) Each election officer shall provide for the appointment of individuals to serve as  
10768 poll workers at each election.

10769 (3) (a) For each election, each election officer shall provide for the appointment of at  
10770 least three registered voters, or one individual who is 16 or 17 years old and two registered  
10771 voters, one of whom is at least 21 years old, from the list to serve as poll workers.

10772 (b) An election officer may appoint additional poll workers, as needed.

10773 (4) For each set of three poll workers appointed for a polling place for an election, the  
10774 election officer shall ensure that:

10775 (a) two poll workers are appointed from the political party that cast the highest number  
10776 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
10777 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last  
10778 regular general election before the appointment of the poll workers; and

10779 (b) one poll worker is appointed from the political party that cast the second highest  
10780 number of votes for governor, lieutenant governor, attorney general, state auditor, and state  
10781 treasurer, excluding votes for unopposed candidates, in the county, city, or ~~local~~ special  
10782 district, as applicable, at the last regular general election before the appointment of the poll



10783 workers.

10784 (5) The election officer shall provide for the appointment of any qualified county voter  
10785 as a poll worker when:

10786 (a) a political party fails to file the poll worker list by the filing deadline; or

10787 (b) the list is incomplete.

10788 (6) A registered voter of the county may serve as a poll worker at any polling place in  
10789 the county, municipality, or district, as applicable.

10790 (7) An election officer may not appoint a candidate's parent, sibling, spouse, child,  
10791 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to  
10792 serve as a poll worker in a polling place where the candidate appears on the ballot.

10793 (8) The election officer shall fill all poll worker vacancies.

10794 (9) If a conflict arises over the right to certify the poll worker lists for any political  
10795 party, the election officer may decide between conflicting lists, but may only select names from  
10796 a properly submitted list.

10797 (10) The clerk shall establish compensation for poll workers.

10798 (11) The election officer may appoint additional poll workers to serve in the polling  
10799 place as needed.

10800 Section 241. Section **20A-5-602** is amended to read:

10801 **20A-5-602. Appointment of poll workers in elections where candidates are not**  
10802 **distinguished by registered political parties.**

10803 (1) (a) This section governs appointment of poll workers in elections where candidates  
10804 are not distinguished by registered political parties.

10805 (b) An election officer shall appoint the poll worker at least 15 days before the date of  
10806 the local election.

10807 (2) (a) The election officer shall appoint, or provide for the appointment of, at least  
10808 three poll workers as follows:

10809 (i) three registered voters; or

10810 (ii) two registered voters, one of whom is at least 21 years old, and one individual who  
10811 is 16 or 17 years old.

10812 (b) The election officer may appoint additional poll workers to serve in the polling  
10813 place as needed.

10814 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,  
10815 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to  
10816 serve as a poll worker at a polling place where the candidate appears on the ballot.

10817 (4) (a) The clerk shall compensate poll workers for their services.

10818 (b) The clerk of a municipality or [~~local~~] special district may not compensate poll  
10819 workers at a rate higher than that paid by the county to the county's poll workers.

10820 Section 242. Section **20A-9-101** is amended to read:

10821 **20A-9-101. Definitions.**

10822 As used in this chapter:

10823 (1) (a) "Candidates for elective office" means persons who file a declaration of  
10824 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,  
10825 constitutional office, multicounty office, or county office.

10826 (b) "Candidates for elective office" does not mean candidates for:

10827 (i) justice or judge of court of record or not of record;

10828 (ii) presidential elector;

10829 (iii) any political party offices; and

10830 (iv) municipal or [~~local~~] special district offices.

10831 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
10832 attorney general, state auditor, and state treasurer.

10833 (3) "Continuing political party" means the same as that term is defined in Section  
10834 [20A-8-101](#).

10835 (4) (a) "County office" means an elective office where the officeholder is selected by  
10836 voters entirely within one county.

10837 (b) "County office" does not mean:

10838 (i) the office of justice or judge of any court of record or not of record;

10839 (ii) the office of presidential elector;

10840 (iii) any political party offices;

10841 (iv) any municipal or [~~local~~] special district offices; and

10842 (v) the office of United States Senator and United States Representative.

10843 (5) "Electronic candidate qualification process" means:

10844 (a) as it relates to a registered political party that is not a qualified political party, the

10845 process for gathering signatures electronically to seek the nomination of a registered political  
10846 party, described in:

10847 (i) Section 20A-9-403;

10848 (ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and

10849 (iii) Section 20A-21-201; and

10850 (b) as it relates to a qualified political party, the process, for gathering signatures  
10851 electronically to seek the nomination of a registered political party, described in:

10852 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);

10853 (ii) Section 20A-9-408; and

10854 (iii) Section 20A-21-201.

10855 (6) "Federal office" means an elective office for United States Senator and United  
10856 States Representative.

10857 (7) "Filing officer" means:

10858 (a) the lieutenant governor, for:

10859 (i) the office of United States Senator and United States Representative; and

10860 (ii) all constitutional offices;

10861 (b) for the office of a state senator or state representative, the lieutenant governor or the  
10862 applicable clerk described in Subsection (7)(c) or (d);

10863 (c) the county clerk, for county offices and local school district offices;

10864 (d) the county clerk in the filer's county of residence, for multicounty offices;

10865 (e) the city or town clerk, for municipal offices; or

10866 (f) the ~~[local]~~ special district clerk, for ~~[local]~~ special district offices.

10867 ~~[(8) "Local district office" means an elected office in a local district.]~~

10868 ~~[(9)]~~ (8) "Local government office" includes county offices, municipal offices, and

10869 ~~[local]~~ special district offices and other elective offices selected by the voters from a political  
10870 division entirely within one county.

10871 ~~[(10)]~~ (9) "Manual candidate qualification process" means the process for gathering  
10872 signatures to seek the nomination of a registered political party, using paper signature packets  
10873 that a signer physically signs.

10874 ~~[(11)]~~ (10) (a) "Multicounty office" means an elective office where the officeholder is  
10875 selected by the voters from more than one county.

- 10876 (b) "Multicounty office" does not mean:
- 10877 (i) a county office;
- 10878 (ii) a federal office;
- 10879 (iii) the office of justice or judge of any court of record or not of record;
- 10880 (iv) the office of presidential elector;
- 10881 (v) any political party offices; or
- 10882 (vi) any municipal or ~~local~~ special district offices.
- 10883 ~~[(12)]~~ (11) "Municipal office" means an elective office in a municipality.
- 10884 ~~[(13)]~~ (12) (a) "Political division" means a geographic unit from which an officeholder
- 10885 is elected and that an officeholder represents.
- 10886 (b) "Political division" includes a county, a city, a town, a ~~local~~ special district, a
- 10887 school district, a legislative district, and a county prosecution district.
- 10888 ~~[(14)]~~ (13) "Qualified political party" means a registered political party that:
- 10889 (a) (i) permits a delegate for the registered political party to vote on a candidate
- 10890 nomination in the registered political party's convention remotely; or
- 10891 (ii) provides a procedure for designating an alternate delegate if a delegate is not
- 10892 present at the registered political party's convention;
- 10893 (b) does not hold the registered political party's convention before the fourth Saturday
- 10894 in March of an even-numbered year;
- 10895 (c) permits a member of the registered political party to seek the registered political
- 10896 party's nomination for any elective office by the member choosing to seek the nomination by
- 10897 either or both of the following methods:
- 10898 (i) seeking the nomination through the registered political party's convention process,
- 10899 in accordance with the provisions of Section [20A-9-407](#); or
- 10900 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
- 10901 of Section [20A-9-408](#); and
- 10902 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
- 10903 on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor
- 10904 that, for the election in the following year, the registered political party intends to nominate the
- 10905 registered political party's candidates in accordance with the provisions of Section [20A-9-406](#);
- 10906 or

10907 (ii) if the registered political party is not a continuing political party, certifies at the  
 10908 time that the registered political party files the petition described in Section 20A-8-103 that, for  
 10909 the next election, the registered political party intends to nominate the registered political  
 10910 party's candidates in accordance with the provisions of Section 20A-9-406.

10911 ~~[(15)]~~ (14) "Signature," as it relates to a petition for a candidate to seek the nomination  
 10912 of a registered political party, means:

10913 (a) when using the manual candidate qualification process, a holographic signature  
 10914 collected physically on a nomination petition described in Subsection 20A-9-405(3); or

10915 (b) when using the electronic candidate qualification process:

10916 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

10917 (ii) a holographic signature collected electronically under Subsection  
 10918 20A-21-201(6)(c)(ii)(B).

10919 (15) "Special district office" means an elected office in a special district.

10920 Section 243. Section 20A-9-503 is amended to read:

10921 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

10922 (1) Except as provided in Subsection (1)(b), after the certificate of nomination has been  
 10923 certified, executed, and acknowledged by the county clerk, the candidate shall:

10924 (a) (i) file the petition in person with the lieutenant governor, if the office the candidate  
 10925 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate  
 10926 seeks is a county office, during the declaration of candidacy filing period described in Section  
 10927 20A-9-201.5; and

10928 (ii) pay the filing fee; or

10929 (b) not later than the close of normal office hours on June 15 of any odd-numbered  
 10930 year:

10931 (i) file the petition in person with the municipal clerk, if the candidate seeks an office  
 10932 in a city or town, or the ~~[local]~~ special district clerk, if the candidate seeks an office in a ~~[local]~~  
 10933 special district; and

10934 (ii) pay the filing fee.

10935 (2) (a) The provisions of this Subsection (2) do not apply to an individual who files a  
 10936 declaration of candidacy for president of the United States.

10937 (b) Subject to Subsections (4)(c) and 20A-9-502(2), an individual may designate an

10938 agent to file a declaration of candidacy with the appropriate filing officer if:

10939 (i) the individual is located outside of the state during the entire filing period;

10940 (ii) the designated agent appears in person before the filing officer; and

10941 (iii) the individual communicates with the filing officer using an electronic device that

10942 allows the individual and filing officer to see and hear each other.

10943 (3) (a) At the time of filing, and before accepting the petition, the filing officer shall

10944 read the constitutional and statutory requirements for candidacy to the candidate.

10945 (b) If the candidate states that the candidate does not meet the requirements, the filing

10946 officer may not accept the petition.

10947 (4) (a) An individual filing a certificate of nomination for president or vice president of

10948 the United States under this section shall pay a filing fee of \$500.

10949 (b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for

10950 president or vice president of the United States:

10951 (i) may file the certificate of nomination during the declaration of candidacy filing

10952 period described in Section [20A-9-201.5](#); and

10953 (ii) may use a designated agent to file the certificate of nomination.

10954 (c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may

10955 not sign the certificate of nomination form.

10956 Section 244. Section **20A-11-101** is amended to read:

10957 **20A-11-101. Definitions.**

10958 As used in this chapter:

10959 (1) (a) "Address" means the number and street where an individual resides or where a

10960 reporting entity has its principal office.

10961 (b) "Address" does not include a post office box.

10962 (2) "Agent of a reporting entity" means:

10963 (a) a person acting on behalf of a reporting entity at the direction of the reporting

10964 entity;

10965 (b) a person employed by a reporting entity in the reporting entity's capacity as a

10966 reporting entity;

10967 (c) the personal campaign committee of a candidate or officeholder;

10968 (d) a member of the personal campaign committee of a candidate or officeholder in the

10969 member's capacity as a member of the personal campaign committee of the candidate or  
10970 officeholder; or

10971 (e) a political consultant of a reporting entity.

10972 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
10973 amendments, and any other ballot propositions submitted to the voters that are authorized by  
10974 the Utah Code Annotated 1953.

10975 (4) "Candidate" means any person who:

10976 (a) files a declaration of candidacy for a public office; or

10977 (b) receives contributions, makes expenditures, or gives consent for any other person to  
10978 receive contributions or make expenditures to bring about the person's nomination or election  
10979 to a public office.

10980 (5) "Chief election officer" means:

10981 (a) the lieutenant governor for state office candidates, legislative office candidates,  
10982 officeholders, political parties, political action committees, corporations, political issues  
10983 committees, state school board candidates, judges, and labor organizations, as defined in  
10984 Section [20A-11-1501](#); and

10985 (b) the county clerk for local school board candidates.

10986 (6) (a) "Contribution" means any of the following when done for political purposes:

10987 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
10988 value given to the filing entity;

10989 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
10990 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
10991 anything of value to the filing entity;

10992 (iii) any transfer of funds from another reporting entity to the filing entity;

10993 (iv) compensation paid by any person or reporting entity other than the filing entity for  
10994 personal services provided without charge to the filing entity;

10995 (v) remuneration from:

10996 (A) any organization or its directly affiliated organization that has a registered lobbyist;  
10997 or

10998 (B) any agency or subdivision of the state, including school districts;

10999 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

- 11000 (vii) in-kind contributions.
- 11001 (b) "Contribution" does not include:
- 11002 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 11003 of the filing entity if the services are provided without compensation by the filing entity or any
- 11004 other person;
- 11005 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 11006 business;
- 11007 (iii) goods or services provided for the benefit of a political entity at less than fair
- 11008 market value that are not authorized by or coordinated with the political entity; or
- 11009 (iv) data or information described in Subsection (24)(b).
- 11010 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 11011 political entity are provided:
- 11012 (a) with the political entity's prior knowledge, if the political entity does not object;
- 11013 (b) by agreement with the political entity;
- 11014 (c) in coordination with the political entity; or
- 11015 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 11016 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 11017 organization that is registered as a corporation or is authorized to do business in a state and
- 11018 makes any expenditure from corporate funds for:
- 11019 (i) the purpose of expressly advocating for political purposes; or
- 11020 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 11021 proposition.
- 11022 (b) "Corporation" does not mean:
- 11023 (i) a business organization's political action committee or political issues committee; or
- 11024 (ii) a business entity organized as a partnership or a sole proprietorship.
- 11025 (9) "County political party" means, for each registered political party, all of the persons
- 11026 within a single county who, under definitions established by the political party, are members of
- 11027 the registered political party.
- 11028 (10) "County political party officer" means a person whose name is required to be
- 11029 submitted by a county political party to the lieutenant governor in accordance with Section
- 11030 [20A-8-402](#).



- 11031 (11) "Detailed listing" means:
- 11032 (a) for each contribution or public service assistance:
- 11033 (i) the name and address of the individual or source making the contribution or public
- 11034 service assistance, except to the extent that the name or address of the individual or source is
- 11035 unknown;
- 11036 (ii) the amount or value of the contribution or public service assistance; and
- 11037 (iii) the date the contribution or public service assistance was made; and
- 11038 (b) for each expenditure:
- 11039 (i) the amount of the expenditure;
- 11040 (ii) the goods or services acquired by the expenditure; and
- 11041 (iii) the date the expenditure was made.
- 11042 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 11043 for membership in the corporation, to a corporation without receiving full and adequate
- 11044 consideration for the money.
- 11045 (b) "Donor" does not include a person that signs a statement that the corporation may
- 11046 not use the money for an expenditure or political issues expenditure.
- 11047 (13) "Election" means each:
- 11048 (a) regular general election;
- 11049 (b) regular primary election; and
- 11050 (c) special election at which candidates are eliminated and selected.
- 11051 (14) "Electioneering communication" means a communication that:
- 11052 (a) has at least a value of \$10,000;
- 11053 (b) clearly identifies a candidate or judge; and
- 11054 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 11055 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 11056 identified candidate's or judge's election date.
- 11057 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 11058 agent of a reporting entity on behalf of the reporting entity:
- 11059 (i) any disbursement from contributions, receipts, or from the separate bank account
- 11060 required by this chapter;
- 11061 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

11062 or anything of value made for political purposes;

11063 (iii) an express, legally enforceable contract, promise, or agreement to make any

11064 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

11065 value for political purposes;

11066 (iv) compensation paid by a filing entity for personal services rendered by a person

11067 without charge to a reporting entity;

11068 (v) a transfer of funds between the filing entity and a candidate's personal campaign

11069 committee;

11070 (vi) goods or services provided by the filing entity to or for the benefit of another

11071 reporting entity for political purposes at less than fair market value; or

11072 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

11073 (b) "Expenditure" does not include:

11074 (i) services provided without compensation by individuals volunteering a portion or all

11075 of their time on behalf of a reporting entity;

11076 (ii) money lent to a reporting entity by a financial institution in the ordinary course of

11077 business; or

11078 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to

11079 candidates for office or officeholders in states other than Utah.

11080 (16) "Federal office" means the office of president of the United States, United States

11081 Senator, or United States Representative.

11082 (17) "Filing entity" means the reporting entity that is required to file a financial

11083 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

11084 (18) "Financial statement" includes any summary report, interim report, verified

11085 financial statement, or other statement disclosing contributions, expenditures, receipts,

11086 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial

11087 Retention Elections.

11088 (19) "Governing board" means the individual or group of individuals that determine the

11089 candidates and committees that will receive expenditures from a political action committee,

11090 political party, or corporation.

11091 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal

11092 Incorporation, by which a geographical area becomes legally recognized as a city, town, or

11093 metro township.

11094 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or  
11095 10-2a-404.

11096 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

11097 (23) "Individual" means a natural person.

11098 (24) (a) "In-kind contribution" means anything of value, other than money, that is  
11099 accepted by or coordinated with a filing entity.

11100 (b) "In-kind contribution" does not include survey results, voter lists, voter contact  
11101 information, demographic data, voting trend data, or other information that:

11102 (i) is not commissioned for the benefit of a particular candidate or officeholder; and

11103 (ii) is offered at no cost to a candidate or officeholder.

11104 (25) "Interim report" means a report identifying the contributions received and  
11105 expenditures made since the last report.

11106 (26) "Legislative office" means the office of state senator, state representative, speaker  
11107 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
11108 whip of any party caucus in either house of the Legislature.

11109 (27) "Legislative office candidate" means a person who:

11110 (a) files a declaration of candidacy for the office of state senator or state representative;

11111 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
11112 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
11113 assistant whip of any party caucus in either house of the Legislature; or

11114 (c) receives contributions, makes expenditures, or gives consent for any other person to  
11115 receive contributions or make expenditures to bring about the person's nomination, election, or  
11116 appointment to a legislative office.

11117 (28) "Loan" means any of the following provided by a person that benefits a filing  
11118 entity if the person expects repayment or reimbursement:

11119 (a) an expenditure made using any form of payment;

11120 (b) money or funds received by the filing entity;

11121 (c) the provision of a good or service with an agreement or understanding that payment  
11122 or reimbursement will be delayed; or

11123 (d) use of any line of credit.

11124 (29) "Major political party" means either of the two registered political parties that  
11125 have the greatest number of members elected to the two houses of the Legislature.

11126 (30) "Officeholder" means a person who holds a public office.

11127 (31) "Party committee" means any committee organized by or authorized by the  
11128 governing board of a registered political party.

11129 (32) "Person" means both natural and legal persons, including individuals, business  
11130 organizations, personal campaign committees, party committees, political action committees,  
11131 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

11132 (33) "Personal campaign committee" means the committee appointed by a candidate to  
11133 act for the candidate as provided in this chapter.

11134 (34) "Personal use expenditure" has the same meaning as provided under Section  
11135 [20A-11-104](#).

11136 (35) (a) "Political action committee" means an entity, or any group of individuals or  
11137 entities within or outside this state, a major purpose of which is to:

11138 (i) solicit or receive contributions from any other person, group, or entity for political  
11139 purposes; or

11140 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
11141 vote for or against any candidate or person seeking election to a municipal or county office.

11142 (b) "Political action committee" includes groups affiliated with a registered political  
11143 party but not authorized or organized by the governing board of the registered political party  
11144 that receive contributions or makes expenditures for political purposes.

11145 (c) "Political action committee" does not mean:

11146 (i) a party committee;

11147 (ii) any entity that provides goods or services to a candidate or committee in the regular  
11148 course of its business at the same price that would be provided to the general public;

11149 (iii) an individual;

11150 (iv) individuals who are related and who make contributions from a joint checking  
11151 account;

11152 (v) a corporation, except a corporation a major purpose of which is to act as a political  
11153 action committee; or

11154 (vi) a personal campaign committee.

11155 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
11156 by another person on behalf of and with the knowledge of the reporting entity, to provide  
11157 political advice to the reporting entity.

11158 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),  
11159 where the person:

11160 (i) has already been paid, with money or other consideration;

11161 (ii) expects to be paid in the future, with money or other consideration; or

11162 (iii) understands that the person may, in the discretion of the reporting entity or another  
11163 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
11164 money or other consideration.

11165 (37) "Political convention" means a county or state political convention held by a  
11166 registered political party to select candidates.

11167 (38) "Political entity" means a candidate, a political party, a political action committee,  
11168 or a political issues committee.

11169 (39) (a) "Political issues committee" means an entity, or any group of individuals or  
11170 entities within or outside this state, a major purpose of which is to:

11171 (i) solicit or receive donations from any other person, group, or entity to assist in  
11172 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
11173 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

11174 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
11175 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
11176 proposed ballot proposition or an incorporation in an incorporation election; or

11177 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
11178 ballot or to assist in keeping a ballot proposition off the ballot.

11179 (b) "Political issues committee" does not mean:

11180 (i) a registered political party or a party committee;

11181 (ii) any entity that provides goods or services to an individual or committee in the  
11182 regular course of its business at the same price that would be provided to the general public;

11183 (iii) an individual;

11184 (iv) individuals who are related and who make contributions from a joint checking  
11185 account;

11186 (v) a corporation, except a corporation a major purpose of which is to act as a political  
11187 issues committee; or

11188 (vi) a group of individuals who:

11189 (A) associate together for the purpose of challenging or supporting a single ballot  
11190 proposition, ordinance, or other governmental action by a county, city, town, [~~local~~] special  
11191 district, special service district, or other local political subdivision of the state;

11192 (B) have a common liberty, property, or financial interest that is directly impacted by  
11193 the ballot proposition, ordinance, or other governmental action;

11194 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),  
11195 via a legal entity;

11196 (D) do not receive funds for challenging or supporting the ballot proposition,  
11197 ordinance, or other governmental action from a person other than an individual in the group;  
11198 and

11199 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection  
11200 (39)(b)(vi)(A).

11201 (40) (a) "Political issues contribution" means any of the following:

11202 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
11203 anything of value given to a political issues committee;

11204 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
11205 issues donation to influence the approval or defeat of any ballot proposition;

11206 (iii) any transfer of funds received by a political issues committee from a reporting  
11207 entity;

11208 (iv) compensation paid by another reporting entity for personal services rendered  
11209 without charge to a political issues committee; and

11210 (v) goods or services provided to or for the benefit of a political issues committee at  
11211 less than fair market value.

11212 (b) "Political issues contribution" does not include:

11213 (i) services provided without compensation by individuals volunteering a portion or all  
11214 of their time on behalf of a political issues committee; or

11215 (ii) money lent to a political issues committee by a financial institution in the ordinary  
11216 course of business.

11217 (41) (a) "Political issues expenditure" means any of the following when made by a  
11218 political issues committee or on behalf of a political issues committee by an agent of the  
11219 reporting entity:

11220 (i) any payment from political issues contributions made for the purpose of influencing  
11221 the approval or the defeat of:

11222 (A) a ballot proposition; or

11223 (B) an incorporation petition or incorporation election;

11224 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
11225 the express purpose of influencing the approval or the defeat of:

11226 (A) a ballot proposition; or

11227 (B) an incorporation petition or incorporation election;

11228 (iii) an express, legally enforceable contract, promise, or agreement to make any  
11229 political issues expenditure;

11230 (iv) compensation paid by a reporting entity for personal services rendered by a person  
11231 without charge to a political issues committee; or

11232 (v) goods or services provided to or for the benefit of another reporting entity at less  
11233 than fair market value.

11234 (b) "Political issues expenditure" does not include:

11235 (i) services provided without compensation by individuals volunteering a portion or all  
11236 of their time on behalf of a political issues committee; or

11237 (ii) money lent to a political issues committee by a financial institution in the ordinary  
11238 course of business.

11239 (42) "Political purposes" means an act done with the intent or in a way to influence or  
11240 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
11241 against any:

11242 (a) candidate or a person seeking a municipal or county office at any caucus, political  
11243 convention, or election; or

11244 (b) judge standing for retention at any election.

11245 (43) (a) "Poll" means the survey of a person regarding the person's opinion or  
11246 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
11247 ballot proposition that has legally qualified for placement on the ballot, which is conducted in

11248 person or by telephone, facsimile, Internet, postal mail, or email.

11249 (b) "Poll" does not include:

11250 (i) a ballot; or

11251 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

11252 (A) the focus group consists of more than three, and less than thirteen, individuals; and

11253 (B) all individuals in the focus group are present during the interview.

11254 (44) "Primary election" means any regular primary election held under the election  
11255 laws.

11256 (45) "Publicly identified class of individuals" means a group of 50 or more individuals  
11257 sharing a common occupation, interest, or association that contribute to a political action  
11258 committee or political issues committee and whose names can be obtained by contacting the  
11259 political action committee or political issues committee upon whose financial statement the  
11260 individuals are listed.

11261 (46) "Public office" means the office of governor, lieutenant governor, state auditor,  
11262 state treasurer, attorney general, state school board member, state senator, state representative,  
11263 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
11264 assistant whip of any party caucus in either house of the Legislature.

11265 (47) (a) "Public service assistance" means the following when given or provided to an  
11266 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
11267 communicate with the officeholder's constituents:

11268 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
11269 money or anything of value to an officeholder; or

11270 (ii) goods or services provided at less than fair market value to or for the benefit of the  
11271 officeholder.

11272 (b) "Public service assistance" does not include:

11273 (i) anything provided by the state;

11274 (ii) services provided without compensation by individuals volunteering a portion or all  
11275 of their time on behalf of an officeholder;

11276 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
11277 business;

11278 (iv) news coverage or any publication by the news media; or



11279 (v) any article, story, or other coverage as part of any regular publication of any  
11280 organization unless substantially all the publication is devoted to information about the  
11281 officeholder.

11282 (48) "Receipts" means contributions and public service assistance.

11283 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,  
11284 Lobbyist Disclosure and Regulation Act.

11285 (50) "Registered political action committee" means any political action committee that  
11286 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
11287 Governor.

11288 (51) "Registered political issues committee" means any political issues committee that  
11289 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
11290 Governor.

11291 (52) "Registered political party" means an organization of voters that:

11292 (a) participated in the last regular general election and polled a total vote equal to 2%  
11293 or more of the total votes cast for all candidates for the United States House of Representatives  
11294 for any of its candidates for any office; or

11295 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
11296 Party Formation and Procedures.

11297 (53) (a) "Remuneration" means a payment:

11298 (i) made to a legislator for the period the Legislature is in session; and

11299 (ii) that is approximately equivalent to an amount a legislator would have earned  
11300 during the period the Legislature is in session in the legislator's ordinary course of business.

11301 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

11302 (i) the legislator's primary employer in the ordinary course of business; or

11303 (ii) a person or entity in the ordinary course of business:

11304 (A) because of the legislator's ownership interest in the entity; or

11305 (B) for services rendered by the legislator on behalf of the person or entity.

11306 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
11307 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
11308 action committee, a political issues committee, a corporation, or a labor organization, as  
11309 defined in Section [20A-11-1501](#).

11310 (55) "School board office" means the office of state school board.

11311 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or  
11312 intangible asset that comprises the contribution.

11313 (b) "Source" means, for political action committees and corporations, the political  
11314 action committee and the corporation as entities, not the contributors to the political action  
11315 committee or the owners or shareholders of the corporation.

11316 (57) "State office" means the offices of governor, lieutenant governor, attorney general,  
11317 state auditor, and state treasurer.

11318 (58) "State office candidate" means a person who:

11319 (a) files a declaration of candidacy for a state office; or

11320 (b) receives contributions, makes expenditures, or gives consent for any other person to  
11321 receive contributions or make expenditures to bring about the person's nomination, election, or  
11322 appointment to a state office.

11323 (59) "Summary report" means the year end report containing the summary of a  
11324 reporting entity's contributions and expenditures.

11325 (60) "Supervisory board" means the individual or group of individuals that allocate  
11326 expenditures from a political issues committee.

11327 Section 245. Section **20A-11-1202** is amended to read:

11328 **20A-11-1202. Definitions.**

11329 As used in this part:

11330 (1) "Applicable election officer" means:

11331 (a) a county clerk, if the email relates only to a local election; or

11332 (b) the lieutenant governor, if the email relates to an election other than a local  
11333 election.

11334 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,  
11335 judicial retention questions, opinion questions, bond approvals, or other questions submitted to  
11336 the voters for their approval or rejection.

11337 (3) "Campaign contribution" means any of the following when done for a political  
11338 purpose or to advocate for or against a ballot proposition:

11339 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value  
11340 given to a filing entity;

11341 (b) an express, legally enforceable contract, promise, or agreement to make a gift,  
11342 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything  
11343 of value to a filing entity;

11344 (c) any transfer of funds from another reporting entity to a filing entity;

11345 (d) compensation paid by any person or reporting entity other than the filing entity for  
11346 personal services provided without charge to the filing entity;

11347 (e) remuneration from:

11348 (i) any organization or the organization's directly affiliated organization that has a  
11349 registered lobbyist; or

11350 (ii) any agency or subdivision of the state, including a school district; or

11351 (f) an in-kind contribution.

11352 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation  
11353 agency that receives its revenues from conduct of its commercial operations.

11354 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
11355 cooperation agency that receives some or all of its revenues from:

11356 (i) government appropriations;

11357 (ii) taxes;

11358 (iii) government fees imposed for regulatory or revenue raising purposes; or

11359 (iv) interest earned on public funds or other returns on investment of public funds.

11360 (5) "Expenditure" means:

11361 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
11362 or anything of value;

11363 (b) an express, legally enforceable contract, promise, or agreement to make any  
11364 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
11365 value;

11366 (c) a transfer of funds between a public entity and a candidate's personal campaign  
11367 committee;

11368 (d) a transfer of funds between a public entity and a political issues committee; or

11369 (e) goods or services provided to or for the benefit of a candidate, a candidate's  
11370 personal campaign committee, or a political issues committee for political purposes at less than  
11371 fair market value.

11372 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.

11373 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation  
11374 agency that receives some or all of its revenues from:

11375 (a) government appropriations;

11376 (b) taxes;

11377 (c) government fees imposed for regulatory or revenue raising purposes; or

11378 (d) interest earned on public funds or other returns on investment of public funds.

11379 (8) "Influence" means to campaign or advocate for or against a ballot proposition.

11380 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement  
11381 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

11382 ~~[(10) "Local district" means an entity under Title 17B, Limited Purpose Local~~  
11383 ~~Government Entities - Local Districts, and includes a special service district under Title 17D,~~  
11384 ~~Chapter 1, Special Service District Act.]~~

11385 ~~[(11)]~~ (10) "Political purposes" means an act done with the intent or in a way to  
11386 influence or intend to influence, directly or indirectly, any person to refrain from voting or to  
11387 vote for or against any:

11388 (a) candidate for public office at any caucus, political convention, primary, or election;  
11389 or

11390 (b) judge standing for retention at any election.

11391 ~~[(12)]~~ (11) "Proposed initiative" means an initiative proposed in an application filed  
11392 under Section 20A-7-202 or 20A-7-502.

11393 ~~[(13)]~~ (12) "Proposed referendum" means a referendum proposed in an application  
11394 filed under Section 20A-7-302 or 20A-7-602.

11395 ~~[(14)]~~ (13) (a) "Public entity" includes the state, each state agency, each county,  
11396 municipality, school district, ~~[local]~~ special district, governmental interlocal cooperation  
11397 agency, and each administrative subunit of each of them.

11398 (b) "Public entity" does not include a commercial interlocal cooperation agency.

11399 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,  
11400 Department of Health Organization.

11401 ~~[(15)]~~ (14) (a) "Public funds" means any money received by a public entity from  
11402 appropriations, taxes, fees, interest, or other returns on investment.

- 11403 (b) "Public funds" does not include money donated to a public entity by a person or  
 11404 entity.
- 11405 ~~[(16)]~~ (15) (a) "Public official" means an elected or appointed member of government  
 11406 with authority to make or determine public policy.
- 11407 (b) "Public official" includes the person or group that:
- 11408 (i) has supervisory authority over the personnel and affairs of a public entity; and  
 11409 (ii) approves the expenditure of funds for the public entity.
- 11410 ~~[(17)]~~ (16) "Reporting entity" means the same as that term is defined in Section  
 11411 [20A-11-101](#).
- 11412 (17) (a) "Special district" means an entity under Title 17B, Limited Purpose Local  
 11413 Government Entities - Special Districts.
- 11414 (b) "Special district" includes a special service district under Title 17D, Chapter 1,  
 11415 Special Service District Act.
- 11416 (18) (a) "State agency" means each department, commission, board, council, agency,  
 11417 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
 11418 unit, bureau, panel, or other administrative unit of the state.
- 11419 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education,  
 11420 each institution of higher education board of trustees, and each higher education institution.
- 11421 Section 246. Section **20A-17-103** is amended to read:
- 11422 **20A-17-103. Posting political signs on public property.**
- 11423 (1) As used in this section:
- 11424 (a) "Local government entity" means:
- 11425 (i) a county, municipality, or other political subdivision;
- 11426 (ii) a ~~local~~ special district, as defined in Section [17B-1-102](#);
- 11427 (iii) a special service district, as defined in Section [17D-1-102](#);
- 11428 (iv) a local building authority, as defined in Section [17D-2-102](#);
- 11429 (v) a conservation district, as defined in Section [17D-3-102](#);
- 11430 (vi) an independent entity, as defined in Section [63E-1-102](#);
- 11431 (vii) a public corporation, as defined in Section [63E-1-102](#);
- 11432 (viii) a public transit district, organized under Title 17B, Chapter 2a, Part 8, Public  
 11433 Transit District Act;

11434 (ix) a school district;

11435 (x) a public school, including a charter school or other publicly funded school;

11436 (xi) a state institution of higher education;

11437 (xii) an entity that expends public funds; and

11438 (xiii) each office, agency, or other division of an entity described in Subsections

11439 (1)(a)(i) through (xii).

11440 (b) "Political sign" means any sign or document that advocates:

11441 (i) the election or defeat of a candidate for public office; or

11442 (ii) the approval or defeat of a ballot proposition.

11443 (c) (i) "Public property" means any real property, building, or structure owned or leased

11444 by a local government entity.

11445 (ii) "Public property" does not include any real property, building, or structure during a

11446 period of time that the real property, building, or structure is rented out by a government entity

11447 to a private party for a meeting, convention, or similar event.

11448 (2) A local government entity, a local government officer, a local government

11449 employee, or another person with authority or control over public property that posts or permits

11450 a person to post a political sign on public property:

11451 (a) shall permit any other person to post a political sign on the public property, subject

11452 to the same requirements and restrictions imposed on all other political signs permitted to be

11453 posted on the public property; and

11454 (b) may not impose a requirement or restriction on the posting of a political sign if the

11455 requirement or restriction is not politically neutral and content neutral.

11456 Section 247. **Repealer.**

11457 This bill repeals:

11458 Section **17B-1-101, Title.**

11459 Section **17B-2a-101, Title.**

11460 Section 248. **Effective date -- Retrospective operation.**

11461 (1) If approved by two-thirds of all the members elected to each house, this bill takes

11462 effect upon approval by the governor, or the day following the constitutional time limit of Utah

11463 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

11464 the date of veto override.

11465            (2) Section 17B-1-218, enacted by this bill, has retrospective operation to January 1,  
11466 2023.

11467            Section 249. **Revisor instructions.**

11468            The Legislature intends that the Office of Legislative Research and General Counsel, in  
11469 preparing the Utah Code database for publication, not enroll this bill if H.B. 77, Local District  
11470 Revisions, does not pass.

11471            The Legislature intends that the Office of Legislative Research and General Counsel, in  
11472 preparing the Utah Code database for publication, on May 3, 2023, replace "local district" with  
11473 "special district" in any new language added to the Utah Code by legislation passed during the  
11474 2023 General Session.